

**DRAFT**

**BOARD AGENDA  
BUSINESS MEETING**

CV-S Central School  
Cherry Valley, NY

Thursday, January 19, 2023  
7:00 PM In the School Cafeteria

I. OPENING OF MEETING

A. QUORUM CHECK

B. CALL TO ORDER

C. PLEDGE OF ALLEGIANCE

D. SPECIAL PRESENTATIONS - Community Service, Student Representative, Administration, Board Committee Reports, Mentor/Mentee Program - Ms. Waterman and Mr. Rhodes and English Dept.- Mr. Rhodes

E. ADDITIONS TO AGENDA

F. CORRESPONDENCE RECEIVED

G. SUPERINTENDENT'S REPORT

H. RECOGNITION OF VISITORS

II. PROPOSED EXECUTIVE SESSION SUBJECT TO BOARD APPROVAL

III. CONSENT AGENDA ITEMS – Consider motion to approve consent agenda items to include RESOLUTIONS 1-1-2023 through RESOLUTION 8-1-2023.

A. RESOLUTION 1-1-2023

APPROVAL OF MINUTES – December 15, 2022 For Special and Regular Meetings

B. RESOLUTION 2-1-2023

ACKNOWLEDGE RECEIPT OF TREASURER'S AND FINANCIAL REPORTS – December 2022

C. HEALTH SERVICES AGREEMENT

RESOLUTION 3-1-2023

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby approve the agreement with the Community Health Center of Cherry Valley for the 2022-2023 school year as per Attachment III C.

D. EQUIPMENT REMOVAL

RESOLUTION 4-1-2023

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, does hereby approve the equipment inventory removal list 12142022 as per Attachment III D.

E. ACCEPT DONATION

RESOLUTION 5-1-2023

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, does hereby accept the donation from the Cherry Valley-Springfield Endowment Foundation for Educational Excellence, Inc.: High School Art visiting artist - \$500.00

E. PERSONNEL

RESOLUTION 6-1-2023

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint the following Extracurricular assignments for the 2022-2023 school year: SAT Prep - Jordan Rhodes and Terri Santillan  
Modified Boys Basketball - David Mayton

RESOLUTION 7-1-2023

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint Molli McCarty, who is certified as a Level III Teaching Assistant, on tenure as a Licensed Teaching Assistant effective February 13, 2023.

RESOLUTION 8-1-2023

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint the following as an Instructional Substitute for the 2022-2023 school year: Eliza Cechnicki

IV. NEW BUSINESS

A. SEQRA RESOLUTION (Transportation Facility)

RESOLUTION 9-1-2023

WHEREAS, the Board of Education of the Cherry Valley-Springfield Central School District (the "Board") is considering to undertake a capital project consisting of improvements, renovations, rehabilitations, and replacements to the School District's existing transportation/bus facility, including renovations of the bus/vehicle bay, the installation of a new vehicle lift, and related work ("the Proposed Action"); and WHEREAS, the Board wishes to fully comply with its obligations under the State Environmental Quality Review Act ("SEQRA") and the regulations thereunder with respect to the Proposed Action; and WHEREAS, the Board has carefully considered the nature and scope of the Proposed Action.

NOW, THEREFORE, upon review of the foregoing, the Board makes the following determinations:

1. The Proposed Action involves certain improvements, renovations, upgrades, and replacements to the School District's existing school building and grounds as set forth above.
2. The Board hereby declares the School District as the Lead Agency for purposes of the State Environmental Quality Review Act and regulations (SEQRA), associated with the Proposed Action.
3. The Proposed Action represents maintenance or repair involving no substantial changes in an existing structure or facility within the meaning of 6 NYCRR § 617.5(c)(1); and/or the replacement, rehabilitation or reconstruction of a structure of facility, in kind, within the meaning of 6 NYCRR § 617.5(c)(2); and/or a routine activity of an educational institution, including expansion of existing facilities by less than 10,000 square feet of gross floor area, within the meaning of 6 NYCRR § 617.5(c)(10).
4. The Proposed Action will in no case have a significant adverse impact on the environment based on the criteria contained in 6 NYCRR § 617.7(c), and is not otherwise a Type I action as defined by 6 NYCRR § 617.4.
5. The Proposed Action is a Type II action within the meaning of 6 NYCRR 617.5 and is therefore not subject to review under SEQRA and the regulations thereunder.

NOW THEREFORE BE IT RESOLVED, that the Board finds and concludes that the Proposed Action is a Type II action within the meaning of 6 NYCRR 617.5, and therefore is not subject to review under SEQRA and the regulations thereunder.

Roll call vote.

**B. RESOLUTION FOR EMERGENCY WORK (Transportation Facility)**

**RESOLUTION 10-1-2023**

WHEREAS, the Cherry Valley-Springfield Central School District (the "School District") has discovered that the vehicle/bus lift at its transportation facility is damaged, deteriorated and/or malfunctioning; and

WHEREAS, the damaged, deteriorated and/or malfunctioning condition of the vehicle/bus lift would subject the School District's property to further damage if the vehicle/bus lift malfunctioned during use; and

WHEREAS, the damaged, deteriorated and/or malfunctioning condition of the vehicle/bus lift would create a risk to the health and safety of employees working at the transportation facility if it malfunctioned during use;

WHEREAS, the damaged, deteriorated and/or malfunctioning condition of the vehicle/bus lift interferes with the School District's ability to service and maintain its vehicles/buses, which could create a risk to the safety of the individuals operating or using School District vehicles/buses for transportation; and

WHEREAS, immediate remediation and replacement of the vehicle/bus lift at the School District's transportation facility, including renovations of the bus/vehicle bay at the transportation facility and related work, is required to preserve the property of the School District and to assure the health and safety of individuals operating and using the School District's vehicles/buses.

NOW THEREFORE, BE IT RESOLVED BY THIS BOARD OF EDUCATION AS FOLLOWS:

Section 1. The Board of Education determines that the current condition of the transportation facility at the School District affects the health and safety of students and staff, and that the remediation and replacement of the vehicle/bus lift at the School District's transportation facility, including renovations of the bus/vehicle bay at the transportation facility and related work, requires emergency, immediate action to preserve the School District's property and to assure the health and safety of students and staff operating and using the School District's vehicles/buses.

Section 2. The Board of Education hereby further determines that the remediation and replacement of the vehicle/bus lift at the School District's transportation facility, including renovations of the bus/vehicle bay at the transportation facility and related work, is a non-recurring, ordinary contingent expense that is necessary to preserve the School District's property and to assure the health and safety of students and staff.

Section 3. The School District is hereby authorized to undertake the remediation and replacement of the vehicle/bus lift at the School District's transportation facility, including renovations of the bus/vehicle bay at the transportation facility and related work, and to expend an amount not to exceed \$170,000 from the School District's General Fund for such purpose.

Section 4. The Superintendent of Schools is hereby authorized to file any necessary and proper paperwork with the State Education Department to proceed with the emergency remediation and replacement of the vehicle/bus lift at the School District's transportation facility, including renovations of the bus/vehicle bay at the transportation facility and related work, and to work with the School District's architect, legal counsel, and other resources to immediately accomplish this action.

Section 5. Due to the emergency situation, a contract for the remediation and replacement of the vehicle/bus lift at the School District's transportation facility, including renovations of the bus/vehicle bay at the transportation facility and related work must be awarded immediately. Therefore, competitive bidding may not be utilized.

Section 6. This Resolution shall take effect immediately upon its adoption.

Roll call vote.

C. POLICY REVIEW

RESOLUTION 11-1-2023

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby conduct a first reading of Policies and Regulations - 4321.12 Use of Time Out Rooms, Physical Restraints and Aversives, 4327 Homebound Instruction, 6240 Investments, 6830 Expense Reimbursement and 9645 Disclosure of Wrongful Conduct (Whistleblower Policy).

V. OLD BUSINESS

VI. PROPOSED EXECUTIVE SESSION SUBJECT TO BOARD APPROVAL

- Matters leading to the employment of particular individual(s)
- Employment history of particular individual(s) or corporation(s)
- Review recommendations made by the Committee on Preschool Special Education

VII. ADJOURNMENT

# COMMUNITY HEALTH CENTER

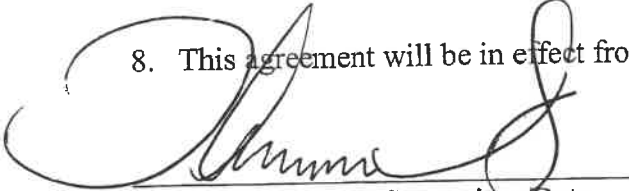
Located at 2 Main Street  
Cherry Valley, New York 13320

Telephone: 607-264-3036    Mailing Address: PO Box 206    Fax: 607 264-9326

## COMMUNITY HEALTH CENTER & CHERRY VALLEY SPRINGFIELD CENTRAL SCHOOL DISTRICT HEALTH SERVICES AGREEMENT 2022-2023

In agreement with the Cherry Valley Springfield Central School District, the Community Health Center of Cherry Valley, New York, will provide the following health services.

