

DRAFT

**BOARD AGENDA
BUSINESS MEETING**

Thursday, November 18, 2021
7:00 PM In the School Cafeteria

CV-S Central School
Cherry Valley, NY

I. OPENING OF MEETING

- A. QUORUM CHECK
- B. CALL TO ORDER
- C. PLEDGE OF ALLEGIANCE
- D. SPECIAL PRESENTATIONS - Administration, Annual Transportation Report, Community Service, & Board Committee Reports
- 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 #1-11-2021 through RESOLUTION #16-11-2021.

- A. RESOLUTION 1-11-2021
APPROVAL OF MINUTES – October 21, 2021
- B. RESOLUTION 2-11-2021
ACKNOWLEDGE RECEIPT OF TREASURER'S AND FINANCIAL REPORTS – October 2021
- C. FINANCIAL
RESOLUTION 3-11-2021
RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby accept the Tax Collectors Report for the 2021-2022 school year per Attachment III C.
- D. ACCEPT AUDIT
RESOLUTION 4-11-2021
RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Audit Committee, does hereby accept the audit for fiscal year ending June 30, 2021, conducted by the Bonadio Group.

E. CORRECTIVE ACTION PLAN

RESOLUTION 5-11-2021

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, does hereby accept the Corrective Action Plan dated November 4, 2021 with the implementation date of October 26, 2021.

F. SURPLUS EQUIPMENT

RESOLUTION 6-11-2021

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does not wish to retain two (2) Michelin winter tires 225/65 R16 x ice/snow new, but 2 years old and no longer have vehicles that they fit so they are declared as surplus and will be sold or disposed accordingly.

G. MEMORANDUM OF UNDERSTANDING WITH OPPORTUNITIES FOR OTSEGO, INC.

RESOLUTION 7-11-2021

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby approve the Memorandum of Understanding with Opportunities for Otsego, Inc. for the 2021-2022 and 2022-2023 school years as per Attachment III G.

H. COLLABORATION AGREEMENT WITH OPPORTUNITIES FOR OTSEGO, INC.

RESOLUTION 8-11-2021

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby approve the Collaboration Agreement with Opportunities for Otsego, Inc. for the 2021-2022 and 2022-2023 school years as per Attachment III H.

I. BASSETT MEDICAL CENTER AGREEMENT

RESOLUTION 9-11-2021

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby approve the Bassett Medical Center Health Works Agreement as per ATTACHMENT III I.

J. STUDENT LIAISON

RESOLUTION 10-11-2021

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby appoint Joleen Lusk, Ariana Bosc and Chase Benson as substitute Board of Education Student Liaison members for the 2021-2022 school year.

K. PERSONNEL

RESOLUTION 11-11-2021

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint Shannon Carley to a position as an LPN/Aide for a probationary period effective November 2, 2021 through May 2, 2022.

RESOLUTION 12-11-2021

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 assignment for the 2021-2022 school year: Elementary - Math Coordinators - Colleen Loucks

RESOLUTION 13-11-2021

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 2021-2022 school year: Tutor - Alaina Brower

Chaperone for Basketball Games, Concerts, Drama Performances, Dances and Track - Bobbie Ann Templin

Basketball Clock - Robert Whiteman, Rich Whiteman, Robert Whiteman, Jr., Ernie Whiteman, Bobbie Ann Templin & Nate Climenhaga

RESOLUTION 14-11-2021

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 Instructional Support Substitutes for the 2021-2022 school year: Alisha Carpenter Daniel Yerdon

RESOLUTION 15-11-2021

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 After School Program assignments for the 2021-2022 school year:

After School Program Coordinator Substitute - Bobbie Ann Templin

After School Program Student Peer Mentor - Karis Brodie, Nyla Borne & Madison Hastings

RESOLUTION 16-11-2021

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby approve the following as a volunteer for the 2021- 2022 school year: Robert Whiteman, Jr.

IV. NEW BUSINESS

A. POLICY REVIEW

RESOLUTION 17-11-2021

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby conduct a first reading of 0101, Gender Neutral Single-Occupancy Bathrooms, 1230, Public Comment at Board Meetings (policy and exhibit), 2342, Agenda Preparation and Dissemination, 8505, "Charging" School Meals and Prohibition Against Shaming.

V. OLD BUSINESS

A. POLICY REVIEW

RESOLUTION 18-11-2021

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby direct the District Clerk to transmit the NYSSBA updated Policies - Policy 1230 Public Participation at Board Meetings and Policy 2350 Board Meeting Procedures to the New York State School Boards Association by November 19, 2021.

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)
- To review the collective negotiations pursuant to Article 14 of the Civil Service Law (the Taylor Law)
- Review recommendations made by the Committee on Preschool Special Education and the Committee on Special Education

VII. ADJOURNMENT

Cherry Valley-Springfield Central School
COLLECTOR'S SUMMARY REPORT
 All SWIS Codes

SWIS	Municipality	Taxable Value	Amount of Tax Levy	Total Taxes Collected	Inst Fees Received	Late Fees Received	Taxes Returned to County	Late Fee Added	County Fee Added	Tax, Fee, and County Fee
272289	CANAJOHARIE	7,262,813	87,020.87	81,128.54	0.00	80.76	5,892.33	176.77	0.00	6,069.10
273089	MINDEN	17,965,548	214,188.08	190,704.64	0.00	509.00	23,483.44	704.52	0.00	24,187.96
362401	CHERRY VALLEY	26,371,966	313,689.55	283,583.43	0.00	534.35	30,106.12	903.18	0.00	31,009.30
362489	CHERRY VALLEY - VILLAGE	61,760,218	731,870.06	638,051.46	0.00	1,429.44	93,818.60	2,316.82	0.00	96,135.42
362600	DECATUR	581,950	13,787.73	9,557.61	0.00	17.30	4,230.12	8.08	0.00	4,238.20
363889	MIDDLEFIELD	43,447,535	772,544.27	686,907.07	0.00	888.30	85,637.20	2,569.09	0.00	88,206.29
365089	OTSEGO	467,828	5,526.31	5,526.31	0.00	0.01	0.00	0.00	0.00	0.00
365800	ROSEBOOM	54,346,815	655,144.61	541,147.29	0.00	1,336.32	113,997.32	1,906.93	0.00	115,904.25
366000	SPRINGFIELD	155,322,751	2,033,188.02	1,885,992.76	0.00	2,871.30	147,195.26	4,415.87	0.00	151,611.13
366400	WESTFORD	2,614,071	31,941.94	29,302.17	0.00	44.58	2,639.77	79.19	0.00	2,718.96
	Report Totals	370,141,495	4,858,901.44	4,351,901.28	0.00	7,710.36	507,000.16	13,080.45	0.00	520,080.61

**A Memorandum of Understanding Between
Cherry Valley-Springfield Central School
and Opportunities for Otsego, Inc., Head Start
for academic years 2021-2022 and 2022-2023**

I. Parties to the Agreement

- A. Cherry Valley-Springfield Central School; and
- B. Opportunities for Otsego, Inc. Head Start

II. Purpose of Agreement

- A. To improve availability and the quality of services for Otsego County's children, age three through age five, and their families;
- B. To support children's optimal development and readiness for school entry and success;
- C. To address the unique strengths and needs of the local population, such as homeless, migrant, or non-English speaking families;
- D. To promote collaboration regarding shared use of transportation, facilities, and other resources, as appropriate;
- E. To promote further collaboration to reduce duplication and enhance efficiency of services;
- F. To define the roles and responsibilities of the named parties toward coordination and greater collaboration, enhance linkages and relationships, and exchange information on the provision of educational and non-educational services; and
- G. To coordinate a comprehensive system of activities, policies and procedures among the named parties which guide and support their delivery of services to children and their families.

