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2019

5000

Non-Instructional/Business  
Operations

## Enlarged City School District of Middletown, NY

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**NOTE:** Numbers in parenthesis ( ) denote regulation found in District's Administrative Manual developed in 1998.

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**NOTE:** Numbers in parenthesis ( ) denote regulation found in District's Administrative Manual developed in 1998.



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**NOTE:** Numbers in parenthesis ( ) denote regulation found in District's Administrative Manual developed in 1998.

**SUBJECT: BUDGET PLANNING AND DEVELOPMENT**

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

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

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

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

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

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

- a) A program component which shall include, but need not be limited to, all program expenditures of the School District, including the salaries and benefits of teachers and any school administrators or supervisors who spend a majority of their time performing teaching duties, and all transportation operating expenses;
- b) A capital component which shall include, but need not be limited to, all transportation capital, debt service, and lease expenditures; costs resulting from judgments and tax certiorari proceedings or the payment of awards from court judgments, administrative orders or settled or compromised claims; and all facilities costs of the School District, including facilities leases expenditures, the annual debt service and total debt for all facilities financed by bonds and notes of the School District, and the costs of construction, acquisition, reconstruction,

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

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

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

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

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

- a) A detailed statement of the total compensation to be paid to the Superintendent of Schools, and any Assistant or Associate Superintendent of Schools in the ensuing school year, including a delineation of the salary, annualized cost of benefits and any in-kind or other form of remuneration;
- b) A list of all other school administrators and supervisors, if any, whose annual salary for the coming school year will be at or above that designated in law for such reporting purposes, with the title of their positions and annual salary identified;
- c) A School District Report Card, prepared pursuant to Commissioner's Regulations, which includes measures of the academic performance of the School District, on a school by school basis, and measures of the fiscal performance of the District (see subheading School District Report Card);
- d) A Property Tax Report Card prepared in accordance with law and Commissioner's Regulations (see subheading Property Tax Report Card); and
- e) A Tax Exemption Report prepared in accordance with law (see subheading Tax Exemption Report).

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

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

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

District funds may be expended to inform the public regarding the annual budget and to present the annual budget to District voters; however, School District funds, facilities and channels of communication shall not be utilized, directly or indirectly, to exhort voters to vote for or against the proposed budget.

**School District Report Card**

Each year the District shall supply data as required by the State Education Department (SED) and will receive a School District Report Card, sometimes referred to as a New York State Report Card. The Report Cards provide enrollment, demographic, attendance, suspension, dropout, teacher, assessment, accountability, graduation rate, post-graduation plan, career and technical education, and fiscal data for public and charter schools, districts and the State. The Report Cards are generated from the supplied data and are in a format dictated by SED. The School District Report Cards consist of three parts:

- a) Accountability and Overview Report - shows District/school profile data, accountability statuses, data on accountability measures such as ELA, Math, and Science scores, and graduation rates.
- b) Comprehensive Information Report - shows non-accountability data such as annual Regents examination results and post-graduate plans of students completing high school.
- c) Fiscal Accountability Supplement - shows expenditures per pupil and some information about placement and classification of students with disabilities.

School District Report Cards are also available online at the SED website.

**Property Tax Report Card**

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

The Property Tax Report Card shall include:

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

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

- b) The projected enrollment growth for the school year for which the budget is prepared, and the percentage change in enrollment from the previous year;
- c) The percentage increase in the average of the Consumer Price Indexes from January first of the prior school year to January first of the current school year as defined in Education Law;
- d) The projected amount of the adjusted unrestricted fund balance that will be retained if the proposed budget is adopted; the projected amount of the adjusted restricted fund balance; the projected amount of the assigned appropriated fund balance; the percentage of the proposed budget that the adjusted unrestricted fund balance represents; the actual adjusted unrestricted fund balance retained in the School District budget for the preceding school year; a schedule of the reserve funds, setting forth the name of each reserve fund, a description of its purpose, the balance as of the close of the third quarter of the current school district fiscal year and a brief statement explaining any plans for the use of each such reserve fund for the ensuing fiscal year, and the percentage of the School District budget for the preceding school year that the actual adjusted unrestricted fund balance represents; and
- e) The District's school tax levy limit calculation. The District will submit its school tax levy limit calculation to the Office of the State Comptroller, NYSED and the Office of Taxation and Finance by March 1 annually. If a voter override of the tax levy limit is necessary, the budget vote must be approved by 60% of the District's qualified voters present and voting.

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

The State Education Department shall compile such data for all school districts whose budgets are subject to a vote of the qualified voters, and shall make such compilation available electronically at least ten days prior to the statewide uniform voting day. Links to each year's Property Tax Report Card can be found on the SED website at:

<http://www.p12.nysed.gov/mgtserv/propertytax/>

**Tax Exemption Report**

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

- a) How much of the total assessed value of the final assessment roll(s) used in the budgetary process is exempt from taxation;

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

- b) Every type of exemption granted as identified by statutory authority;
- c) The cumulative impact of each type of exemption expressed either as a dollar amount of assessed value or as a percentage of the total assessed value on the roll;
- d) The cumulative amount expected to be received from recipients of each type of exemption as payments in lieu of taxes or other payments for municipal services; however, individual recipients are not to be named; and
- e) The cumulative impact of all exemptions granted.

Notice of this report shall be included in any notice of the preparation of the budget required by law and shall be posted on any bulletin board maintained by the District for public notices as well as on any website maintained by the District.

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

Adopted: 6/2/05  
Revised: 7/2/13; 4/6/17



**SUBJECT: SCHOOL DISTRICT BUDGET HEARING**

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

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

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

**Dissemination of Budget Information**

Copies of the proposed annual operating budget for the succeeding year, together with the appendages required by law, will be made available at the Budget Hearing, and during the 14 days immediately preceding the date of the Annual District Meeting and Election, also will be: 1) posted on the District's Internet website; 2) made available at each public and free association library within the District; 3) made available upon request to any District resident at: a) the District Office, and b) each active schoolhouse in the District, during normal business hours on each day other than a Saturday, Sunday or holiday. Notice of the availability of this budget information shall be included in the legal notice of the Annual and/or Special District Meeting, and copies of the proposed budget will also be available to District residents at the time of the Annual and/or Special District Meeting. Additionally, the Board will include notice of the availability of copies of the budget at least once during the school year in any District-wide mailing.

**Budget Notice**

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



# POLICY

2019

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Non-Instructional/Business  
Operations

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

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

The Budget Notice also will include:

- a) The school tax levy limit;
- b) The proposed school year tax levy (without permissible exclusions to the school tax levy limit);
- c) The total permissible exclusions; and
- d) The proposed school year tax levy (including permissible exclusions to the school tax levy limit).

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

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

### Notice of Budget Hearing/Availability of Budget Statement:

Education Law §§ 1608(2), 1716(2), 2003(1), 2004(1), 2023-a, and 2601-a(2)

### Election and Budget Vote:

Education Law §§ 1804(4), 1906(1), 2002(1), 2017(5), 2017(6), 2022(1), 2023-a, and 2601-a(2)

### Budget Development and Attachments:

Education Law §§ 1608(3), 1608(4), 1608(5), 1608(6), 1608(7), 1716(3), 1716(4), 1716(5), 1716(6), 1716(7), 2022(2-a), 2023-a, and 2601-a(3)

8 NYCRR §§ 100.2(bb), 170.8, and 170.9

Adopted: 6/2/05

Revised: 7/2/13; 4/4/19



# POLICY

2019

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Non-Instructional/Business  
Operations

## **SUBJECT: BUDGET ADOPTION**

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

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

In the event the original proposed budget is not approved at the Annual District Meeting and Election, the Board may: a) adopt a contingency budget, or b) resubmit the original proposed budget or submit a revised budget for voter approval at a Special District Meeting to be held on the third Tuesday in June. In addition, the Board may submit supplemental budget propositions to the voters in accordance with the same rules that apply to submission of the budget, namely, that no supplemental budget proposition may be submitted to the voters more than twice, and any supplemental budget proposition that alone, or in combination with the primary budget proposition would require the District to levy a tax in excess of the tax levy cap, will be subject to approval of 60% of the qualified voters present and voting. If the voters fail to approve the second budget submittal, or budget proposition(s), the Board must adopt a contingency budget in accordance with law.

The District budget, once adopted, becomes the basis for establishing the tax levy on real property within the District. The District will post its final annual budget and any multi-year financial plan adopted by the Board on its website.

Education Law §§ 1608, 1716, 1804(4), 1906(1), 2002(1), 2003(1), 2004(1), 2007(3)(b), 2022, 2023, 2023-a, and 2601-a  
8 NYCRR §§ 100.2(bb), 170.8, and 170.9

Adopted: 6/2/05  
Revised: 7/2/13; 4/4/19

# POLICY

2019

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Non-Instructional/Business  
Operations

## **SUBJECT: ADMINISTRATION OF THE BUDGET**

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

- a) He or she will acquaint District employees with the final provisions of the program budget and guide them in planning to operate efficiently and economically within these provisions.
- b) Under his or her direction the District will maintain those records of accounting control as are required by the New York State Uniform System of Accounts for School Districts, the Board of Education, and such other procedures as are deemed necessary and will keep the various operational units informed through periodic reports as to the status of their individual budgets.
- c) Board approval is required prior to the expenditure of District funds.

### **Budget Transfers**

Within monetary limits as established by the Board, the Superintendent is authorized to transfer funds within the budget. Whenever changes are made, they are to be incorporated in the next Board agenda for information only.

Education Law §§ 1604(35), 1709(20-a), 1711, 1718, 1724, 1950(4)(k), 2508, 2523-2526, 2554(2-a), and 3614  
8 NYCRR §§ 170.12(c) and 170.2(l)

Adopted: 6/2/05  
Revised: 4/4/19



# POLICY

2019

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Non-Instructional/Business  
Operations

## **SUBJECT: CONTINGENCY BUDGET**

If the original proposed budget is not approved by District voters at the Annual District Meeting and Election, the Board has the option of either resubmitting the original or revised budget for voter approval at a Special District Meeting to be held on the third Tuesday in June; or the Board may, at that point, adopt a contingency budget. If the Board decides to submit either the original or a revised budget to the voters for a second time, and the voters do not approve the second budget submittal, the Board must adopt a contingency budget. The tax levy in the contingency budget cannot exceed the total tax levy of the prior year (i.e., there should be 0% levy growth).

The administrative component of the contingency budget is capped at the lesser of:

- a) The percent of the administrative component to the total budget in the prior year's budget, not including the capital component; or
- b) The percent that the administrative component comprised in the last proposed defeated budget for the subsequent year, not including the capital component.

Should the Board of Education adopt a contingency budget, it will formally adopt a resolution reflecting such action.

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

Adopted: 6/2/05  
Revised: 7/2/13; 4/4/19



# POLICY

2005

5210

Non-Instructional/Business  
Operations

## **SUBJECT: REVENUES**

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

Education Law §§ 1604(a) and 1723(a)

Adopted: 6/2/05

# POLICY

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Non-Instructional/Business  
Operations

## **SUBJECT: DISTRICT INVESTMENTS**

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

### **Objectives**

The objectives of this investment policy are four-fold:

- a) Investments shall be made in a manner so as to safeguard the funds of the School District; and
- b) Bank deposits shall be made in a manner so as to safeguard the funds of the School District.
- c) Investments shall be sufficiently liquid so as to allow funds to be available as needed to meet the obligations of the School District.
- d) Funds shall be invested in such a way as to earn the maximum yield possible given the first three investment objectives.

### **Authorization**

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

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

- a) Obligations of the State of New York.
- b) Obligations of the United States Government, or any obligations for which principal and interest are fully guaranteed by the United States Government.
- c) Time Deposit Accounts placed in a commercial bank authorized to do business in the State of New York, providing the account is collateralized as required by law. (Banking Law Section 237(2) prohibits a savings bank from accepting a deposit from a local government. This also applies to savings and loan associations.)
- d) Transaction accounts (demand deposits) both interest bearing and non-interest bearing that do not require notice of withdrawal placed in a commercial bank authorized to do business in the State of New York, providing the account is collateralized as required by law.

(Continued)



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

- e) Certificates of Deposits placed in a commercial bank authorized to do business in the State of New York providing the Certificates are collateralized as required by law.
  - 1. Deposits in excess of the amount insured by the Federal Deposit Insurance Corporation will be secured in accordance with subdivision 3 of the General Municipal Law Section 10.
  - 2. The District may, in its discretion, authorize the bank designated for the deposit of District funds to arrange for the redeposit of such funds in one or more banking institutions, for the account of the District, through a deposit placement that meets the conditions set forth in General Municipal Law Section 10(2)(a)(ii).
- f) Securities purchased pursuant to a Repurchase Agreement whereby one party purchases securities from a second party and the second party agrees to repurchase those same securities on a specific future date at an agreed rate of return (the interest rate).

**Implementation**

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

- a) A list of authorized investments;
- b) Procedures including a signed agreement to insure the School District's financial interest in investments;
- c) Standards for written agreements consistent with legal requirements;
- d) Procedures for the monitoring, control, deposit and retention of investments and collateral which shall be done at least once a month;
- e) Standards for security agreements and custodial agreements consistent with legal requirements;
- f) Standards for diversification of investments including diversification as to type of investments, and firms and banks with whom the School District transacts business; and
- g) Standards for qualification of investment agents which transact business with the School District including, at minimum, the Annual Report of the Trading Partner.

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

(Continued)

# POLICY

2016

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

Education Law §§ 1604-a, 1723-a, 2503(1), and 3652

General Municipal Law §§ 10, 11, and 39

Local Finance Law § 165.00

Public Authorities Law § 2925

Adopted: 6/2/05  
Revised: 4/20/16



**SUBJECT: ACCEPTANCE OF GIFTS, GRANTS AND BEQUESTS TO THE DISTRICT**

The Board may accept gifts, donations, grants and/or bequests of money, real or personal property, as well as other merchandise which, in the view of the Board, add to the overall welfare of the School District, provided that such acceptance is in accordance with existing laws and regulations. Donations to the School District may be fully tax deductible so long as the gift is used exclusively for public purposes in accordance with USC Section 170(c). However, the Board is not required to accept any gift, grant or bequest and does so at its discretion, basing its judgment on the best interests of the District. Furthermore, the Board will not accept any gift, grant or bequest which constitutes a conflict of interest and/or gives an appearance of impropriety. At the same time, the Board will safeguard the District, the staff and students from commercial exploitation, from special interest groups, and the like.

The Board will not accept any gifts or grants which will place encumbrances on future Boards, or result in unreasonable additional or hidden costs to the District. The Board may, if it deems it necessary, request that gifts of equipment, facilities or any item that requires upkeep and maintenance include funds to carry out such maintenance for the foreseeable life of the donation.

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

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

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

All gifts, grants and/or bequests shall become School District property. A letter of appreciation, signed by the President of the Board and the Superintendent will be sent to a donor/grantor in recognition of his/her contribution to the School District. Letters will be sent in a timely manner and will acknowledge the possible tax deduction available to donors whose gifts qualify under IRS regulations.

**Gift Giving**

The Board of Education recognizes that gift giving, especially during the holiday season, may be a common practice for many District employees. While the giving or exchanging of gifts may be acceptable among staff members, the Board strongly encourages District employees and students to show appreciation through written notes or greeting cards.

(Continued)

# POLICY

2012

5230  
2 of 2

Non-Instructional/Business  
Operations

**SUBJECT: ACCEPTANCE OF GIFTS, GRANTS AND BEQUESTS TO THE DISTRICT  
(Cont'd.)**

Additionally, all business contacts will be informed that gifts of \$75 or more to District employees will be returned.

New York State Constitution Article 8, § 1  
Education Law §§ 1709(12), 1709(12-a) and 1718(2)  
General Municipal Law § 805-a(1)

Adopted: 6/2/05  
Revised: 1/19/12



**SUBJECT: CORPORATE SPONSORSHIPS**

Regents' Rule 23.1 as, "the sponsorship or the underwriting of an activity on school premises which does not involve the commercial promotion of a particular product or service."

Corporate sponsorships may be recommended by the Superintendent of Schools subject to approval by the Board of Education.. Corporate sponsorships shall be evaluated on a case by case basis in accordance with the principles established by the Board of Education.

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

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

- a) Consistency with district academic standards and goals.
- b) Consistency with district non-discrimination policies and age-appropriateness.
- c) No corporate support or activity will be permitted in the District that:
  1. Promotes gambling, illicit drugs, alcohol, tobacco, or firearms;
  2. Promotes hostility, disorder, or violence;
  3. Attacks or demeans any ethnic, racial, religious group or sexual orientation, or that attacks or demeans persons based on any other legally protected status or characteristic;
  4. Is libelous;
  5. Contains adult content, including nudity, sexual terms and/or images of people in positions or activities that are excessively suggestive or sexual, or provocative images in violation of community standards;
  6. Promotes any specific religion;
  7. Promotes or opposes any political candidate or ballot proposition;
  8. Inhibits the functioning of any school; or
  9. Any other item deemed to be inappropriate for students.

(Continued)

# POLICY

2011

5231  
2 of 2

Non-Instructional/Business  
Operations

## SUBJECT: CORPORATE SPONSORSHIPS (Cont'd.)

- d) Students shall not be subjected to "commercial promotional activity" at school during the instructional day, and the District shall not enter into contracts, agreements or arrangements, oral or written, for which the consideration consists in whole or in part of the promise to permit commercial promotional activity on school premises. For purposes of this Policy, the term "commercial promotional activity" shall mean, "any activity, designed to induce the purchase of a particular product or service by students, or to extol the benefits of such product or service to students for the purpose of making its purchase more attractive, that is conveyed to students electronically through such media as, but not limited to, television and radio."
- e) The disclosure of personally identifiable information about students and their families to corporate sponsors is prohibited, except for disclosure of "directory information" in accordance with District Policy and the Family Educational Rights and Privacy Act (FERPA), and except as otherwise authorized by FERPA, as for example, with parental consent or the consent of "eligible students" (i.e., students age 18 and older). In addition, no corporate sponsor shall be permitted to collect information directly from students, except with approval of the Superintendent or Superintendent's designee, and with parental consent.
- f) Sponsorship permitted pursuant to this policy shall not be considered as an endorsement or approval by the Board of any particular group, organization or company, nor of any purposes, programs, activities, products or services of any such group.
- g) To ensure equal opportunity to participate among commercial competitors, solicitations for corporate sponsors should be done in accordance with the District procurement policy.

8 NYCRR Part 23

NOTE: Refer also to Policies #5410 -- Purchasing: Competitive Bidding and Offering  
#7250 -- Student Privacy, Parental Access to Information, and  
Administration of Certain Physical Examinations to Minors

Adopted: 12/1/11



# POLICY

2014

5232

Non-Instructional/Business  
Operations

## **SUBJECT: USE OF SCHOOL DISTRICT TRADEMARKS AND SERVICE MARKS**

The names, logos, symbols, and mottos of the Enlarged City School District of Middletown are trademarks or service marks of the Enlarged City School District of Middletown. Such marks may only be used in conformance with state and federal law and the provisions of this policy.

Faculty, staff, and students of the District may use the above-mentioned names, logos, symbols, or mottos on internal documents or materials for internal business or educational purposes only. Any such use will be in accordance with applicable Board policies, administrative regulations, handbooks, and Codes of Conduct.

Use of the District's trademarks and/or service marks for any retail or commercial purpose, for endorsements, promotions, or similar endeavors requires the express written permission of the Enlarged City School District of Middletown. Requests for such use will be made through submission of the District's trademark and service mark consent form to the Board of Education or its designee. If granted, use of the District's trademarks and/or service marks will be in accordance with any terms agreed upon by the Board of Education or its designee and the individual or entity authorized to use such marks.

Use of the above-mentioned names, logos, symbols, or mottos does not constitute permission to act as the District's agent, official, or representative.

Adopted: 5/21/14

# POLICY

2016

5240

Non-Instructional/Business  
Operations

## **SUBJECT: SCHOOL TAX ASSESSMENT AND COLLECTION/PROPERTY TAX EXEMPTIONS**

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

### **Senior Citizens**

Unless specifically exempted by law, real property used exclusively for residential purposes and owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife or by siblings, one of whom is 65 years of age or over, shall be exempt from taxation to the extent of per centum of the assessed valuation determined by the Board if the owners meet the criteria established annually by the Board.

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

### **Alternative Veterans' Exemption**

The Board of Education, having held a public hearing and passed a resolution, pursuant to the Real Property Tax Law provides a property tax exemption available to any veteran of the U.S. Armed Forces who served on active duty during a period of war, or received an expeditionary medal. The District will grant such exemption in a manner consistent with the Real Property Tax Law and at levels set forth by the Board of Education. Should the District wish to reduce or increase the ceilings on the exemptions, it must hold a separate hearing and pass a separate resolution.

Education Law § 2130

Public Health Law § 2801

Real Property Tax Law §§ 458-a, 459-c, 466-c, 466-f, 466-g, 466-I, 467, and 1300-1342

Adopted: 6/2/05

Revised: 6/16/16



# POLICY

2008

5250

Non-Instructional/Business  
Operations

## **SUBJECT: SALE AND DISPOSAL OF DISTRICT PROPERTY**

### **Sale of School Property**

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

### **Disposal of District Personal Property**

#### Equipment

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

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

#### Textbooks

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

If textbooks are no longer useful or usable, the procedures for disposal shall adhere to the following order of preference:

- a) Sale of textbooks. If reasonable attempts to dispose of surplus textbooks fail to produce monetary return to the School District; then
- b) Donation to charitable organizations; or
- c) Disposal as trash.

Education Law §§ 1604(4), 1604(30), 1604(36), 1709(9), 1709(11), 2503, 2511 and 2512  
General Municipal Law §§ 51 and 800 et seq.

Adopted: 6/2/05  
Revised: 11/20/08

# POLICY

2005

5310

Non-Instructional/Business  
Operations

## **SUBJECT: BONDING OF EMPLOYEES AND BOARD MEMBERS**

In accordance with New York State Education Law and the Commissioner's Regulations, the Board of Education directs that the Treasurer of the Board of Education, the Tax Collector and the Internal Auditor be bonded prior to assuming their duties. Such bonds shall be in the amounts as determined and approved by the Board of Education.

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

Education Law §§ 1709(20-a), 1720, 2130(5), 2526 and 2527  
Public Officers Law § 11(2)  
8 NYCRR § 170.2(d)

Adopted: 6/2/05



# POLICY

2005

5320

Non-Instructional/Business  
Operations

## **SUBJECT: EXPENDITURES OF DISTRICT FUNDS**

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

All claims shall be properly audited before payment by the Internal Claims Auditor who shall attest to the existence of evidence of indebtedness to support the claim.

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

Arts and Cultural Affairs Law § 57.19  
Education Law §§ 1720 and 2523  
8 NYCRR § 185

Adopted: 6/2/05

# POLICY

2017

5321

Non-Instructional-Business  
Operations

## **SUBJECT: USE OF THE DISTRICT CREDIT CARD**

The District will issue a credit card in its name to the Purchasing Agent and/or Director of Personnel for the explicit purpose of ordering and receiving fingerprint supported criminal history background checks on prospective employees and volunteers as required by District policy and/or New York State regulation/laws.