1. Physical examinations and Scoliosis Screenings for all students as State Mandated. Physicals for all other children in CSE or as indicated by school personnel.
2. Physical examinations for all students involved in interscholastic athletics. This will include an exam and/or clearance, as necessary, for students returning to a sport.
3. Physical examinations for working papers, when arranged through the school nurse.
4. The Community Health Center will have a representative serve on the CSE as needed.
5. For the above services, The Community Health Center will receive \$13.50 per student enrolled on the opening day of school.
6. Physical examinations required for any employee of the school district done at the Community Health Center will be done at the current fee schedule.  
\*Bus Drivers 19-A and DOT Physicals will be done at a rate of \$125.00
7. All supplies for the physical exams conducted at the school will be provided by the school district.
8. This agreement will be in effect from July 1, 2022 through June 30, 2023

  
Thomas Garretson, Supervisor/Date  
Community Health Center

\_\_\_\_\_  
Amy Garretson /Date  
Cherry Valley Springfield Central School  
Board of Education President

**Serving the Cherry Valley area over 44 years!**



## Cherry Valley Springfield Equipment Inventory to be Removed 12/12/2022

Client	Equip Type	Building	Location	Model	Description	CVSCS S/N	Manufacturer S/N	QNC BT BOCES S/N	Notes
CVS	Chromebook	HS/ELEM	N/A	Dell 3190	11.6 Inch Chromebook		003598 C1FJN02		
CVS	Chromebook	HS/ELEM	N/A	Dell 3190	11.6 Inch Chromebook		003455 GNHCTN2		
CVS	Chromebook	HS/ELEM	N/A	Dell 3100 V2	11.6 Inch Chromebook		20190576 4F6ZQM3		
CVS	Chromebook	HS/ELEM	N/A	Dell 3100	11.6 Inch Chromebook	CART 3-10	6P8HZW2		
CVS	Chromebook	HS/ELEM	N/A	Dell 3100	11.6 Inch Chromebook		20190513 6HCD7Y2		
CVS	Chromebook	HS/ELEM	N/A	Dell 3100	11.6 Inch Chromebook		003738 7QFDZW2		
CVS	Chromebook	HS/ELEM	N/A	Dell 3100	11.6 Inch Chromebook		003755 2G28ZW2		
CVS	Chromebook	HS/ELEM	N/A	Dell 3100	11.6 Inch Chromebook	CART 3-9	G088ZW2		
CVS	Chromebook	HS/ELEM	N/A	HP G811EE	11.6 Inch Chromebook		003085 5CD0356ZM4		
CVS	Chromebook	HS/ELEM	N/A	HP G811EE	11.6 Inch Chromebook		20190288 5CD1163WDD		
CVS	Chromebook	HS/ELEM	N/A	HP G811EE	11.6 Inch Chromebook		20190388 5CD11581C9		
CVS	Chromebook	HS/ELEM	N/A	HP G811EE	11.6 Inch Chromebook		003965 5CD034JPM8		
CVS	Chromebook	HS/ELEM	N/A	HP G811EE	11.6 Inch Chromebook		003158 5CD042L0LF		
CVS	Chromebook	HS/ELEM	N/A	HP G811EE	11.6 Inch Chromebook		003976 5CD034JPM8		
CVS	Chromebook	HS/ELEM	N/A	HP G811EE	11.6 Inch Chromebook		003134 5CD042KZTM		
CVS	Chromebook	HS/ELEM	N/A	HP G811EE	11.6 Inch Chromebook		003149 5CD042FKB4		
CVS	Chromebook	HS/ELEM	N/A	HP G811EE	11.6 Inch Chromebook		003116 5CD042KZVQ		
CVS	Chromebook	HS/ELEM	N/A	HP G811EE	11.6 Inch Chromebook		003121 5CD042KZVH		
CVS	Chromebook	HS/ELEM	N/A	HP G811EE	11.6 Inch Chromebook		003934 5CD034JPHC		
CVS	Chromebook	HS/ELEM	N/A	HP G811EE	11.6 Inch Chromebook		003143 5CD042FKK1		
CVS	Chromebook	HS/ELEM	N/A	HP G811EE	11.6 Inch Chromebook		003142 5CD042L0LR		
CVS	Chromebook	HS/ELEM	N/A	HP G811EE	11.6 Inch Chromebook		003147 5CD042FFI2		
CVS	Chromebook	HS/ELEM	N/A	HP G811EE	11.6 Inch Chromebook		5CD1163VC0		
CVS	IPAD	HS/ELEM	N/A	Apple Ipad	IPAD 9.7 INCH OLD	1CV20008044			
CVS	IPAD	HS/ELEM	N/A	Apple Ipad	IPAD 9.7 INCH OLD	1CV20008045			
CVS	IPAD	HS/ELEM	N/A	Apple Ipad	IPAD 9.7 INCH OLD	1CV20008027			
CVS	IPAD	HS/ELEM	N/A	Apple Ipad	IPAD 9.7 INCH OLD	1CV20008030			
CVS	IPAD	HS/ELEM	N/A	Apple Ipad	IPAD 9.7 INCH OLD	1CV20008026			
CVS	IPAD	HS/ELEM	N/A	Apple Ipad	IPAD 9.7 INCH OLD	1CV20008036			
CVS	IPAD	HS/ELEM	N/A	Apple Ipad	IPAD 9.7 INCH OLD				
CVS	IPAD	HS/ELEM	N/A	Apple Ipad	IPAD 9.7 INCH OLD	1CV20008021			
CVS	IPAD	HS/ELEM	N/A	Apple Ipad	IPAD 9.7 INCH OLD				
CVS	IPAD	HS/ELEM	N/A	Apple Ipad	IPAD 9.7 INCH OLD	1CV20008037			
CVS	IPAD	HS/ELEM	N/A	Apple Ipad	IPAD 9.7 INCH OLD				
CVS	IPAD	HS/ELEM	N/A	Apple Ipad	IPAD 9.7 INCH OLD	1CV20008025			
CVS	IPAD	HS/ELEM	N/A	Apple Ipad	IPAD 9.7 INCH OLD	1CV20008042			
CVS	IPAD	HS/ELEM	N/A	Apple Ipad	IPAD 9.7 INCH OLD	1CV20008041			
CVS	IPAD	HS/ELEM	N/A	Apple Ipad	IPAD 9.7 INCH OLD	1CV20008040			
CVS	IPAD	HS/ELEM	N/A	Apple Ipad	IPAD 9.7 INCH OLD	1CV20008033			
CVS	IPAD	HS/ELEM	N/A	Apple Ipad	IPAD 9.7 INCH OLD	1CV20008035			
CVS	IPAD	HS/ELEM	N/A	Apple Ipad	IPAD 9.7 INCH OLD				
CVS	IPAD	HS/ELEM	N/A	Apple Ipad	IPAD 9.7 INCH OLD	1CV20008032			
CVS	IPAD	HS/ELEM	N/A	Apple Ipad	IPAD 9.7 INCH OLD				
CVS	IPAD	HS/ELEM	N/A	Apple Ipad	IPAD 9.7 INCH OLD	1CV20008028			
CVS	IPAD	HS/ELEM	N/A	Apple Ipad	IPAD 9.7 INCH OLD				
CVS	IPAD	HS/ELEM	N/A	Apple Ipad	IPAD 9.7 INCH OLD	1CV20008023			
CVS	ANDROID	HS/ELEM	N/A	ANDROID TABLET	9.7 INCH				
CVS	LAPTOP	HS/ELEM	N/A	DELL LATITUDE 620		3CV0000219C	307P3C1		
CVS	Monitor	HS/ELEM	N/A	Dell	19 INCH LCD Monitor				
CVS	Monitor	HS/ELEM	N/A	Dell	19 INCH LCD Monitor				
CVS	Monitor	HS/ELEM	N/A	Dell	19 INCH LCD Monitor				
CVS	Monitor	HS/ELEM	N/A	Dell	19 INCH LCD Monitor				
CVS	IPAD CART	HS/ELEM	N/A	BRETFORD	IPAD STORAGE CART	20160037			





New

## **6240 INVESTMENT POLICY AND GUIDELINES**

### **I. SCOPE**

This investment policy applies to all monies and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

### **II. OBJECTIVES**

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

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

### **III. DELEGATION OF AUTHORITY**

The Board of Education's responsibility for administration of the investment program is delegated to the Director of Management Services who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a database or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

### **IV. PRUDENCE**

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

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

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

### **V. DIVERSIFICATION**

It is the policy of the Cherry Valley-Springfield Central School District to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

### **VI. INTERNAL CONTROLS**

It is the policy of Cherry Valley-Springfield Central School District for all monies collected by any officer or employee of the Cherry Valley-Springfield Central School District to transfer those funds to the Treasurer within five days for deposit, or within the time period specified in law, whichever is shorter.

The Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance

with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

#### **VII. DESIGNATION OF DEPOSITORIES**

The Cherry Valley-Springfield Central School District may deposit monies in any bank or trust company authorized to do business in New York State. The banks and trust companies authorized for the deposit will be approved at the annual reorganizational meeting.

#### **VIII. COLLATERALIZING DEPOSITS**

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

A. By a pledge of "eligible securities" with an aggregate of 102% "market value" as provided by GML S10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.

B. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

C. By an eligible surety bond payable to the Cherry Valley-Springfield Central School District for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims – paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

#### **IX. SAFEKEEPING AND COLLATERALIZATION**

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

The security agreement shall provide that eligible securities are being pledged to secure government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the Cherry Valley-Springfield Central School District, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Cherry Valley-Springfield Central School District or its custodial bank. The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

## **X. PERMITTED INVESTMENTS**

As authorized by General Municipal Law, §11, the Cherry Valley-Springfield Central School District authorizes the Treasurer under the direction of the Superintendent to invest monies not required for immediate expenditures for terms not to exceed its projected cash flow needs in the following types of investments:

- Demand deposit accounts;
- Certificates of deposit;
- Special time deposit accounts;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- Obligations of the State of New York;



## NYSSBA Sample Policy 4321.12

**(X) Required****(x) Local****(x) Notice****USE OF TIME OUT ROOMS, PHYSICAL RESTRAINTS AND AVERSIVES**

*NOTE: Chapter 516 of the Laws of 2022 amended Education Law §4402(9), which requires school boards to develop procedures for same-day parent notification whenever time out rooms and physical or mechanical restraints are utilized. We have modified this policy and the accompanying regulation accordingly as indicated by the underlined text. We have also added an optional section on Equity, and modified this policy and regulation for gender-neutral language and to replace “shall” with “will.”*

*SED issued guidance on this topic, dated December 12, 2022, available at: <https://www.p12.nysed.gov/specialed/timely.htm>. The Department’s regulatory agenda, posted December 2022) indicates that regulations on this topic may be issued in 2023, which may necessitate changes to this policy. Another resource for reducing student restraint and seclusion is available at: <https://www.pbis.org/resource/promoting-positive-discipline-approaches-and-reducing-restraint-and-seclusion-the-american-school-for-the-deaf-model-of-success>.*

*NOTE: State regulations require each school to have policies and procedures for the use of time-out rooms for students with disabilities. Audits by the State Education Department have cited some districts for not having sufficient Board policies and procedures on the use of time out rooms and emergency interventions.*

*This policy charges the administrator in charge of special education with developing regulations for time out rooms. The accompanying regulation provides more details on the use of time-out rooms. If your district has its own administrative or school-level procedures, they may be attached to this policy. The section on aversive behavioral interventions reflects that they are being phased out under state regulations.*

*This policy is offered to guide districts in the use of specific interventions that may be implemented to modify or eliminate inappropriate or self-injurious behavior of students with disabilities. If a school district has a time out room, the Board should adopt a policy that regulates its use. The district should modify the policy that follows to reflect its practice.*

*For a school to use aversive behavioral intervention pursuant to a child-specific exception, SED must have granted prior approval of the school’s policies and procedures as of June 30, 2007. If a district does not use aversives, there is no need to include that section in policy.*

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

## NYSSBA Sample Policy 4321.12

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

For purposes of this policy, the term "parent" refers to parents, guardians, and persons in parental relation, as defined in Education Law §2.

*Time Out Room*

*NOTE: The paragraph below clarifies that time out rooms can be used where it is not part of a behavioral intervention plan in unanticipated situations for student safety. While your district may wish to ban the use of time out rooms entirely, we recommend keeping this policy "just in case." For example, if a student moves into the district with a behavioral intervention plan already in the IEP that includes use of a time out room, having a policy in place makes implementing the IEP easier.*

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

*NOTE: While not specifically required by state law or regulation, if students with disabilities may potentially be placed in a time out room in emergencies to address student safety, the district may wish to notify all parents of students with disabilities that this is a possibility. In this way, parents are made aware that a time out room may potentially be used, whether or not a behavioral intervention plan incorporates the use of a time out room. The last sentence is provided for this option.*

The **[insert appropriate title]** will inform parents prior to the initiation of a behavioral intervention plan that will incorporate the use of a time out room. Upon request, ~~the~~ parents will be shown the space that will be utilized. In addition, ~~the~~ parents will be provided a copy of this policy and notified when their child is placed in the time out room as outlined in the "Parent Notification" section below. **[Optional sentence: The district will notify all parents of students with disabilities that a time out room may be used in emergencies, as described above.]**

## NYSSBA Sample Policy 4321.12

*Physical/Mechanical Restraint: Emergency Interventions*

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

*NOTE: The following two paragraphs summarize the provisions of state regulations sections 19.5(a)(3) and 200.22(d). Parent notification is addressed separately in the section below.*

During emergencies, immediate intervention by staff involving the use of reasonable physical force may be necessary, either to protect people or property from injury or damage, or to restrain or remove a student whose behavior is interfering with the orderly functioning of the school, if that student has refused to comply with a request to refrain from further disruptive acts.

The district ~~shall~~will document the use of emergency interventions for each student. This ~~shall~~will include the student's name and date of birth, the setting and location of the incident, the staff members involved, other persons involved, a description of the incident and the intervention used, the duration of the incident, a statement as to whether the student has a current behavioral intervention plan, and details of any injuries sustained by either the student or others as a result of the incident. Documentation of emergency interventions ~~shall~~will be reviewed by school supervisory personnel and, as necessary, the school nurse or other medical personnel. ~~The student's parents/guardians shall~~Parents will be notified of each incident of emergency intervention as outlined in the "Parent Notification" section below.

*Aversive Behavioral Intervention*

*NOTE: The text below reflects the phasing out of the use of aversive behavioral interventions for all students, except for child-specific exemptions that were granted by the Commissioner of Education each year since the 2008-09 school year. However, only districts with a plan approved by SED on or before June 30, 2007, are authorized to use such interventions. If no schools in the district had plans approved by then, this section does not need to be retained.*

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

**NYSSBA Sample Policy 4321.12**

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

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

*Parent Notification*

*NOTE: Education Law §4402(9) requires the board of education (or trustees) of each school district to develop a procedure for same-day parent notification of use of time out rooms and physical/mechanical restraints for students with disabilities. We recommend including language in this policy which allows for specific steps to vary at the building level. Building-level processes could be attached to this policy as exhibits. Questions regarding this law may be directed to the SED Office of Special Education's Policy Unit at (518) 473-2878 or to [speced@nysed.gov](mailto:speced@nysed.gov).*

*The law does not specify who must notify parents. Because school buildings may vary in size and complexity, Building Principals are likely the best person to determine the process that will work best for that building. Because the law requires that Building Principals report unsuccessful notification attempts to the CSE, if the actual notification is carried out by a designee, Principals may wish to be aware of only the unsuccessful notification attempts, or all notification results (both successful and unsuccessful).*

*Because students could potentially be placed in a time out room or restraint on more than one occasion by more than one staff member in any given school day, establishing a centralized method for notification may be prudent.*

*The law does not mandate whether a single aggregate daily notification is acceptable, versus separate notifications of each instance. The law also does not specify the information that must be provided (e.g., time, duration, precipitating events), or how parents must be notified (e.g., specific allowable methods of communication).*

*Confirmation that notification was received, and sending written notification where the district has not heard back from parents, is not required by the law, but serves as additional means to notify parents, as well as document the district's good faith effort to comply with the law.*

*The law is applicable to students with disabilities, and this policy is written accordingly. However, the district could choose to apply this policy to all students. This keeps parents informed of their children's well-being, and may be particularly helpful for students who are suspected of having a disability, or who may be identified as having a disability in the future.*

Pursuant to Education Law §4402(9), the Board is required to develop procedures for same-day parent notification of use of time out room or physical/mechanical restraint. Whenever a student is placed in a physical or mechanical restraint, or placed in a time out room, the Building Principal or designee will notify the parent on the same day that it occurs, via methods reasonably expected to reach parents (e.g., email, text, phone, apps, etc.).



**NYSSBA Sample Policy 4321.12**

Building Principals are responsible for establishing any building-level procedures necessary to implement this policy, and for working collaboratively with any school or program where resident students are receiving services pursuant to an IEP or individualized education services program (IESP). If the parent cannot be contacted (including if the district does not receive a response) after reasonable attempts are made, the Principal will record and report such attempts to the Committee on Special Education.

*Equity*

*NOTE: This optional section is suggested for districts engaging in Equity work to provide a pathway for districts to determine whether their use of time out rooms and restraints are being applied disproportionately, and to engage in measures designed for reduced, and more equitable, application.*

The district will periodically examine data about the use of time out rooms and restraints. Such data will be disaggregated by school, grade level, and staff member, as well as by student race/ethnicity and sex/gender (and/or other relevant factors). The purpose of this examination is to determine whether students from any demographic group are disproportionately placed in time out rooms and restraints and how to reduce such disproportionality, and whether, where and for whom additional training, support and/or assistance is needed to reduce the use of such interventions.

*Training*

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

The Superintendent of Schools [or insert appropriate title] ~~will be~~ responsible for implementation and oversight of this policy.