III. Program Descriptions

- A. Opportunities for Otsego, Inc. Head Start has served the children and families of Otsego County since 1966 and currently enrolls 206 preschool children and their families in 12 classrooms located at 9 separate sites throughout Otsego County.
- B. Head Start is a nation-wide program funded by the U.S. Department of Health and Human Services. It is a comprehensive child development

program for families with young children and promotes growth and development in the areas of education, social services, health, and family involvement. Head Start preschool programs enroll children from 3 to 5 years of age and their families.

Head Start is mandated to assume a leadership role in the development of partnerships with community agencies and service providers. Each Head Start, Migrant and Seasonal, and American Indian/Alaska Native Head Start program must have a written agreement with the local school systems (LSS) or local education agency (LEA) to coordinate and collaborate in order to best meet the needs of children and their families.

C. Cherry Valley-Springfield School, serving Kindergarten eligible four year old children and their families who reside within the geographically established boundaries of the district.

IV. Authority

- A. Head Start's responsibility for coordination and collaboration with the School District responsible for managing publicly funded preschool programs in the service area of the Head Start grantee is mandated in the Head Start Act: Public Law 110-134 "Improving Head Start for School Readiness Act of 2007."
- B. The Cherry Valley-Springfield School District is authorized by New York State Education Department.

V. Guiding Principles

- A. Create and maintain a meaningful partnership to promote school readiness for children from low-income families in Head Start programs so they may receive comprehensive services to prepare them for elementary school and address any potential achievement gap.
- B. Plan and implement strategies based on practice and research that have proven to support children's school success.
- C. Respect the uniqueness of the community's needs and resources.
- D. Promote the involvement of members of the early care and education communities.
- E. Share commitment, cooperation, and collaboration for a coordinated service delivery system.

VI. Joint Roles in System Review, Coordination, Collaboration, Alignment, and Implementation

The Cherry Valley-Springfield Central School and the Opportunities for Otsego, Inc. Head Start will review and develop plans for the coordination, collaboration, alignment, and implementation of each of the following 10 activities, as mandated by the Act.

- 1) Educational activities, curricular objectives, and instruction including:
 - A. Implementing a research-based early childhood curriculum that is aligned with the Head Start Child Outcomes Framework developed by the Secretary and, as appropriate, Universal Prekindergarten Learning Standards and the New York State K-12 State Learning Standards.
 - B. Establishing ongoing communications between Opportunities for Otsego, Inc. Head Start and Cherry Valley-Springfield Central School for developing continuity of developmentally appropriate curricular objectives and activities aligned with the Head Start Child Outcomes Framework and, as appropriate, with Universal Prekindergarten Learning Standards the New York State K-12 State Learning Standards, and for shared expectations for children's learning and development as the children transition to school.

- 2) Public information dissemination and access to programs for families contacting the Head Start program or any of the preschool programs including:
 - A. Generating support and accessing resources of the entire community in an effort to improve school readiness.
 - B. Establishing ongoing channels of communication between Head Start staff and their counterparts in the schools (including teachers, social workers, local educational agency liaisons designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)), and health staff to facilitate coordination of programs.

- 3) Selection of eligible children to be served by programs including:
 - A. Developing and implementing systems to increase Head Start and Universal Prekindergarten program participation of underserved populations of eligible children.
 - B. Developing procedures for identifying children who are limited English proficient, and informing the parents of such children of the instructional services available to help children make progress towards acquiring the knowledge and skills and acquisition of the English language.

C. Collaborating with all public or private entities providing early childhood education and development services or programs in the community including:

- (i) Programs implementing grant agreements under the Early Reading First and Even Start programs;
- (ii) Other preschool programs operating under Title I;
- (iii) Early Intervention and Preschool Special Education Programs serving children with disabilities under section 619 and part C of the Individuals with Disabilities Education Act; (20 U.S.C. 1419, 1431 et seq.)
- (iv) Child care programs;
- (v) Educational agencies and/or programs that Head Start children will enter at the age of compulsory school attendance; and
- (vi) Local entities, such as a public or school libraries for—
 - (a) Conducting reading readiness programs;
 - (b) Developing innovative programs to excite children about the world of books, including providing fresh books in the Head Start classroom;
 - (c) Assisting in early literacy training for Head Start parents; and
 - (d) Supporting parents and other caregivers in family literacy efforts.

4) Definition of service areas: The service area is to include families with preschool children living within the geographically established boundaries of Otsego County and the Cherry Valley-Springfield Central School District.

5) Staff training, including opportunities for joint staff training on topics such as academic content standards, instructional methods, curricula, and social and emotional development training related to transitioning of children and families for public school staff and Head Start staff.

6) Program technical assistance including linking services provided in the Head Start program with educational services, including services relating to language, literacy, and numeracy, provided by the school district.

7) Provision of services to meet the needs of working parents, as applicable including: coordinating efforts for working parents to access full day, full year make resources available to young children, and coordinating activities and collaborating with programs under the Child Care and Development Block Grant.

8) Communication and parent outreach for smooth transitions to kindergarten including:

- A. Developing and implementing a systematic procedure for transferring, with parental consent, each Head Start child's program records to the LEA in which the child will be enrolled.
- B. Establishing with the school district comprehensive transition policies and procedures that support children's transitioning to school.
- C. Conducting outreach to parents and school personnel to discuss the individual educational and developmental needs children.
- D. Helping all parents, including those of limited English proficient children understand—
 - (i) the instructional and other services provided by the school in which such child will enroll after participation in Head Start; and
 - (ii) as appropriate, the information provided to parents of limited English proficient children under section 3302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7012)
- E. Developing and implementing a family outreach and support program, in cooperation with entities carrying out parental involvement efforts under title I of the Elementary and Secondary Education Act and family outreach and support efforts under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, taking into consideration the language needs of parents of limited English proficient children.
- F. Assisting families, including grandparents and kinship caregivers, administrators, and teachers in maintaining continuity between Head Start services and elementary school classes for the purpose of promoting parental involvement.

9) Provision and use of facilities, transportation, and other program elements including:

- A. Collaborating on the shared use of transportation and facilities, as appropriate.
- B. Collaborating to reduce the duplication and enhance the efficiency of services while increasing the program participation of underserved populations of eligible children.
- C. Exchanging information on the provision of non-educational services to such children.