Adopted: 12/15/05  
Revised: 8/3/17



# POLICY

2017

5322

Non-Instructional/Business  
Operations

## **SUBJECT: USE OF THE DISTRICT CELL PHONE**

A School District-owned cell phone will be issued to a District employee when required by that employee's job duties, as determined by the Superintendent or Superintendent's designee.

A District-owned cell phone may not be used by anyone other than the School District employee to whom it is issued, and shall only be used by the designated employee for school or emergency purposes.

Adopted: 4/6/17

# POLICY

2019

5323

Non-Instructional/Business  
Operations

## **SUBJECT: REIMBURSEMENT FOR MEALS/REFRESHMENTS**

### **Travel Outside of District/Emergency Meetings**

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

### **Staff or Board Meetings and District Events**

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

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

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

NOTE: Refer also to Policy #6161 -- Conference/Travel Expense Reimbursement

Adopted: 12/15/05  
Revised: 4/4/19



**SUBJECT: PURCHASING: COMPETITIVE BIDDING AND OFFERING**

Except as otherwise provided by law, all contracts for *public work* involving an expenditure of more than \$35,000 and all *purchase contracts* involving an expenditure of more than \$20,000 shall be awarded by the District to the lowest responsible bidder furnishing the required security after advertisement for sealed bids. As provided by law, the Board authorizes the District's Purchasing Agent I, in his or her discretion, to award *purchase contracts* on the basis of "best value" to a responsive and responsible bidder or offerer, pursuant to this policy and in accordance with applicable law.

No bid or offer shall be accepted that does not conform to specifications furnished unless such specifications are waived (where permitted by law) by Board action. The District may, in its discretion, reject all bids or offers and re-advertise for new bids or offers in a manner consistent with New York State law.

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

Except as authorized by law, no Board member or employee of the School District shall have an interest in any contract entered into by the School District.

**Process for Determining Whether Competitive Bidding Applies**

- a) The Purchasing Agent will first determine if the need for particular goods and/or services constitutes a *purchase contract* or a contract for *public work*. If the goods and/or services to be purchased can be quantified unambiguously as either a *purchase contract* or a contract for *public work*, then the Purchasing Agent shall determine whether the amount of the contract exceeds the applicable monetary threshold(s), as set forth above, beyond which competitive bidding is required by law.
- b) In the event that a contract combines elements of a *public work* contract with a *purchase contract*, then the Purchasing Agent shall determine the applicable monetary threshold for competitive bidding by examining the total character of the transaction(s) and evaluating whether the *public work* or the *purchase of goods* is the central or predominant purpose of the contract.
- c) The Purchasing Agent shall also be responsible for determining whether any exceptions to the competitive bidding requirements exist.
- d) In all cases, the Purchasing Agent shall be responsible for maintaining written documentation setting forth the method(s) pursuant to which it was determined whether a particular purchase of goods and/or services is a *public work* contract or *purchase contract*, that is, or is not, subject to competitive bidding.

(Continued)



**SUBJECT: PURCHASING: COMPETITIVE BIDDING AND OFFERING (Cont'd.)****Exceptions to Competitive Bidding Requirements**

District purchases shall not be subject to competitive bidding by the District when the Purchasing Agent determines, in accordance with applicable law that one of the following situations exists:

- a) Bidding Thresholds Not Met -- Purchases of goods and/or services that are not reasonably expected, alone or in the aggregate, during the fiscal year, to exceed, and do not in fact exceed, the monetary thresholds after which competitive bidding is required (as set forth above).
- b) "Best Value" contracting.
- c) Qualified Purchases Pursuant to Federal, State and County Contracts.
- d) Preferred Source Providers (e.g., the Department of Correctional Services) -- When available from a preferred source provider, goods must be purchased from the preferred source provider, without soliciting bids from other sources.
- e) Professional Services Contracts.
- f) Sole Source Provider -- Only applicable, under very limited circumstances, when particular goods or services that uniquely serve the public's interest are known to only be available from a single source and when no substantial equivalent to those particular goods or services is available.
- g) Public Emergency -- When competitive bidding is otherwise required by law, only the Superintendent or Board may authorize purchases within the approved budget, without bidding, if required by emergencies:
  - 1. Arising out of an accident or *unforeseen* occurrence or condition; and
  - 2. Where a District building, property, or the life, health, or safety of any inhabitant of the District community is affected; and
  - 3. Requires immediate action which cannot await competitive bidding.

**Standardization**

Upon the adoption of a standardization resolution by a vote of at least 3/5 of all Board members, *purchase contracts* for a particular type or kind of equipment, materials or supplies of more than \$20,000 may be awarded by the Board to the lowest responsible bidder or offerer furnishing the required security after advertisement for sealed bids in the manner provided in law. Such resolution must state that, for

(Continued)



**SUBJECT: PURCHASING: COMPETITIVE BIDDING AND OFFERING (Cont'd.)**

reasons of efficiency or economy, there is a need for standardization and must contain a full explanation of those reasons. Upon the adoption of a valid standardization resolution, the District may provide in its specifications for a particular make or brand to the exclusion of others.

**"Piggybacking" Exception to Direct Competitive Bidding**

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

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

- a) Has been let by the United States or any agency thereof, any state (including New York State) or any other political subdivision or district therein;
- b) Was made available for use by other governmental entities and agreeable with the contract holder; and
- c) Was let in a manner that constitutes competitive bidding consistent with New York State law, or was awarded on the basis of best value, and is not in conflict with other New York State laws.

**Annual Review**

Comments concerning the District's bidding and purchasing policies and procedures will be solicited from time to time from those District employees involved in the procurement process.

The Board of Education will annually review its bidding and purchasing policies and procedures. The School Business Official will be responsible for conducting an annual review of such policies and for an evaluation of the internal control structure established to ensure compliance with the procurement policy.

General Municipal Law Articles 5-A and 18  
State Finance Law §§ 162, 163, and 163-b  
Education Law § 305(14)(g)

NOTE: Refer also to Policies #5411 -- Procurement of Goods and Services  
#5412 -- Alternative Formats for Instructional Materials

Adopted: 6/2/05  
Revised: 11/17/11; 4/6/17

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2017

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Non-Instructional/Business  
Operations

## **SUBJECT: PROCUREMENT OF GOODS AND SERVICES**

### **Purchasing Authority**

The District's purchasing activities will be part of the responsibilities of the Business Office, under the general supervision of the Purchasing Agent designated by the Board of Education. The Purchasing Agent is authorized to enter into cooperative bidding and cooperative purchasing arrangements to meet the various needs of the District. No contracts for goods and services shall be made by individuals or organizations in the school that involve expenditures without first securing approval for such contract from the Purchasing Agent.

Except as authorized by law, no Board member or employee of the School District shall have an interest in any contract entered into by the School District.

### **Procurement of Goods and Services that are Not Subject to Competitive Bidding**

The Board recognizes its responsibility to ensure the development of procedures for the procurement of goods and services that are not required by law to be procured pursuant to competitive bidding. Even when competitive bidding is not required, goods and services must be procured in a manner so as to:

- a) Assure the prudent and economical use of public moneys in the best interest of the District's taxpayers;
- b) Facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and
- c) Guard against favoritism, improvidence, extravagance, fraud and corruption.

In addition, the District's Purchasing Agent is charged with responsibility for assuring that the District's procurements by means other than competitive bidding, when legally permissible, meet the following objectives:

- a) To obtain materials, supplies and contracted services at the lowest prices possible consistent with the quality and standards needed by the District as determined by the Purchasing Agent in conformity with applicable law;
- b) To ensure that all procurements fall within budgetary limitations and that they are consistent with the goals and programs of the District;
- c) To maintain an accurate and comprehensive accounting and reporting system to record and document all procurement transactions.

(Continued)



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~~2017~~

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Non-Instructional/Business  
Operations

**SUBJECT: PROCUREMENT OF GOODS AND SERVICES (Cont'd.)**

When it has been determined that one or more of the exceptions to the competitive bidding law apply, the District's Purchasing Agent shall cause goods and services to be procured in accordance with the following:

- a) For purchase of goods or services under \$2,500 -- No quotations shall be required
- b) For the *purchase contracts* between \$2,500 and \$19,999 and for the purchase of *public work* between \$2,500 and \$34,999 -- a minimum of three telephone, fax or written quotations must be solicited, unless it can be documented that there are less than three sources of supply available. The results must be recorded and attached to the purchase order.

All purchase orders shall include/specify:

- a) Name, address and telephone number of the vendor;
- b) Name of the contact person at the vendor's company;
- c) Item(s) to be purchased, specifying quantity, brand name and model number if available; and
- d) Unit price of each item, the extended price, and the total price of the order including shipping costs.

The Purchasing Agent shall have the discretion of not procuring goods and/or services (**that are not subject to competitive bidding**) from the person or entity offering to provide such goods and/or services at the lowest price, based on one or more of the following:

- a) Failure of the vendor to deliver in a timely manner previously;
- b) Failure of the vendor to deliver the specified product or products previously;
- c) Failure of the product previously provided by the vendor to perform in a manner comparable with products previously used;
- d) Other reasons not in conflict with the intent of General Municipal Law 104-b.

Under any such circumstance, the Purchasing Agent shall maintain a written record documenting the reason(s) for not accepting the lowest offer.

(Continued)

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2017

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Non-Instructional/Business  
Operations

## **SUBJECT: PROCUREMENT OF GOODS AND SERVICES (Cont'd.)**

### **Professional Services Contracts**

Proposals shall be solicited by the Purchasing Agent for contracts for *professional services* requiring special skills or training, including but not limited to: legal services; medical services; technical services; property appraisals, engineers and architects; and auditing. However, all professional services contracts shall be awarded by Board resolution, based on the following factors:

- a) The suitability of the individual, firm or other professional service provider for the District's needs;
- b) The special knowledge or expertise of the individual, firm or other professional service provider;
- c) The credentials, including but not limited to applicable licensure, of the professional service provider and/or the provider's agents and employees;
- d) The quality of the service provided by the individual, firm or other professional service provider; and
- e) Cost.

### **Request for Proposals for Services of Independent Auditor.**

In accordance with law, no audit engagement shall be for a term longer than five consecutive years. The Board may, however, at its discretion, permit an independent auditor currently engaged under an existing contract to submit a proposal to continue providing such services in response to a request for proposals (RFP), and the Board may award a new contract continuing the engagement of the same auditor for new period of up to five years.

Except when an RFP process is required by law to solicit proposals for the services of an independent auditor, as set forth above, the Board reserves the right, in its sole discretion, to dispense with the solicitation of requests for proposals for *professional services* in a particular situation if the Board determines that this is in the best interest of the District.

### **Policy Review and Amendment**

The Board shall solicit comments concerning the District's procurement policies and procedures from those employees involved in the procurement process prior to amending this policy. All policies and procedures regarding the procurement of goods and services shall be reviewed annually by the Board.

(Continued)



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~~2017~~

5411  
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Non-Instructional/Business  
Operations

**SUBJECT: PROCUREMENT OF GOODS AND SERVICES (Cont'd.)**

The Board of Education is committed to complying with federal and state laws and regulations in the procurement of all goods and services used by the Middletown School District.

Education Law §§ 1604, 1709, 1950, 2503, 2554, and 3602  
General Municipal Law Articles 5-A and 18  
General Municipal Law §§ 104-b and 119-o

NOTE: Refer also to Policies #5410 -- Purchasing: Competitive Bidding and Offering  
#5412 -- Alternative Formats for Instructional Materials

Adopted: ~~4/6/17~~

10/15/2020

**SUBJECT: ALTERNATIVE FORMATS FOR INSTRUCTIONAL MATERIALS**

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

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. The District will be responsible to ensure that each student who requires instructional materials in an alternate format will receive it in a timely manner and in a format that meets NIMAS standards.

The 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.

Such Plan will:

- a) 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;
- b) 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;
- c) 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;
- d) Specify ordering timelines to ensure that alternative format materials are available at the same time as regular format materials are available; and
- e) 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.

20 USC § 1474(e)(3)(B)

8 NYCRR §§ 200.2(b)(9), 200.2(c)(2) and 200.2(i)

Adopted: 6/1/17



Non-Instructional/Business  
Operations**SUBJECT: CHANGE DIRECTIVES AND CHANGE ORDERS APPROVAL AND  
DELEGATION OF AUTHORITY**

The Board of Education ("Board") recognizes that its residents, staff members and students are best served with capital projects that are completed on schedule and within budget. The Board is also cognizant that circumstances frequently arise during the course of implementing a capital project that require the issuance of construction change directives and authorization of ensuing change orders submitted by the contractor for the District's approval. In balancing these factors, the Board adopts the following procedure to ensure that when change orders are determined to be necessary, the project's completion is not delayed.

The Board hereby delegates to the Superintendent of Schools ("Superintendent") authority and responsibility for issuance of construction change directives, in consultation with the project architect, the District's Superintendent of Buildings and Grounds, and any other professional consultant of the Board with whom the Superintendent deems it appropriate to confer. The Superintendent's authority to issue change directives shall be limited to those change directives which the Superintendent reasonably and in good faith believes will not result in the submission of a corresponding change order increasing or decreasing the contract sum by more than \$75,000. The Superintendent shall cause a written report to be made to the Board at its next regularly scheduled meeting with respect to each change directive approved by the Superintendent since the Board's last, most recent, regularly scheduled meeting. The Superintendent's report to the Board shall consist of a brief narrative explanation of the rationale for the issuance of each change directive, together with a summary of the architect's recommendation or the architect's actual written recommendation (if available), as well as summaries of any other consultants' recommendations or actual copies of such recommendations (if available) that influenced the Superintendent's decision to issue each such change directive.

The Board hereby further delegates to the Superintendent authority and responsibility for approving individual change orders increasing or reducing the contract sum by an amount not to exceed \$75,000 provided that the Superintendent shall cause a report to be made to the Board regarding all such change orders authorized by the Superintendent since the Board's last, most recent, regularly scheduled meeting. Upon receipt of the Superintendent's change order report, the Board shall adopt a resolution acknowledging receipt of the report.

All other change directives must be approved by the Board before any work within the scope of a proposed change directive is performed. The Board shall approve any corresponding change order arising from the Board's authorized change directives, prior to the completion of such work if the Board's regular meeting schedule permits such Board action. If the Board's regular meeting schedule does not permit the Board to approve a particular change order arising from a Board authorized change directive prior to the completion of the authorized work, the Board shall either vote to approve the change order at its next regularly scheduled meeting or commence negotiations with the contractor regarding the cost of the change order.

The Superintendent is hereby authorized to develop and implement administrative guidelines and/or regulations pertaining to the implementation of this Policy.

Adopted: 9/17/09

Revised: 10/20/22

# POLICY

2017

5510

Non-Instructional/Business  
Operations

## **SUBJECT: ACCOUNTING OF FUNDS**

Accounting and reporting procedures shall be developed to facilitate analysis and evaluation of the District's financial status and fixed assets. The District will use the Uniform System of Accounts for School Districts.

Books and records of the District shall be maintained in accordance with statutory requirements.

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

### **Online Banking**

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

### **Electronic Transactions and Wire Transfers**

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

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

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

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

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

Adopted: 6/2/05  
Revised: 11/17/11; 4/6/17



# POLICY

2017

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Non-Instructional/Business  
Operations

## **SUBJECT: MAINTENANCE OF FUND BALANCE**

### **General Provisions**

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

### **Classification of Funds**

The District will ensure that funds are classified consistent with Governmental Accounting Standards Board (GASB) Statement Number 54, *Fund Balance Reporting and Governmental Fund Type Definitions*. Consequently, fund balance amounts will be categorized as non-spendable, restricted, committed, assigned, or unassigned.

### **Unassigned Fund Balance**

#### Minimum Unassigned Fund Balance

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

#### Maximum Unassigned Fund Balance

In order to support normal operating costs and provide fiscal stability for the District, the Board of Education will also strive to ensure that the unassigned fund balance does not exceed 4% of the current year's budgeted expenditures. If it is anticipated that such balance will exceed the 4% ceiling, the Board of Education will evaluate current commitments and assignments in order to determine the final distribution of fund balance in any fiscal year. The District will ensure unexpended surplus funds are used to reduce taxpayer liability in conformance with Real Property Tax Law Section 1318.

### **Fund Balance and Budget Development**

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

Likewise, the District will ensure that appropriate reserve funds are established and utilized, consistent with applicable law and District policy, to ensure the fund balance is sufficient to meet District needs.

(Continued)

# POLICY

2017

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Non-Instructional/Business  
Operations

**SUBJECT: MAINTENANCE OF FUND BALANCE (Cont'd.)**

## **Compliance**

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

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

Adopted: 6/1/17



**SUBJECT: RESERVE FUNDS**

Reserve funds (essentially a legally authorized savings account designated for a specific purpose) are an important component in the District's financial planning for future projects, acquisitions and other lawful purposes. The District may establish and maintain reserve funds in accordance with New York State Laws, Commissioner's Regulations and the rules or opinions issued by the Office of the New York State Comptroller. The District will comply with the reporting requirements of Article 3 of the General Municipal Law of the State of New York and the Governmental Accounting Standards Board (GASB) issued GASB Statement Number 54, *Fund Balance Reporting and Governmental Fund Type Definitions*.

Any and all District reserve funds will be properly established and maintained to promote the goals of creating an open, transparent and accountable use of public funds. The District will authorize all payments or transfers into a reserve fund by express resolution. The District may engage independent experts and professionals, including but not limited to, auditors, accountants and other financial and legal counsel to monitor all reserve fund activity and prepare any and all reports that the Board may require.

**Periodic Review and Annual Report**

The Board will periodically review all reserve funds. The District's Assistant Superintendent for Administration or Superintendent's designee will also prepare and submit an annual report of all reserve funds to the Board. The annual report will include the following information for each reserve fund:

- a) The type and description of the reserve fund;
- b) The date the reserve fund was established and the amount of each sum paid into the fund;
- c) The interest earned by the reserve fund;
- d) Capital gains or losses resulting from the sale of investments of the reserve fund;
- e) The total amount and date of each withdrawal from the reserve fund;
- f) The total assets of the reserve fund showing cash balance and a schedule of investments; and
- g) An analysis of the projected needs for the reserve fund in the upcoming fiscal year and a recommendation regarding funding those projected needs.

The Board will utilize the information in the annual report to make necessary decisions to adequately maintain and manage the District's reserve fund balances while mindful of its role and responsibility as a fiduciary of public funds.

Education Law § 3653

Adopted: 11/17/11

Revised: 4/4/19



# POLICY

2019

5520

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Operations

## **SUBJECT: EXTRACLASSROOM ACTIVITY FUND**

An extraclassroom activity (ECA) fund will be established for activities conducted by students whose financial support is raised other than by taxation or through charges of the Board. ECA fund management will give students opportunities to learn proper business practices and how to operate a successful business. The Board and designated District personnel will protect and provide oversight of ECA funds.

All ECAs will be approved by the Board. The building principal will maintain an up-to-date register of all ECAs that are approved or discontinued. Each ECA will have a faculty advisor appointed by the building principal. A Central Treasurer and a Faculty Auditor will oversee all financial aspects of ECAs. The annual District audit will include all ECA funds.

All ECA funds will be handled in accordance with the financial procedures set forth in Safeguarding, Accounting and Auditing of Extraclassroom Activity Funds, Revised 2015, published by the New York State Education Department. All commitments and contracts will be the sole responsibility of the ECA giving rise to the transaction, regardless of a change in advisors, membership, or officers.

Accurate ledgers will be kept. All moneys will be timely deposited in appropriate accounts set up by the Board. These accounts are subject to audit. All transactions involving ECA funds will be on a cash basis. No accounts will remain unpaid at the end of the school year. The District will invest funds in accordance with its investment policy.

The District's ECAs are prohibited from using its state sales-tax exemption. The Central Treasurer is responsible for filing the periodic sales tax returns for the ECA funds.

Funds of discontinued ECAs, those inactive for one year, and those of graduating classes will revert to the account of the general student organization or student council, and will be expended in accordance with the organization's or council's constitution.

The building principals, with approval of the Superintendent, will set up procedures for safeguarding, accounting for, and auditing all money received and derived from ECAs.

Education Law § 207  
8 NYCRR Part 172

NOTE: Refer also to Policies #5220 -- District Investments  
#5620 -- Fixed Asset Inventories, Accounting, and Tracking  
#7450 -- Fundraising by Students

Adopted: 6/2/05  
Revised: 11/17/11; 4/4/19



# POLICY

2005

5530

Non-Instructional/Business  
Operations

## **SUBJECT: PETTY CASH FUNDS AND CASH IN SCHOOL BUILDINGS**

### **Petty Cash Funds**

A petty cash fund of not more than \$100 shall be maintained in the District Office and in each school building in a secure location. Payments from petty cash funds may be made for materials, supplies or services only when payment is required upon delivery. At the time of reimbursement, an itemized statement of expenditures, together with substantiating receipts, shall be submitted. Such accounts shall be authorized by Board resolution at their annual meeting.

Appropriate regulations shall be developed for implementation of this policy.

### **Cash in School Buildings**

Not more than \$250, whether District or extraclassroom funds, shall be held in the vault in the Main Office of each District school building. Under no circumstances shall cash be left in classroom areas or desks. The District will not be responsible for funds left unprotected.

All funds, whether District or extraclassroom funds, shall be deposited prior to close of school each week. Only authorized personnel designated by the building administrator shall be allowed in the Main Office vault.

Education Law §§ 1604(26), 1709(29) and 2503(1)  
8 NYCRR § 170.4

Adopted: 6/2/05

# POLICY

2005

5540

Non-Instructional/Business  
Operations

## **SUBJECT: PUBLICATION OF THE DISTRICT'S ANNUAL FINANCIAL STATEMENT**

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

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

Education Law §§ 1610, 1721, 2117, 2528 and 2577  
8 NYCRR § 170.2

Adopted: 6/2/05



# POLICY

2019

5550

Non-Instructional/Business  
Operations

## **SUBJECT: MAINTENANCE OF FISCAL EFFORT (TITLE I PROGRAMS)**

As a Local Educational Agency (LEA), the District may receive its full allocation of Title I funds if its combined fiscal effort per student or the aggregate expenditures of state and local funds with respect to the provision of free public education in the District for the preceding fiscal year was not less than 90% of the combined fiscal effort per student or the aggregate expenditures for the second preceding fiscal year.

In determining the District's compliance with the maintenance of effort requirement, the State Educational Agency (SEA) will consider its expenditures from state and local funds for free public education. These include expenditures for administration, instruction, attendance, health services, student transportation services, plant operation and maintenance, fixed charges, and net expenditures to cover deficits for food services and student body activities.

The SEA will not consider the following expenditures in determining the District's compliance with the maintenance of effort requirements:

- a) Any expenditures for community services, capital outlay, and debt service;
- b) Any expenditures made from funds provided by the federal government for which the District is required to account to the federal government directly or through the SEA.

The School Business Official will review, as part of the budgeting process, this combined fiscal effort to ensure compliance.