Ref: 8 NYCRR §§19.5; 200.15; 200.22

Adoption date:

## NYSSBA Sample Regulation 4321.12-R

## USE OF TIME OUT ROOMS REGULATION

*NOTE: We have updated item 9 of this regulation to address parent notification when students with disabilities are placed in time out rooms, pursuant to Education Law §4402(9) as amended by Chapter 516 of the Laws of 2022. We have also modified this regulation for gender-neutral language and to replace “shall” with “will.”*

*NOTE: State regulations require each school using a time out room to have “policy and procedures” on their use, which must address certain elements outlined in state regulations:*

- 1. The physical and monitoring requirements of state regulations;*
- 2. Parental rights;*
- 3. IEP requirements for students with disabilities;*
- 4. Prohibiting placing a student in a locked room or space or in a room where the student cannot be continuously observed and supervised;*
- 5. Factors which may precipitate the use of the time out room;*
- 6. Time limitations for the use of the time out room;*
- 7. Staff training on the policies and procedures related to the use of time out room;*
- 8. Data collection to monitor the effectiveness of the use of time out rooms; and*
- 9. Information to be provided to parents.*

*Because individual schools do not adopt policies in the same way that school boards do, we suggest the use of an administrative regulation instead of a board policy. Your district may wish to balance the desire to have uniform procedures throughout the district with the need to be developmentally-, age-, and grade level-appropriate. Additional detailed school-level procedures may be necessary.*

A time out room is a supervised area for a student to safely deescalate, regain control and prepare to meet expectations to return to ~~his/her~~the educational program. Time out rooms may only be used when needed for unanticipated situations that pose an immediate concern for the physical safety of a student or others, or in conjunction with a behavioral intervention plan in a student’s Individualized Education Program (IEP). The district’s use of time out rooms ~~shall~~will conform to applicable state regulations.

#### 1. Physical requirements

Time out rooms ~~shall~~will allow for continuous visual and auditory monitoring of the student. The room ~~shall~~will be large enough to allow a student to move freely and lay down comfortably. Wall and floor coverings ~~shall~~will be designed to prevent student injury where possible, and there ~~shall~~will be adequate lighting and ventilation. The temperature of the room ~~shall~~will be within the normal comfort range, and consistent with the rest of the building. The room ~~shall~~will be clean and free of objects and fixtures that could be potentially dangerous to a student, and ~~shall~~will meet all local fire and safety codes.

**NYSSBA Sample Regulation 4321.12-R****2. Monitoring, Observation and Supervision**

School staff ~~shall~~will continuously monitor the student in a time out room. The staff must be able to see and hear the student at all times.

**3. Prohibition on Locks**

Time out rooms or spaces ~~shall~~will be unlocked, and the door must be able to be opened from the inside.

**4. IEP Requirements**

A student's IEP ~~shall~~will specify when a behavioral intervention plan includes the use of a time out room for a student with a disability, including the maximum amount of time a student will need to be in a time out room as a behavioral consequence, as determined on an individual basis, in consideration of the student's age and individual needs. The behavioral intervention plan ~~shall~~will be designed to teach and reinforce alternative appropriate behaviors.

**5. Precipitating Factors**

The factors that may lead to a student being temporarily placed in a time out room will depend on the particular student. Generally, time out rooms are to be used when a student needs to deescalate, regain control and prepare to meet expectations to return to ~~his or her~~the education program. ~~A student~~Students in need of a time out room may be unable to control ~~his/her~~their actions, feel overwhelmed, or overstimulated, exhibiting violent actions, or ~~posing~~pose a danger to ~~self~~themselves or others.

**6. Time Limitations**

*NOTE: Maximum time specified in a behavioral intervention plan reflects the state regulations. The paragraph below contains suggested language to meet the regulatory requirements for addressing time limitations where used in emergency situations, but should be modified as appropriate for your district. The last sentence is included to provide guidance to school staff in order to minimize use of time-out rooms and bring students back to the learning environment.*

The amount of time a student may spend in a time out room will vary with the student's age, individual needs, behavioral intervention plan, and the specific circumstances. Students ~~shall~~will spend only as much time in the time out room as is necessary for them to deescalate, regain control, return to their educational programs, or no longer pose a concern for the physical safety of themselves or others. Students ~~shall~~will not be in a time out room for more than the maximum amount of time specified in their behavioral intervention plans. For emergency use, where a time out room is not specified in a student's behavioral intervention plan, but where such emergency use is not inconsistent with the student's IEP, the maximum time to be spent in a time out room ~~shall be~~is [*insert time period, such as: 30 minutes*]. ~~If a student is~~ Students who are not

**NYSSBA Sample Regulation 4321.12-R**

ready to return to the educational program after that period of time, ~~he/she shall~~will be provided with further interventions consistent with ~~his/her~~their behavioral intervention plan or IEP, or actions reasonably calculated to assist ~~the student~~them.

**7. Staff Training**

*NOTE: We have provided the following paragraph to fulfill state regulations requiring the school's policy and procedures to include "staff training on policies and procedures related to the use of time out room."*

All staff authorized to place a student in a time out room ~~shall~~will receive training on the procedures for placing a student in a time out room, including situations warranting use of a time out room, IEP requirements, continuous monitoring, time limitations, and data collection. Only trained staff authorized by the school principal may place a student in a time out room. Staff not authorized to place a student in a time out room ~~shall~~will receive training on what to do and who to contact if a student is exhibiting behaviors indicating the need for use of the time out room.

**8. Data Collection to Monitor Effectiveness**

*NOTE: State regulations require "procedures to document the use of the time out room, including information to monitor the effectiveness of the use of the time out room to decrease specified behaviors." The text below related to data collection is suggested language, which should be modified as appropriate for your district. Reporting to the Director of Special Education, Superintendent and Board is not specifically required by state law/regulation.*

The district ~~shall~~will document the use of time out rooms, and monitor the effectiveness of the use of time out rooms to decrease the behaviors that led to the use of the rooms. Such documentation will include a record for each student placed in a time out room. Each record ~~shall~~will show, for each use of the time out room, the date, time, duration of stay, precipitating factors, staff members involved, and the student's behaviors/condition before, during and after use of the time out room. Copies of these records ~~shall~~will be sent to the student's teachers, CSE chairperson, Director of Special Education, and Building Principal. Appropriate staff ~~shall~~will meet regularly as needed to review the effectiveness of the time out room for each student placed in one. Building Principals ~~shall~~will periodically report on the use and effectiveness of time out rooms to the Director of Special Education and Superintendent, who ~~shall~~will report to the Board annually.

**9. Parent/~~Guardian~~ Rights and Information**

*NOTE: State regulations require the district's policies and procedures address the actions in the first three sentences. State Education Law §4402(9) requires school boards to adopt procedures for notifying parents/persons in parental relation on the same day a student is placed in a time out room.*

**NYSSBA Sample Regulation 4321.12-R**

The district ~~shall~~will inform parents (this term includes guardians and persons in parental relation)/~~guardians~~ prior to the initiation of a behavioral intervention plan for their child which will incorporate the use of a time out room. Parents/~~guardians~~ ~~shall~~will be given the opportunity to see the physical space used as a time out room. Parents/~~guardians~~ ~~shall~~will be given a copy of ~~this~~the district's policy and regulation on time out rooms. The district ~~shall~~will notify parents/~~guardians~~ each time a student is placed in the time out room on that day, as described in policy 4321.12 and any applicable building-specific procedures.

Adoption date:

4321.12-E

**PARENT NOTIFICATION OF USE OF TIME OUT ROOM OR  
PHYSICAL/MECHANICAL RESTRAINT**

*NOTE: This form is based on one developed by the Massachusetts Department of Elementary and Secondary Education. We have modified it to reflect New York State Education Law §4402(9). However, please note that a follow-up letter such as this one is not required by the law, though it does demonstrate the district's good faith efforts to comply with the law, and provide an additional avenue for notification.*

[Date]

[Name of Parent/Person in Parental Relation]

[Address of Parent/Person in Parental Relation]

Dear [Parent/Person in Parental Relation Name]:

As we notified you on [date] via [method of communication], [student's name] engaged in the following behavior: [description of behavior triggering use of time-out room or physical/mechanical restraint] on [date].

We attempted the following behavior support strategies: [description of alternatives to time-out room or restraint use].

When these attempts did not succeed, we [select one: (A) sent [student's name] to the time-out room [or insert name used by the school] (B) physically/mechanically restrained [student's name] for a period of [number] minutes. [Include for use of time out room: The student was accompanied by [name(s)], who helped the student to calm.]

[Discuss any follow-up, de-brief, or other actions. For example, when there is repeated use of the time-out room or restraint for the same student, invite the parent/person in parental relation to meet and discuss alternative strategies to help the student maximize the amount of time spent learning with peers].

Please contact [name and contact information] if you have any questions or need any additional information.

Sincerely,

[Name]

[Title]

Adoption date:

## NYSSBA Sample Policy 4327

- Required  
 Local  
 Notice

**HOMEBOUND INSTRUCTION**

*NOTE: This policy has been revised extensively to reflect the requirements of new state regulations 8 NYCRR 100.22 regarding homebound instruction for students for physical, mental, or emotional illness or injuries. In SED's Assessment of Public Comment for these regulations, the Department drew a distinction between students receiving homebound instruction, and those being tutored at home due to being suspended from school. For this reason, we have removed "for disciplinary problems" from the first paragraph, and added the last section to address suspended students.*

*If the district had adopted an accompanying administrative regulation, that regulation likely does not conform to the new regulations. This policy is meant to replace any such regulation. NYSSBA's sample addressed requests for homebound instruction, which is covered by this policy. Other information contained in NYSSBA's prior sample regulation (e.g., coordinating with teachers for assignments, progress reports and grades, submitting time sheets and payroll periods, etc.) can be addressed in a building level procedure.*

Homebound instruction is a service provided to students who are unable to attend school participate in their usual educational setting, at home or in a hospital or other institution for the treatment of children (other than a school), due to ~~medical, emotional or disciplinary problems~~ temporary or chronic illness or injury for physical, mental or emotional reasons. Homebound instruction is provided to students anticipated to be unable to attend school in person for at least ten days during a three-month period, as documented by the student's treating healthcare provider (who is licensed or authorized to provide diagnosis under Title 8 of the Education Law).