10) Other elements mutually agreed to by the parties.

VII. Confidentiality

All acknowledge confidentiality requirements that each grantee and agency must follow regarding the sharing and release, with the consent of families, of personally identifiable information. Each grantee and agency will protect the rights of young children with respect to records and reports created, maintained,

and used by the public agencies. It is the intent of this agreement to ensure that parents have rights of access and rights of privacy with respect to such reports and records, and that applicable State and Federal laws for exercise of these rights be strictly followed. Family Educational Rights and Privacy Act (FERPA) will be followed. (See 34CFR 303.460.)

VIII. Dispute Resolution

Parties will first attempt to resolve the dispute between or among themselves. All local agencies will ensure that a system is in place to resolve disputes and solve problems. The system should include:

- a. Timelines for regular meetings to review local agreements, plan collaborative activities, and resolve issues; and
- b. The identification of liaisons from Opportunities for Otsego, Inc. Head Start and the Cherry Valley-Springfield School District.

IX. Review of Agreement

The agreement will be jointly reviewed by all parties annually and more frequently if laws and regulations are amended that will significantly impact this agreement, or when a party requests a formal change.

X. Term of Agreement

The agreement will become effective immediately after being signed and dated by all parties. By signing the agreement, Opportunities for Otsego, Inc. Head Start and the Cherry Valley-Springfield School District agree to the terms.

XII. SIGNATURES

For the Cherry Valley-Springfield School District

Therijo Climenhaga, Superintendent

Date

For Opportunities for Otsego, Inc. Head Start


Daniel Maskin, Chief Executive Officer


Date

**COLLABORATION AGREEMENT for
SERVICES to CHILDREN with DISABILITIES
BETWEEN
Cherry Valley Springfield School District
AND
Opportunities for Otsego Head Start
For academic years 2020-21 and 2021-22**

I. Purpose Statement

1. Maximize the availability of services and resources.
2. Ensure continuity in educational services to eligible preschool children as they move from Head Start to the Local Educational Agency (LEA).
3. Enumerate areas where joint operational strategies can provide integrated services.
4. Provide opportunities for the inclusion of preschool children with disabilities in Head Start through the provision of special education and related services in the least restrictive environment.
5. Support the transition of children from Early Intervention Programs to Preschool Special Education in Head Start and from Head Start into the public school system.

II. Role of School District

1. Provide services to preschool children with disabilities as mandated by P.L. 99-457 and amendments Chapter 474 of the Laws of 1996.
2. Provide preschool children with disabilities a free and appropriate public education (FAPE) including the development and implementation of an Individualized Education Program (IEP), procedural safeguards and the provision of related services.
3. Place preschool children with disabilities in the least restrictive environment (LRE) with an opportunity to interact with non-disabled peers to the maximum extent appropriate.
4. Work with appropriate community agencies to provide approved services to preschool children with disabilities.

III. Role of Opportunities for Otsego Head Start

1. Recruit, enroll, and serve eligible children ages 3-5.
2. Ensure that no less than 10 percent of the total number of enrollment opportunities in Head Start is available for children with disabilities who are eligible to participate.
3. Screen all enrolled children for potential problems in the areas of health and development and share the results with parents in their native language.
4. Assist parents in referring children found to be at risk for further evaluation through the Local Educational Agency (LEA) where they reside.
5. Participate in the Committee for Preschool Special Education (CPSE) process.
6. Work closely with other community agencies in order to provide services to children with disabilities.

IV. Service Implementation:

Head Start will:

1. Provide information about Head Start to the school district.
2. Assist parents with referrals to the CPSE.
 - a. Maximize the continuity of services to the child by transferring appropriate records, with written parental consent.
 - b. Arrange for the participation of each child's teacher, Education/Disabilities Specialist or designee as needed at CPSE meetings.
 - c. Provide an integrated preschool program to serve eligible children with disabilities in the least restrictive environment in Otsego County.


3. Explore transportation options with LEA for children within the school district, but outside the Head Start transportation area.
4. Share information, with written parental consent, as needed.
5. Explore the possibility of resource sharing to maximize services to children and families:
6. Support parents and children in the transition process from Head Start to public school.
 - a. Provide a list of Kindergarten eligible children by February 1st.
 - b. Invite Kindergarten teachers to observe in Head Start Classrooms.
 - c. Provide, with written parental permission, health and education summaries by the end of June for children entering school in the fall.
 - d. Conduct Kindergarten Follow Up activities of each child entering public school.
7. Explore the possibility of coordinating parent and staff training sessions.

Cherry Valley Springfield School will:

1. Provide referrals to Head Start of children ages two to four living within the District.
2. Notify parents immediately upon receipt of CPSE referral. Arrange for an evaluation by the approved evaluator the parents choose. Assist parents with paperwork when necessary and inform them about their rights in a manner responsive to the linguistic needs of the family.
3. Ensure a comprehensive evaluation is completed in a timely manner as required.
4. Inform Head Start of the date and time of the CPSE meeting 5 business days prior to the meeting.
5. With written parental consent, share information about evaluations, recommendations, and IEPs, with Head Start staff.
6. Explore possibilities of assisting in transporting a child for services at Head Start when the child is outside the Head Start transportation area.
7. Support parents and children in the transition process from Head Start to public school.
8. Invite Head Start children to visit Kindergarten during May and/or June.
9. Inform Head Start of the Kindergarten registration and screening schedule.
10. Notify Head Start of any appropriate training events scheduled.
11. Notify Head Start about any school activity that may be appropriate for Head Start to participate in (e.g., school pictures, field days, etc.).

Cherry Valley Springfield School District Superintendent

Date



Opportunities for Otsego CEO

10/27/24
Date

**AGREEMENT
BETWEEN
THE
THE MARY IMOGENE BASSETT HOSPITAL
d/b/a BASSETT MEDICAL CENTER

OCCUPATIONAL HEALTH SERVICES
AND
CHERRY VALLEY – SPRINGFIELD CENTRAL SCHOOL**

THIS AGREEMENT (“Agreement”) made this 1st day of January, 2022 by and between **CHERRY VALLEY – SPRINGFIELD CENTRAL SCHOOL**, having its office and principal place of business located at PO Box 485, Cherry Valley, New York, 13320 (hereinafter referred to as “**COMPANY**”) and **THE MARY IMOGENE BASSETT HOSPITAL d/b/a BASSETT MEDICAL CENTER**, a not-for-profit corporation, having its office and principal place of business located at One Atwell Road, Cooperstown, New York 13326-1394 (hereinafter referred to as “**MIBH**”).

WITNESSETH:

WHEREAS, COMPANY has a need for occupational health services to be conducted by **MIBH** under the supervision of a duly licensed physician.

NOW, THEREFORE, in consideration of the mutual agreements herein contained and other good and valuable consideration (the receipt and sufficiency of which is acknowledged) and the parties hereto intending to be legally bound agree as follows:

1. TERM. The term of this contract shall be for a period of two (2) years from January 1, 2022 through December 31, 2023 inclusive.