Title I of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA) of 2015  
34 CFR Part 200

Adopted: 6/2/05  
Revised: 4/4/19

# POLICY

2005

5560

Non-Instructional/Business  
Operations

## **SUBJECT: USE OF FEDERAL FUNDS FOR POLITICAL EXPENDITURES**

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

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

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

OMB Circular A-87 Cost Principles for State, Local and Indian Tribal Governments (revised May 10, 2004)  
Compliance Supplement for Single Audit of State and  
Local Governments (revised June 27, 2003)  
supplementing OMB Circular A133

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

Adopted: 6/2/05



# POLICY

2017

5570

Non-Instructional/Business  
Operations

## **SUBJECT: FINANCIAL ACCOUNTABILITY**

If any of the above is reviewed by the Board designated audit committee, the committee must report its review to the Board of Education.

- a) The District has a long-term (three to five years) financial plan for both capital projects and operating expenses.
- b) The District requires attendance at training programs for Board members, business officials, treasurers, claims auditors, and others to ensure they understand their duties and responsibilities and the data provided to them.
- c) The Board has an audit committee to assist in carrying out its fiscal oversight responsibilities.
- d) The District's information systems are economical, efficient, current, and up-to-date.
- e) All computer files are secured with passwords or other controls, backed up on a regular basis, and stored at an off-site or in a secure fireproof location.
- f) The District periodically verifies that its controls are working efficiently.
- g) The District requires all staff to take leave time during which time another staff member performs the duties of the staff on leave. Staff may also schedule transactions and other responsibilities to occur electronically before taking a leave.

### **Audit Response**

Periodically, the District receives audit reports from the External (Independent) Auditor and/or the Office of the New York State Comptroller. The Board will review all audit recommendations in consultation with the Audit Committee and respond appropriately. Independent and Comptroller audit reports and the accompanying management letters will be made available for public inspection. Notice of the availability of independent and Comptroller audit reports will be published in the District's official newspaper or one having general circulation in the District. If there is no newspaper, notice must be placed in ten public places within the District. Additionally, final audit reports from the Office of the NYS Comptroller should be posted on the District website, if one is available, for a period of five years.

Education Law § 2116-a(3-b)  
8 NYCRR § 170.12  
General Municipal Law § 33(2)(e) and 35(1), (2)

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

Adopted: 4/6/17



**SUBJECT: ALLEGATIONS OF FRAUD****Reporting and Investigations of Allegations of Fraud**

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

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

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

(Continued)



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## **SUBJECT: ALLEGATIONS OF FRAUD (Cont'd.)**

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

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

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

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

### **Knowingly Makes False Accusations**

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

Education Law § 3028-d

Adopted: 6/2/05  
Revised: 5/3/07

**SUBJECT: AUDIT COMMITTEE**

An audit committee has been established by Board resolution. The audit committee may consist of:

- a) The Board as a whole;
- b) A subcommittee of the Board; or
- c) An advisory committee that may include, or be composed entirely of persons other than Board members if, in the opinion of the Board, membership is advisable to provide accounting and auditing expertise.

Persons other than Board members who serve on the advisory committee will be independent, and will not be:

- 1. Employed by the District;
- 2. An individual who, within the last two years, provided or currently provides, services or goods to the District;
- 3. The owner of, or have a direct and material interest in a company providing, goods or services to the District; or
- 4. A close or immediate family member of an employee, officer, or contractor providing services to the District.

The audit committee will consist of at least three members who should collectively possess knowledge in accounting, auditing, financial reporting, and District finances. They will serve without compensation, but will be reimbursed for any actual and necessary expenditure incurred in relation to attendance at meetings. Employees of the District are prohibited from serving on the audit committee. Members of the audit committee will be deemed District Officers, but will not be required to be residents of the District.

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

The audit committee will develop and submit to the Board for approval a formal, written charter which includes, but is not limited to, provisions regarding the committee's purpose, mission, duties, responsibilities, and membership requirements.

(Continued)



**SUBJECT: AUDIT COMMITTEE (Cont'd.)**

The audit committee will hold regularly scheduled meetings and report to the Board on its activities on an as-needed basis, but not less than annually. The report will address or include at a minimum:

- a) The activities of the audit committee;
- b) A summary of the minutes of the meeting;
- c) Significant findings brought to the attention of the audit committee;
- d) Any indications of suspected fraud, waste, or abuse;
- e) Significant internal control findings; and
- f) Activities of the internal audit function.

The responsibilities of the audit committee include the following:

- a) Providing recommendations regarding the appointment of the External (Independent) Auditor for the District;
- b) Meeting with the External (Independent) Auditor prior to commencement of the audit;
- c) Reviewing and discussing with the External (Independent) Auditor any risk assessment of the District's fiscal operations developed as part of the Auditor's responsibilities under governmental auditing standards for a financial statement audit and federal single audit standards, if applicable;
- d) Receiving and reviewing the draft annual audit report and accompanying draft management letter and, working directly with the External (Independent) Auditor, assist the Board in interpreting such documents;
- e) Making a recommendation to the Board on accepting the annual audit report; and
- f) Discussing and analyzing every corrective action plan developed by the District in response to any audit and assist the Board in its implementation.

**Corrective Action Plan**

Within 90 days of receipt of the report or management letter, the Superintendent will prepare a corrective action plan approved by the Board in response to any findings contained in:

(Continued)

**SUBJECT: AUDIT COMMITTEE (Cont'd.)**

- a) The annual external audit report or management letter;
- b) A final audit report issued by the District's internal auditor;
- c) A final report issued by the State Comptroller;
- d) A final audit report issued by the State Education Department (SED); or
- e) A final audit report issued by the United States or an office, agency, or department thereof.

The audit committee will review and approve the corrective action plans developed by the Superintendent and Business Official. The corrective action plan must be filed with the SED, and if appropriate, must include the expected date(s) of implementation. The District will also timely post a copy of this plan on its website. To the extent practicable, implementation of the corrective action plan should begin no later than the end of the next fiscal year.

Additional responsibilities of the audit committee include: assisting in the oversight of the internal audit function including, but not limited to, providing recommendations regarding the appointment of the Internal Auditor; reviewing significant findings and recommendations of the Internal Auditor; monitoring the District's implementation of these recommendations; and participating in the evaluation of the performance of the internal audit function.

The audit committee may conduct an Executive Session pertaining to the following matters:

- a) To meet with the External (Independent) Auditor prior to commencement of the audit;
- b) To review and discuss with the External (Independent) Auditor any risk assessment of the District's fiscal operations developed as part of the Auditor's responsibilities under governmental auditing standards for a financial statement audit and federal single audit standards if applicable; and
- c) To receive and review the draft annual audit report and accompanying draft management letter and, working directly with the External (Independent) Auditor, assist the Board in interpreting such documents.

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

(Continued)



# POLICY

2019

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**SUBJECT: AUDIT COMMITTEE (Cont'd.)**

Education Law §§ 2116-a, 2116-c, and 3811-3813  
Public Officers Law §§ 105(b), 105(c), and 105(d)  
8 NYCRR § 170.12

NOTE: Refer also to Policies #1330 -- Appointments and Designations by the Board  
#1335 -- Appointment and Duties of the Claims Auditor  
#2210 -- Committees of the Board

Adopted: 2/23/06  
Revised: 4/4/19

# POLICY

2016

5573

Non-Instructional/Business  
Operations

## **SUBJECT: INTERNAL AUDIT FUNCTION**

The District has established an Internal Audit Function which includes:

- a) Development of a risk assessment of District operations including, but not limited to, a review of financial policies, procedures and practices;
- b) An annual review and update of such risk assessment;
- c) Annual testing and evaluation of one or more of the District's internal controls, taking into account risk, control weaknesses, size, and complexity of operations;
- d) Preparation of reports, at least annually or more frequently as the Board may direct, which analyze significant risk assessment findings, recommend changes for strengthening controls and reducing identified risks, and specify timeframes for implementation of such recommendations.

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

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

Education Law §§ 1950, 2116-b and 2116-c  
8 NYCRR § 170.12

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

Adopted: 4/20/16



**SUBJECT: MEDICAID FRAUD WASTE AND ABUSE DETECTION AND PREVENTION COMPLIANCE**

As New York State has legislated requirements for certain school districts receiving reimbursement or submitting Medicaid claims regarding the detection and prevention of fraud, waste and abuse, the Board of Education of the Enlarged City School District of Middletown hereby enacts the following policy:

**Introduction**

The Enlarged City School District of Middletown has developed this Fraud, Waste and Abuse ("FWA") Compliance Policy as a comprehensive statement of the responsibilities and obligations of all employees and contractors regarding submissions of information on which payment is made or submitted to Medicaid. This policy is intended to apply to business arrangements with physicians, vendors, subcontractors, hospitals, related service providers, agents, and other persons who may be subject to federal or state laws relating to FWA.

Detecting and preventing FWA is the responsibility of everyone, including employees, members, providers and sub-contractors. The District also provides compliance training.

**Definitions of FWA**

Fraud - An intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself/herself or some other person. It includes any act that constitutes fraud under applicable federal or state law.

Waste and Abuse - Incidents or practices that are inconsistent with legal, ethical, accepted and sound business, fiscal or medical practices that result in unnecessary cost to health programs, or in reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards for health care. It also includes Medicaid, School Supportive Health Services Program ("SSHSP"), and commercial plan member practices that result in unnecessary costs to a health program.

Listed below are some examples of potential FWA:

- a) Falsifying Claims/Encounters
- b) Alteration of Claim
- c) Incorrect Coding
- d) Double Billing
- e) Billing for services not provided
- f) Misrepresentation of services/supplies
- g) Substitution of services

(Continued)



# POLICY

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Operations

**SUBJECT: MEDICAID FRAUD WASTE AND ABUSE DETECTION AND PREVENTION COMPLIANCE (Cont'd.)**

## **Code of Ethics**

Any employee who in good faith believes s/he has knowledge of a potential violation of this policy, must report this information to the District directly to the Compliance Officer. Alternatively, an employee may report the violation to the District's Legal Counsel. Violations of this policy or failure to report a known violation of the policy is considered to be a serious infraction of District procedures, and may result in the imposition of disciplinary action up to and including termination. No employee shall be subjected to intimidation or retaliation solely for the good faith reporting of a suspected violation.

## **Employee Participation and Reporting**

It is the responsibility of every District employee to abide by applicable laws and regulations and support the District's compliance efforts by:

- a) Being alert to potential compliance issues relevant to their activities;
- b) Seeking advice from the Compliance Officer or the District's Legal Counsel regarding compliance issues as appropriate;
- c) Reporting their good faith belief of any suspected, actual or potential compliance violations including FWA;
- d) Cooperating in the investigation of compliance reports; and
- e) Being completely honest in all dealings with federal and state agencies and representatives.

The District shall maintain confidentiality and provide anonymity to the employee(s) to the extent possible under the circumstances, and consistent (in the judgment of the District) with its obligations to investigate employee concerns and take necessary corrective action. Any retaliation or intimidation against an employee as a result of such good faith reporting or as a result of an employee's cooperation in the investigation of such a report shall be strictly prohibited.

## **Compliance Officer**

The Compliance Officer is the individual within the District responsible for the day to day operation of the compliance program. The Compliance Officer shall be the coordinator for special seminars and education on compliance issues, expectations, and the compliance program operation to ensure that:

- a) All employees, including new employees, are receiving adequate education and training and that such education and training is documented;

(Continued)



**SUBJECT: MEDICAID FRAUD WASTE AND ABUSE DETECTION AND PREVENTION  
COMPLIANCE (Cont'd.)**

- b) All employee complaints and other concerns regarding compliance are promptly investigated; and
- c) Adequate steps are taken to correct any identified problems and prevent the reoccurrence of such problems.

**Reporting Suspected Violations**

Employees shall report their good faith belief of suspected, actual, or potential violations of the compliance program, including FWA or applicable laws, either orally or in writing to the Compliance Officer. Alternatively, the employee may report the violation to the District's Legal Counsel. The District shall maintain confidentiality and provide anonymity to the employee(s) making such report to the extent possible under the circumstances.

**Disciplinary Policies**

Should an employee intentionally fail to report suspected problems with FWA, participate in FWA under this policy, or encourage, direct, facilitate or permit active or passive non-compliant FWA behavior, such action or inaction may lead to disciplinary action in accordance with provisions of applicable collective bargaining agreements and state and federal law.

**Monitoring And Auditing**Procedures for Internal Monitoring and Auditing of FWA

As an integral part of its commitment to prevent FWA, the District has developed, and shall continue to develop and refine procedures for effective internal monitoring and auditing for FWA and shall conduct Risk Assessments to detect and prevent FWA.

**a) Internal Auditing and Monitoring**

In order to detect non-compliance with the Compliance Program and to detect FWA, the District shall periodically monitor, internally audit, and as appropriate, externally audit the business activities of the District including, but not limited to, the auditing of the health and pharmacy claims and other compliance audits. Audits may also consist of evaluation of potential or actual non-compliance as a result of such self-evaluations, credentialing of providers and persons associated with providers, mandatory reporting, governance, and quality of care of medical assistance program beneficiaries.

(Continued)



**SUBJECT: MEDICAID FRAUD WASTE AND ABUSE DETECTION AND PREVENTION  
COMPLIANCE (Cont'd.)**

Auditing and monitoring of FWA may be performed utilizing any of the following:

1. Unannounced internal audits or "spot checks;"
2. Review of areas previously found non-compliant to determine if the corrective actions taken have fully addressed the underlying problem;
3. Use of objective, independent auditors that are knowledgeable of the Medicare, Medicaid program requirements and who are not employed in the area under review; and
4. Access to existing audit resources, relevant personnel, and relevant areas of operation by both internal and independent auditors.

b) Informal Audits and Monitoring

Monitoring activities refer to reviews that are repeated on a regular basis during the normal course of operations. Monitoring may occur to ensure corrective actions are undertaken or when no specific problems have been identified to confirm ongoing compliance.

c) Risk Assessment

The District shall have a risk assessment system that determines where the District is at risk for FWA, and shall prioritize the risks. The Compliance Officer shall participate in or contribute to the risk assessment process. The District shall have a system of ongoing monitoring and auditing that is coordinated or executed by the Compliance Officer to assess performance in, at a minimum, areas identified as being at risk.

**Responding to Compliance Issues**General

The District is committed to investigating any incident of noncompliance with the District's Compliance policy, significant failures to comply with applicable federal or state law, and other types of misconduct which threatens or calls into question the District's status as a reliable, honest, and trustworthy entity. Fraudulent or erroneous conduct that has been detected, but not corrected, can seriously endanger the reputation and legal status of the District. In this regard, the District has developed internal and external audit procedures and encourages employees to report FWA on their own initiative.

(Continued)



# POLICY

2009

5574  
5 of 6

Non-Instructional/Business  
Operations

## **SUBJECT: MEDICAID FRAUD WASTE AND ABUSE DETECTION AND PREVENTION COMPLIANCE (Cont'd.)**

### Investigation of and Correcting Potential Violations

Upon receipt of reports or reasonable indications of suspected noncompliance or FWA, the Compliance Officer, or his/her designee, will investigate the allegation(s) to determine whether a material violation of applicable law or requirements of the District's Compliance Program has occurred. Generally, investigation of a violation will be conducted by the Compliance Officer or his/her designee, and will normally include conferring with the parties involved, any named or apparent witnesses, review of all relevant records and documentation, and analysis of applicable laws and regulations.

In the event any material violation of this Compliance Program, or if any incident of fraud is determined by the Compliance Officer, the Compliance Officer shall immediately take appropriate actions, including:

- a) Refer any abusive or potentially fraudulent conduct or inappropriate utilization activities, once identified via proactive data analysis or other processes, for further investigation to the Center for Medicare and Medicaid Services ("CMS"), the Office of Inspector General ("OIG"), the New York State Attorney General, or other state or federal agency as appropriate;
- b) Immediately report potential violations of Federal law to the CMS, OIG, or, alternatively, to appropriate law enforcement authorities;
- c) Cooperate with the above mentioned agencies;
- d) Identify and repay any overpayments to the appropriate party; and
- e) Discipline any employees or plan members who engage in fraud or abusive practices in accordance with applicable collective bargaining agreements, up to and including termination.

The results of any investigations shall be thoroughly documented. Investigation records shall include a description of the investigative process, copies of interview notes and key documents, a log of individuals interviewed and documents reviewed, the results of the investigation, and any disciplinary or corrective actions taken. Precautions shall be taken to ensure that critical documents are not destroyed without permission of the Compliance Officer and approval of Legal Counsel, and are retained in accordance with statutory guidelines regarding retention.

(Continued)

# POLICY

2009

5574  
6 of 6

Non-Instructional/Business  
Operations

**SUBJECT: MEDICAID FRAUD WASTE AND ABUSE DETECTION AND PREVENTION  
COMPLIANCE (Cont'd.)**

## Corrective Action

Corrective Action should be taken promptly following completion of the investigation. If an audit or investigation reveals a material violation of this policy, the Compliance Officer shall draft a corrective plan of action, and establish deadlines by which corrective action must take place. Possible corrective actions include, but are not limited to, refunds of any overpayment received, employee disciplinary action up to and including termination, and reporting to federal or state authorities.

All corrective actions shall be documented, and include progress reports with respect to each error identified. Any decision whether to disclose the results of investigations or audits to federal or state authorities shall be made in consultation with Legal Counsel.

Adopted: 10/22/09



# POLICY

2005

5610

Non-Instructional/Business  
Operations

## **SUBJECT: INSURANCE**

The objective of the Board of Education is to obtain the best possible insurance at the lowest possible cost, and to seek advice from an Insurance Appraisal Service to determine that adequate coverage is being provided regarding fire, boiler, general liability, bus and student accident insurance.

The Board shall carry insurance to protect the District's real and personal property against loss or damage. This property shall include school buildings, the contents of such buildings, school grounds and vehicles.

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

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

Education Law §§ 1709(8), 1709(26), 1709(34-b), 2503(10), 2503(10-a), 2503(10-b), 3023, 3028 and 3811  
General Municipal Law §§ 6-n and 52  
Public Officers Law § 18

Adopted: 6/2/05

**SUBJECT: FIXED ASSET INVENTORIES, ACCOUNTING, AND TRACKING**

The Superintendent or his/her designee will maintain a continuous and accurate inventory of fixed assets owned by the District in accordance with applicable rules, standards, procedures, and best practices. Fixed assets are, generally, long-term, tangible resources intended to be continuously held or used, and may include land, buildings, improvements, machinery, and equipment.

All fixed assets purchased and received by the District will be checked, logged, and stored through an established procedure.

The School Business Official will account for assets on an annual basis according to applicable rules, standards, procedures, and best practices. These accounts will serve to:

- a) Maintain an inventory of assets;
- b) Establish accountability;
- c) Determine replacement costs; and
- d) Determine and provide appropriate insurance coverage.

The Board will establish a dollar threshold as a basis for considering which fixed assets are to be depreciated. This threshold will ensure that at least 80% of the value of these assets is reported. The threshold will not be greater than \$5,000. Standard methods and averaging conventions will be used in assessing, capitalizing, and depreciating fixed assets.

Fixed assets will be recorded at initial cost or, if not available, at estimated initial cost; gifts of fixed assets will be recorded at estimated fair value at the time of the gift. A property record will be maintained for each fixed asset and will contain, where possible, the following information:

- a) Date of acquisition;
- b) Description;
- c) Serial or other identification number;
- d) Any funding source and percentage contributed by the source;
- e) Vendor;
- f) Cost or value;
- g) Location and use;

(Continued)



**SUBJECT: FIXED ASSET INVENTORIES, ACCOUNTING, AND TRACKING (Cont'd.)**

- h) Asset type;
- i) Condition and estimated useful life;
- j) Replacement cost;
- k) Current value;
- l) Salvage value;
- m) Sale price and date and method of disposition; and
- n) Responsible official.

All fixed assets will be labeled. Any discrepancies between an inventory and the District's property records should be traced, explained, and documented.

**Management of Assets Acquired Under a Federal Government Grant or Subgrant**

Inventories will be maintained for assets acquired with funds obtained through federal grant programs. A separate inventory will be maintained for each program. Each inventory will record assets in the same manner as the District's fixed asset inventory. Assets will be labeled to specify the source of funds used to purchase the item. All Title I assets will include "Title I" on the label. These inventories will track assets for at least five years from the date of receipt.

When original or replacement assets acquired under a federal grant or subgrant are no longer needed for the original project or for other activities currently or previously supported by a federal agency, the District will dispose of the assets as follows:

- a) Assets with a current per-unit fair market value of less than \$5,000 may be retained, sold, or otherwise disposed of with no further obligation to the awarding agency.
- b) Assets with a current per-unit fair market value of greater than \$5,000 may be retained or sold and the awarding agency will have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the assets.
- c) No federal approval is necessary to dispose of an asset costing over \$5,000 but approval from the New York State Education Department (SED) is necessary. Once SED has determined that it has no other need for the use of the asset, the District may proceed with selling it.

(Continued)

# POLICY

2017

5620  
3 of 3

Non-Instructional/Business  
Operations

## **SUBJECT: FIXED ASSET INVENTORIES, ACCOUNTING, AND TRACKING (Cont'd.)**

School District will comply with the U.S. Department of Education regulations governing the use, management, and disposition of all equipment acquired through a federal government grant.

### **Equipment Purchased with Extraclassroom Funds**

Title to all equipment acquired with extraclassroom activity funds will reside with the District and be carried as an insurable asset on its list of insurable values. This equipment will be tagged as District property but is available for exclusive use by the extraclassroom activity club acquiring it.

Title I of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA) of 2015

34 CFR Parts 74-99, 200

NYSED Finance Pamphlet, The Safeguarding, Accounting, and Auditing of Extraclassroom Activity Funds, 2019

Uniform System of Accounts for School Districts (Fiscal Section)

Adopted: 6/2/05  
Revised: 6/1/17



**SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE****Operation and Maintenance**

The Board, through the Superintendent and his or her staff, has the responsibility of protecting the District's facilities through a systematic maintenance program. The program shall include periodic preventive maintenance activities, long-range maintenance schedules, and emergency repair procedures. The District will make reasonable attempts to ensure that all maintenance work will be carried out in the least intrusive manner.

**Construction and Remodeling of School Facilities**

The District will ensure all capital projects and maintenance comply with the requirements of the New York State Uniform Fire Prevention and Building Code, the Manual of Planning Standards, and the Commissioner's regulations. Relevant documentation regarding all new buildings must be formally submitted to the State Education Department (SED) no matter the size or cost. The SED Office of Facilities Planning has provided an Instruction Guide on their official website.

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

Plans and specifications submitted to the Commissioner will bear the signature and seal of an architect or engineer licensed to practice in the State of New York. The architect or engineer who sealed the plans and specifications must also certify that the plans and specifications conform to the standards set forth in the State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code.

For remodeling or construction projects, the District will ensure compliance with the requirements of the State Uniform Fire Prevention and Building Code and Commissioner's regulations. The District will also retain the services of an architect or engineer licensed to practice in New York State as required by law or regulation, or as necessary given the scope and cost of the project.