Parents/guardians must make a request for homebound instruction to the district's Medical Director or designee. Such request must include written medical verification from the student's treating healthcare provider (who is licensed or authorized by the state to provide diagnosis), and consent for the Medical Director or designee to contact the treating healthcare provider. The Medical Director will review the request, and may contact the treating healthcare provider to obtain additional information. The Medical Director must notify the parent/guardian of the district's approval or denial within five school days after receiving the written medical verification. The parent may appeal denials to the Board of Education within ten school days of receiving the denial notification. If the request is approved, or if the request is denied and an appeal is pending before the Board, the district will provide instructional services within five school days after receiving notification of the student's medical condition or request for homebound instruction.

**NYSSBA Sample Policy 4327**

When approved for homebound instruction, secondary students receive instruction for at least ten hours per week, for at least two hours per day if possible (and starting July 1, 2023, at least fifteen hours per week, for at least three hours per day if possible). Elementary students receive at least five hours per week, for at least one hour per day if possible (and starting July 1, 2023, at least ten hours per week, for at least two hours per day if possible). Students receive credit for their work while on homebound instruction.

The higher minimum hours of instruction listed above may be reduced upon parent/guardian request, supported by documentation by the treating healthcare provider, but may not be lower than the lower minimum hours listed above. In such cases, the district must ensure that the student is unable to receive the minimum hours of instruction, must document the reason in the instruction delivery plan described below, and must review the plan at least once a month to determine when the hours can be increased.

Once approved, the district makes provisions for homebound instruction for all students residing in the district attending public and nonpublic schools in grades Kindergarten to age 21. Homebound instruction may be provided by the district, or by a tutor, who must hold a New York State teaching certificate and who may be employed by a BOCES. Hospital or institutional instruction may be provided via contract with a school connected with that hospital or institution, or the district where it is located. Homebound instruction may include remote instruction as defined in state regulations 8 NYCRR §100.1(u). ~~upon referral from the Medical Director or the Director of Pupil Personnel Services following the guidelines established by the Superintendent of Schools for placing a student on homebound instruction.~~

The district will establish a written instruction delivery plan, with input obtained and considered from the parent/guardian and, if appropriate, the student. The plan will include at least: the number hours per week and per day of instruction, the method instruction will be delivered, the location of services, and an explanation of how the services will enable the student to maintain academic progress. The district will review the plan as needed based on the needs of the student, or if conditions have changed. The district will maintain a record of the dates, amount, and type of instructional services the student received, including the instructor's name, subjects taught, and location where services were provided.

*NOTE: The following paragraph is optional, and had been included in our sample policy previously, but is not required by the new state regulations.*

Homebound instruction will strive to keep ~~the student~~ students on pace to rejoin ~~his/her~~ their class and maintain academic progress. The Board recognizes that students who are out of school for extended periods of time are at risk of falling behind academically and/or losing connection to the school community. The Board directs the administration to evaluate periodically whether homebound instruction is effective in keeping students on track to graduate, and if not, to take steps to improve instruction and implement approaches and/or offer services that support the transition back to school.



**NYSSBA Sample Policy 4327***Students Instructed Out of School Due to Suspension*

*NOTE: In the Assessment of Public Comment for regulations on a different topic, remote learning during emergency situations (8 NYCRR §§100.1 and 175.5), SED noted that “Placement in a fully virtual or remote learning modality should never be used as a disciplinary intervention for a student, although virtual or remote learning may be appropriate to provide supplemental required instruction to a student who is suspended from school.”*

Students who have been suspended from school will be provided with alternative instruction, as described in the district’s Code of Conduct. Such instruction may be provided in the student’s home or other location, including remotely, as determined by the district, balancing the best interests of the student, the safety of district personnel, and the district’s resources. The district’s homebound instructors may be utilized, if available. Such instruction is not subject to the requirements of state regulations for homebound instruction (8 NYCRR §100.22) referenced in the rest of this policy. Any such instruction will be substantially equivalent to the instruction the student would have received in the regular education environment, to be determined by the district on a case-by-case basis. Two hours per day of alternative instruction may be enough for the district to meet its obligations under the Education Law §3214(3)(e).

Cross-ref: 5300, Code of Conduct

Ref: Education Law §§1709(24); 4401 et seq.  
8 NYCRR §§100.1(u); 100.22; 175.21  
*Appeal of Camille S.* 39 EDR 574 (Dec. No. 14,316) (2000)

Adoption date:



## NYSSBA Sample Policy 6830

- ( ) Required  
 (X) Local  
 ( ) Notice

**EXPENSE REIMBURSEMENT**

*NOTE: We suggest minor clarifications to this policy, and to add optional language regarding travel extension and guests. The meal reimbursement amounts in the accompanying regulation are also revised.*

*Boards of Education are authorized to reimburse Board members, officers and employees for expenses reasonably, actually and necessarily incurred in the performance of their duties, provided they comply with required procedures. This sample policy and accompanying regulation set out some guidelines and procedures for the Board's consideration.*

School district employees, officials and members of the Board of Education will be reimbursed for reasonable, actual and necessary out-of-pocket expenses which are legally authorized and incurred while traveling for school related activities.

*NOTE: The Board may set the mileage rate for use of private vehicles for school business. Usually this is done at the annual reorganizational meeting. Although it is not required, many boards set the rate at the current rate fixed by the federal IRS for business travel. If your rate differs, please amend the text below.*

Only expenses necessary to the purpose of the travel ~~shall be~~ reimbursable. Transportation costs such as taxi cabs are allowable only for essential transportation. Mileage will be paid at the rate fixed by the federal Internal Revenue Service for business travel. Tax exemption certificates ~~shall~~ will be issued and utilized as appropriate (sales tax for individual restaurant meals are considered a necessary expense incidental to the meal).

*NOTE: If the Board wishes to have the Board President or Superintendent authorize attendance at meetings or conferences, the following paragraph must be modified to reflect that.*

The Board, by majority vote, will determine and approve which meetings and conferences may be attended by Board members and the Superintendent of Schools at district expense.

The Superintendent determines, in the first instance, whether attendance by district staff at any conference or professional meeting is in the best interest of the district and eligible for reimbursement of expenses under this policy.

## NYSSBA Sample Policy 6830

[Optional language: Extension of travel for personal reasons (before, during or after the district business) is permitted; however, the individual must charge any additional time to personal leave. Guests may accompany district officers or employees. Any additional costs arising from travel extension or guests will not be paid by the district.]

To obtain reimbursement, the claimant must complete and sign an expense voucher, attach all receipts or other expense documentation, together with a copy of the approved conference attendance request form and evaluation report (if required), and submit the same to the appropriate administrator. Reimbursement shall will only be made after such claim has been audited and allowed. Failure to adhere to this policy will result in denial of reimbursement.

Regulations concerning expense reimbursement are attached to this policy and will be reviewed annually and revised as appropriate.

*NOTE: We have added citations to General Municipal Law §77-c, which allows for per diem meal allowances instead of actual expense reimbursement, as well as two relevant guides from the IRS and the NYS Office of State Comptroller.*

Ref: Education Law §§1604(27); 1709(30); 1804; 2118; 3023; 3028  
General Municipal Law §§77-b; 77-c  
Internal Revenue Service, Office of Federal, State & Local Government, Publication 5137: “*Fringe Benefit Guide*,” <https://www.irs.gov/pub/irs-pdf/p5137.pdf>  
Office of the NYS Comptroller, Local Government Management Guide, “*Travel and Conference Expense Management*” (Dec. 2020), <https://www.osc.state.ny.us/files/local-government/publications/pdf/travel-and-conference-expense-management.pdf>  
Office of the NYS Comptroller, Local Government Management Guide, “*Improving the Effectiveness of Your Claims Auditing Process*” (Dec. 2020), <https://www.osc.state.ny.us/files/local-government/publications/pdf/improving-the-effectiveness-of-claims-auditing-process.pdf>

Adoption date:

## NYSSBA Sample Regulation 6830-R

**EXPENSE REIMBURSEMENT REGULATION**

*NOTE: We have suggested the changes noted by the underlined text.*

*It is good business practice for school districts to adopt local rules addressing travel, meals and other administrative expenses. The district should amend this regulation to reflect its own procedures.*

The district ~~shall~~reimburses district employees, officials and members of the Board of Education for reasonable, actual and necessary out-of-pocket expenses incurred while traveling for school-related business upon receipt of a completed voucher with itemized receipts along with approved attendance form. The following rules guide the reimbursement of school-related travel expenses:

*NOTE: These rules would be subject to anything inconsistent in collective bargaining agreements.*

Transportation

- Travel ~~shall~~must be by the most economical method, whether by private automobile, school vehicle or common carrier such as bus, train or plane.
- If travel is by private automobile, mileage ~~shall~~will be reimbursed at the level approved by the Internal Revenue Service for business travel. Parking and tolls will also be reimbursed but gasoline will not.
- Rental car expenses will be reimbursed only if authorized in advance. Receipts must be attached.
- Air travel is only allowed when determined by the Board President or the Superintendent to be in the district's best interest. Air travel ~~shall~~will be reimbursed at the lowest feasible fare available and ~~shall~~must not exceed regular coach class fare. Travel arrangements should be made as soon as reasonably practicable to avoid payment of a higher fare due to a late booking.