2. DESCRIPTION OF SERVICES. **MIBH** agrees to designate one of its employees qualified in the field occupational health services to provide the following professional services:

A. MIBH will, under the supervision of a duly qualified physician, licensed to practice medicine in the State of New York who is employed by **MIBH**, or another duly qualified provider, perform the necessary medical services.

B. MIBH will invoice COMPANY monthly for the above mentioned services during the two (2) year term of the Agreement for the following per test fees:

DOT Physicals	-	\$135.00
Urine Drug Test	-	\$55.00
Breath Alcohol	-	\$27.00
Direct Observation	-	\$20.00

**“There will be a \$25.00 charge per person for those who do not call to cancel their physical appointment by 5 pm the day prior to the clinic visit. “
(all above services are done by appointment only)**

C. For each individual tested, COMPANY shall provide MIBH with written medical release form acceptable to MIBH that is compliant with the Health Insurance Portability and Accountability Act of 1996 and New York Public Health Law, as amended, that allows for the release of the subject medical information to COMPANY.

D. COMPANY will remit payment to MIBH within thirty (30) days from receipt of the invoice from MIBH.

3. INDEPENDANT CONTRACTOR.

A. The manner and methods of MIBH providing services under this Agreement shall be controlled by MIBH. MIBH or any person, performing the services on behalf of MIBH shall not be deemed an employee or agent of the Company and has no authority to enter into any binding commitments or obligations on behalf of the Company.

B. This Agreement in no way establishes an agency relationship between the MIBH and COMPANY. Each party shall maintain its independence and its separate identity. Each party shall have exclusive control of its management, employees, staff, policies, and assets. Neither party assumes any liability for the acts of the other party.

4. INDEMNIFICATION. Each party hereto shall hold harmless and indemnify the other party and the other party's trustees, directors, officers, employees and agents (each, an "Indemnitee") from and against all losses, damages, liabilities and claims (and actions in respect thereof) and all costs and expenses, including reasonable attorneys' fees and litigation expenses, in connection with any such loss, damage, liability, claim or action, that an Indemnitee suffers by reason of any negligent act or omission on the part of the indemnifying party (the "Indemnitor") or the Indemnitor's trustees, directors, officers, employees and agents arising out of the services provided hereunder or relating to this Agreement. The Indemnitee shall promptly notify the Indemnitor in writing of any claim against it with respect to which indemnity will be sought hereunder. Untimely notice will affect the Indemnitor's obligations only to the extent it has been prejudiced. Upon unconditionally assuming the obligation to indemnify, the Indemnitor shall be entitled to assume the defense of such claim with counsel reasonably acceptable to the Indemnitee, following which the Indemnitor will not be liable to the Indemnitee for any legal or other expenses incurred without the Indemnitor's consent. No right to indemnity shall exist for a claim settled without the written consent of the Indemnitor which consent shall not be unreasonably withheld, delayed or conditioned. This paragraph will survive any termination of the Agreement for any reason.

5. INSURANCE.

A. Each party shall maintain comprehensive general liability insurance coverage on an occurrence basis with limits reasonably acceptable to the other party either in the form of a self-insurance program, a policy purchased from an insurance company authorized to do business in the State of New York with an A.M. Best rating of "A" or through membership in a reciprocal risk retention group. Such policy shall contain an endorsement for contractual indemnity coverage as provided for under this Agreement

B. MIBH shall maintain a policy of professional medical liability insurance coverage with an insurer licensed to do business in the State of New York by the New York State Department of Financial Services or through a program of self-insurance or membership in a reciprocal risk retention group.

C. Upon request, each party shall provide to each other with certificates of insurance and copies of all insurance policy provisions and endorsements establishing the insurance required under this Agreement.

6. ASSIGNMENT. This Agreement may not be assigned by either party without prior express written approval of an authorized representative of the other party. The terms of this Agreement shall remain binding on the assignor and be binding upon the successors and assigns of the parties hereto.

7. TERMINATION. The Agreement may be terminated by either party with or without cause upon notice in writing of the termination delivered personally or sent by either overnight courier service, or registered or certified mail return receipt requested addressed to the other party at its then principal office. Such notice shall be delivered or mailed at least sixty (60) days prior to intended termination date.

8. GOVERNING LAW. The parties' rights and duties under this Agreement shall be governed by the law of the State of New York. Any action of proceeding arising out or relating to this Agreement or the services rendered hereunder shall be exclusively venued in the New York State Supreme Court in and for the County of Otsego, New York and the parties waive any defense of *forum non conveniens*. The parties consent to the jurisdiction of the said Court.

9. COUNTERPARTS. This Agreement may be executed in multiple counterparts, each of which shall be deemed to be an original, but all of which, together, shall constitute one and the same instrument. An executed facsimile or PDF copy of this Agreement shall be deemed an original and it shall not be necessary in making proof of this Agreement to produce or account for more than one counterpart thereof.

10. ENTIRE AGREEMENT. This is the entire agreement between the parties with respect to the subject matter hereof. The terms of this written Agreement supersede any and all written and oral representations previously made. There shall be no oral modifications of this Agreement and any modification or amendment of the terms of this Agreement shall not be binding unless executed in writing by an authorized representative of the parties hereto.

IN WITNESS WHEREOF, each of the parties hereto has caused this Agreement to be signed by a duly authorized representative as of the day and year first above written.

CHERRY VALLEY SPRINGFIELD CENTRAL SCHOOL

By: _____
Name
Title

**THE MARY IMOGENE BASSETT HOSPITAL
D/B/A BASSETT MEDICAL CENTER**

By: _____

Name: _____

Title: _____

Date: _____

GENDER NEUTRAL SINGLE-OCCUPANCY BATHROOMS

(X) Required

- Local
 Notice

NEW NOTE: This policy addresses Education Law §409-m, which requires school district and BOCES boards to develop policies and procedures requiring that all single-occupancy bathrooms in public schools and BOCES be designated as gender neutral, with appropriate signage "on or near the entry door."

This policy has been modified to reflect guidance from the State Education Department (SED) addressing the application of §409-m in the context of building code requirements for bathroom signage, which require signs to be on the wall next to the bathroom door. Additionally, SED, in consultation with the Empire Justice Center, has designated "All Gender Restroom" as the preferred terminology, and "Gender Neutral Restroom" as acceptable terminology. Preferred sign images include use of a toilet icon rather than focusing on the gender of the users, but male/female icons are also acceptable. The Board can designate use of the preferred signage in this policy. Signs for any wheelchair accessible bathrooms must use the "dynamic" accessibility symbol. Also, SED reminds that ADA standards dictate that signs be posted such that the top of braille on the sign is no more than 60" from the floor, and the bottom of the braille is at least 48" from the floor. The SED guidance can be found here: <http://www.p12.nysed.gov/facplan/documents/GenderneutraltoiletsignsFAQ3-24.pdf>.