**Carbon Monoxide Detection Requirements**

All new and existing District buildings that have appliances, devices, or systems that may emit carbon monoxide, and all attached garages, must have a means to detect carbon monoxide. Buildings include school buildings, administrative buildings, bus maintenance facilities, concession stands, and field houses. Carbon monoxide may be produced by fuel-fired heating systems (boilers, HVAC units, and makeup air units), emergency or standby electric generation within a building, fuel-fired kitchen equipment (ranges, ovens, steamers, dishwashers, and makeup air units serving hoods), fuel-fired domestic hot water heaters, laboratory/shop equipment (gas outlets, torches, gas-fired kilns, and stationary or portable engines), maintenance and storage areas with fuel-fired equipment, and in garages.

(Continued)



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

The District may use a self-contained carbon monoxide alarm, a carbon monoxide detection system, or both. The District will comply with all laws and regulations regarding alarms or detectors, including where they must be located, their power sources, and labeling requirements. The District should develop written standard operating procedures to follow when a carbon monoxide detector is activated.

**Naming Facilities**

The Board of Education is responsible for naming any new facility. The Board, in its discretion, may establish procedures for the naming of any building or other District facility. In selecting a name for any facility, the Board may take into account those persons who have been involved in the planning, construction, or renovation of the facility, or any other relevant considerations. Suitable building plaques or other memorials may be authorized by the Board.

**Inspections**

The District is mindful of the health and safety of its students, staff, and visitors and, as such, the District administration will cooperate with appropriate officials conducting health, fire, asbestos, bus, and boiler inspections. In addition, the administration will keep the Board informed of the results of these inspections in a timely fashion.

In accordance with the Asbestos Hazard Emergency Response Act (AHERA), the District will inform all employees and building occupants (or their legal guardians) at least once each school year about all asbestos inspections, response actions, post-response action activities, as well as triennial re-inspection activities and surveillance activities that are either planned or in progress. The District will provide yearly notification to parent, teacher, and employee organizations on the availability of the District's asbestos management plan and any asbestos-related actions taken or planned in the school.

The District will test potable water for lead contamination from all outlets as required by law. If an outlet exceeds the action level for lead content, the District will prohibit use of the outlet for drinking and cooking purposes, and it will remediate the outlet before allowing these uses. The District will make all required notifications and issue all mandated reports to the public, local health department, or the SED. For ten years following creation, the District will retain all records of test results, lead remediation plans, lead-free building determinations, and waiver requests. The District may seek a waiver from testing requirements from the local health department by demonstrating prior substantial compliance with testing requirements.

(Continued)



**SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE (Cont'd.)****Comprehensive Public School Building Safety Program (RESCUE)**

To ensure that all District facilities are properly maintained and preserved and provide suitable educational settings, the Board requires that all occupied school facilities which are owned, operated or leased by the District comply with the provisions of the Comprehensive Public School Building Safety Program, the Uniform Code of Public School Building Inspections, and the Safety Rating and Monitoring as prescribed in Commissioner's regulations. For this reason, the District will develop a Comprehensive Public School Building Safety Program in accordance with Commissioner's regulations.

The program will be reevaluated and made current at least annually, and will include, at a minimum, the following:

- a) A five year capital facilities plan which will include an appraisal of the following: the educational philosophy of the District, with resulting administrative organization and program requirements; present and projected student enrollments; space use and State-rated student capacity of existing facilities; the allocation of instructional space to meet the current and future education program and service needs, and to serve students with disabilities in settings with nondisabled peers; priority of need of maintenance, repair or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and the provision of additional facilities.
- b) A District-wide building inventory, which will include information pertaining to each building including, but not limited to:
  1. Type of building, age of building, size of building;
  2. Rated capacity, current enrollment;
  3. List of energy sources and major systems (lighting, plumbing, electrical, heating); and
  4. Summary of triennial Asbestos Inspection reports.
- c) A building condition survey will be conducted for all occupied school buildings once every five years by a team that includes at least one licensed architect or engineer.
- d) A District-wide monitoring system which includes:
  1. Establishing a Health and Safety Committee;
  2. Development of detailed plans and a review process of all inspections;

(Continued)

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

3. Procedures for a response in writing to all inquiries about building health and safety concerns, a copy of which will be sent to the District's Health and Safety Committee for oversight, and a copy kept on permanent file.
- e) Procedures to ensure the safety of the building occupants while a construction/renovation project is taking place. These procedures will include:
  1. Notification to parents, staff and the community at least two months in advance of a construction project of \$10,000 or more to be conducted in a school building while the building is occupied; provided, however, that in the case of emergency construction projects, notice will be provided as far in advance of the start of construction as is practicable;
  2. A plan to ensure that all contractors comply with all health and safety issues and regulations, and wear photo identification badges;
  3. An opportunity for the District's Health and Safety Committee to conduct a walk-through inspection of newly renovated or constructed areas to confirm that the area is ready to be reopened for use; and
  4. An emergency plan which will address potential concerns with the capital project including, but not limited to, evacuation procedures, fire drills, and structural failures.

Asbestos Inspection: 40 CFR Part 763, Subpart E

15 USC §§ 2641-2656

Carbon Monoxide Detection: 19 NYCRR § 1228.4

Fire Inspection: Education Law 807-a

8 NYCRR § 155.4

Health and Safety Committee: 8 NYCRR § 155.4(d)(1)

Lead Testing: 10 NYCRR § 67-4.1, *et seq.*

Legionella Protection: 10 NYCRR § 4-1.1, *et seq.*

Plans and Specifications: Education Law §§ 408, 408-a and 409

8 NYCRR §§ 155.1 and 155.2

19 NYCRR §§ 1221-1240

Structural Safety Inspections: Education Law §§ 409-d, 409-e, 3602 and 3641(4)

8 NYCRR §§ 155.1, 155.3, and 155.4(b)(1)

Adopted: 6/2/05

Revised: 4/20/16; 4/4/19



# POLICY

2017

5631

Non-Instructional/Business  
Operations

**SUBJECT: HAZARDOUS WASTE AND HANDLING OF TOXIC SUBSTANCES BY  
EMPLOYEES**

The Board of Education recognizes the need to protect human health and the environment from damage resulting from the improper handling of hazardous wastes.

The management of hazardous waste from its point of generation to the ultimate disposal is regulated through specific Federal and State laws.

The Board directs the Superintendent to adopt rules to ensure District implementation of applicable Federal and State laws pertaining to the identification, transportation, treatment, storage, and disposal of hazardous wastes.

The district and vendors/service providers shall purchase and/or use non-toxic or the least toxic form of materials and supplies available. This shall include, but not be limited to cleaning products, maintenance products, low mercury lighting and art supplies.

**Hazard Communication Standard**

All personnel shall be provided with applicable training to comply with the New York State "Right-to-Know" Law and the Hazard Communication Standard. Both the "Right to Know" poster and the "Labor Law Information Relating to Public Employees" poster must be posted in common areas informing workers of relevant work hazards and associated rights.

The Superintendent/designee shall maintain a current record of the name, address and social security number of every employee who handles or uses toxic substances and which substance(s) were handled or used by the employee.

Rules and regulations will be developed to ensure District implementation of this policy which shall include awareness information, employee training and record keeping.

Environmental Protection Agency, 40 CFR 261 and 262  
6 NYCRR Part 371

Adopted: 6/2/05  
Revised: 9/19/13; 6/1/17

**SUBJECT: INTEGRATED PEST MANAGEMENT**

The Board of Education is committed to maintaining the integrity of school buildings and grounds while protecting the health and safety of students and staff and maintaining a productive learning environment.

Structural and landscape pests can pose significant problems for people and property. Weeds and infestations can destroy playing fields and playgrounds and more importantly, cause severe allergic reactions. Pesticides can pose risks to people, property, and the environment. It is therefore the policy of the School District to incorporate Integrated Pest Management (IPM) procedures for control of weeds, structural and landscape pests. The objective of this program is to provide necessary pest control while using the least toxic approach to all pests, weeds and infestations.

**Pest/Pesticide Management Plan**

The District will manage weeds and pests to:

- a) Reduce any potential human health hazard or threat to public safety.
- b) Prevent loss or damage to school structures or property.
- c) Prevent pests from spreading into the community, or to plant and animal populations beyond the site.
- d) Enhance the quality of life for students, staff, and others.

**Integrated Pest Management (IPM) Coordinator**

An IPM Coordinator will be appointed by the Superintendent of Schools. The Coordinator will be responsible for implementing the IPM policy and plan. The Coordinator's responsibilities will include, but are not limited to, the following:

- a) Recording all pest sightings by school staff and students.
- b) Recording all pesticide use and utilizing the least toxic approach.
- c) Meeting with a local pest control expert, such as a pesticide contractor to share information on what pest problems are present in the school.
- d) Assuring that all of the expert's recommendations on maintenance and sanitation are carried out where feasible.

(Continued)



**SUBJECT: INTEGRATED PEST MANAGEMENT (Cont'd.)**

- e) Assuring that pesticide use is done when school is not in session or when the area can be completely secured against access by school staff and students for a standard 72 hours, or as required by the pesticide being used.
- f) Evaluating the school's progress in the IPM plan.
- g) Notifying parents, staff and neighbors of any applications of pesticides 48 hours before they occur. The IPM Coordinator will serve as the District's Pesticide Representative.

**Pesticide Use on Common Areas**

Pesticides will not be used on playgrounds, turf, athletic or playing fields, in effect, all lawn areas of the school. In these common areas where children gather and play, pesticide alternatives will be used whenever possible and effective. The prohibition does not apply to indoor use or the application to building structures.

An exception may be made for emergency applications of pesticide only when approved in advance by the School Board. The Board may consult with the local Health Department on public health related emergency determinations. They may also consult with the Department of Environmental Conservation (DEC) for environmental emergency determinations. Emergency determinations should only be sought for one-time pesticide application in a specific situation, which presents a true emergency. The guidance document from DEC provides clarification on emergency determinations. It can be found at:

[http://www.dec.ny.gov/docs/materials\\_minerals\\_pdf/guidancech85.pdf](http://www.dec.ny.gov/docs/materials_minerals_pdf/guidancech85.pdf)

Some types of pesticides and alternatives, those deemed safe in federal regulation, may be allowable on playing fields and playgrounds in certain circumstances. The District will develop regulations governing the use of pesticides and their alternatives on school grounds.

**Fertilizer Use**

Phosphorous fertilizers will only be used on school grounds in compliance with the requirements of Environmental Conservation Law Section 17-2103, which provides:

- a) Fertilizer use is prohibited between December 1 and April 1 annually.
- b) The use of fertilizers is prohibited within 20 feet of any surface water except:
  - 1. Where a continuous natural vegetation buffer, at least ten feet wide, separates lawn and water.
  - 2. Where a spreader guard, deflector shield or drop spreader is used, then the application may not occur within three feet of any surface water.

(Continued)



**SUBJECT: INTEGRATED PEST MANAGEMENT (Cont'd.)**

- c) The use of phosphorus fertilizers is prohibited on lawns or other non-agricultural turf with the following exceptions:
  - 1. The use of phosphorus fertilizers is needed to establish a new lawn; or
  - 2. A soil test shows that phosphorus fertilizers are needed for growth.
- d) Fertilizer cannot be used on any impervious surfaces and if such an application occurs, it must be cleaned immediately and legally applied or placed in an appropriate container.

**Notification**

The District's IPM Coordinator or designated Pesticide Representative will give prior written notice of all pesticide applications to anyone who has asked to receive such notice. The District will also notify parents, students and staff of periodic pesticide applications. The District will maintain a list of those people who wish to receive 48 hour notice before pesticide applications and will ensure that a system is developed to deliver such notice in a timely fashion to all affected. The notification system may be by mail or email, and will ensure that a back-up method is available to notify those for whom the regular system is unworkable. The name and contact information for the District Pesticide Representative will be made available to all requesting it.

Sample forms for 48 hour prior notification can be obtained at:

[http://www.emsc.nysed.gov/facplan/documents/PesticideNeighborNotificationGuidelineforSchools\\_091001.pdf](http://www.emsc.nysed.gov/facplan/documents/PesticideNeighborNotificationGuidelineforSchools_091001.pdf)

The District must also provide additional written notification to all parents and staff three times per year to inform them of any pesticide applications that have occurred: within ten days of the end of the school year, within two school days of the end of winter recess and within two days of the end of spring recess.

**Recordkeeping**

Records of pesticide use will be maintained on site for three years. Records will be completed on the day of pesticide use. In addition, pest surveillance records will be maintained to help verify the need for pesticide treatments. Annual reports of any applications must be sent to DEC.

Education Law §§ 409-k and 409-h

Environmental Conservation Law §§ 17-2103 and 33-0303

40 CFR Part 152.25

7 USC § 136(mm), 136q(h)(2) (FIFRA)

8 NYCRR Part 155.4(d)(2)

Adopted: 6/2/05

Revised: 10/7/10; 6/1/17



# POLICY

2021

5633

Non-Instructional/Business  
Operations

## **SUBJECT: GENDER NEUTRAL SINGLE-OCCUPANCY BATHROOMS**

The District is committed to creating and maintaining an inclusive educational and work-environment. The District will ensure that all single-occupancy bathroom facilities are designated as gender neutral for use by no more than one occupant at a time or for family or assisted use.

"Single-occupancy bathroom" means a bathroom intended for use by no more than one occupant at a time or for family or assisted use and which has a door for entry into and egress from the bathroom that may be locked by the occupant to ensure privacy and security.

All gender neutral bathroom facilities will be clearly designated by the posting of signage either on or near the entry door of each facility.

Education Law § 409-m  
Public Buildings Law § 145

Adoption Date

3/18/2021

# POLICY

2013

5634

Non-Instructional/Business  
Operations

## **SUBJECT: GREEN CLEANING**

The Board of Education recognizes the importance of maintaining indoor air quality and the safety of school building occupants. The District shall implement and maintain Green Cleaning Program in accordance with New York State Education Law 409-1 and New York State Finance law 163-b.

- a) All Custodial products shall conform to the Green Cleaning Plan
- b) Custodial Equipment, where applicable shall enable Green Cleaning procedures including high Efficiency/HEPA vacuums
- c) The District shall prohibit the introduction and use of any residential/commercial cleaning products other than District purchased and supplied cleaning products in all District buildings.

Adopted: 9/19/13



# POLICY

2019

5640  
1 of 2

Non-Instructional/Business  
Operations

## **SUBJECT: SMOKING/TOBACCO USE**

### **School Grounds**

Tobacco use will not be permitted and no person will use tobacco at any time on school grounds or within 100 feet of the entrances, exits, or outdoor areas of any public elementary or secondary school. However, this does not apply to smoking in a nearby residence or within the real property boundary lines of a nearby residence. For purposes of this policy, "school grounds" means any building, structure, and surrounding outdoor grounds, including entrances and exits, 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.

"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.

The District also prohibits use of electronic cigarettes or e-cigarettes, and any refill, cartridges and any other component of an electronic cigarette or e-cigarette (collectively known as e-cigarette) on school grounds or in District vehicles.

The use of vaporizers or any other products containing nicotine, except for current FDA approved smoking cessation products with appropriate medical authorization (when required), is also prohibited.

### **Off-School Grounds**

Tobacco use and e-cigarette use is prohibited by students at any school sponsored event or activity off school grounds.

### **Posting/Notification of Policy**

In compliance with the New York State Clean Indoor Air Act, the District will prominently post its Smoking/Tobacco Use policy and signs prohibiting **all** forms of tobacco products in District buildings and other applicable locations; and will supply a copy upon request to any current or prospective employee. The District will also designate a school official to tell individuals who smoke in a non-smoking area that they are in violation of the New York State Public Health Law, Education Law, the federal Pro-Children Act of 1994 and District policy.

The District shall also ensure that this policy is communicated to staff, students, parents/guardians, volunteers, and visitors as deemed appropriate in order to orient all persons to the District's "No Smoking" Policy and environment.

(Continued)

# POLICY

2019

5640  
2 of 2

Non-Instructional/Business  
Operations

## SUBJECT: SMOKING/TOBACCO USE (Cont'd.)

### Prohibition of Tobacco Promotional Items/Tobacco Advertising

Tobacco promotional items (e.g., brand names, logos and other identifiers) are prohibited:

- a) On school grounds;
- b) In school vehicles;
- c) At any school-sponsored event or school-authorized extra-curricular event or activity regardless of where such event or activity takes place, including any event or activity that takes place in another state;
- d) In school publications;
- e) On clothing, shoes, accessories, gear, and school supplies, in accordance with the District *Code of Conduct* and applicable collective bargaining agreements.

This prohibition of tobacco promotional items shall be implemented in accordance with the *Code of Conduct* and applicable collective bargaining agreements.

In addition, tobacco advertising is also prohibited in all school-sponsored publications and at all school-sponsored events. The District will request, whenever possible, tobacco free editions of periodical publications for school libraries and classroom use.

Safe and Drug-Free Schools and Communities Act, 20 USC § 7101 et seq.

Pro-Children Act of 2001, 20 USC §§ 7181-7184, as amended by the Every Student Succeeds Act (ESSA) of 2015

Education Law §§ 409, 2801(1) and 3020-a

Public Health Law Article 13-E, Article 13-F, §§ 1399-aa(13), 1399-o

NOTE: Refer also to Policies #3280 -- Use of School Facilities, Materials and Equipment  
#3410 -- Code of Conduct  
#7320 -- Comprehensive Tobacco, Alcohol/Chemical Substances Policy  
#8210 -- Safety Conditions and Prevention Instruction  
District *Code of Conduct*

Adopted: 6/2/05

Revised: 7/2/13; 4/4/19



# POLICY

2013

5650

Non-Instructional/Business  
Operations

## **SUBJECT: ENERGY/WATER CONSERVATION AND RECYCLING OF SOLID WASTE**

The Board of Education recognizes the importance of energy and water conservation and is committed to the analysis, development, and initiation of conservation measures throughout the District for the purpose of reducing energy consumption.

### **Recycling**

The Superintendent will develop a program for the source separation and segregation of recyclable or reusable materials in the District. This District-wide recycling plan shall include:

- a) A conservation education program to teach students about their social responsibility for preserving our resources, and involvement of all students and personnel in a comprehensive effort to reduce, reuse and recycle waste materials;
- b) A concerted effort to purchase recycled items and biodegradable rather than non-biodegradable products;
- c) Separation of waste into appropriate categories for the purpose of recycling, including mercury-added consumer products; and
- d) A cooperative effort with community recycling programs.

### **Energy**

The Superintendent shall direct that the District implement the following initiatives:

- a) An Energy Plan shall be developed for all District facilities. The District Wide Building Automation System (BAS) or equal shall be used to monitor energy consumption, facility occupancy, and audit all energy use and cost. A yearly report shall be provided to the district by the BAS consultant.
- b) The District shall make every effort to purchase Energy Star Rated equipment and appliances.
- c) The District shall prohibit the use of personal electrical devices such as coffee makers, refrigerators, microwaves and toasters/ovens in classrooms, offices and support spaces. Use of the above noted appliances shall be limited to staff lounges/lunchrooms with the approval of the Building Administrator.

Environmental Conservation Law §§ 27-2101-27-2115  
General Municipal Law § 120-aa

Adopted: 6/2/05  
Revised: 9/9/13



**SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)****School Food Service Program (Lunch and Breakfast)**

The Board has entered into an agreement with the New York State Education Department to participate in the National School Lunch Program, School Breakfast Program and/or Special Milk Program to receive commodities donated by the Department of Agriculture and to accept responsibility for providing free and reduced price meals to elementary and secondary students in the schools of the District.

The Superintendent or his/her designee shall have the responsibility to carry out the rules of the School Lunch and Breakfast Programs. The determination of which students are eligible is the responsibility of the Reviewing Official and Verification Official or the Office of Temporary and Disability Assistance of the Department of Social Services. Appeals regarding eligibility should be submitted to the Hearing Official of the District.

Free or reduced price meals may be allowed for qualifying students attending District schools upon receipt of a written application from the student's parent or guardian or a "Direct Certification" letter from the New York State Office of Temporary and Disability Assistance (OTDA). Applications will be provided by the School District to all families.

School officials must also determine eligibility for free/reduced meals and milk by using the Direct Certification Matching Process, a dataset supplied by the Office of Temporary and Disability Assistance, and made available by the State Education Department. Any student receiving federal assistance through Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance to Needy Families (TANF) is automatically eligible for free meals and milk. There is no need for families to complete further applications. School Districts shall notify parents or guardians of such eligibility, giving them the opportunity to decline free meals and milk if they so choose.

Procedures for the administration of the free and reduced price meal program of this School District will be the same as those prescribed in current state and federal laws and regulations.

**Child Nutrition Program/Charging Meals**

Although not required by law, because of the District's participation in the Child Nutrition Program, the Board of Education approves the establishment of a system to allow a student to charge a meal. The Board authorizes the Superintendent to develop rules which address:

- a) What can be charged;
- b) The limit on the number of charges per student;
- c) The system used for identifying and recording charged meals;

(Continued)



# POLICY

2017

5660  
2 of 3

Non-Instructional/Business  
Operations

## **SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST) (Cont'd.)**

- d) The system used for collection of repayments; and
- e) Ongoing communication of the policy to parents and students.

### Restriction of Sweetened Foods in School

The sale of sweetened foods will be prohibited from the beginning of the school day until the end of the last scheduled meal period.

Sweetened foods consist of sweetened soda water, chewing gum, candy, including hard candy, jellies, gum, marshmallow candies, fondant, licorice, spun candy, candy coated popcorn, and water ices except those which contain fruit or fruit juices.

### Restrictions on Sale of Milk Prohibited

Schools that participate in the National School Lunch Program may not directly or indirectly restrict the sale or marketing of fluid milk products at any time or in any place on school premises or at school-sponsored events.

### Food Substitutions for Children with Disabilities

Federal regulations governing the operation of Child Nutrition Programs, Part B of the Individuals with Disabilities Education Act, and Section 504 of the Rehabilitation Act of 1973 require that children with disabilities be offered the opportunity to participate in all academic and nonacademic activities including the school nutrition programs. The District will provide reasonable accommodations to children with disabilities. Such accommodations will be provided at no extra charge. Whenever possible, a request for accommodations in the District's food service for a student with a disability should be accompanied by a statement, signed by a licensed physician or other licensed health care provider (issued within the scope of the provider's licensure), that describes the nature of the student's disability and the accommodation, if any, recommended by the physician or provider.

The District may also allow substitutions for fluid milk with a non-dairy beverage that is nutritionally equivalent (as established by the Secretary of Agriculture) to fluid milk and meets nutritional standards for students who are unable to consume fluid milk because of medical or other special dietary needs if the request is supported by a statement signed by a recognized medical authority or by the student's parent/legal guardian.

### **Prohibition Against Adults Charging Meals**

Adults should pay for their meals at the time of service or set up pre-paid accounts.

(Continued)

**SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST) (Cont'd.)****HACCP-Based Food Safety Program**

Schools participating in the National School Lunch and/or School Breakfast programs are required to implement a food safety program based on Hazard Analysis and Critical Control Point (HACCP) principles. The District must develop a written food safety program for each of its food preparation and service facilities that is based on *either* traditional HACCP principles *or* the "Process Approach" to HACCP. (The "Process Approach" simplifies traditional HACCP by grouping foods according to preparation process and applying the same control measures to all menu items within the group, rather than developing an HACCP plan for each item.) Regardless of the implementation option that is selected, the District's written food safety program must also include:

- a) Critical control points and critical limits;
- b) Monitoring procedures;
- c) Corrective actions;
- d) Verification procedures;
- e) Recordkeeping requirements; and
- f) Periodic review and food safety program revision.