Lodging

*NOTE: By law, a district can only reimburse employees for lodging charges which were actually incurred. However, the district may wish to set a maximum lodging rate for which they will reimburse notwithstanding the amount actually charged for the room. To that end, the district may wish to use the federal travel reimbursement rates, which are also used by the New York State government, to set such a maximum rate. These rates can be found at <https://www.gsa.gov/travel/plan-book/per-diem-rates>.*

*The rates for lodging (and for meals and incidental expenses) vary by county and major cities. These federal/state rates do not apply specifically to school districts; however, they do serve as good general guidelines.*

### NYSSBA Sample Regulation 6830-R

- Persons traveling on district-related business are expected to secure the most reasonable rate for necessary hotel accommodations. The district will reimburse for actual lodging fees up to the maximum lodging fee set by the federal government for that location (<https://www.gsa.gov/travel/plan-book/per-diem-rates>).
- When the rate is pre-determined by the organization sponsoring the event, the traveler ~~shall~~**must** secure a room rate at no more than the pre-determined rate notwithstanding what the federal travel reimbursement rate is. Hotel accommodations at a rate other than the most reasonable rate or a pre-determined rate described above will be reimbursed only if approved by the Board President (for members of the board and the Superintendent) and the Superintendent (for all others) prior to the stay.

#### Meals

*NOTE: We have revised this section to provide options for reimbursement or per diem meal allowance. Rather than updating specific meal amounts in this regulation, we recommend adopting the federal meal and incidental amounts, which vary by location and are updated each year. IRS Publication 5137 “Fringe Benefit Guide” from the Office of Federal, State & Local Government states that for meal reimbursement to be excluded from an employee’s taxable income, the travel must be “substantially longer than an ordinary day’s work, require an overnight stay, or substantial sleep or rest.”*

The district will pay for meals for individuals traveling on district business, where the travel is substantially longer than an ordinary day’s work, or requires an overnight stay or substantial sleep or rest. Where a meal is already paid for by the district (for example, included with the conference or hotel costs), the corresponding amount for that meal will be deducted from the daily total. The first and last day of travel is 75% of the federal allowance. Itemized receipts are required to show that expenses are allowable under this policy.

*NOTE: The district can set meal reimbursement rates that differ from the federal rates for meals and incidental expenses. These rates should be reviewed annually to see if they need to be revised. According to the IRS Fringe Benefit Guide, “If a rate higher than the federal rate is used, the excess is taxable as wages.” For simplicity, we have modified this text to adopt the federal rates, which vary based on the location of travel. Note that the federal 2023 “standard” daily rate (for all other non-specified locations) is \$59: \$13 for breakfast, \$15 for lunch, \$26 for dinner, and \$5 for all other incidental expenses.*

**[Option A – actual expense reimbursement:]** Reimbursable meal charges, including taxes and gratuities, for persons traveling for district business, will be at the federal per diem reimbursement rate for meals and incidental expenses available at <https://www.gsa.gov/travel/plan-book/per-diem-rates> shall be as follows:

- Breakfast \_\_\_\_\_ \$ \_\_\_\_\_ (e.g., \$10.00)
- Lunch \_\_\_\_\_ \$ \_\_\_\_\_ (e.g., \$15.00)

**NYSSBA Sample Regulation 6830-R**

- Dinner \_\_\_\_\_ \$ \_\_\_\_\_ (e.g., \$40.00)
- OR
- Daily Total \_\_\_\_\_ \$ \_\_\_\_\_ (e.g., \$65.00)

*NOTE: Under General Municipal Law §77-c, the district may determine by resolution to allow and pay a reasonable per diem allowance. The adopted per diem rate must not exceed the federal standard meal allowance, but in determining the rate, the district must consider the prevailing costs for meals in the area in which the travel will occur.*

**[Option B – per diem meal allowance:] Pursuant to Board resolution, the district pays a per diem meal and incidental cost allowance, regardless of actual expenses, based on the federal standard meal allowance for the area in which the travel will occur.**

Personal Expenses

The district does not reimburse persons traveling on district-related business for personal expenses including, but not limited to, pay television, hotel health club facilities, alcoholic beverages, theater and show tickets, and telephone calls and transportation costs unrelated to district business.

Adoption date:





## NYSSBA Sample Policy 9645

- ( ) Required  
 (X) Local  
 ( ) Notice

**DISCLOSURE OF WRONGFUL CONDUCT  
 (Whistleblower Policy)**

*NOTE: This policy has been corrected to reflect an amendment to Civil Service Law §75-b, which no longer requires public employees to notify their employers of alleged wrongdoing before bringing their concerns to a higher authority. The regulations of the Commissioner of Education (8 NYCRR §102.4) also require that employees with concerns about testing misconduct report directly to the State Education Department (SED). We have modified the optional provisions of this policy to encourage, rather than require, staff to report testing misconduct and other allegations to the Superintendent or the Board when reporting concerns to SED and other governmental entities. Because the changes to this policy are rather extensive, for simplicity, we are indicating the changes with underlined text, rather than showing the strikethrough text as well.*

*Civil Service Law §75-b prohibits adverse employment actions against public employees (including school district employees) who disclose to a governmental body (e.g., a higher authority) information they believe to be true and constitutes an improper governmental action.*

The Board of Education expects officers and employees of the district to fulfill the public's trust and to conduct themselves in an ethical manner, abiding by all district policies and regulations and by all applicable state and federal laws and regulations.

However, when district officers or employees know or have reasonable cause to believe that instances of wrongful conduct (e.g., mismanagement of district resources, unethical behavior, violations of law or regulation, and/or abuse of authority) have occurred, they are encouraged, if they feel comfortable, to report such wrongful conduct to the Board or one of its designated officers. Alternatively, or in addition, district employees may report their concerns to a governmental agency or entity.

For purposes of this policy, the term “wrongful conduct” includes, but is not limited to:

- theft of district money, property, or resources;
- misuse of authority for personal gain or other non-district purpose;
- fraud;
- conflicts of interest or abuse by district officers or employees relating to their office or employment;
- actions that present a substantial or specific danger to public health or safety;
- actions that compromise the security and integrity of the district's or state's testing program;
- violations of applicable federal and state laws and regulations; and/or

## NYSSBA Sample Policy 9645

- serious violations of district policy, regulation, and/or procedure.

*Internal Reporting and Investigation*

*NOTE: Please consult with your attorney and auditors to make sure that the list of entities/individuals who can receive allegations of misconduct will work for your district. Ultimately, it is important to provide for multiple avenues to report misconduct. For districts with in-house legal counsel, it may be more appropriate for the school attorney to receive reports of wrongdoing. For districts that contract with outside counsel (who work at the direction of the Board), it may not be as appropriate for the attorney to be a first point of contact to receive reports. While an outside attorney would not conduct any investigation without Board direction, they could bring reported misconduct to the Board's attention.*

Employees and officers who know or have reasonable cause to believe that wrongful conduct has occurred are encouraged to report such conduct, if they feel comfortable, to the Board of Education, or the Superintendent of Schools (or designee) or School Attorney, Internal Auditor, External/Independent Auditor, or Audit Committee, who must notify the Board. Building Principals or other supervisory personnel may also receive such reports, and must notify the Superintendent, unless the Superintendent is a subject of the report. Upon receiving a report of alleged wrongful conduct, the Board, Superintendent or designee may take immediate steps to authorize an investigation.

*NOTE: The text below reflects the state regulations which require direct reporting to SED, consistent with Civil Service Law §75-b.*

Staff members who suspect that a violation of state testing procedures has occurred by a certified educator, or non-certified individual involved in the state testing program, must report their concerns to the State Education Department (SED) in the manner prescribed by the Commissioner of Education. Employees are also encouraged, if they feel comfortable, to report concerns to the Superintendent or Board of Education. Any Building Principal receiving such a report must relay this information to the Superintendent, or directly to the Board, if the Superintendent is a subject of the report.

The Board or Superintendent or designee must maintain a written record of the allegation and the results of any investigation. The Board or Superintendent or designee may also refer the matter to any appropriate entity or agency (e.g., auditors, police, SED, State Comptroller, etc.), and the Superintendent or designee will notify the Board when appropriate to do so.

Except as otherwise provided in either state and/or federal law, the Board-designated officer will make all reasonable attempts to protect the identity of the employee making the disclosure in a confidential manner, as long as doing so does not interfere with conducting an investigation of the specific allegations or taking corrective action.

## NYSSBA Sample Policy 9645

*NOTE: The first sentence below outlines the protections of Civil Service Law 75-b. We have removed the requirement to notify the district prior to notified governmental entities of suspected wrongdoing.*

The district will not take adverse employment action against an employee who has, in good faith, notified the district and/or a governmental body of wrongdoing, including but not limited to instances where an employee has reported misconduct when mandated to do so by federal or state law or regulation (e.g., child abuse, state testing misconduct).