All single-occupancy bathroom facilities in the district are designated as gender neutral. Signs designating gender neutral single-occupancy bathrooms must be posted on ~~or near the entry~~ the wall next to the door of that bathroom facility. **Optional language:** Signage must conform to the State Education Department preference of the term "All Gender" and a toilet icon. OR Signage must conform to the State Education Department preferred or acceptable terms and icons.]

A "single-occupancy bathroom" is as defined in Public Buildings Law §145(d) as "a bathroom intended for use by no more than one occupant at a time or for family or assisted use and which has a door for entry into and egress from the bathroom that may be locked by the occupant to ensure privacy."

The Superintendent of Schools or designee is directed to post appropriate signage to implement this policy consistent with applicable laws. Handbooks, directional signs, memos, safety plans, and maps will also be updated as necessary.

Ref:

Education Law §409-m (single-occupancy bathrooms designated gender neutral)
Public Buildings Law §145(d)
Building Code of New York State §§1111; 2902.4

Adoption date:

Adoption Date:

Classification:

Revised Dates: ; **10.21**

PUBLIC COMMENT AT BOARD MEETINGS EXHIBIT

Pre-Public Comment Period Script Suggested Language for Board Presidents

NOTE: This sample script is provided to assist Board Presidents set expectations for the public comment section of board meetings. This script should be modified as necessary to reflect the Board's adopted policy and to meet the needs of the Board and community.

Ladies and gentlemen, we are about to convene into the public comment period of our meeting. Although state law does not require us to hold a public comment period, we have chosen to do so because we believe it is crucial for us to hear from our community members about their concerns and issues.

Having said that, please note that the Board is here to listen. The public comment period is not designed to be a discussion. Accordingly, please do not expect the Board to respond to your concerns and questions tonight. This is because we take your concerns and questions seriously and want to have sufficient time to process and research issues, if need be. We will, however, respond to your questions and concerns at a future meeting, or have the proper staff member get back to you at the appropriate time.

NOTE: Best practices dictate that if available, the district should provide the community members with an organization chart which denotes who should be contacted for different issues.

I also want to point out that under state and federal privacy laws we are unable to entertain any comments or questions about school personnel. Please know, however, that we take personnel concerns very seriously. On these matters, we would ask you to go through the appropriate administrative channels.

NOTE: It is likely that members of the school community will always hold divergent views on issues impacting the schools. The tenor of these discussions can change over time. Conflicting viewpoints may become more heated, particularly during times of change.

Finally, we recognize that right now our nation and our community are polarized on a number of issues. That said, we want our school board meetings to serve as an example to our students that members of our school board and members of our community can deal with controversial issues in a civil manner and demonstrate mutual respect for one another. In that spirit, we will insist that all speakers and members of the audience maintain civility and respect for any divergent views that others possess. We ask that speakers please address their comments to the Board directly, rather than the audience. Speakers may address **select or modify as appropriate**: only items pertinent to tonight's meeting agenda **OR** any district-related topic of concern]. In the unlikely event the meeting becomes unruly, the Board will recess the meeting and return once order has been restored. Finally, I want to remind everyone that you may submit written comments to the Board in lieu of speaking during the public comment period, if you so choose.

The Board will now entertain public comments for ____ minutes. Each individual speaker is allotted ____ minutes. The individual time limits will be enforced so that as many members of the public who wish to speak may be allowed to do so.

Adoption date:

Adoption Date:
Classification:
Revised Dates: ; **10.21**

NYSSBA Sample Policy

PUBLIC COMMENT AT BOARD MEETINGS

- () Required
 (X) Local
 (X) Notice

NEW NOTE: We suggest using "comment" rather than "participation" in the title and throughout this policy, to better reflect the role of the public at Board meetings. We have also suggested some other enhancements to maintain order at Board meetings, such as addressing expected behavior of observers in addition to speakers, potential actions a Board can take to address disruption of Board meetings by speakers and observers, limiting repetitive comments, and prohibiting speakers from ceding unused time to other speakers.

NOTE: Because school boards are public bodies, the Open Meetings Law (Public Officers Law §§103 et seq.) requires that board meetings conducted to discuss school district business be open to the public (see also Education Law § 1708(3)). There is, however, no law that requires school boards to allow members of the public to speak at school board meetings. The Commissioner of Education encourages school boards whenever possible to allow citizens to speak on matters under consideration (Appeal of Wittneben, 31 EDR 375 (1992)). Public comment at board meetings not only contributes to good decision making, it also fosters good public attitudes about those decisions. Every Board, therefore, should have a policy on this topic.

This policy reflects decisions of the Commissioner of Education and opinions of the Committee on Open Government related to public comment. Some of these opinions address protecting the privacy of individuals (including victims of domestic violence and parents who fear reprisal against their children) by not requiring commenters to state their name and address. Requesting that persons who wish to speak put their name on a list is a way for the Board to address each person, and maintain an orderly public comment period. This sample policy requests names and not identification, although other approaches, such as taking a number or forming a line, may also work. Requesting addresses, telephone numbers, or email addresses will allow the district to follow up with the person later. Further, requiring the topic of discussion to be stated ahead of time allows the Board to determine that the subject is appropriate for discussion in public. This practice has been affirmed by the Committee on Open Government in advisory opinions as well as by the Commissioner of Education in decisions which are binding upon school districts.

The first paragraph allows for two public comment periods, if this is the district's practice. Many Boards hold an early comment period on agenda items and a later comment period on any district-related topic. By doing so, the Board can hear public input prior to voting on agenda items and acknowledge that agenda items take precedence over other issues. This practice is optional, and may not work for every district.

The Board of Education encourages public ~~participation~~ comment on school related matters at Board meetings, as outlined in this policy. To allow for ~~public participation~~ members of the public to address the Board, a period not to exceed 30 minutes **or insert other time limit** will be set aside during the first part of each Board meeting for public comment, with priority given to comments on items on the meeting's agenda. A second 30-minute **or insert other time limit** time period will be set aside at the end of each Board meeting for public comment on matters pertaining to the district but not on the agenda. These periods may be extended by a majority vote of the Board.

NOTE: In the paragraph after this note section, we have provided a process for permitting public comments. If the Board would like a more casual version of this process, which avoids the need to have a sign-up sheet or provide names, use the following text instead:

"At the time(s) set aside for public comment, the Board will permit comments on a first-come, first-served basis. Persons requesting follow-up information will be asked to provide their name and contact information. To limit comments to matters which may be properly discussed in public session,

the district will request a brief description of the topic to be addressed. Any group or organization wishing to address the Board must identify a single spokesperson. The Board President may limit the number of repetitive comments to keep within time limit for the public comment period."

Persons wishing to address the Board will advise the *insert title of official, typically the Board President or the Superintendent of Schools* within a reasonable time prior to the start of the public comment period of the meeting. The request will be made in writing on a form provided by the district. To maintain a first come, first served process, the district may will *[choose one or modify as appropriate: request the name of the speaker, utilize a number system, or request that speakers form a line.]* For purposes of following up with speakers later, the district may request the speaker's preferred contact information such as home address, telephone number, or email address, or speak with them in person. To limit comments to matters which may be properly discussed in public session, the board will request a brief description of the topic to be addressed. Any group or organization wishing to address the Board must identify a single spokesperson. The Board President may limit the number of repetitive comments to keep within time limit for the public comment period.