Child Nutrition and WIC Reauthorization Act of 2004, PL 108-265

Child Nutrition Act 1966, 42 USC § 1771 et seq.

Richard B. Russell National School Lunch Act 1946, 42 USC § 1751 et seq.

Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.

Individuals with Disabilities Education Act (IDEA), 20 USC §§ 1400-1485

7 CFR Parts 15B, 210 and 220

Education Law §§ 902(b), 915, 918, 1604(28), 1709(22), 1709(23) and 2503(9)(a)

8 NYCRR §§ 200.2(b)(1) and 200.2(b)(2)

Social Services Law § 95

Adopted: 6/2/05

Revised: 6/1/17



**SUBJECT: WELLNESS**

The Enlarged City School District of Middletown is committed to providing a school environment that promotes and protects children's health, well-being, and the ability to learn by fostering healthy eating and physical activity.

The District has established a wellness committee to develop the District's proposed local wellness policy, making such policy recommendations for review and adoption by the Board of Education. The District Wellness Committee includes, but is not limited to, representatives from each of the following groups:

- a) Parents;
- b) Students;
- c) Physical Education teachers;
- d) School health professionals;
- e) The District's food service program;
- f) The Board of Education;
- g) School administrators; and
- h) Members of the public.

The District Wellness Committee will also be responsible for assessing current activities, programs, and policies available in the District, and providing mechanisms for implementation, evaluation, and revision of the policy. In so doing, the Wellness Committee will evaluate and make recommendations which reflect the specific needs of the District and its students.

**Goals to Promote Student Wellness**

The District seeks to ensure all of its students obtain the knowledge and skills necessary to make nutritious food selections and enjoy life-long physical activity. To this end, the District sets forth the following goals relating to nutrition promotion and education, physical activity, and other school-based activities.

**Nutrition Promotion and Education**

- a) Classroom Teaching: Nutrition topics will be integrated within the comprehensive health education curriculum and other instructional areas, as appropriate, and taught at every grade level, K through 12. Nutrition instruction will follow applicable New York State Standards and be designed to help students acquire:
  - 1. Nutrition knowledge, including, but not limited to: the benefits of healthy eating; essential nutrients; nutritional deficiencies; principles of healthy weight management; the use and misuse of dietary supplements; and safe food storage, handling, and preparation.

(Continued)



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

2. Nutrition-related skills, including, but not limited to: planning healthy meals; understanding and using food labels; critically evaluating nutrition information, misinformation, and commercial food advertising; assessing personal eating habits; and setting and achieving goals related to these concepts.
- b) Education, marketing, and promotion
1. As appropriate, the District will promote nutrition education activities that involve parents, students, and the community.
  2. The District will promote school and community awareness of this policy through various means, such as a publication on the District website.
  3. The District will encourage and promote wellness through social media, newsletters, and an annual family wellness event.
  4. Marketing and advertising on school campuses during the school day will be consistent with nutrition education and health promotion. As such, schools will restrict food and beverage marketing to the promotion of those foods and beverages that meet the nutrition standards set forth by the Healthy, Hunger-Free Kids Act's "Smart Snacks in Schools" Rule.
  5. The District is cognizant of the fact that certain scoreboards, signs, and other durable equipment it employs may market foods and beverages in a way that is inconsistent with the aims of this policy. While the immediate replacement of such equipment may be impossible due to existing contracts or prohibitive costs, the District will consider replacing or updating such equipment over time to ensure the message it delivers to students regarding nutrition, health, and well-being is consistent.
- c) Additional provisions
1. Parents will be encouraged to send in healthy treats for classroom celebrations.
  2. School personnel are strongly discouraged from using food as a reward or withholding food as punishment under any circumstance.

**Physical Activity**

- a) The District will provide opportunities for every student to participate in physical education and to be involved in physical activities. In doing so, the District aims to promote among students the development of knowledge and skills for specific physical activities, the maintenance of physical fitness, regular participation in physical activity, and an understanding of the short-term and long-term benefits from a physically active and healthy lifestyle.

(Continued)



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

- b) The District will ensure that the following standards are met to achieve its goals relative to physical education and physical activity:
  - 1. The District will have a Board-approved Physical Education Plan on file with the New York State Education Department that meets or exceeds the requirements set forth in Section 135.4 of the Commissioner's regulations.
  - 2. The District recognizes the importance of physical education classes in providing students with meaningful opportunities for physical exercise and development. Consequently, the District will ensure:
    - (a) All physical education classes are taught or supervised by a certified physical education teacher;
    - (b) All physical education staff receive professional development on a yearly basis;
    - (c) Interscholastic sports, intramural sports, and recess do not serve as substitutes for a quality physical education program;
    - (d) Students are afforded the opportunity to participate in moderate to vigorous activity for at least 60% of physical education class;
    - (e) It provides adequate space and equipment for physical education and conforms to all applicable safety standards;
    - (f) A sequential physical education course of study consistent with national standards for physical education is implemented, with a focus on students' development of motor skills, movement forms, and health-related fitness;
    - (g) A physical and social environment is provided that encourages safe and enjoyable activity for all students, including those who are not athletically gifted.
    - (h) Activities are adapted to meet the needs of students who are temporarily or permanently unable to participate in the regular program of physical education. In doing so, the District will abide by specific provisions in 504 Plans and/or individualized education programs (IEP).
    - (i) All students, including students in need of adaptive physical education, will be encouraged to participate in physical fitness programs and competitions.
  - 3. All students will be required to fulfill the physical education requirements set forth in the Commissioner's regulations as a condition of graduating from the District's schools.

(Continued)



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

- c) All classroom teachers, and particularly those engaged in the instruction of K through 5 students, are strongly encouraged to incorporate into the school day short breaks for students that include physical activity, especially after long periods of inactivity. Additionally, all elementary students will be offered one daily period of recess for a minimum of 20 minutes. This requirement will not apply on days where students arrive late, leave early, or are otherwise on campus for less than a full day. Where weather and/or facilities allow, recess will be offered in a place that accommodates moderate to vigorous physical activity.
- d) Physical activity will not be withheld for disciplinary action unless the student is a danger to him/herself or others. Recess or other physical activity time will not be cancelled for instructional make up time.

Other School-Based Activities

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

- a) Federal School Meal Programs

- 1. The District will participate to the maximum extent practicable in available federal school meal programs (including the School Breakfast Program, National School Lunch Program, and Summer Food Service Program). Food served through these programs will meet all applicable federal and state standards.
- 2. The District will ensure that food service directors, managers, and staff are provided with annual professional development in the areas of food and nutrition consistent with USDA Professional Standards for State and Local Nutrition Programs. District food service staff will meet with students in grades 4 through 12 twice annually to solicit feedback on the school breakfast and/or school lunch program(s).

- b) Access to School Nutrition Programs

The District will utilize a system of student payment that ensures all eligible students have access to free/reduced meals in a non-stigmatizing manner.

- c) Meal Environment

The District will ensure:

- 1. School dining areas have sufficient space for students to sit and consume meals;
- 2. School dining areas are clean, safe, and pleasant environments that reflect the social value of eating;

(Continued)



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

3. Enough serving areas are provided to ensure student access to school meals with a minimum of wait time;
4. All students have a scheduled lunch period;
5. Lunch times are scheduled near the middle of the school day;
6. Students are given adequate time to eat healthy meals;
7. Students and staff have access to free, safe, and fresh drinking water throughout the school day and where school meals are served.

**d) Community Access to District Facilities for Physical Activities**

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

**e) Community Partnerships**

The District will continue relationships with community partners in support of this wellness policy's implementation. Existing and new community partnerships will be evaluated to ensure they are consistent with this policy and its goals.

**Nutrition Guidelines**

In an effort to encourage healthy life-long eating habits by providing foods that are high in nutrients, low in fat and added sugars, and of moderate portion size, the District Wellness Committee will recommend nutrition standards to be set for all foods and beverages available on school campus. For purposes of this section, the school day is defined as the period from the midnight before, to 30 minutes after the end of the official school day.

**School Meals**

School meals will, at a minimum, meet the program requirements and nutrition standards of the School Breakfast and National School Lunch Programs.

**Fundraising**

- a) All food and beverages sold as a fundraiser during the school day will meet the nutritional requirements listed in the USDA Healthy, Hunger-Free Kids Act "Smart Snacks in Schools" Rule.

(Continued)



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

- b) School-sponsored fundraisers conducted outside of the school day will be encouraged to support the goals of this policy by promoting the sale of healthy food items (fresh fruit and produce) and/or non-food items, such as water bottles, plants, etc., and by promoting events involving physical activity.
- c) School administrators, with the assistance of the District Wellness Committee, will create and promote a list of approved fundraising activities. All fundraisers taking place during the school day must be approved by the appropriate building principal prior to their being conducted.

**Competitive Foods**

- a) Competitive foods--which include all foods and beverages sold outside the school meal programs, on the school campus in student accessible areas, and at any time during the school day--will follow, at a minimum, the nutrition standards specified by the Healthy, Hunger-Free Kids Act. These standards will apply to all foods and beverages sold individually and outside of the reimbursable school meal, including vending machines, school stores, and cafeteria a la carte lines.
- b) Additionally, the District will not sell foods of minimal nutritional value in the student store, from a machine, or anywhere in the building from the beginning of the school day until the end of the last lunch period. Prohibited foods include: soda water, water ices (excluding ices containing fruit or fruit juices), chewing gum, hard candy, jellies, gums, marshmallow candies, licorice, fondants (soft mints, candy corn), cotton candy, and candy-coated popcorn.

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

- a) All foods and beverages sold or served at school-sponsored events will be a single serving.
- b) At events where food and beverages are sold, 50% of items sold must meet the USDA Healthy, Hunger-Free Kids Act "Smart Snacks in Schools" Standards.

**Implementation and Evaluation of the Wellness Policy**

- a) The District will establish an implementation and evaluation plan for this policy in order to monitor its effectiveness and the possible need for modification over time. To this end, the District designates the following individual to have operational responsibility for ensuring that the District meets the goals and mandates of this policy:

Zigmund Nowicki, Director of Personnel.

- b) This designated staff member will also serve as the liaison with community agencies in providing outside resources to help in the development of nutritional education programs and promotion of physical activities.

(Continued)



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

- c) The District will annually report on the progress each of its schools has made toward meeting the goals of this policy. Such report will include:
  - 1. The website address for the wellness policy and/or information on how the public can access a copy;
  - 2. A description of each school's progress in meeting the wellness policy goals;
  - 3. A summary of each school's local school wellness events or activities;
  - 4. Contact information for the leader(s) of the Wellness Committee; and
  - 5. Information on how individuals can get involved in the Wellness Committee's work.

Such report will be provided to the Board of Education and also distributed to the Wellness Committee, parent-teacher organizations, building principals, and school health services personnel within the District. The report will be available to community residents upon request.
- d) Evaluation and feedback from interested parties, including an assessment of student, parent, teacher, and administration satisfaction with the wellness policy, are welcomed as an essential part of the District's evaluation program.
- e) The District will document the financial impact, if any, to the school food service program, school stores, and vending machine revenues based on the implementation of the wellness policy.
- f) Assessments of the District's wellness policy and implementation efforts will be repeated on a triennial basis. The assessment will include:
  - 1. Compliance with the wellness policy;
  - 2. How the wellness policy compares to model wellness policies; and
  - 3. Progress made in attaining the goals of the wellness policy.
- g) The District will, as necessary, revise this wellness policy and develop work plans to facilitate its implementation.

42 USC § 1758(b)  
7 CFR § 210.11  
79 FR 10693  
Education Law § 915  
8 NYCRR § 135.4

Adopted: 6/1/17

# POLICY

2019

5670

Non-Instructional/Business  
Operations

## **SUBJECT: RECORDS MANAGEMENT**

The Superintendent will designate a Records Management Officer, subject to Board approval, to develop and coordinate the District's orderly and efficient records management program. Among other aspects, this program includes the legal disposition or destruction of obsolete records and the storage and management of inactive records. The Records Management Officer will work with other District officials to develop and maintain this program.

The District may create a Records Advisory Board to assist in establishing and supporting the records management program. Members of this board may include the District's legal counsel, the fiscal officer, and the Superintendent or designee.

### **Retention and Disposition of Records**

The Superintendent will retain records for such a period and dispose of them in the manner described in Records Retention and Disposition Schedule ED-1 or as otherwise approved by the Commissioner of Education.

### **Replacing Original Records with Microforms or Electronic Images**

The District will follow procedures prescribed by the Commissioner of Education to ensure accessibility for the life of any microform or electronic records that replace paper originals or micrographic copies.

### **Retention and Preservation of Electronic Records**

The District will ensure that records retention requirements are incorporated into any program, plan, or process for design, redesign, or substantial enhancement of an information system that stores electronic records. The District will also ensure that electronic records are not rendered unusable because of changing technology before their retention and preservation requirements expire.

Arts and Cultural Affairs Law § 57.19  
8 NYCRR Part 185

Adopted: 6/2/05  
Revised: 4/20/16; 4/4/19



**SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS**

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

The term "*consumer report*" shall include information obtained from a consumer reporting company that is used - or expected to be used - in establishing a consumer's eligibility for employment or insurance, among other purposes. The term "*employment purposes*" when used in connection with a consumer report means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment or retention as an employee.

The FTC Disposal Rule defines "*consumer information*" as "any record about an individual, whether in paper, electronic, or other form, that is a consumer report or is derived from a consumer report. Consumer information also means a compilation of such records. Consumer information does not include information that does not identify individuals, such as aggregate information or blind data."

**Information Covered by the Disposal Rule**

The FTC has not included a rigid definition of the kinds of information that would be considered to identify particular individuals. In accordance with FTC guidance, there are a variety of personal identifiers beyond simply a person's name that would bring information within the scope of the Disposal Rule, including, but not limited to, a social security number, driver's license number, phone number, physical address, and email address. Depending upon the circumstances, data elements that are not inherently identifying can, in combination, identify particular individuals.

**"Proper" Disposal**

The FTC Disposal Rule defines "*dispose*," "*disposing*," or "*disposal*," as:

- a) "The discarding or abandonment of consumer information," or
- b) "The sale, donation, or transfer of any medium, including computer equipment, upon which consumer information is stored."

(Continued)



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

The District will utilize disposal practices that are reasonable and appropriate to prevent the unauthorized access to - or use of - information contained in or derived from consumer reports and records. Reasonable measures to protect against unauthorized access to or use of consumer information in connection with District disposal include the following examples. These examples are not exclusive or exhaustive methods for complying with the Disposal Rule.

- a) Burning, pulverizing, or shredding of papers containing consumer information so that the information cannot practicably be read or reconstructed.
- b) Destroying or erasing electronic media containing consumer information so that the information cannot practicably be read or reconstructed.
- c) After due diligence, entering into and monitoring compliance with a contract with another party engaged in the business of record destruction to dispose of material, specifically identified as consumer information, in a manner consistent with the Disposal Rule. In this context, due diligence could include:
  - 1. Reviewing an independent audit of the disposal company's operations and/or its compliance with the Disposal Rule;
  - 2. Obtaining information about the disposal company from several references or other reliable sources;
  - 3. Requiring that the disposal company be certified by a recognized trade association or similar third party;
  - 4. Reviewing and evaluating the disposal company's information security policies or procedures;
  - 5. Taking other appropriate measures to determine the competency and integrity of the potential disposal company; or
  - 6. Requiring that the disposal company have a certificate of registration from the New York Department of State issued on or after October 1, 2008.
- d) For persons (as defined in accordance with the Fair Credit Reporting Act) or entities who maintain or otherwise possess consumer information through their provision of services directly to a person subject to the Disposal Rule, monitoring compliance with policies and procedures that protect against unauthorized or unintentional disposal of consumer information, and disposing of such information in accordance with examples a) and b) above.

(Continued)



# POLICY

2017

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Non-Instructional/Business  
Operations

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

## **Implementation of Practices and Procedures**

The Board delegates to the Superintendent/designee(s) the authority and responsibility to review current practices regarding the disposal of consumer information; and to implement such further reasonable and appropriate procedures, including staff training as necessary, to ensure compliance with the FTC's Disposal Rule.

The Fair Credit Reporting Act, 15 USC § 1681 et seq.

The Fair and Accurate Credit Transactions Act of 2003, Public Law 108-159

Federal Trade Commission Disposal of Consumer Report Information and Records, 16 CFR Part 682

General Business Law Article 39-G

19 NYCRR § 199

Adopted: 6/1/17

**SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION**

The School District values the protection of private information of individuals in accordance with applicable laws and regulations. Further, the District is required to notify affected individuals when there has been or is reasonably believed to have been a compromise of the individual's *private information* in compliance with the Information Security Breach and Notification Act and Board policy.

- a) "*Private information*" shall mean *\*\*personal information* in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

1. Social security number;
2. Driver's license number or non-driver identification card number; or
3. Account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account.

"*Private information*" does not include publicly available information that is lawfully made available to the general public from federal, state or local government records.

*\*\*\*Personal information* shall mean any information concerning a person which, because of name, number, symbol, mark or other identifier, can be used to identify that person.

- b) "*Breach of the security of the system*," shall mean unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the District. Good faith acquisition of personal information by an employee or agent of the District for the purposes of the District is not a breach of the security of the system, provided that private information is not used or subject to unauthorized disclosure.

**Determining if a Breach Has Occurred**

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or person without valid authorization, the District may consider the following factors, among others:

- a) Indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or
- b) Indications that the information has been downloaded or copied; or

(Continued)



**SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)**

- c) Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported; or
- d) System failures.

**Notification Requirements**

- a) For any computerized data owned or licensed by the School District that includes private information, the District shall disclose any breach of the security of the system following discovery or notification of the breach to any New York State resident whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure to affected individuals shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. The District shall consult with the State Office of Information Technology Services (ITS) to determine the scope of the breach and restoration measures.
- b) For any computerized data maintained by the District that includes private information which the District does not own, the District shall notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, acquired by a person without valid authorization.

The notification requirement may be delayed if a law enforcement agency determines that such notification impedes a criminal investigation. The required notification shall be made after the law enforcement agency determines that such notification does not compromise the investigation.

**Methods of Notification**

The required notice shall be directly provided to the affected persons by one of the following methods:

- a) Written notice;
- b) Electronic notice, provided that the person to whom notice is required has expressly consented to receiving the notice in electronic form; and a log of each such notification is kept by the District when notifying affected persons in electronic form. However, in no case shall the District require a person to consent to accepting such notice in electronic form as a condition of establishing any business relationship or engaging in any transaction;
- c) Telephone notification, provided that a log of each such notification is kept by the District when notifying affected persons by phone; or

(Continued)



**SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)**

- d) Substitute notice, if the District demonstrates to the State Attorney General that the cost of providing notice would exceed \$250,000, or that the affected class of subject persons to be notified exceeds 500,000, or that the District does not have sufficient contact information. Substitute notice shall consist of **all** of the following:
1. Email notice when the District has an email address for the subject persons;
  2. Conspicuous posting of the notice on the District's website page; and
  3. Notification to major statewide media.

Regardless of the method by which notice is provided, the notice shall include contact information for the notifying District and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired.

In the event that any New York State residents are to be notified, the District shall notify the New York State Attorney General (AG), the New York State Department of State (DOS), and the New York State Office of Information Technology Services (ITS) as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York State residents.

In the event that more than 5,000 New York State residents are to be notified at one time, the District shall also notify consumer reporting agencies, as defined pursuant to State Technology Law Section 208, as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York State residents. A list of consumer reporting agencies shall be compiled by the State Attorney General and furnished upon request to school districts required to make a notification in accordance with State Technology Law Section 208(2), regarding notification of breach of security of the system for any computerized data owned or licensed by the District that includes private information.

State Technology Law §§ 202 and 208

Adopted: 7/2/13



# POLICY

2009

5673

Non-Instructional/Business  
Operations

## **SUBJECT: EMPLOYEE PERSONAL IDENTIFYING INFORMATION**

In accordance with Section 203-d of the New York State Labor Law, the District shall restrict the use and access to employee personal identifying information. As enumerated in law, "personal identifying information" shall include social security number, home address or telephone number, personal electronic mail address, Internet identification name or password, parent's surname prior to marriage, or driver's license number.

The District shall not unless otherwise required by law:

- a) Publicly post or display an employee's social security number;
- b) Visibly print a social security number on any identification badge or card, including any time card;
- c) Place a social security number in files with unrestricted access; or
- d) Communicate an employee's personal identifying information to the general public.

A social security number shall not be used as an identification number for purposes of any occupational licensing.

District staff shall have access to this policy, informing them of their rights and responsibilities in accordance with Labor Law Section 203-d. District procedures for safeguarding employee "personal identifying information" shall be evaluated; and employees who have access to such information as part of their job responsibilities shall be advised as to the restrictions on release of such information in accordance with law.

Labor Law § 203-d

Adopted: 9/17/09

**SUBJECT: DATA NETWORKS AND SECURITY ACCESS**

The District values the protection of private information of individuals in accordance with applicable law, regulations, and best practice. Accordingly, District officials and Information Technology (IT) staff will plan, implement, and monitor IT security mechanisms, procedures, and technologies necessary to prevent improper or illegal disclosure, modification, or denial of sensitive information in the District Computer System (DCS). Similarly, such IT mechanisms and procedures will also be implemented in order to safeguard District technology resources, including computer hardware and software. District network administrators may review District computers to maintain system integrity and to ensure that individuals are using the system responsibly. Users should not expect that anything stored on school computers or networks will be private.

In order to achieve the objectives of this policy, the Board of Education entrusts the Superintendent, or his/her designee, to:

- a) Inventory and classify personal, private, and sensitive Information on the DCS to protect the confidentiality, integrity, and availability of information;
- b) Develop password standards for all users including, but not limited to, how to create passwords and how often such passwords should be changed by users to ensure security of the DCS;
- c) Ensure that the "audit trail" function is enabled within the District's network operating system, which will allow the District to determine on a constant basis who is accessing the DCS, and establish procedures for periodically reviewing such audit trails;
- d) Develop procedures to control physical access to computer facilities, data rooms, systems, networks, and data to only authorized individuals; such procedures may include ensuring that server rooms remain locked at all times and the recording of arrival and departure dates and times of employees and visitors to and from the server room;
- e) Establish procedures for tagging new purchases as they occur, relocating assets, updating the inventory list, performing periodic physical inventories, and investigating any differences in an effort to prevent unauthorized and/or malicious access to these assets;
- f) Periodically grant, change, and terminate user access rights to the overall networked computer system and to specific software applications and ensure that users are given access based on, and necessary for, their job duties;
- g) Limit user access to the vendor master file, which contains a list of vendors from which District employees are permitted to purchase goods and services, to only the individual who is responsible for making changes to such list, and ensure that all former employees' access rights to the vendor master list are promptly removed;

(Continued)



# POLICY

2015

5674  
2 of 2

Non-Instructional/Business  
Operations

## **SUBJECT: DATA NETWORKS AND SECURITY ACCESS (Cont'd.)**

- h) Determine how, and to whom, remote access should be granted, obtain written agreements with remote access users to establish the District's needs and expectations, as appropriate, and monitor and control such remote access;
- i) Deploy software to servers and workstations to identify and eradicate malicious software attacks such as viruses and malware;
- j) Develop a disaster recovery plan appropriate for the size and complexity of District IT operations to ensure continuous critical IT services in the event of any sudden, catastrophic event, including, but not limited to fire, computer virus or deliberate or inadvertent employee action.