### *Complaints of Reprisal*

Employees who allege they have been subject to an adverse employment action based on a prior disclosure of alleged or actual wrongful conduct may contest the action by filing a written complaint of reprisal with the Superintendent or designee, or if the Superintendent is the subject of the complaint, the Board President or designee, in consultation with the school attorney, who will review the complaint expeditiously to make a preliminary determination as to:

- whether the complainant made a disclosure of alleged wrongful conduct before an adverse employment action was taken;
- whether the responding party could reasonably have been construed to have had knowledge of the disclosure and the identity of the disclosing employee;
- whether the complainant has in fact suffered an adverse employment action after having made the disclosure; and
- whether the complainant alleges that adverse employment action occurred as a result of the disclosure.

*NOTE: To streamline the process, we recommend the Superintendent or designee (or Board President or designee) investigate the claim, rather than a separate review officer or panel.*

If all of the above elements are present, the Superintendent or designee, or Board President or designee in consultation with the school attorney if the Superintendent is the subject of the report or allegation, will investigate the claim and make a recommendation to the Board. The Superintendent or designee will inform the complainant and the respondent, in writing, of:

- the intent to proceed with an investigation;
- the specific allegations to be investigated; and
- the opportunity of each party to support or respond, in writing, to the allegation.

Once the Superintendent or designee, or Board President or designee in consultation with the school attorney if the Superintendent is the subject of the report or allegation, has conducted a review and considers the investigation to be complete, the Board will be notified of its completion. From the date of that notice, the Superintendent or designee, or Board President or designee, has [insert number of days, e.g., 30] \_\_\_ days to report the findings and make any

**NYSSBA Sample Policy 9645**

recommendations deemed appropriate to the Board. The Superintendent or designee, or Board President or designee, in conferral with the Board and school attorney, if appropriate, will make a final determination and issue a letter of findings to both the complainant and the respondent.

Nothing in this policy is intended to interfere with legitimate employment decisions.

The Superintendent of Schools may establish regulations necessary to implement this policy.

This policy and any accompanying regulations will be published in employee handbooks, posted in employee lounges and given to all employees with fiscal accounting and/or money handling responsibilities on an annual basis.

The Superintendent of Schools, the Auditor, the School Attorney and others involved in implementing this policy will meet with the Board once a year to evaluate the effectiveness of this policy and to make appropriate adjustments, if any, to the policy and any accompanying regulations.

*NOTE: We have removed the citation to the Garrity case, which the provisions of amended Civil Service Law §75-b rendered obsolete (regarding requiring an initial reporting of allegations to employers prior to disclosure to outside agencies). A citation to Education Law §3028-d has been added, which addresses protections for school employees who report fiscal misconduct to employers and/or governmental agencies.*

**Ref:** Civil Service Law §75-b  
Education Law §3028-d  
Labor Law §740  
8 NYCRR §§102.3, 102.4 (testing misconduct)  
*Matter of Brey v. Bd. of Educ.*, 245 A.D. 2d 613 (3<sup>rd</sup> Dept. 1997) (termination based on work deficiency, not retaliation)

Adoption date:

current CV-S

## 6240 INVESTMENTS

The objectives of the district's investment policy are to safeguard district funds and to minimize risk, to ensure that investments mature when cash is required to finance operations and to ensure a competitive rate of return. In accordance with this policy, the Treasurer or his/her designee is authorized to invest and/or deposit all funds, including proceeds of obligations and reserve funds, in time-deposit accounts, certificates of deposit, short-term government securities, repurchase agreements or other investment instruments permitted by law, subject to the investment regulations approved by the Board of Education.

To the extent feasible, investments and deposits shall be made in and through local or regional financial institutions. Concentration of investments in a single financial institution should be avoided. Diversification of investments and deposits is encouraged. Investments may be made either directly from an authorized trading partner, or by participation in a cooperative investment agreement with other authorized municipal corporations pursuant to [General Municipal Law Article 5-G](#) and in accordance with [General Municipal Law Article 3-A](#).

This policy will be annually reviewed by the Board and may be amended from time to time in accordance with the provisions of [section 39 of the General Municipal Law](#).

### Ref:

[Education Law §§1604-a; 1723-a; 3651; 3652](#)

[Local Finance Law § 24.00, 25.00, 165.00](#)

[General Municipal Law §§6-d; 6-j; 6-l-n; 6-p; 6-r; 10; 11; 39; Article 3-A; Article 5-G](#)

Adoption date:

**Cherry Valley-Springfield Central School District**



current CV-S

## **4321.12 USE OF TIME OUT ROOMS, PHYSICAL RESTRAINTS AND AVERSIVES**

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

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

### *Time Out Room*

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

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

### *Physical Restraint: Emergency Interventions*

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

During emergencies, immediate intervention by staff involving the use of reasonable physical force may be necessary, either to protect people or property from injury or damage, or to restrain or remove a student whose behavior is interfering with the orderly functioning of the school, if that student has refused to comply with a request to refrain from further disruptive acts.

The district shall document the use of emergency interventions for each student. This shall include the student's name and date of birth, the setting and location of the incident, the staff members involved, other persons involved, a description of the incident and the intervention used, the duration of the incident, a statement as to whether the student has a current behavioral intervention plan, and details of any injuries sustained by either the student or others as a result of the incident. Documentation of emergency interventions shall be reviewed by school supervisory personnel and, as necessary, the school nurse or other medical personnel. The student's parents/guardians shall be notified of each incident of emergency intervention.

### Aversive Behavioral Intervention

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

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

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

### Training

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

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

### Ref:

[8 NYCRR §§19.5; 200.15; 200.22](#)

Adoption date:



## 4321.12-R USE OF TIME OUT ROOMS REGULATION

A time out room is a supervised area for a student to safely deescalate, regain control and prepare to meet expectations to return to his/her educational program. Time out rooms may only be used when needed for unanticipated situations that pose an immediate concern for the physical safety of a student or others, or in conjunction with a behavioral intervention plan in a student's Individualized Education Program (IEP). The district's use of time out rooms shall conform to applicable state regulations.

### 1. Physical requirements

Time out rooms shall allow for continuous visual and auditory monitoring of the student. The room shall be large enough to allow a student to move freely and lay down comfortably. Wall and floor coverings shall be designed to prevent student injury where possible, and there shall be adequate lighting and ventilation. The temperature of the room shall be within the normal comfort range, and consistent with the rest of the building. The room shall be clean and free of objects and fixtures that could be potentially dangerous to a student, and shall meet all local fire and safety codes.

### 2. Monitoring, Observation and Supervision

School staff shall continuously monitor the student in a time out room. The staff must be able to see and hear the student at all times.

### 3. Prohibition on Locks

Time out rooms or spaces shall be unlocked, and the door must be able to be opened from the inside.

### 4. IEP Requirements

A student's IEP shall specify when a behavioral intervention plan includes the use of a time out room for a student with a disability, including the maximum amount of time a student will need to be in a time out room as a behavioral consequence, as determined on an individual basis, in consideration of the student's age and individual needs. The behavioral intervention plan shall be designed to teach and reinforce alternative appropriate behaviors.

### 5. Precipitating Factors

The factors that may lead to a student being temporarily placed in a time out room will depend on the particular student. Generally, time out rooms are to be used when a student needs to deescalate, regain control and prepare to meet expectations to return to his or her education program. A student in need of a

time out room may be unable to control his/her actions, overwhelmed, overstimulated, exhibiting violent actions, or posing a danger to self or others.

## 6. Time Limitations

The amount of time a student may spend in a time out room will vary with the student's age, individual needs, behavioral intervention plan, and the specific circumstances. Students shall spend only as much time in the time out room as is necessary for them to deescalate, regain control, return to their educational programs, or no longer pose a concern for the physical safety of themselves or others. Students shall not be in a time out room for more than the maximum amount of time specified in their behavioral intervention plans. For emergency use, where a time out room is not specified in a student's behavioral intervention plan, but where such emergency use is not inconsistent with the student's IEP, the maximum time to be spent in a time out room shall be 30 minutes. If a student is not ready to return to the educational program after that period of time, he/she shall be provided with further interventions consistent with his/her behavioral intervention plan or IEP, or actions reasonably calculated to assist the student.

## 7. Staff Training

All staff authorized to place a student in a time out room shall receive training on the procedures for placing a student in a time out room, including situations warranting use of a time out room, IEP requirements, continuous monitoring, time limitations, and data collection. Only trained staff authorized by the school principal may place a student in a time out room. Staff not authorized to place a student in a time out room shall receive training on what to do and who to contact if a student is exhibiting behaviors indicating the need for use of the time out room.

## 8. Data Collection to Monitor Effectiveness

The district shall document the use of time out rooms, and monitor the effectiveness of the use of time out rooms to decrease the behaviors that led to the use of the rooms. Such documentation will include a record for each student placed in a time out room. Each record shall show, for each use of the time out room, the date, time, duration of stay, precipitating factors, staff members involved, and the student's behaviors/condition before, during and after use of the time out room. Copies of these records shall be sent to the student's teachers, CSE chairperson, Director of Special Education, and Building Principal. Appropriate staff shall meet regularly as needed to review the effectiveness of the time out room for each student placed in one. Building Principals shall periodically report on the use and effectiveness of time out rooms to the Director of Special Education and Superintendent, who shall report to the Board annually.