Presentation should be as brief as possible. No speaker will be permitted to speak for longer than *insert number of minutes, typically three and rarely more than five* minutes. *Speakers may not give unused time to other speakers.* Speakers may comment on *identify the topics that may be addressed. Options include:* (1) any matter related to district business; (2) any agenda item; or (3) matters related to agenda items specifically or district matters generally, depending on the public participation comment section].

NOTE: The Board may, by policy, limit the time for a person to speak (Matter of Kramer, 72 St. Dept. Rep. 114 (1951)). The Commissioner has ruled that a school board does not need to permit non-residents to speak at public board meetings, even where the Board has a policy of permitting residents to speak (Matter of Martin, 32 Educ. Dep't Rep. 381 (1992)). However, the State Committee on Open Government has indicated that such a practice would violate the Open Meetings Law. The Committee agrees with the Commissioner that school boards are not required to allow members of the public to speak at board meetings in the first place, but cautions that if a school board permits public comment, it may not discriminate between residents and non-residents (NYS Department of State, Committee on Open Government, OML-AO-#2696, January 8, 1997 and OML-AO-#2727, February 27, 1997). This policy does not include a restriction on comments to district residents. If the Board wishes to do so, it should consult with its school attorney. This could have the effect of prohibiting comments from, for example, district staff, district business owners, district property owners, parents of non-resident students, and future district residents.

The Board will not permit in public session discussion involving individual district personnel or students. Persons wishing to discuss matters involving individual district personnel or students should present their comments and/or concerns to the Superintendent during regular business hours.

All speakers and observers are to conduct themselves in a civil manner. Obscene language, ~~h~~belous defamatory statements, threats of violence, statements advocating racial, religious, or other forms of prejudice will not be tolerated.

Persons making presentations at a Board meeting will address remarks to the President and may direct questions or comments to Board members or other district officials only upon the approval of the President. Board members and the Superintendent have the privilege of asking questions of any person who addresses the Board, but commenters should not expect to engage in discussion with the Board. However, the Board may correct comments that are not accurate, and may refer to an existing policy when it answers a question.

Questions and comments from the public concerning matters which are not on the agenda will be taken under consideration and referred to the Superintendent for appropriate action. Persons wishing to have matters included on the agenda will contact the Superintendent in accordance with Policy 2342, Agenda Preparation and Dissemination.

NOTE: Allowing the President to rule on whether a speaker's comments do or do not pertain to an agenda item or district business helps to streamline the process. However, the Board as a whole has the option to make those determinations, either for every speaker or on an as-needed basis.

The President will be responsible for the orderly conduct of the meeting and will rule on such matters as the time to be allowed for public discussion and the appropriateness of the subject being presented, as outlined in this policy and applicable provisions of law and regulation, and subject to the Board's parliamentary procedure. If there is disagreement about whether a speaker's topic falls within the topics permitted for public comment, the whole board will vote on the issue. ~~The President shall have the right to discontinue any presentation which violates this policy.~~

NEW NOTE: We have added the following three paragraphs to provide for additional ways to address disruptive behavior at board meetings, including that of observers as well as speakers.

The President will remind speakers whose presentations are inconsistent with this policy of the rules for public comment. For speakers that continue to violate this policy, the President may discontinue the presentation or call for a brief recess of the meeting. The President may order the removal of speakers from the speakers' area, or from the meeting in general, or may close the public comment period.

For members of the public who are unwilling or unable to speak during public comment periods, including when these periods are closed, they may submit comments to the Board in writing, to the following address: **insert mailing and/or email address.** Complaints from the public are addressed in Board policy 1400.

All individuals at Board meetings are expected to abide by the rules for Public Conduct on School Property as set forth in the district's Code of Conduct. At board meetings, speakers and observers may not engage in behavior that disrupts the meeting, such as shouting, interrupting others, blocking the free movement of others, or obstructing the views of others. In the event of such disruption, the President will remind those in attendance of the rules under this policy. Any Board member may request a brief recess of the meeting. The President may order the removal of those who are a threat to the safety of others or who disrupt the orderly conduct of the meeting. If appropriate, law enforcement may be called to remove disruptive individuals.

NOTE: Once a policy on public comment at Board meetings is adopted, many Boards of Education routinely provide this information in a brochure available to the public attending Board meetings. In addition, the President of the Board often reviews the general rules related to public comment prior to the beginning of that section of the meeting.

Cross-ref:

1400, Complaints from the Public
2342, Agenda Preparation and Dissemination
5300, Code of Conduct

Ref:

Appeal of Kushner, 49 EDR 263 (2010) (boards not required to allow the public to speak)
Matter of Martin, 32 EDR 381 (1992) (boards need not permit nonresidents to speak)
Appeal of Wittneben, 31 EDR 375 (1992) (boards encouraged to permit citizens to speak)
Matter of Kramer, 72 St. Dept. Rep. 114 (1951) (boards may put time limits on public speaking)
NYS Department of State, Committee on Open Government, Advisory Opinions OML-AO-#2696 (1/8/1997), OML-AO-#2717 (2/27/1997), OML-AO-#3295 (4/16/2001), OML-AO-#3518 (8/30/2002), OML-AO-#4024 (8/23/2005), OML-AO-#4044 (9/30/2005), OML-AO-#4141 (2/24/2006), OML-AO-#4292 (12/6/2006), OML-AO-#4573 (3/3/2008), OML-AO-#5296 (6/12/2012), OML-AO-#5607 (2/22/2019)

Adoption date:

Adoption Date:
Classification:
Revised Dates: ; **10.21**

NYSSBA Sample Policy

AGENDA PREPARATION AND DISSEMINATION

- () Required
 (X) Local
 (X) Notice

NEW NOTE: This policy addresses how agendas should be developed and disseminated. Changes to the Public Officers law, which takes effect November 18, 2021, are reflected in the "Availability of Agenda and Supporting Materials" section below.

The **insert title of the person(s) responsible for preparing the agenda, typically the Superintendent** along with the Board President will prepare the agenda for each Board meeting according to the order of business, to facilitate orderly and efficient meetings, and to allow Board members sufficient preparation time.

NOTE: The policy should identify who is responsible for preparing the agenda. Many boards require that the agenda be prepared jointly by the Superintendent and the Board President. This approach involves both the person who has the greatest knowledge of issues that need to be brought to the Board's attention, the Superintendent, and the person responsible for running the board meeting, the Board President. The President's active participation in preparing the agenda also can afford the opportunity to carefully plan the meeting.

Items of business may be suggested by any Board member, district employee, parent, student, or other member of the public, and must relate directly to district business. The inclusion of items suggested by district employees, parents, students, or other members of the public is at the discretion of the Superintendent, subject to the approval of the Board President.