Adopted: 5/20/15

**SUBJECT: STUDENT GRADING INFORMATION SYSTEMS**

Student performance is assessed in many ways, but primarily through assigned grades. The District will help ensure the integrity of student grades by controlling access to its grading information system and by approving modifications to grades where warranted.

**The System**

The District utilizes an electronic software system that contains a record of student performance, credit accumulation, report cards, and a transcript. More specifically, the system includes class rosters where teachers enter student grades and track their students' academic progress. The system is used to generate student report cards and transcripts, and to maintain all student grading records.

To protect student data in the system, the District will first establish who has the authority to grant, change, or terminate user access. The personnel with this authority will be very limited. Further, if the grading system has a feature that allows one user or account to assume the identity of another user or account, the District will restrict or disable that feature. These types of features could allow a user greater access than intended, including inheriting permissions of another user that are greater than the user's.

**System Access**

The District will create categories of system users and assign appropriate system permissions to each. Users' permissions will be compatible with and restricted by their roles and job duties; their access will be as restrictive as possible. Typically, teachers will have the ability to enter, update, and modify grades each marking period before a pre-determined lockout date. The lockout function will be consistently used throughout the school year to help prevent grade modifications without authorization after a marking period closes. Through increased system permissions, other individuals—such as non-classroom teachers, guidance counselors, information technology (IT) staff, clerical staff, and support staff—will be able to view or modify grades.

The District will work with its IT, human resources, and other appropriate departments to determine how best to timely establish access rights, add users, deactivate or modify user accounts, and monitor user accounts. As appropriate, the District will develop further IT controls that protect against improper access and promote data security. Further, the District recognizes that system access is most secure when District-owned devices are used. Accordingly, staff should only use District-owned devices to view, enter, or modify student grades and comments.

**Grade Changes**

Once the lockout period begins, only authorized users identified by the District may change grades, and only under certain circumstances. The system will recognize when grades change, and a log of modified grades may then be viewed and printed. Any grade mismatches will be reconciled before the next marking period closes or before the end of the school year, whichever is earlier.

(Continued)



**SUBJECT: STUDENT GRADING INFORMATION SYSTEMS (Cont'd.)**

The staff member seeking to change a grade will submit a grade-change form signed by the requesting party, the teacher who assigned the original grade, and the appropriate administrator. This form and all other documents supporting a grade modification will be electronically filed in the grading system or filed in a non-electronic system—if electronic filing is impossible or impractical—and maintained for six years. The personnel seeking the modification should specify one or more reasonable grounds for the grade change on the form. There must be reasonable grounds to alter a grade. The reasons may include:

- a) Data entry error;
- b) Computational error;
- c) A modification based on work submitted or considered after the lockout date;
- d) Changing an incomplete grade to a regular grade because a student completed course requirements;
- e) Credit recovery coursework;
- f) Administrative change; or
- g) Other acceptable justifications.

**Audit Log and Monitoring**

The District's grading system will have an audit log or grade-change report function that records certain system activities, including modifications to grades. The District will periodically monitor audit logs or grade-change reports to confirm the integrity of the system, to ensure proper access by personnel, and to confirm that modifications within the system are appropriate and completed in a timely manner. The District will also periodically monitor user accounts and rights so that the permissions granted are proper and the minimum necessary for each user or user group. To the extent feasible, the District will make sure that user accounts are current and updated regularly. The District will be able to print user information, logs, reports, and other documents from the student grading information system, as needed.

**Student Transcripts**

Student transcripts may show all credit-bearing classes; final grades; test scores; grade-point average; class rank; diploma type; SAT, ACT, and other standardized test scores; and graduation date. The same controls, protections, and monitoring applicable to student grading information apply equally to student transcripts.





## **SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA**

The Enlarged City School District of Middletown is committed to maintaining the privacy and security of student data and teacher and principal data and will follow all applicable laws and regulations for the handling and storage of this data in the Enlarged City School District of Middletown and when disclosing or releasing it to others, including, but not limited to, third-party contractors. The Enlarged City School District of Middletown adopts this policy to implement the requirements of Education Law Section 2-d and its implementing regulations, as well as to align the Enlarged City School District of Middletown's data privacy and security practices with the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1).

### **Definitions**

As provided in Education Law Section 2-d and/or its implementing regulations, the following terms, as used in this policy, will mean:

- a) "Breach" means the unauthorized acquisition, access, use, or disclosure of student data and/or teacher or principal data by or to a person not authorized to acquire, access, use, or receive the student data and/or teacher or principal data.
- b) "Building principal" means a building principal subject to annual performance evaluation review under the provisions of Education Law Section 3012-c.
- c) "Classroom teacher" means a teacher subject to annual performance evaluation review under the provisions of Education Law Section 3012-c.
- d) "Commercial or marketing purpose" means the sale of student data; or its use or disclosure for purposes of receiving remuneration, whether directly or indirectly; the use of student data for advertising purposes, or to develop, improve, or market products or services to students.
- e) "Contract or other written agreement" means a binding agreement between an educational agency and a third-party, which includes, but is not limited to, an agreement created in electronic form and signed with an electronic or digital signature or a click-wrap agreement that is used with software licenses, downloaded, and/or online applications and transactions for educational technologies and other technologies in which a user must agree to terms and conditions prior to using the product or service.
- f) "Disclose" or "disclosure" means to permit access to, or the release, transfer, or other communication of personally identifiable information by any means, including oral, written, or electronic, whether intended or unintended.
- g) "Education records" means an education record as defined in the Family Educational Rights and Privacy Act and its implementing regulations, 20 USC Section 1232g and 34 CFR Part 99, respectively.





- h) "Educational agency" means a school district, board of cooperative educational services (BOCES), school, or the New York State Education Department (NYSED).
- i) "Eligible student" means a student who is eighteen years or older.
- j) "Encryption" means methods of rendering personally identifiable information unusable, unreadable, or indecipherable to unauthorized persons through the use of a technology or methodology specified or permitted by the Secretary of the United States Department of Health and Human Services in guidance issued under 42 USC Section 17932(h)(2).
- k) "FERPA" means the Family Educational Rights and Privacy Act and its implementing regulations, 20 USC Section 1232g and 34 CFR Part 99, respectively.
- l) "NIST Cybersecurity Framework" means the U.S. Department of Commerce National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1). A copy of the NIST Cybersecurity Framework is available at the Office of Counsel, State Education Department, State Education Building, Room 148, 89 Washington Avenue, Albany, New York 12234.
- m) "Parent" means a parent, legal guardian, or person in parental relation to a student.
- n) "Personally identifiable information (PII)," as applied to student data, means personally identifiable information as defined in 34 CFR Section 99.3 implementing the Family Educational Rights and Privacy Act, 20 USC Section 1232g, and, as applied to teacher or principal data, means personally identifying information as this term is defined in Education Law Section 3012-c(10).
- o) "Release" has the same meaning as disclosure or disclose.
- p) "Student" means any person attending or seeking to enroll in an educational agency.
- q) "Student data" means personally identifiable information from the student records of an educational agency.
- r) "Teacher or principal data" means personally identifiable information from the records of an educational agency relating to the annual professional performance reviews of classroom teachers or principals that is confidential and not subject to release under the provisions of Education Law Sections 3012-c and 3012-d.
- s) "Third-party contractor" means any person or entity, other than an educational agency, that receives student data or teacher or principal data from an educational agency pursuant to a contract or other written agreement for purposes of providing services to the educational agency, including but not limited to data management or storage services, conducting studies for or on behalf of the educational agency, or audit or evaluation of publicly funded programs. This term will include an educational partnership organization that receives student and/or teacher or principal data from a school district to carry out its responsibilities





pursuant to Education Law Section 211-e and is not an educational agency, and a not-for-profit corporation or other nonprofit organization, other than an educational agency.

- t) "Unauthorized disclosure" or "unauthorized release" means any disclosure or release not permitted by federal or state statute or regulation, any lawful contract or written agreement, or that does not respond to a lawful order of a court or tribunal or other lawful order.

### **Data Collection Transparency and Restrictions**

As part of its commitment to maintaining the privacy and security of student data and teacher and principal data, the Enlarged City School District of Middletown will take steps to minimize its collection, processing, and transmission of PII. Additionally, the Enlarged City School District of Middletown will:

- a) Not sell PII nor use or disclose it for any marketing or commercial purpose or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so.
- b) Ensure that it has provisions in its contracts with third-party contractors or in separate data sharing and confidentiality agreements that require the confidentiality of shared student data or teacher or principal data be maintained in accordance with law, regulation, and Enlarged City School District of Middletown policy.

Except as required by law or in the case of educational enrollment data, the Enlarged City School District of Middletown will not report to NYSED the following student data elements:

- a) Juvenile delinquency records;
- b) Criminal records;
- c) Medical and health records; and
- d) Student biometric information.

Nothing in Education Law Section 2-d or this policy should be construed as limiting the administrative use of student data or teacher or principal data by a person acting exclusively in the person's capacity as an employee of the Enlarged City School District of Middletown.

### **Chief Privacy Officer**

The Commissioner of Education has appointed a Chief Privacy Officer who will report to the Commissioner on matters affecting privacy and the security of student data and teacher and principal data. Among other functions, the Chief Privacy Officer is authorized to provide assistance to educational agencies within the state on minimum standards and best practices associated with privacy and the security of student data and teacher and principal data.





The Enlarged City School District of Middletown will comply with its obligation to report breaches or unauthorized releases of student data or teacher or principal data to the Chief Privacy Officer in accordance with Education Law Section 2-d, its implementing regulations, and this policy.

The Chief Privacy Officer has the power, among others, to:

- a) Access all records, reports, audits, reviews, documents, papers, recommendations, and other materials maintained by the Enlarged City School District of Middletown that relate to student data or teacher or principal data, which includes, but is not limited to, records related to any technology product or service that will be utilized to store and/or process PII; and
- b) Based upon a review of these records, require the Enlarged City School District of Middletown to act to ensure that PII is protected in accordance with laws and regulations, including but not limited to requiring the Enlarged City School District of Middletown to perform a privacy impact and security risk assessment.

#### **Data Protection Officer**

The Enlarged City School District of Middletown has designated a District employee to serve as the District's Data Protection Officer. The Data Protection Officer for the Enlarged City School District of Middletown is Michael Tuttle and can be contacted at [DPO@ecsdnm.org](mailto:DPO@ecsdnm.org) or by mail at 223 Wisner avenue, Middletown, NY, 10940.

The Data Protection Officer is responsible for the implementation and oversight of this policy and any related procedures including those required by Education Law Section 2-d and its implementing regulations, as well as serving as the main point of contact for data privacy and security for the Enlarged City School District of Middletown.

The Enlarged City School District of Middletown will ensure that the Data Protection Officer has the appropriate knowledge, training, and experience to administer these functions. The Data Protection Officer may perform these functions in addition to other job responsibilities. Additionally, some aspects of this role may be outsourced to a provider such as a BOCES, to the extent available.

#### **The Enlarged City School District of Middletown Data Privacy and Security Standards**

The Enlarged City School District of Middletown will use the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1) (Framework) as the standard for its data privacy and security program. The Framework is a risk-based approach to managing cybersecurity risk and is composed of three parts: The Framework Core, the Framework Implementation Tiers, and the Framework Profiles. The Framework provides a common taxonomy and mechanism for organizations to:

- a) Describe their current cybersecurity posture;
- b) Describe their target state for cybersecurity;





- c) Identify and prioritize opportunities for improvement within the context of a continuous and repeatable process;
- d) Assess progress toward the target state; and
- e) Communicate among internal and external stakeholders about cybersecurity risk.

The Enlarged City School District of Middletown will protect the privacy of PII by:

- a) Ensuring that every use and disclosure of PII by the Enlarged City School District of Middletown benefits students and the District by considering, among other criteria, whether the use and/or disclosure will:
  - 1. Improve academic achievement;
  - 2. Empower parents and students with information; and/or
  - 3. Advance efficient and effective school operations.
- b) Not including PII in public reports or other public documents.

The Enlarged City School District of Middletown affords all protections under FERPA and the Individuals with Disabilities Education Act and their implementing regulations to parents or eligible students, where applicable.

### **Third-Party Contractors**

#### Enlarged City School District of Middletown Responsibilities

The Enlarged City School District of Middletown will ensure that whenever it enters into a contract or other written agreement with a third-party contractor under which the third-party contractor will receive student data or teacher or principal data from the Enlarged City School District of Middletown, the contract or written agreement will include provisions requiring that confidentiality of shared student data or teacher or principal data be maintained in accordance with law, regulation, and District policy.

In addition, the Enlarged City School District of Middletown will ensure that the contract or written agreement includes the third-party contractor's data privacy and security plan that has been accepted by the District.

The third-party contractor's data privacy and security plan must, at a minimum:

- a) Outline how the third-party contractor will implement all state, federal, and local data privacy and security contract requirements over the life of the contract, consistent with The Enlarged City School District of Middletown policy;





- b) Specify the administrative, operational, and technical safeguards and practices the third-party contractor has in place to protect PII that it will receive under the contract;
- c) Demonstrate that the third-party contractor complies with the requirements of 8 NYCRR Section 121.3(c);
- d) Specify how officers or employees of the third-party contractor and its assignees who have access to student data or teacher or principal data receive or will receive training on the laws governing confidentiality of this data prior to receiving access;
- e) Specify if the third-party contractor will utilize subcontractors and how it will manage those relationships and contracts to ensure PII is protected;
- f) Specify how the third-party contractor will manage data privacy and security incidents that implicate PII including specifying any plans to identify breaches and unauthorized disclosures, and to promptly notify the Enlarged City School District of Middletown;
- G) Describe whether, how, and when data will be returned to the Enlarged City School District of Middletown, transitioned to a successor contractor, at the The Enlarged City School District of Middletown's option and direction, deleted or destroyed by the third-party contractor when the contract is terminated or expires; and
- h) Include a signed copy of the Parents' Bill of Rights for Data Privacy and Security.

#### Third-Party Contractor Responsibilities

Each third-party contractor, that enters into a contract or other written agreement with the The Enlarged City School District of Middletown under which the third-party contractor will receive student data or teacher or principal data from the District, is required to:

- a) Adopt technologies, safeguards, and practices that align with the NIST Cybersecurity Framework;
- b) Comply with The Enlarged City School District of Middletown policy and Education Law Section 2-d and its implementing regulations;
- c) Limit internal access to PII to only those employees or subcontractors that have legitimate educational interests (i.e., they need access to provide the contracted services);
- d) Not use the PII for any purpose not explicitly authorized in its contract;
- e) Not disclose any PII to any other party without the prior written consent of the parent or eligible student:





1. Except for authorized representatives of the third-party contractor such as a subcontractor or assignee to the extent they are carrying out the contract and in compliance with law, regulation, and its contract with the Enlarged City School District of Middletown; or
  2. Unless required by law or court order and the third-party contractor provides a notice of the disclosure to NYSED, the Board, or the institution that provided the information no later than the time the information is disclosed, unless providing notice of the disclosure is expressly prohibited by law or court order;
- f) Maintain reasonable administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of PII in its custody;
  - g) Use encryption to protect PII in its custody while in motion or at rest; and
  - h) Not sell PII nor use or disclose it for any marketing or commercial purpose or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so.

Where a third-party contractor engages a subcontractor to perform its contractual obligations, the data protection obligations imposed on the third-party contractor by law and contract apply to the subcontractor.

#### Cooperative Educational Services through a BOCES

The Enlarged City School District of Middletown may not be required to enter into a separate contract or data sharing and confidentiality agreement with a third-party contractor that will receive student data or teacher or principal data from the District under all circumstances.

For example, the Enlarged City School District of Middletown may not need its own contract or agreement where:

- a) It has entered into a cooperative educational service agreement (CoSer) with a BOCES that includes use of a third-party contractor's product or service; and
- b) That BOCES has entered into a contract or data sharing and confidentiality agreement with the third-party contractor, pursuant to Education Law Section 2-d and its implementing regulations, that is applicable to the Enlarged City School District of Middletown's use of the product or service under that CoSer.

To meet its obligations whenever student data or teacher or principal data from the The Enlarged City School District of Middletown is received by a third-party contractor pursuant to a CoSer, the District will consult with the BOCES to, among other things:

- a) Ensure there is a contract or data sharing and confidentiality agreement pursuant to Education Law Section 2-d and its implementing regulations in place that would specifically govern





the Enlarged City School District of Middletown's use of a third-party contractor's product or service under a particular CoSer;

- b) Determine procedures for including supplemental information about any applicable contracts or data sharing and confidentiality agreements that a BOCES has entered into with a third-party contractor in its Parents' Bill of Rights for Data Privacy and Security;
- c) Ensure appropriate notification is provided to affected parents, eligible students, teachers, and/or principals about any breach or unauthorized release of PII that a third-party contractor has received from the Enlarged City School District of Middletown pursuant to a BOCES contract; and
- d) Coordinate reporting to the Chief Privacy Officer to avoid duplication in the event the Enlarged City School District of Middletown receives information directly from a third-party contractor about a breach or unauthorized release of PII that the third-party contractor received from the Enlarged City School District of Middletown pursuant to a BOCES contract.

#### Click-Wrap Agreements

Periodically, The Enlarged City School District of Middletown staff may wish to use software, applications, or other technologies in which the user must "click" a button or box to agree to certain online terms of service prior to using the software, application, or other technology. These are known as "click-wrap agreements" and are considered legally binding "contracts or other written agreements" under Education Law Section 2-d and its implementing regulations.

The Enlarged City School District of Middletown staff are prohibited from using software, applications, or other technologies pursuant to a click-wrap agreement in which the third-party contractor receives student data or teacher or principal data from the Enlarged City School District of Middletown unless they have received prior approval from the Enlarged City School District of Middletown's Data Privacy Officer or designee.

The Enlarged City School District of Middletown will develop and implement procedures requiring prior review and approval for staff use of any software, applications, or other technologies pursuant to click-wrap agreements.

#### **Parents' Bill of Rights for Data Privacy and Security**

The Enlarged City School District of Middletown will publish its Parents' Bill of Rights for Data Privacy and Security (Bill of Rights) on its website. Additionally, the Enlarged City School District of Middletown will include the Bill of Rights with every contract or other written agreement it enters into with a third-party contractor under which the third-party contractor will receive student data or teacher or principal data from The Enlarged City School District of Middletown.





The Enlarged City School District of Middletown's Bill of Rights will state in clear and plain English terms that:

- a) A student's PII cannot be sold or released for any commercial purposes;
- b) Parents have the right to inspect and review the complete contents of their child's education record;
- c) State and federal laws protect the confidentiality of PII, and safeguards associated with industry standards and best practices, including but not limited to encryption, firewalls, and password protection, must be in place when data is stored or transferred;
- d) A complete list of all student data elements collected by the state is available for public review at the following website <http://www.nysed.gov/student-data-privacy/student-data-inventory> or by writing to the Office of Information and Reporting Services, New York State Education Department, Room 865 EBA, 89 Washington Avenue, Albany, New York 12234; and
- e) Parents have the right to have complaints about possible breaches of student data addressed. Complaints should be directed in writing to Privacy Complaint, Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, New York 12234. Complaints may also be submitted using the form available at the following website <http://www.nysed.gov/student-data-privacy/form/report-improper-disclosure>.

The Bill of Rights will also include supplemental information for each contract The Enlarged City School District of Middletown enters into with a third-party contractor where the third-party contractor receives student data or teacher or principal data from the District. The supplemental information must be developed by the Enlarged City School District of Middletown and include the following information:

- a) The exclusive purposes for which the student data or teacher or principal data will be used by the third-party contractor, as defined in the contract;
- b) How the third-party contractor will ensure that the subcontractors, or other authorized persons or entities to whom the third-party contractor will disclose the student data or teacher or principal data, if any, will abide by all applicable data protection and security requirements, including but not limited to those outlined in applicable laws and regulations (e.g., FERPA; Education Law Section 2-d);
- c) The duration of the contract, including the contract's expiration date, and a description of what will happen to the student data or teacher or principal data upon expiration of the contract or other written agreement (e.g., whether, when, and in what format it will be returned to the Enlarged City School District of Middletown, and/or whether, when, and how the data will be destroyed);





- d) If and how a parent, student, eligible student, teacher, or principal may challenge the accuracy of the student data or teacher or principal data that is collected;
- e) Where the student data or teacher or principal data will be stored, described in a manner as to protect data security, and the security protections taken to ensure the data will be protected and data privacy and security risks mitigated; and
- f) Address how the data will be protected using encryption while in motion and at rest.

The Enlarged City School District of Middletown will publish on its website the supplement to the Bill of Rights (i.e., the supplemental information described above) for any contract or other written agreement it has entered into with a third-party contractor that will receive PII from the District. The Bill of Rights and supplemental information may be redacted to the extent necessary to safeguard the privacy and/or security of The Enlarged City School District of Middletown's data and/or technology infrastructure.

#### **Right of Parents and Eligible Students to Inspect and Review Students' Education Records**

Consistent with the obligations of The Enlarged City School District of Middletown under FERPA, parents and eligible students have the right to inspect and review a student's education record by making a request directly to the District in a manner prescribed by the District.

The Enlarged City School District of Middletown will ensure that only authorized individuals are able to inspect and review student data. To that end, The Enlarged City School District of Middletown will take steps to verify the identity of parents or eligible students who submit requests to inspect and review an education record and verify the individual's authority to do so.

Requests by a parent or eligible student for access to a student's education records must be directed to The Enlarged City School District of Middletown and not to a third-party contractor. The Enlarged City School District of Middletown may require that requests to inspect and review education records be made in writing.

The Enlarged City School District of Middletown will notify parents annually of their right to request to inspect and review their child's education record including any student data stored or maintained by the District through its annual FERPA notice. A notice separate from The Enlarged City School District of Middletown's annual FERPA notice is not required.

The Enlarged City School District of Middletown will comply with a request for access to records within a reasonable period, but not more than 45 calendar days after receipt of a request.

The Enlarged City School District of Middletown may provide the records to a parent or eligible student electronically, if the parent consents. The Enlarged City School District of Middletown must transmit the PII in a way that complies with laws and regulations. Safeguards associated with industry standards and best practices, including but not limited to encryption and password protection, must be in place when education records requested by a parent or eligible student are electronically transmitted.