## 9. Parent/Guardian Rights and Information

The district shall inform parents/guardians prior to the initiation of a behavioral intervention for their child which will incorporate the use of a time out room. Parents/guardians shall be given the opportunity to see the physical space used as a time out room. Parents/guardians shall be given a copy of this policy and regulation on time out rooms. The district shall notify parents/guardians each time a student is placed in the time out room.

Adoption date:

**Cherry Valley-Springfield Central School District**



current CV-S

## 4327 HOMEBOUND INSTRUCTION

Homebound instruction is a service provided to students who are unable to attend school due to medical, emotional or disciplinary problems. Secondary students receive instruction for two hours per day and elementary students receive one hour per day. Students receive credit for their work while on homebound instruction.

The district makes provisions for homebound instruction upon referral from the Medical Director or the Administration following the guidelines established by the Superintendent of Schools for placing a student on homebound instruction.

Cross-ref:

5100, Attendance

Ref:

[Education Law §§1709\(24\); 4401 et seq.](#)

[8 NYCRR §175.21](#)

Adoption date: July 9, 2015 July 9, 2015

**Cherry Valley-Springfield Central School District**



Current CV-S

## **6830 EXPENSE REIMBURSEMENT**

School district employees, officials and members of the Board of Education will be reimbursed for reasonable, actual and necessary out-of-pocket expenses which are legally authorized and incurred while traveling for school related activities.

Only expenses necessary to the purpose of the travel shall be reimbursable. Transportation costs such as taxi cabs are allowable only for essential transportation. Mileage will be paid at the rate one and half cent below the fixed federal Internal Revenue Service for business travel. Tax exemption certificates shall be issued and utilized as appropriate.

The Superintendent shall determine, in the first instance, whether attendance by district staff at any conference or professional meeting is in the best interest of the district and eligible for reimbursement of expenses under this policy.

To obtain reimbursement, the claimant must complete and sign an expense voucher, attach all receipts or other expense documentation, together with a copy of the approved conference attendance request form and evaluation report (if required), and submit the same to the appropriate administrator. Reimbursement shall only be made after such claim has been audited and allowed.

Regulations concerning expense reimbursement shall be attached to this policy and shall be reviewed annually and revised as appropriate.

Ref:

[Education Law §§1604\(27\); 1709\(30\); 1804; 2118; 3023; 3028](#)

[General Municipal Law §77-b](#)

Adoption date: July 9, 2015

**Cherry Valley-Springfield Central School District**





## 6830-R EXPENSE REIMBURSEMENT REGULATION

The district shall reimburse district employees, officials and members of the Board of Education for reasonable, actual and necessary out-of-pocket expenses incurred while traveling for school-related business upon receipt of a completed voucher with itemized receipts along with approved attendance form. The following rules shall guide the reimbursement of school-related travel expenses:

### Transportation

- Travel shall be by the most economical method, whether by private automobile, school vehicle or common carrier such as bus, train or plane.
- If travel is by private automobile, mileage shall be reimbursed at one and a half cent below the level approved by the Internal Revenue Service for business travel. Parking and tolls will also be reimbursed but gasoline will not.
- Rental car expenses will be reimbursed only if authorized in advance. Receipts must be attached.
- Air travel is only allowed when determined by the Board President or the Superintendent to be in the district's best interest. Air travel shall be reimbursed at the lowest feasible fare available and shall not exceed regular coach class fare. Travel arrangements should be made as soon as reasonably practicable so as to avoid payment of a higher fare due to a late booking.

### Lodging

- Persons traveling on district-related business are expected to secure the most reasonable rate for necessary hotel accommodations. The district will reimburse for actual lodging fees up to the maximum lodging fee set by the federal government for that location.
- When the rate is pre-determined by the organization sponsoring the event, the traveler shall secure a room rate at no more than the pre-determined rate notwithstanding what the federal travel reimbursement rate is. Hotel accommodations at a rate other than the most reasonable rate or a pre-determined rate described above will be reimbursed only if approved by the Board President (for members of the board and the Superintendent) and the Superintendent (for all others) prior to the stay.

### Meals

Reimbursable meal charges, including gratuities, for persons traveling for district-related business shall be as follows:

- Breakfast                      \$10.00

- Lunch \$15.00
- Dinner \$40.00 OR
- Daily Total \$55.00

### **Personal Expenses**

The district does not reimburse persons traveling on district-related business for personal expenses including, but not limited to, pay television, hotel health club facilities, alcoholic beverages, theater and show tickets, and telephone calls and transportation costs unrelated to district business.

Adoption date: July 9, 2015

**Cherry Valley-Springfield Central School District**

## 9645 DISCLOSURE OF WRONGFUL CONDUCT (Whistleblower Policy)

The Board of Education expects officers and employees of the district to fulfill the public's trust and to conduct themselves in an honorable manner, abiding by all district policies and regulations and by all applicable state and federal laws and regulations.

However, when district officers or employees know or have reasonable cause to believe that serious instances of wrongful conduct (e.g., mismanagement of district resources, unethical behavior, violations of law or regulation, and/or abuse of authority) have occurred, they should report such wrongful conduct to the Board or one of its designated officers.

For purposes of this policy, the term "wrongful conduct" shall be defined to include:

- theft of district money, property, or resources;
- misuse of authority for personal gain or other non-district purpose;
- fraud;
- actions that compromise the security and integrity of the district's or state's testing program;
- violations of applicable federal and state laws and regulations; and/or
- serious violations of district policy, regulation, and/or procedure.

### Disclosure and Investigation

Employees and officers who know or have reasonable cause to believe that wrongful conduct has occurred shall report such mismanagement, fraud or abuse to the Superintendent of Schools, the School Attorney or the Independent Auditor. Each of these Board-designated officers, upon receiving a report of alleged wrongful conduct, shall take immediate steps to conduct an investigation.

Staff members who suspect that a violation of state testing procedures has occurred by a certified educator, or non-certified individual involved in the state testing program, must report their concerns to the State Education Department (SED) in the manner prescribed by the Commissioner of Education, and must also report concerns to the Superintendent or Board of Education. Any Building Principal receiving such a report shall relay this information to the Superintendent.

The Superintendent, School Attorney or the Independent Auditor shall maintain a written record of the allegation, conduct an investigation to ensure that the appropriate unit (auditors, police, SED, etc.) investigates the disclosure, and notify the Board when appropriate to do so.

Except as otherwise provided in either state and/or federal law, the Board-designated officer shall make all reasonable attempts to protect the identity of the employee making the disclosure in a confidential manner, as long as doing so does not interfere with conducting an investigation of the specific allegations or taking corrective action.

The district shall not take adverse employment action against an employee who has notified the district of wrongdoing, allowing the district the opportunity to investigate and correct the misconduct. The district shall not take adverse action against an employee who has reported misconduct when mandated to do so by federal or state law or regulation.

### Complaints of Reprisal

An employee who has been subject to an adverse employment action based on his or her prior disclosure of alleged or actual wrongful conduct may contest the action by filing a written complaint of reprisal with the Board President. The Board President, or his/her designee, will review the complaint expeditiously to determine:

- whether the complainant made a disclosure of alleged wrongful conduct before an adverse employment action was taken;
- whether the responding party could reasonably have been construed to have had knowledge of the disclosure and the identity of the disclosing employee;
- whether the complainant has in fact suffered an adverse employment action after having made the disclosure; and
- whether the complainant alleges that adverse employment action occurred as a result of the disclosure.

If the designee determines that all of the above elements are present, he or she shall appoint a review officer or panel to investigate the claim and make a recommendation to the Board. At the time of appointment, the designee shall inform the complainant and the respondent, in writing, of:

- the intent to proceed with an investigation;
- the specific allegations to be investigated;
- the appointment of the review officer or panel; and
- the opportunity of each party to support or respond, in writing, to the allegation.

Once the review officer or panel has conducted a review and considers the investigation to be complete, the officer or panel will notify the designee of its completion. From the date of that notice, the review officer has thirty (30) days to report his or her findings and

make any recommendations he or she deems appropriate to the designee. The designee, in conferral with the appropriate administrator shall issue a letter of findings to both the complainant and the respondent.

The decision of the review officer or panel is binding.

Nothing in this policy is intended to interfere with legitimate employment decisions.

The Superintendent of Schools shall establish regulations necessary to implement this policy.

This policy and accompanying regulations shall be published in employee handbooks, posted in employee lounges and given to all employees with fiscal accounting and/or money handling responsibilities on an annual basis.

The Superintendent of Schools, the Auditor, the School Attorney and others involved in implementing this policy shall meet with the Board once a year to evaluate the effectiveness of this policy and to make appropriate adjustments, if any, to the policy and accompanying regulations.

Ref:

[Civil Service Law §75-b](#)

[Labor Law §740](#)

[8 NYCRR §§102.3, 102.4 \(testing misconduct\)](#)

*Garrity v. University at Albany*, 301 A.D. 2d 1015 (3rd Dept. 2003) ([Article 75-b](#) protections only apply if employee first discloses wrongdoing to employer, allowing for investigation and correction prior to disclosure to outside agencies)

*Matter of Brey v. Bd. of Educ.*, 245 A.D. 2d 613 (3rd Dept. 1997) (termination based on work deficiency, not retaliation)

Adoption date: July 9, 2015

**Cherry Valley-Springfield Central School District**