NOTE: The Board has complete discretion in identifying persons who may suggest items of business.

Persons suggesting items of business must submit the item to the Superintendent at least **insert number of days** days prior to a regular meeting and **insert lesser number of days** prior to a special meeting. Items will not be added to the agenda later than these time periods, unless the item is of an emergency nature and authorized by the Superintendent in consultation with the Board President.

NOTE: The Board has discretion in determining how to handle items that are not included on the agenda. This template policy offers one option for dealing with that situation. Other options include giving individual board members the ability to place items on the agenda during the meeting or requiring a majority vote of the Board to do so. Alternatively, the Board may adopt a policy that prohibits action from being taken on any item unless such action has been scheduled. Such a policy should be carefully tailored to avoid depriving the Board of flexibility to respond to unforeseen situations.

The agenda will specify whether the item is an action item, a consent item, a discussion item or an information item.

Availability of Agenda and Supporting Materials

NEW NOTE: The Public Officers law requires districts to post online and make available the "records..., and any proposed resolution, rule, regulation, or policy or any amendment thereto" scheduled to be the subject of discussion. We have streamlined the paragraph below by combining the posting and availability requirements for the meeting materials. Previously, this had to be done "as determined by

the agency or department" (e.g., school districts), and we had suggested two days, but now it must only be at least twenty-four hours. The law no longer requires districts to make copies available at the meeting, but your district may wish to continue to do so. Your district may also wish to make copies available in the district office. Therefore, the last sentence is noted as optional. The requirement to post meeting materials on the district website is only applicable if the district "maintains a regularly and routinely updated website and utilizes a high speed internet connection." If this doesn't apply to your district, that language in the second sentence below should be deleted. While the Public Officers Law does not require the agenda to be posted, it is good community relations practice to include the agenda with these materials.

The agenda and any supporting materials will be distributed to board members **insert number of days, preferably five to seven** days in advance of the board meeting to permit careful consideration of items of business. The agenda, and supporting material to be discussed at the board meeting that is permissible to be released to the public, will be posted on the district's website, ~~to the extent practicable, two days~~ and made available upon request to the **insert title of individual responsible, typically the District Clerk**, to the extent practicable, ~~twenty-four hours~~ before the meeting. In addition, the agenda will be released to the news media including local newspapers, radio stations and television stations in advance of the meeting. **Optional sentence:** Copies of the agenda, and supporting material to be discussed at the board meeting that is permissible to be released to the public, will also be available in the Superintendent's office, ~~two days~~ twenty-four hours before the meeting and at the Board meeting, to anyone who requests a copy.]

The **insert title of individual responsible, typically the** District Clerk is responsible for ensuring that the agenda is available to the public and the media.

Cross-ref:
2350, Board Meeting Procedures

Ref:
Public Officers Law §103(e)

Adoption date:

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Classification:
Revised Dates: ; **10.21**

"CHARGING" SCHOOL MEALS AND PROHIBITION AGAINST SHAMING

Required

Local

Notice

NEW NOTE: We have added an optional section for districts where at least one, but not all, of the schools participate in Community Eligibility or Provision 2 (i.e., all students in those schools are provided with free meals), to clarify that additional meals or a la carte items cannot be charged and must be paid at time of purchase. This is consistent with USDA/SED rules, and was already stated in the 2nd paragraph of this policy. We have also added a citation to the accompanying state regulations (8 NYCRR §114.5).

However, if all schools in the district utilize Community Eligibility or Provision 2, please replace everything in this policy, except the section at the end for staff, with the following paragraph:

*"All schools in the district participate in the **select as appropriate**: Community Eligibility Provision, Provision 2] option of the USDA's Food and Nutrition Services. This allows the district to provide free meals to all students in the district. Each student receives one meal per day per program (e.g., breakfast, lunch). If students wish to purchase additional meals or other food items, they must pay for those items at the time of the sale. The district does not permit charging to accounts for such "à la carte" items if students do not have funds available."*

NOTE: Education Law §908 requires certain school districts that participate in the National School Lunch Program or School Breakfast Program to take actions to prevent student "meal shaming." This includes providing a student who has insufficient funds with the reimbursable meal of the student's choice (i.e., alternate meals are no longer permitted), unless the parent/guardian has provided written permission to withhold meals. Districts also may not utilize debt collectors (i.e., third parties or collection agencies), nor may they charge interest or fees in connection with unpaid meals, or file lawsuits against parents/guardians.*

Education Law §908 requires that districts must provide students with the reimbursable meal of the student's choice (of that day's choices) when they have unpaid meal fees, and can "charge" parents for those meals. However, the law also says that it is not intended to allow for the unlimited accrual of debt. The law does not set a limit on how many charges can be accrued, or what school districts should do once a student has accrued a "high" amount of debt.

Some solutions are: have all snack items sold in a separate area, not sell any à la carte items, restrict such items to middle and upper grades, require such items be purchased with cash only, have the point of sale be at the beginning of the line, help students determine which items they can have prior to purchase, or allow students to check their balances prior to purchase.

** This policy is not required if all schools in the district participate in either "Community Eligibility" where all students receive free meals because at least 40% of students are eligible for other assistance programs, or "Provision 2" where the district receives reimbursement for a fixed proportion of free, reduced price, and paid meals, provides all students receive free meals, and makes up the difference, for a four-year period. Under these scenarios (or if the district has approved the local tax levy to provide all meals free), no student pays for a meal, thus none would need to charge a meal. However, it is important to note that additional meals and other individual food items cannot be charged, and must be paid for at the time of sale.*

The Board of Education recognizes that on occasion, students may not have enough funds for a meal. To ensure that students do not go hungry, the Board will allow students who do not have enough funds to "charge" the cost of meals to be paid back at a later date subject to the terms in this policy.

To comply with State guidelines and maintain a system for accounting for charged meals, regarding both full and reduced-price meals, the Board shall:

1. allow only regular reimbursable meals to be charged, excluding extras, à la carte items, side dishes, additional meals, and snacks ("competitive foods"); and
2. use a computer-generated point of sale system, which identifies and records all meals as well as collects repayments.

Charged meals must be counted and claimed for reimbursement on the day that the student charged (received) the meal, not the day the charge is paid back. When charges are paid, these monies are not to be considered "à la carte" transactions, as a section on the daily cash report or deposit summary reads "charges paid."

Students shall not be denied a reimbursable meal, even if they have accrued a negative balance from other cafeteria purchases, unless the parent/guardian has provided written permission to the school to withhold a meal. No student with unpaid charges will be prohibited from purchasing food if they have money that day.

If school food authorities (SFAs) suspect that a student may be abusing this policy, written notice will be provided to the parent/guardian.

NOTE: The following paragraph reflects the requirements of Education Law §908, except the last sentence, which we believe is not prohibited by law. We believe students should understand why they are not allowed to charge a la carte items, as long as it is done discreetly.

