

**DRAFT**

**BOARD AGENDA  
BUSINESS MEETING**

CV-S Central School  
Cherry Valley, NY

Thursday, February 16, 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

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 1-2-2023 through RESOLUTION 16-2-2023**

A. RESOLUTION 1-2-2023  
APPROVAL OF MINUTES – January 26, 2023

B. RESOLUTION 2-2-2023  
ACKNOWLEDGE RECEIPT OF TREASURER'S AND FINANCIAL REPORTS – January 2023

C. FINANCIAL  
RESOLUTION 3-2-2023  
RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does approve the following transfers:

From A2110130	\$50000	To A1620400-21	\$50000
From A9060800	\$30000	To A1620400-21	\$30000
From A2110490	\$13000	To A1680490	\$13000
From A1620490	\$3000	To A1310490	\$3000
From A2330490	\$4400	To A2060490	\$4400

**D. ACCEPT BIDS FOR RECONSTRUCTION TO DISTRICT BUILDINGS**

**RESOLUTION 4-2-2023**

**RESOLVED**, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby award the Reconstruction to District Buildings (School Based Health Center - SBHC) Bids to the following:

General Construction Work Contract – A.J. Giammarino Associates, LLC \$274,400

Mechanical (HVAC) Work Contract - A. Treffeisen & Sons, LLC \$148,300

Plumbing Work Contract – A. Treffeisen & Sons, LLC \$67,300

Electrical Work Contract - A. Treffeisen & Sons, LLC \$102,600

**E. ACCEPT DONATION**

**RESOLUTION 5-2-2023**

**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.:

Let Me Run Program - \$1400.00

**F. COMBINING CONTRACTS**

**RESOLUTION 6-2-2023**

**RESOLVED**, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby accept the Combining Contracts between the Sharon Springs Central School District and the Cherry Valley-Springfield Central School District, for Modified and Varsity Track and Field, Baseball and Softball athletic competition during the 2022-2023 season.

**G. PERSONNEL**

**RESOLUTION 7-2-2023**

**RESOLVED**, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby accept the resignation of Tracy Lowry as Ski Club Co-Advisor effective January 20, 2023.

**RESOLUTION 8-2-2023**

**RESOLVED**, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby accept the retirement of Christine Brust effective June 30, 2023 and the employee shall be eligible for all contractual retiree benefits by contract at the time of her retirement.

**RESOLUTION 9-2-2023**

**RESOLVED**, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby accept the retirement of Bonnie Georgi effective June 30, 2023 and the employee shall be eligible for all contractual retiree benefits by contract at the time of her retirement.

**RESOLUTION 10-2-2023**

**RESOLVED**, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint Richard Lyford, who is initially certified Music, to a position as a Music Teacher for a probationary period effective January 27, 2023 through January 26, 2027.

**RESOLUTION 11-2-2023**

**RESOLVED**, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint Rebecca Robinson, who is initially certified Students with Disabilities - Grades 7-12 - Generalist, to a position as a Students with Disabilities Teacher for a probationary period effective January 28, 2023 through January 27, 2027.

**RESOLUTION 12-2-2023**

**RESOLVED**, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby approve the family medical leave for Angeline Conte effective on or about April 19, 2023.

**RESOLUTION 13-2-2023**

**RESOLVED**, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint James Brophy to a position as a Long-term Substitute Guidance Counselor effective on or about April 19, 2023 through June 30, 2023.

**RESOLUTION 14-2-2023**

**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: Elementary Club - Jodi Mravlja Weight Room Monitor - Jodi Mravlja

**RESOLUTION 15-2-2023**

**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 After School Program assignments for the 2022-2023 school year:

After School Program Student Peer Mentor - Lillian Gallup & Parker Sitterly

**RESOLUTION 16-2-2023**

**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 2023 Summer Program position:

PK - 6 Summer Program Coordinator: Michelle Gage

**IV. NEW BUSINESS**

**V. OLD BUSINESS**

**A. POLICY REVIEW**

**RESOLUTION 17-2-2023**

**RESOLVED**, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby conduct a second 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).