## Complaints of Breach or Unauthorized Release of Student Data and/or Teacher or Principal Data

The Enlarged City School District of Middletown will inform parents, through its Parents' Bill of Rights for Data Privacy and Security, that they have the right to submit complaints about possible breaches of student data to the Chief Privacy Officer at NYSED. In addition, the Enlarged City School District of Middletown has established the following procedures for parents, eligible students, teachers, principals, and other District staff to file complaints with the District about breaches or unauthorized releases of student data and/or teacher or principal data:

- a) All complaints must be submitted to The Enlarged City School District of Middletown's Data Protection Officer in writing by email at [DPO@ecsdm.org](mailto:DPO@ecsdm.org) or in writing to 223 Wisner avenue, Middletown, NY, 10940. ATTN Michael Tuttle
- b) Upon receipt of a complaint, The Enlarged City School District of Middletown will promptly acknowledge receipt of the complaint, commence an investigation, and take the necessary precautions to protect PII.
- c) Following the investigation of a submitted complaint, The Enlarged City School District of Middletown will provide the individual who filed the complaint with its findings. This will be completed within a reasonable period of time, but no more than 60 calendar days from the receipt of the complaint by The Enlarged City School District of Middletown.
- d) If the Enlarged City School District of Middletown requires additional time, or where the response may compromise security or impede a law enforcement investigation, the District will provide the individual who filed the complaint with a written explanation that includes the approximate date when the District anticipates that it will respond to the complaint.

These procedures will be disseminated to parents, eligible students, teachers, principals, and other Enlarged City School District of Middletown staff.

The Enlarged City School District of Middletown will maintain a record of all complaints of breaches or unauthorized releases of student data and their disposition in accordance with applicable data retention policies, including the Records Retention and Disposition Schedule ED-1 (1988; rev. 2004).

## Reporting a Breach or Unauthorized Release

The Enlarged City School District of Middletown will report every discovery or report of a breach or unauthorized release of student data or teacher or principal data within the District to the Chief Privacy Officer without unreasonable delay, but no more than ten calendar days after the discovery.

Each third-party contractor that receives student data or teacher or principal data pursuant to a contract or other written agreement entered into with The Enlarged City School District of Middletown will be required to promptly notify the District of any breach of security resulting in an unauthorized release of the data by the third-party contractor or its assignees in violation of applicable laws and regulations, the Parents' Bill of Rights for Student Data Privacy and Security, District policy, and/or





binding contractual obligations relating to data privacy and security, in the most expedient way possible and without unreasonable delay, but no more than seven calendar days after the discovery of the breach.

In the event of notification from a third-party contractor, the Enlarged City School District of Middletown will in turn notify the Chief Privacy Officer of the breach or unauthorized release of student data or teacher or principal data no more than ten calendar days after it receives the third-party contractor's notification using a form or format prescribed by NYSED.

### **Investigation of Reports of Breach or Unauthorized Release by the Chief Privacy Officer**

The Chief Privacy Officer is required to investigate reports of breaches or unauthorized releases of student data or teacher or principal data by third-party contractors. As part of an investigation, the Chief Privacy Officer may require that the parties submit documentation, provide testimony, and may visit, examine, and/or inspect the third-party contractor's facilities and records.

Upon the belief that a breach or unauthorized release constitutes criminal conduct, the Chief Privacy Officer is required to report the breach and unauthorized release to law enforcement in the most expedient way possible and without unreasonable delay.

Third-party contractors are required to cooperate with The Enlarged City School District of Middletown and law enforcement to protect the integrity of investigations into the breach or unauthorized release of PII.

Upon conclusion of an investigation, if the Chief Privacy Officer determines that a third-party contractor has through its actions or omissions caused student data or teacher or principal data to be breached or released to any person or entity not authorized by law to receive this data in violation of applicable laws and regulations, The Enlarged City School District of Middletown's policy, and/or any binding contractual obligations, the Chief Privacy Officer is required to notify the third-party contractor of the finding and give the third-party contractor no more than 30 days to submit a written response.

If after reviewing the third-party contractor's written response, the Chief Privacy Officer determines the incident to be a violation of Education Law Section 2-d, the Chief Privacy Officer will be authorized to:

- a) Order the third-party contractor be precluded from accessing PII from the affected educational agency for a fixed period of up to five years;
- b) Order that a third-party contractor or assignee who knowingly or recklessly allowed for the breach or unauthorized release of student data or teacher or principal data be precluded from accessing student data or teacher or principal data from any educational agency in the state for a fixed period of up to five years;
- c) Order that a third-party contractor who knowingly or recklessly allowed for the breach or unauthorized release of student data or teacher or principal data will not be deemed a responsible bidder or offer or on any contract with an educational agency that involves the sharing of student data or teacher or principal data, as applicable for purposes of General





Municipal Law Section 103 or State Finance Law Section 163(10)(c), as applicable, for a fixed period of up to five years; and/or

- d) Require the third-party contractor to provide additional training governing confidentiality of student data and/or teacher or principal data to all its officers and employees with reasonable access to this data and certify that the training has been performed at the contractor's expense. This additional training is required to be performed immediately and include a review of laws, rules, and regulations, including Education Law Section 2-d and its implementing regulations.

If the Chief Privacy Officer determines that the breach or unauthorized release of student data or teacher or principal data on the part of the third-party contractor or assignee was inadvertent and done without intent, knowledge, recklessness, or gross negligence, the Chief Privacy Officer may make a recommendation to the Commissioner that no penalty be issued to the third-party contractor.

The Commissioner would then make a final determination as to whether the breach or unauthorized release was inadvertent and done without intent, knowledge, recklessness or gross negligence and whether or not a penalty should be issued.

#### **Notification of a Breach or Unauthorized Release**

The Enlarged City School District of Middletown will notify affected parents, eligible students, teachers, and/or principals in the most expedient way possible and without unreasonable delay, but no more than 60 calendar days after the discovery of a breach or unauthorized release of PII by the District or the receipt of a notification of a breach or unauthorized release of PII from a third-party contractor unless that notification would interfere with an ongoing investigation by law enforcement or cause further disclosure of PII by disclosing an unfixed security vulnerability. Where notification is delayed under these circumstances, The Enlarged City School District of Middletown will notify parents, eligible students, teachers, and/or principals within seven calendar days after the security vulnerability has been remedied or the risk of interference with the law enforcement investigation ends.

Notifications will be clear, concise, use language that is plain and easy to understand, and to the extent available, include:

- a) A brief description of the breach or unauthorized release, the dates of the incident and the date of discovery, if known;
- b) A description of the types of PII affected;
- c) An estimate of the number of records affected;
- d) A brief description of The Enlarged City School District of Middletown's investigation or plan to investigate; and
- e) Contact information for representatives who can assist parents or eligible students that have additional questions.



ENLARGED CITY SCHOOL  
DISTRICT OF MIDDLETOWN

Our people making the difference  
*A National Race to the Top District*  
Member of "League of Innovative Schools"



223 Wisner Avenue  
Middletown, NY 10940  
Phone (845) 326-1134  
[www.middletowncityschools.org](http://www.middletowncityschools.org)

Notification will be directly provided to the affected parent, eligible student, teacher, or principal by first-class mail to their last known address, by email, or by telephone.

Where a breach or unauthorized release is attributed to a third-party contractor, the third-party contractor is required to pay for or promptly reimburse The Enlarged City School District of Middletown for the full cost of this notification.

#### **Annual Data Privacy and Security Training**

The Enlarged City School District of Middletown will annually provide data privacy and security awareness training to its officers and staff with access to PII. This training will include, but not be limited to, training on the applicable laws and regulations that protect PII and how staff can comply with these laws and regulations. The Enlarged City School District of Middletown may deliver this training using online training tools. Additionally, this training may be included as part of the training that The Enlarged City School District of Middletown already offers to its workforce.

#### **Notification of Policy**

The Enlarged City School District of Middletown will publish this policy on its website and provide notice of the policy to all its officers and staff.

**SUBJECT: SCHOOL SAFETY PLANS**

The District considers the safety of its students and staff to be of the utmost importance and is keenly aware of the evolving nature of threats to schools. As such, it will address those threats accordingly through appropriate emergency response planning. The District-wide school safety plan and the building-level emergency response plan will be designed to prevent or minimize the effects of serious violent incidents and emergencies and to facilitate the coordination of schools and the District with local and county resources in the event of these incidents or emergencies.

These plans will be reviewed by the appropriate team on at least an annual basis and updated as needed by September 1. Specifically, the Board will make the District-wide school safety plan available for public comment at least 30 days prior to its adoption. The District-wide school safety plans may only be adopted by the Board after at least one public hearing that provides for the participation of school personnel, parents, students, and any other interested parties. Additionally, the District-wide school safety plan will designate the Superintendent or designee as the chief emergency officer responsible for coordinating communication between school staff and law enforcement and first responders, and for ensuring staff understanding of this plan. Similarly, the Superintendent will be responsible for ensuring the completion and yearly updating of building-level emergency response plans.

**District-Wide School Safety Plan**

District-wide school safety plan means a comprehensive, multi-hazard school safety plan that covers all school buildings of the District, addresses crisis intervention, emergency response and management at the District level, and has the contents as prescribed in Education Law and Commissioner's regulations.

The District-wide school safety plan will be developed by the District-wide school safety team appointed by the Board. The District-wide team will include, but not be limited to, representatives of the Board, student, teacher, administrator, and parent organizations, school safety personnel, and other school personnel.

The plan will further address, among other items as set forth in Education Law and Commissioner's regulations, how the District will respond to implied or direct threats of violence by students, teachers, other school personnel as well as visitors to the school, including threats by students against themselves (e.g., suicide).

**Building-Level Emergency Response Plan**

Building-level emergency response plan means a plan that addresses crisis intervention, emergency response and management at the building level and has the contents as prescribed in Education Law and Commissioner's regulations. As part of this plan, the District will define the chain of command in a manner consistent with the National Incident Management System (NIMS)/Incident Command System (ICS).

(Continued)



# POLICY

2019

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Non-Instructional/Business  
Operations

## **SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**

The building-level emergency response plan will be developed by the building-level emergency response team. The building-level emergency response team is a building-specific team appointed by the building principal, in accordance with regulations or guidelines prescribed by the Board. The building-level team will include, but not be limited to, representatives of teacher, administrator, and parent organizations, school safety personnel and other school personnel, community members, law enforcement officials, fire officials, or other emergency response agencies, and any other representatives the Board deems appropriate.

### **Training Requirement**

The District will submit certification to the New York State Education Department that all District and school staff have received annual training on the emergency response plan, and that this training included components on violence prevention and mental health. New employees hired after the start of the school year will receive training within 30 days of hire, or as part of the District's existing new hire training program, whichever is sooner.

### **Filing/Disclosure Requirements**

The District will file a copy of its District-wide school safety plan and any amendments with the Commissioner of Education no later than 30 days after its adoption. A copy of each building-level emergency response plan and any amendments will be filed with the appropriate local law enforcement agency and with the state police within 30 days of its adoption. Building-level emergency response plans will be kept confidential and are not subject to disclosure under the Freedom of Information Law (FOIL) or any other provision of law.

Homeland Security Presidential Directives - HSPD-5, HSPD-8  
Homeland Security Act of 2002, 6 USC § 101  
Education Law §§ 807, 2801-a  
Public Officers Law Article 6  
8 NYCRR § 155.17

Adopted: 6/2/05  
Revised: 4/4/19



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

The School District shall provide and maintain on-site in each instructional school facility functional cardiac automated external defibrillator (AED) equipment as defined in Public Health Law Section 3000-b for use during emergencies. Each such facility shall have sufficient automated external defibrillator equipment available to ensure ready and appropriate access for use during emergencies in quantities and types as deemed by the Commissioner of Education, in consultation with the Commissioner of Health. Determination of the quantity and placement of AEDs must be made with consideration of at least the factors enumerated in Commissioner's Regulations. An instructional school facility means a building or other facility maintained by the School District where instruction is provided to students pursuant to its curriculum.

Whenever an instructional School District facility is used for a school-sponsored or school-approved curricular or extracurricular event or activity and whenever a school-sponsored athletic contest is held at any location, the public school officials and administrators responsible for such school facility or athletic contest shall ensure that AED equipment is provided on-site and that there is present during such event, activity or contest at least one staff person who is trained in accordance with Public Health Law in the operation and use of an AED. School-sponsored or school-approved curricular or extracurricular events or activities means events or activities of the School District that are, respectively, associated with its instructional curriculum or otherwise offered to its students. A school-sponsored athletic contest means an extraclass intramural athletic activity of instruction, practice and competition for students in grades 4 through 12 consistent with Commissioner's Regulations Section 135.4.

Where a school-sponsored competitive athletic event is held at a site other than a School District facility, School District officials shall assure that AED equipment is provided on-site by the sponsoring or host district and that at least one staff person who is trained, in accordance with Public Health Law, in the operation and use of the AED is present during such athletic event. A school-sponsored competitive athletic event means an extraclass interscholastic athletic activity of instruction, practice and competition for students in grades 7 through 12 consistent with Commissioner's Regulations Section 135.4.

School District facilities and District staff responsible for carrying out the duties enumerated in Education Law Section 917 are deemed a "public access defibrillation provider" as defined pursuant to Public Health Law Section 3000-b and subject to the Public Health Law requirements and limitations.

Therefore, it is the policy of our School District to provide proper training requirements for District AED users, to ensure the immediate calling of 911 and/or the community equivalent ambulance dispatch entity whenever the AED is used, to ensure ready identification of the location of the AED units as enumerated in the District's Public Access Defibrillation Collaborative Agreement.



# POLICY

2017

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Non-Instructional/Business  
Operations

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

The District will provide for regular maintenance and checkout procedures of the AED unit(s) which meet or exceed manufacturer's recommendations. Appropriate documentation will be maintained in accordance with law and/or regulation. Further, the District will participate in the required Quality Improvement Program as determined by the Regional Emergency Medical Services Council.

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

Pursuant to Public Health Law Sections 3000-a and 3000-b, the School District (as a public access defibrillation provider), or any employee or other agent of the School District who, in accordance with the provisions of law, voluntarily and without expectation of monetary compensation renders emergency medical or first aid treatment using an AED to a person who is unconscious, ill or injured, shall not be liable for damages for injury or death unless caused by gross negligence.

Education Law § 917  
Public Health Law §§ 3000-a and 3000-b  
8 NYCRR §§ 135.4 and 136.4

Adopted: 6/2/05  
Revised: 6/1/17

**SUBJECT: FIRE AND EMERGENCY DRILLS, BOMB THREATS, AND BUS  
EMERGENCY DRILLS****Fire and Emergency Drills**

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

Fire and emergency drills will be held at least 12 times in each school year; eight of these will be completed by December 31. Eight of all drills will be evacuation drills, four will be through use of the fire escapes on buildings where fire escapes are provided or identified secondary exits. The other four drills will be lock-down drills. Drills will be conducted at different times of the school day. Students will also be instructed in the procedures to be followed in the event that a fire occurs during the regular school lunch period or assembly, however, this additional instruction may be waived if a drill is held during the regular lunch period or assembly.

Summer School

At least two additional drills will be held during summer school in buildings where summer school is held, and one of these drills will be held during the first week of summer school.

After-School Programs, Events, or Performances

The building principal or designee will require those in charge of after-school programs, events, or performances attended by any individuals unfamiliar with that school building, to announce at the beginning of these programs the procedures to be followed in the event of an emergency.

**Bomb Threats**School Bomb Threats

A bomb threat, even if later determined to be a hoax, is a criminal act. No bomb threat should be treated as a hoax when it is first received. Upon receiving any bomb threat, the school has an obligation and responsibility to ensure the safety and protection of the students and other occupants of the school. This obligation takes precedence over a search for a suspect object. Prudent action is dependent upon known information about the bomb threat-location, if any; time of detonation; etc. Specific procedures as to appropriate responses as a result of a bomb threat can be located in the building-level emergency response plan, as required by relevant law and regulation.

Police Notification and Investigation

Appropriate law enforcement agencies must be notified by the building administrator or designee of any bomb threat as soon as possible after receiving the threat. Law enforcement officials will contact, as the situation requires, fire and/or county emergency coordinators according to the county emergency plan.

(Continued)



**SUBJECT: FIRE AND EMERGENCY DRILLS, BOMB THREATS, AND BUS  
EMERGENCY DRILLS (Cont'd.)**

Implementation

The Superintendent or designee will develop written procedures to implement the terms of this policy. Additionally, these procedures will be incorporated in the District-wide school safety plan and the building-level emergency response plan, with provisions to provide written information to all staff and students regarding emergency procedures by October 1 of each school year, an annual drill to test the emergency response procedures under each of its building-level emergency response plans; and the annual review of the District-wide and building-level emergency response plans, along with updates as necessary, by September 1, as mandated by law or regulation.

**Bus Emergency Drills**

The administration will conduct a minimum of three emergency drills to be held on each school bus during the school year. The first drill will be conducted during the first seven days of school, the second drill between November 1 and December 31, and the third drill between March 1 and April 30. No drills will be conducted when buses are on routes.

Students who ordinarily walk to school will also be included in the drills. Students attending public and nonpublic schools who do not participate in regularly scheduled drills will also be provided drills on school buses, or as an alternative, will be provided classroom instruction covering the content of these drills.

Each drill will include practice and instruction in the location, use, and operation of the emergency door, fire extinguishers, first-aid equipment, and windows as a means of escape in the event of fire or accident. Similarly, students will be instructed on all topics mandated by relevant sections of the Education Law and Commissioner's regulations, including, but not limited to, the following:

- a) Safe boarding and exiting procedures with specific emphasis on when and how to approach, board, disembark, and move away from the bus after disembarking;
- b) Advancing at least ten feet in front of the bus before crossing the highway after disembarking; and
- c) Orderly conduct as bus passengers.

(Continued)

# POLICY

2019

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Non-Instructional/Business  
Operations

**SUBJECT: FIRE AND EMERGENCY DRILLS, BOMB THREATS, AND BUS  
EMERGENCY DRILLS (Cont'd.)**

Instruction on Use of Seat Belts

When students are transported on school buses equipped with seat safety belts, the District will ensure that all students who are transported on any school bus owned, leased, or contracted for by the District will receive instruction on the use of seat safety belts. This instruction will be provided at least three times each year to both public and nonpublic school students who are so transported and will include, but not be limited to:

- a) Proper fastening and release of seat safety belts;
- b) Acceptable placement of seat safety belts on students;
- c) Times at which the seat safety belts should be fastened and released; and
- d) Acceptable placement of the seat safety belts when not in use.

Education Law §§ 807, 2801-a, and 3623  
Penal Law §§ 240.55, 240.60, and 240.62  
8 NYCRR §§ 155.17, 156.3(f), 156.3(g), and 156.3(h)(2)

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

Adopted: 6/2/05  
Revised: 4/4/19



# POLICY

2019

5684

Non-Instructional/Business  
Operations

## **SUBJECT: USE OF SURVEILLANCE CAMERAS IN THE DISTRICT AND ON SCHOOL BUSES**

It is the Board's responsibility to ensure the safety of the District's students, staff, facilities, and property. While the Board recognizes the importance of privacy, it has authorized the use of surveillance cameras on District property including in school buildings, school facilities, as well as on school buses, when necessary. These surveillance cameras will help to assist the Board in maintaining the overall safety and welfare of the District's students, staff, property, and visitors, as well as to deter theft, violence, and other criminal activities.

Further, surveillance cameras will only be placed in public or common areas, such as stairwells, hallways, cafeterias, parking lots, or playgrounds, and not in private areas such as locker rooms, bathrooms, or other areas in which individuals have a reasonable expectation of privacy. Audio recordings will not be utilized by the District officials, however, this prohibition may not preclude the use of audio recordings by law enforcement officials in accordance with their official duties or as otherwise authorized by law.

### **Disciplinary Proceedings**

Video recordings or footage from District surveillance cameras may be used in student or employee (as permitted by any applicable collective bargaining agreement) disciplinary proceedings, as appropriate.

### **Signage/Notification**

The District will place signage at entrances to the school campus or at major entrances into school buildings notifying students, staff, as well as any visitors of the District's use of surveillance cameras. Students and staff will also receive additional notification, as deemed appropriate by the Superintendent, regarding the use of its surveillance cameras through means such as publication in the District calendar, employee handbook, and/or the student handbook.

### **Maintenance of Video Recordings**

Any video surveillance recording in the schools, on school buses, or on school property, on tape, CD, or digitally, will be the sole property of the District and stored in its original form and in a secure location to avoid tampering and also to ensure its confidentiality in accordance with relevant law and regulations.

In addition, to the extent that any video images create student or personnel records, the District will comply with all applicable state and federal laws related to record retention, record maintenance, and record disclosure, including the Family Educational Rights and Privacy Act ("FERPA").

Adopted: 4/4/19



**SUBJECT: SCHOOL BUILDING ACCESS CONTROL**

Schools cannot always control the crises/safety issues that may impact them. However, through the development and implementation of school safety plans, the District *Code of Conduct*, and various policies that address school security issues, the District is continually taking steps to improve the safety and culture of the school community.

All school safety plans shall be implemented, reviewed and/or revised as necessary in accordance with applicable law and Commissioner's Regulations. Appropriate school safety training for staff and students, the conduct of drills and other exercises to test components of the emergency response plan, as well as procedures for review, will be provided as mandated by law and regulation.

Additionally, school officials will encourage all staff and students to be more aware of their school surroundings by conducting awareness training relating to the school environment that includes awareness of signs of terrorism. Any suspicious activity is to be reported to the building principal/designee who will contact law enforcement authorities. Such suspicious activity may include, but is not limited to, unexplained presence of unauthorized persons in places where they should not be; discreet use of still cameras or video recorders; note-taking or the use of binoculars or maps near school locations; observation of security reaction drills or procedures; mobile surveillance from unauthorized vehicles on or around school grounds; the parking of a suspicious vehicle in the school's parking lot or in proximity to the school building, particularly for an extended period of time; and the discovery of an unattended package or object inside or around the premises of the school.

Visitors shall be directed to the Main Office for specific instructions regarding that building's procedures for visitors to the school.

**Possession and Use of Cell Phones/Camera Phones**

The Board recognizes that while carrying cell phones can be a safety measure for staff and students alike, problems arise when the inappropriate use of cell phones and/or camera phones interfere with the school's ability to maintain control in the school environment, giving rise to security as well as educational concerns. For example, the use of camera phones poses a danger to school security; risks educational integrity, particularly during testing/examinations; and creates the potential for violations of privacy. The use of camera phones by visitors to the schools can also present a potential security concern.

Inappropriate or unauthorized use of cell phones can undermine (if not render inoperable due to system overload) the communication system in place per the school safety plans, impede evacuation plans if parents or other individuals are summoned to the school by non-designated persons, and potentially restrict the access of community emergency service providers to the site.

(Continued)



# POLICY

2005

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Non-Instructional/Business  
Operations

## **SUBJECT: SCHOOL BUILDING ACCESS CONTROL (Cont'd.)**

Therefore, the use and/or restriction of cell phones/camera phones shall be reviewed by designated personnel, including those individuals who are members of the school safety team(s) and team members involved in the annual review of the District *Code of Conduct*. As deemed necessary, school safety plans and the District *Code of Conduct* shall be modified to address the use of and/or restriction of cell phones/camera phones during designated times or events, particularly by students and visitors to the schools.

### **Policy Implementation**

The Board directs that administration implement and review on a periodic basis building access control procedures, and provide IDs for staff, students and visitors as appropriate. Parents and students shall be informed of the school's access procedures; and visitors shall be required to follow the specific visitor procedures prescribed by that particular building.