Students who cannot pay for a meal or who have unpaid meal debt shall not be publicly identified or stigmatized (including wristbands or hand stamps), required to do chores or work to pay for meals, or have meals thrown away after they have been served. District staff shall not discuss a student's unpaid meal debt in front of other students. The district shall not take any action directed at a student to collect unpaid school meal fees. However, the district may discreetly notify students of their account balances, and why certain items (e.g., à la carte, etc.) could not be provided with charged meals.

Community Eligibility Provision/Provision 2

NEW NOTE: This section is only applicable, and should only be included, where at least one, but not all, of the schools in the district participates in the USDA's Community Eligibility Provision or Provision 2. If all schools in the district utilize Community Eligibility or Provision 2, use the designated paragraph in the introductory note instead.

Any school in the district participating in the Community Eligibility Provision or Provision 2 option of the USDA's Food and Nutrition Services provides free meals to all students attending that school. Each student at such a school receives one meal per day per type (e.g., breakfast, lunch). Any such student who wishes to purchase additional meals or other food items must pay for those items at the time of the sale. Charging to accounts for such "à la carte" items is not permitted if students do not have funds available.

Student Account Balance Notification

NOTE: Districts using automated systems for payment or collections should address automatic low balance notifications and automatic replenishment options.

Optional sentence:] The district's payment system allows for automatic replenishment when a balance reaches a certain amount set by the parent/guardian. The district shall encourage parents/guardians to utilize this option.

NOTE: The law requires schools to notify parents/guardians when an account is at \$0 and unpaid meal charges are due. We believe notifying parents/guardians when an account balance nears zero is beneficial, rather than waiting until it is at zero.

Parents/guardians shall be discreetly notified of student account balances regularly. When a student's account balance falls to \$_____ (**insert dollar amount above \$0.00, e.g., \$10.00**) and whenever a meal is charged, the district will discreetly notify the parent/guardian of the balance, and the process to refill the account. This notification will continue regularly until the account is replenished. Parents/guardians must repay all unpaid charges remaining at the end of the year or before their child leaves the district, whichever occurs first.

NOTE: It is beneficial to both parents/guardians and the district if all children who are eligible for free or reduced price meals actually receive free or reduced price meals. If a child eligible for free or reduced price meal eats at the full rate, but leaves charges unpaid, the charges accrued are higher than they need to be. Additionally, the district receives less federal and state reimbursement for the full price meal, and would have to make up a higher amount. Schools must also contact parents/guardians when a student owes money for five or more meals in order to assist the parent/guardian with applying for free or reduced price meals, as well as determine if the student is eligible for direct certification or if there are other household issues.

The district shall discreetly notify parents/guardians of students with negative balances of at least five meals, determine if the student is directly certified to be eligible for free meals, and attempt to reach the parent/guardian to assist them in the application process for free and/or reduced price meals, and determine if there are other issues within the household causing the insufficient funds and offer appropriate assistance. If a parent/guardian regularly fails to provide meal money and does not qualify for free or reduced price meals, the district may take other actions as appropriate, including notifying the local department of social services if neglect is suspected.

The school district shall notify all parents/guardians in writing on an annual basis at the start of the school year and to families transferring during the year, outlining the requirements of this policy. The policy shall also be published in appropriate school and district publications. All staff involved in implementing and enforcing this policy shall also be notified of these requirements and their responsibilities. The district's enrollment process shall include the application process for free and reduced price meals. If the district becomes aware that a student is so eligible, it shall file an application for the student. Staff responsible for assisting foster, homeless and migrant students shall coordinate with the food services staff to ensure such students receive free school meals.

Unpaid Meal Charges and Debt Collection

NOTE: State Education Law §908 specifically prohibits school districts from suing students' parents or guardians to recover unpaid meal fees. Federal regulations permit the cost of collection activities to be charged to the federal school food program, not to exceed the actual amount owed. However, students with unpaid meal charges at the start of the school year must still be allowed to charge reimbursable meals, and the district may not engage outside collection agencies.

Unpaid meal charges are a financial burden to the district and taxpayers and can negatively affect the school program. Unpaid meal charges shall be considered "delinquent" as per the district's accounting practices. The district shall attempt to recover unpaid meal charges before the end of the school year, but may continue efforts into the next school year. The district shall notify parents/guardians of unpaid meal charges at regular intervals, and may engage in collection activities by district staff, which do not involve debt collectors as defined in federal law (15 USC §1692a), and may not charge fees or interest or file a lawsuit against students' parents or guardians. The district shall offer repayment plans, and may take other actions that do not result in harm or shame to the child, until unpaid charges are paid.

NOTE: Any delinquent debt remaining for a student, which the district determines is no longer collectible, becomes "bad debt" and must be made up for with non-federal funding sources. We have

not included a specific timeframe or method of determining when delinquent debt becomes bad debt. That can be done according to the district's specific accounting practices. We believe it is not prudent to publicize a time after which debt will no longer be collected. Note also that under federal regulations, repayment of bad debt from unpaid meal charges are not an allowable expense for federal funds. Such alternate funding could come from donations, fundraisers, or other sources. If additional guidance is released, this policy may need further revision.

Remaining Account Balances

NOTE: Federal regulations require that children eligible for reduced price meals pay a certain maximum amount per meal; retaining unused funds would result in the per meal price exceeding this amount. Therefore, all excess funds remaining for these children must be refunded.

Remaining funds may be carried over to the next school year. When students leave the district or graduate, the district will attempt to contact the parent/guardian to return remaining funds. Parents/guardians may request that funds be transferred to other students (e.g., siblings, unpaid accounts). All transfer requests must be in writing. Unclaimed funds remaining after [**insert amount of time, such as:** three months] shall be absorbed by the school meal account.

NEW NOTE: We have moved the paragraph away from the section on staff charging food, as it is meant to pertain to student charging and unpaid student meal fees.

Building Principals, working with the head of food services, shall ensure that all district and food service staff with responsibilities under this policy will be trained on the provisions of this policy and the requirements of Education Law section 908.

Staff

NOTE: Because subsidized food programs are meant to benefit students and not adults, and because unpaid balances are burdensome to the district, SED advises that staff members should not be allowed to buy food that is not paid for at that time. The second paragraph reflects a requirement under Education Law §908.

Staff members are allowed to purchase food from the district's food services. However, all purchases must be paid for at the point of sale [**insert as applicable:** cash, payment account, credit/debit card]. Staff members are not allowed to charge meals to be repaid later.

Cross-ref:

8520, Free and Reduced Price Meal Services

Ref:

42 USC §1779 (Child Nutrition Act of 1966)

42 USC §§1758(f)(1); 1766(a) (National School Lunch Act)

2 CFR §200.426 (accounting for debt in federal programs)

7 CFR §§210.9 210.12; 210.19; 220.13; 245.5 (accounting in federal school meal programs)

Healthy, Hunger-Free Kids Act (Public Law 111-296), §143

15 USC §1692a (debt collector defined)

Education Law §908

8 NYCRR §114.5

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NYSSBA Sample Policy