**RESOLUTION 18-2-2023**

**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 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) to the New York State School Boards Association by February 28, 2023.

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)

VII. ADJOURNMENT

**Policy 4321.12**

**(X) Required**

**(x) Local**

**(x) Notice**

**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.

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*

A time out room is an area for a student to safely deescalate, regain control and prepare to meet expectations to return to 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 Director of Special Education/CSE Chair 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.

The Director of Special Education/CSE Chair will inform parents prior to the initiation of a behavioral intervention plan that will incorporate the use of a time out room. Upon request, parents will be shown the space that will be utilized. In addition, 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.

*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.

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 will document the use of emergency interventions for each student. This 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 will be reviewed by school supervisory personnel and, as necessary, the school nurse or other medical personnel. Parents will be notified of each incident of emergency intervention as outlined in the "Parent Notification" section below.

#### *Parent Notification*

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.).

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*

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 is responsible for implementation and oversight of this policy.

Ref: 8 NYCRR §§19.5; 200.15; 200.22

Adoption date:

Revised date: February 16, 2023

## Regulation 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 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 will conform to applicable state regulations.

1. Physical requirements

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

2. Monitoring, Observation and Supervision

School staff 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 will be unlocked, and the door must be able to be opened from the inside.

4. IEP Requirements

A student's IEP 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 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 the education program. Students in need of a time out room may be unable to control their actions, feel overwhelmed, or overstimulated, exhibit violent actions, or pose a danger to themselves 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 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 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 is 30 minutes. Students who are not ready to return to the educational program after that period of time will be

provided with further interventions consistent with their behavioral intervention plan or IEP, or actions reasonably calculated to assist them.

**7. Staff Training**

All staff authorized to place a student in a time out room 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 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**

The district 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 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 will be sent to the student's teachers, CSE chairperson, Director of Special Education, and Building Principal. Appropriate staff will meet regularly as needed to review the effectiveness of the time out room for each student placed in one. Building Principals will periodically report on the use and effectiveness of time out rooms to the Director of Special Education and Superintendent, who will report to the Board annually.

**9. Parent Rights and Information**

The district will inform parents (this term includes guardians and persons in parental relation) prior to the initiation of a behavioral intervention plan for their child which will incorporate the use of a time out room. Parents will be given the opportunity to see the physical space used as a time out room. Parents will be given a copy of the district's policy and regulation on time out rooms. The district will notify parents 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:

Revised date: February 16, 2023



- Required
- Local
- Notice

## HOMEBOUND INSTRUCTION

Homebound instruction is a service provided to students who are unable to 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 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.

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).

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.

Homebound instruction will strive to keep students on pace to rejoin 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.

*Students Instructed Out of School Due to Suspension*

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:

Revision date: February 16, 2023

## **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

Revision date: February 16, 2023



**Policy 6830**

Required  
 Local  
 Notice

**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 are reimbursable. Transportation costs such as taxi cabs are allowable only for essential transportation. Mileage will be paid at the rate \$.01.1/2 below federal Internal Revenue Service for business travel. Tax exemption certificates will be issued and utilized as appropriate (sales tax for individual restaurant meals are considered a necessary expense incidental to the meal).

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.

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 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.

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:

Revision date: February 16, 2023

## **Regulation 6830-R**

### **EXPENSE REIMBURSEMENT REGULATION**

The district 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:

#### Transportation

- Travel 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 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 will be reimbursed at the lowest feasible fare available and 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

- 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 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

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.



*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:

Revision date: February 16, 2023



**Policy 9645**

- Required
- Local
- Notice

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

*Internal Reporting and Investigation*

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.

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.

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.

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 thirty (30) days to report the findings and make any 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.

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)

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