This policy is intended to highlight our commitment to and planning for heightened security access to our schools. The policy shall be considered an adjunct to, not a replacement of, our school safety plans and the District *Code of Conduct*.

Adopted: 6/2/05

# POLICY

2005

5690

Non-Instructional/Business  
Operations

## **SUBJECT: EXPOSURE CONTROL PROGRAM**

The District shall establish an exposure control program designed to prevent and control exposure to bloodborne pathogens. According to the New York State Department of Labor's Division of Safety and Health and Occupational Safety and Health Administration (OSHA) standards, the program shall consist of:

- a) Guidelines for maintaining a safe, healthy school environment to be followed by staff and students alike.
- b) Written standard operating procedures for blood/body fluid clean-up.
- c) Appropriate staff education/training.
- d) Evaluation of training objectives.
- e) Documentation of training and any incident of exposure to blood/body fluids.
- f) A program of medical management to prevent or reduce the risk of pathogens, specifically hepatitis B and HIV.
- g) Written procedures for the disposal of medical waste.
- h) Provision of protective materials and equipment for all employees who perform job-related tasks involving exposure or potential exposure to blood, body fluids or tissues.

29 CFR 1910.10:30

Adopted: 6/2/05



# POLICY

2019

5691

Non-Instructional/Business  
Operations

## **SUBJECT: COMMUNICABLE DISEASES**

Whenever, upon investigation and evaluation by the Director of School Health Services or other health professionals acting upon his or her direction or referral, a student in the public schools shows symptoms of any communicable or infectious disease reportable under the public health law that imposes a significant risk of infection of others in the school, that student will be excluded from the school and sent home immediately. The Director of School Health Services will immediately notify a local public health agency of the disease.

Following absence on account of illness or from unknown cause, the Director of School Health Services may examine each student returning to a school without a certificate from a local public Health Officer, a duly licensed physician, physician assistant, or nurse practitioner.

The Director of School Health Services, or other health professionals acting upon his or her direction or referral, may make evaluations of teachers and any other school employees, school buildings and premises as, in their discretion, they may deem necessary to protect the health of the students and staff.

Education Law § 906  
8 NYCRR §§ 136.3(h) and 136.3(i)

Adopted: 6/2/05  
Revised: 4/4/19

# POLICY

2019

5692

Non-Instructional/Business  
Operations

## **SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES**

A student will not be denied the right to attend school or continue his or her education because he or she has been diagnosed with AIDS or any other human immunodeficiency virus (HIV)-related illness. In addition, an employee who has been similarly diagnosed will not be denied the right to continue his or her employment with the District based solely upon their AIDS/HIV status. The disclosure of confidential HIV-related information will be strictly limited.

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

The Superintendent will also establish protocols for routine sanitary procedures for dealing with the cleaning and handling of body fluids in school, with special emphasis placed on staff awareness.

Public Health Law Article 27-F

Adopted: 6/2/05  
Revised: 4/4/19



# POLICY

2016

5710

Non-Instructional/Business  
Operations

## **SUBJECT: TRANSPORTATION PROGRAM**

It is the intent of the Board of Education to comply with the letter and spirit of the New York State Education Law; with the regulations of the Department of Motor Vehicles and of the Department of Transportation and with the Commissioner of Education's regulations and decisions pertinent to student transportation, and these shall govern any questions not covered by specific declaration of policy herein.

The purposes of the transportation program are to transport students to and from school, to transport them for extracurricular activities, to transport them on field trips, and to transport those requiring special services.

The Board of Education recognizes and assumes the responsibility for all aspects of the transportation of children wherein the health and safety of students are involved, for the Board of Education has a legal obligation to safeguard the welfare of bus-riding children.

### **Scheduling and Routing**

Bus routes are authorized by the Board of Education and any requests for a change must be submitted to the Superintendent or his/her designee.

Transportation services shall be provided to meet the needs of the students of the District within specified limits and areas established by the Board of Education.

### **School Bus Schedules**

The District may either mail schedules directly to parents or have parents pick up schedules at school. Should the District wish to post school bus schedules online, access to the schedules will be password protected.

Education Law §§ 1501-b, 3602(7), 3620-3628, 3635 and 3636

NOTE: Refer also to Policy #7131 -- Education of Students in Temporary Housing

Adopted: 6/2/05  
Revised: 4/20/16

**SUBJECT: TRANSPORTATION OF STUDENTS****Requests for Transportation to and from Nonpublic Schools**

The parent or person in parental relation of a parochial or private school child residing in the District who desires his or her child to be transported to a parochial, private, or charter school within or outside the District during the next school year, must submit a written request to the Board no later than April 1 of the preceding year, or within 30 days of moving into the District. The District will publish the April 1 date in its school calendar and/or local newspaper as a reminder to parents of this deadline. Late requests will not be denied where a reasonable explanation is provided for the delay.

**Transportation to Nonpublic Schools on Holidays**

The District will share its calendar and start and dismissal times with nonpublic schools before the start of the school year. The District is not required to provide transportation to nonpublic schools on days on which the District's schools are not in session.

**Transportation for Nonpublic School Students with Disabilities who are Parentally Placed**

For students with disabilities (ages 5 through 21) who are parentally placed in nonpublic schools outside their district of residency, if special education services are to be provided to a student at a site other than the nonpublic school, the school district of location is responsible for providing the special education services, including, as applicable, arranging and providing transportation necessary for the student to receive special education services.

The school district of residence remains responsible to provide transportation to parentally placed nonpublic school students from the student's home to the nonpublic school.

**Transportation of Students with Disabilities**

Transportation of students with disabilities in the District may not exceed 50 miles one way from the student's home to the appropriate special service or program, unless the Commissioner certifies that no appropriate nonresidential special service or program is available within 50 miles. In that event, the Commissioner may then establish transportation arrangements.

**Student Information**

Upon written consent of the parent or person in parental relation, every school bus which is used to regularly transport students with disabilities will maintain the following information about each student with a disability being transported:

- a) Student's name;
- b) Nature of the student's disability;

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## **SUBJECT: TRANSPORTATION OF STUDENTS (Cont'd.)**

- c) Name of the student's parent, guardian or person in parental relation and one or more telephone numbers where such person can be reached in an emergency; and/or
- d) Name and telephone number of any other person designated by such parent, guardian or person in parental relation who can be contacted in an emergency.

This information will be used solely for the purpose of contacting the student's parent, guardian, person in parental relation, or designee in the event of an emergency involving the student, shall be kept in a manner which retains the privacy of the student, and will not be accessible to any person other than the driver or a teacher acting in a supervisory capacity. In the event that the driver or teacher is incapacitated, this information may be accessed by any emergency service provider.

This information will be updated as needed, but at least once each school year and shall be destroyed if parental consent is revoked, the student no longer attends the school, or the disability no longer exists.

### **Transportation of Non-Resident Students**

Non-resident families must provide their own transportation.

### **Transportation to School-Sponsored Events**

Where the District has provided transportation to students enrolled in the District to a school-sponsored field trip, extracurricular activity or any other similar event, it will also provide transportation back to either the point of departure or to the appropriate school in the District unless a student's parent or legal guardian of has provided the District with written notice, consistent with District policy, authorizing an alternative form of return transportation for the student. In cases where intervening circumstances make transportation of a student back to the point of departure or to the appropriate school in the District impractical, and the parent has not authorized alternative return transportation, a representative of the District will remain with the student until the student's parent or legal guardian has been contacted and informed of the intervening circumstances and the student has been delivered to his or her parent or legal guardian.

### **Transportation in Personal Vehicles**

Personal cars of teachers and staff will not be used to transport students except in the event of extenuating circumstances and authorized by the administration.

Education Law §§ 1604, 1709, 1804, 1807, 1903, 1950, 2503, 2554, 2590-e, 3242, 3602-c, 3621(15),  
3623-a(2c), 3635, 4401-a, 4401(4), 4402, 4404, 4405, and 4410-6  
Vehicle and Traffic Law §§ 375(20)(1) and 375(21-i)

NOTE: Refer also to Policy #7131 -- Education of Students in Temporary Housing  
Adopted: 6/2/05  
Revised: 4/20/16; 4/4/19



**SUBJECT: SCHOOL BUS SAFETY**

The safe transportation of students to and from school is of primary concern in the administration of the school bus program. All state laws and regulations pertaining to the safe use of school buses shall be observed by drivers, students and school personnel.

**Use of Portable Electronic Devices by Bus Drivers, Aides, Attendants and Monitors is Prohibited**

For purposes of this policy, and in accordance with applicable law, the terms below will be defined as follows:

- a) "Portable electronic device" means any mobile telephone (hand held or "hands free"), personal digital assistant (PDA), portable device with mobile data access, laptop computer, pager, broadband personal communication device, two-way messaging device, electronic game, portable computing device, or any other electronic device when used to input, write, send, receive or read text for present or future communication.
- b) "Using" means holding a portable electronic device while viewing, taking or transmitting images, playing games, or for the purpose of present or future communication: performing a command or request to access a world wide web page, composing, sending, reading, viewing, accessing, browsing, transmitting, saving, or retrieving email, text messages, instant messages or other electronic data.
- c) "In operation" means that the bus engine is running, whether in motion or not.

The use of portable electronic devices by a school bus driver, aide, attendant or monitor at times the vehicle is in operation on the roadway poses a potential safety risk. All school bus drivers are prohibited from using portable electronic devices while the bus is in operation.

All school bus drivers' aides', attendants' and monitors' personal portable electronic devices are to be placed in the "off" position while the bus is in operation. Portable electronic devices, including cell phones, may be used in case of emergency.

The Transportation Supervisor, in cooperation with the principals, has the responsibility of developing and publishing safety rules to be followed by drivers and passengers, including rules of student conduct. In order to ensure maximum safety to those riding school buses, it is necessary that students and drivers cooperate in this effort. There is no substitute for training to develop safe habits in pedestrian and vehicular traffic.

All buses and other vehicles owned by vendors/contract bus companies with whom the District contracts will have frequent safety inspections and be serviced regularly. The Transportation Supervisor will maintain a comprehensive record of all maintenance performed on each vehicle.

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## **SUBJECT: SCHOOL BUS SAFETY (Cont'd.)**

Every bus driver is required to report promptly to the Transportation Supervisor any school bus accident, regardless of the severity, involving death, injury, or property damage.

Education Law § 3623

Vehicle and Traffic Law §§ 509-a(7), 1225-c, and 1225-d  
8 NYCRR § 156.3

NOTE: Refer also to Policies #5683 -- Fire Drills, Bomb Threats and Bus Emergency Drills  
#5741 -- Drug and Alcohol Testing for School Bus Drivers and  
Other Safety-Sensitive Employees

Adopted: 6/2/05  
Revised: 6/1/17

# POLICY

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## **SUBJECT: IDLING SCHOOL BUSES ON SCHOOL GROUNDS**

The Board recognizes the need to promote the health and safety of District students and staff and to protect the environment from harmful emissions found in bus and vehicle exhaust. The District will ensure that each driver of a school bus or other vehicle owned, leased, or contracted for by the District turns off the engine of the bus or vehicle while waiting for passengers to load or off load on school grounds, or while the vehicle is parked or standing on school grounds or in front of or adjacent to any school.

### **Exceptions**

Unless otherwise required by state or local law, the idling of a school bus or vehicle engine may be permitted to the extent necessary to achieve the following purposes:

- a) For mechanical work; or
- b) To maintain an appropriate temperature for passenger comfort; or
- c) In emergency evacuations where necessary to operate wheelchair lifts.

### **Private Vendor Transportation Contracts**

All contracts for pupil transportation services between the District and a private vendor will include a provision requiring the vendor's compliance with the provisions of reducing idling in accordance with Commissioner's regulations.

Education Law § 3637  
Vehicle and Traffic Law § 142  
8 NYCRR § 156.3(h)

Adopted: 9/19/13  
Revised: 4/4/19



**SUBJECT: QUALIFICATIONS OF BUS DRIVERS**

A person shall be qualified to operate a bus only if such person:

- a) Is at least 21 years of age;
- b) Has been issued a currently valid driver's license or permit which is valid for the operation of a bus in New York State;
- c) Has passed the annual bus driver physical examination administered pursuant to Regulations of the Commissioner of Education and the Commissioner of Motor Vehicles. In no case shall the interval between physical examinations exceed a thirteen-month period;
- d) Is not disqualified to drive a motor vehicle under Sections 509-c and 509-cc and any other provisions of Article 19-A of the Vehicle and Traffic Law;
- e) Has on file at least three statements from three different persons who are not related to the driver/applicant pertaining to the moral character and to the reliability of such driver/applicant;
- f) Has completed, or is scheduled to complete, State Education Department safety programs as required by law;
- g) Is in compliance with federal law and regulations, as well as District policy and/or regulations, as it pertains to meeting the standards governing alcohol and controlled substance testing of bus drivers if and when applicable.
- h) Has taken and passed a physical performance test at least once every two years and/or following an absence from service of 60 or more consecutive days from his/her scheduled work duties;
- i) Is in compliance with all other laws and regulations for operating a school bus, including licensing and training requirements.

**Special Requirements For New Bus Drivers**

Before a vendor/contract bus company employs a new bus driver, the Superintendent or his/her designee shall be entitled to:

- a) Require such person to pass a physical examination within four weeks prior to the beginning of service;

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## **SUBJECT: QUALIFICATIONS OF BUS DRIVERS (Cont'd.)**

- b) Obtain a driving record from the appropriate agency in every state in which the person resided, worked, and/or held a driver's license or learner's permit during the preceding three years;
- c) Investigate the person's employment record during the preceding three years;
- d) Require such person to submit to the mandated fingerprinting procedures;
- e) Request the Department of Motor Vehicles to initiate a criminal history check;
- f) Require that newly hired bus drivers take and pass the physical performance test, as mandated by Commissioner's Regulations, before they transport students.

### **Occasional Drivers**

Under Commissioner's Regulations, an occasional driver is defined as a certified teacher employed by a school district or Board of Cooperative Educational Services (BOCES) who is not primarily employed as a school bus driver or substitute bus driver on either a full-time or part-time basis. Occasional drivers used for other than regular routes are not required to fulfill the training required for regular school bus drivers.

Omnibus Transportation Employee Testing Act of 1991, (Public Law 102-143)  
49 USC § 521(b)  
49 CFR Parts 40, 382, 391, 392 and 395  
Education Law § 3624  
Vehicle and Traffic Law §§ 509-c, 509-cc and Article 19-A  
8 NYCRR § 156.3  
15 NYCRR Part 6

NOTE: Refer also to Policy #5741 -- Drug and Alcohol Testing For School Bus Drivers and Other Safety-Sensitive Employees

Adopted: 6/2/05  
Revised: 4/20/16



**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND  
OTHER SAFETY-SENSITIVE EMPLOYEES**

In accordance with federal regulations, employees in safety-sensitive positions, who are required to have and use a commercial driver's license (CDL), are subject to random testing for alcohol, marijuana, cocaine, amphetamines, opioids, and phencyclidine (PCP). The District will adhere to federal law and regulations requiring the implementation of a drug and alcohol testing program for those employees in safety-sensitive positions.

The District will ensure that vendors/contract bus companies establish and manage their own program, by contract, or through a consortium for the provision of alcohol and drug testing of employees in safety-sensitive positions. Safety-sensitive employees (SSE), including school bus drivers and other employees, who drive a vehicle which is designed to transport 16 or more passengers (including the driver), will be subject to this requirement.

Federal regulations require that the District test school bus drivers and other SSEs for alcohol and drugs at the following times:

- a) **Pre-Employment Testing.** Drug testing will be conducted after an offer to hire, but before actually performing safety-sensitive functions for the first time. This pre-employment testing will also be required when employees transfer to a safety-sensitive position. The District's vendors/contract bus companies shall have the discretion to forego pre-duty testing where the exceptions promulgated by U.S. Department of Transportation (USDOT) regulations at 49 CFR 382.301(b) & (c), or any successor version of these regulations, are satisfied with respect to drug testing of covered drivers by their previous employers.
- b) **Random Testing.** Safety-sensitive employees are also subject to a random drug and/or alcohol test on an unannounced basis just before, during or just after performance of safety-sensitive functions. A driver who is notified of selection for random alcohol and/or controlled substances testing shall proceed to the test site immediately; provided, however, that if the driver performing a safety-sensitive function, other than driving a commercial motor vehicle, at the time of notification, the employer shall instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible.
- c) **Reasonable Suspicion Testing.** In addition, testing will be ordered if a trained supervisor has a "reasonable suspicion" that an employee has engaged in prohibited use of drugs and/or alcohol. Drivers are subject to reasonable suspicion alcohol testing immediately prior to performing safety-sensitive functions, while performing safety-sensitive functions, or immediately following the performance of safety-sensitive functions. The determination that reasonable suspicion exists to require a school bus driver to undergo an alcohol test or a controlled substances test must be based on specific, contemporaneous, articulable observations concerning the appearance, behaviors, speech or body odors of the driver. Where a driver is suspected of being under the influence of a controlled substance, the reasonable suspicion determination may include indications of the chronic withdrawal

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**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND  
OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)**

effects of controlled substances. The require observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor or company official who is trained in accordance with 49 CFR 382.603, meaning that the designated supervisor or company official must receive at least 60 minutes of training on alcohol misuse, plus an additional 60 minutes of training on controlled substance use. The training must include physical, behavioral, speech and performance indicators of probable alcohol misuse and used of controlled substances. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the driver. If the alcohol test is not administered within two hours following a reasonable suspicion determination, the District shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If the alcohol test is not administered within eight hours following the reasonable suspicion determination, the District shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test. Notwithstanding the absence of a reasonable suspicion alcohol test, the District will not permit any driver to report for duty or remain on duty requiring the performance of a safety-sensitive functions while the driver is under the influence of, or impaired by, alcohol as show in by the behavioral, speech, and performance indicators of alcohol misuse, until: an alcohol test is administered and the driver's alcohol concentration measures less than .02 OR twenty-four hours have elapsed following a determination that reasonable suspicion exists to believe that the alcohol prohibitions of this Policy have been violated.

A written record shall be made of the observations leading to an alcohol or controlled substances reasonable suspicion test, and signed by the supervisor or company official who made the observations, within 24 hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier.

d) Post-Accident Testing. There will also be post-accident testing as soon as practicable after an occurrence involving a commercial motor vehicle operation on a public road in commerce as follows:

1. Alcohol Testing -- The surviving driver shall be tested for alcohol if the accident involved a loss of human life; **or**

If the driver is cited for a moving traffic violation arising from the accident within eight hours after the accident, of the accident involved:

- (a) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
- (b) One or more motor vehicles incur disabling damage as a result of the accident requiring that a motor vehicle be towed away from the scene.

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**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND  
OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)**

If a required alcohol test is not administered within two hours following the accident, the employer shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a required alcohol test is not administered within eight hours following the accident, the employer shall cease attempts to administer an alcohol test and shall prepare and maintain the same record.

2. Controlled Substance Testing -- The surviving driver shall be tested for controlled substances if the accident involved a loss of human life; **or**

The driver is cited for a moving traffic violation arising from the accident within 32 hours after the accident, **if the accident involved:**

- (a) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; **or**
- (b) One or more motor vehicles incur disabling damage as a result of the accident requiring that a motor vehicle be towed away from the scene.

If a required controlled substance test is not administered within 32 hours following the accident, the employer shall cease attempts to administer a controlled substances test, and shall prepare and maintain on file a record stating the reasons the test was not promptly administered.

A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the employer to have refused to submit to testing. Nothing herein shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

- e) Return to Duty/Follow-Up Testing. Finally, return-to-duty and follow-up testing will be conducted when an individual who has violated the prohibited alcohol and/or drug conduct standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six tests must be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return-to-duty.

All employee drug and alcohol testing will be kept confidential and shall only be revealed without the driver's consent to the employer, a substance abuse professional, drug testing laboratory, medical review officer and any other individual designated by law.

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**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND  
OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)**

The following alcohol and controlled substance-related activities are prohibited by the US DOT regulations and Federal Motor Carrier Safety Administration's regulations pertaining to drug use and alcohol misuse for drivers of commercial motor vehicles and other SSEs:

- a) Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If testing shows an alcohol concentration of 0.02 or greater but less than 0.04, (i.e., from 0.02-0.039) the employee must be temporarily removed from performing safety-sensitive functions, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test. Other than such temporary removal, the employer shall not take any action pursuant to the Federal Motor Carrier Safety Administration's regulations. (This does not prevent an employer with authority independent from the Federal Motor Carrier Safety Regulations from taking action that is otherwise consistent with the law.)
- b) Being on duty or operating a commercial motor vehicle (CMV) while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.
- c) Using alcohol while performing safety-sensitive functions.
- d) Consuming a controlled substance or alcohol, or being under the influence of a controlled substance or alcohol within six hours before going on duty or operating or having physical control of a bus.
- e) When required to take a post-accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.
- f) Refusing to submit to a required pre-employment controlled substance test or an alcohol or controlled substance test required by post-accident, random, reasonable suspicion or return to duty testing requirements.
- g) Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the SSE uses any controlled substance. This prohibition does not apply when instructed by a physician who has advised the SSE that the substance does not adversely affect the SSE's ability to safely operate a CMV.
- h) Reporting for duty, remaining on duty or performing a safety-sensitive function, if the SSE tests positive for controlled substances.

(Continued)



**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)**

Drivers and other SSEs who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substances are subject to disciplinary action and penalties pursuant to the vendors'/contract bus companies' policies and collective bargaining agreements, as well as the sanctions provided for in federal law. SSEs who have engaged in such prohibited behavior shall not be allowed to return to the performance of safety-sensitive functions, if at all, until they are:

- a) Evaluated by a substance abuse professional (SAP).
- b) Complete any requirements for rehabilitation as set by the District and the SAP.
- c) Pass a return-to-duty test with the result below 0.02 if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved controlled substance use.
- d) The SSE shall also be subject to unannounced follow-up alcohol and controlled substance testing. The number and frequency of such follow-up testing shall be as directed by the SAP, and consist of at least six tests in the first 12 months.

The Superintendent of Schools shall ensure that each vendor/contract bus company receives a copy of District policy, educational materials that explain the requirements of the alcohol and drug testing regulations, and any regulations and/or procedures developed by the District with respect to meeting those requirements. The Superintendent or his or her designee shall ensure that a copy of these materials is distributed to each vendor/contract bus company, and the vendor/bus company shall sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of alcohol and controlled substance testing as well as at the beginning of each school year or at the time of hire for any safety-sensitive employees.

The Superintendent or his or her designee can assist vendors/contract bus companies with arrangements for training of all supervisors who may be utilized to determine whether "reasonable suspicion" exists to test a driver for prohibited conduct involving alcohol or controlled substance use/abuse.

The Superintendent or his or her designee is authorized to establish regulations necessary to implement this policy. Any significant violations of District policy and/or regulations by vendors/contract bus companies and other employees shall result in revocation of their contract for the transportation of students.

Omnibus Transportation Employee Testing Act of 1991 (Public Law 102-143) 49 USC §§ 31136 and 31306  
49 CFR Parts 40, 172, 382, 383, 391, 392 and 395  
Vehicle and Traffic Law § 509-L

Adopted: 6/2/05  
Revised: 6/1/17; 4/4/19