

**DRAFT**

**BOARD AGENDA  
BUSINESS MEETING**

CV-S Central School  
Cherry Valley, NY

Thursday, December 21, 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 and Volker Husel & James Comegys with BCA Architects

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 1-12-2023 through RESOLUTION 10-12-2023.**

A. RESOLUTION 1-12-2023  
APPROVAL OF MINUTES – November 16, 2023

B. RESOLUTION 2-12-2023  
ACKNOWLEDGE RECEIPT OF TREASURER'S AND FINANCIAL REPORTS – November 2023

C. HEALTH SERVICES AGREEMENT  
RESOLUTION 3-12-2023  
RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby approve the agreement with the Community Health Center of Cherry Valley for the 2023-2024 school year as per Attachment III C.

D. BASSETT MEDICAL CENTER AGREEMENT  
RESOLUTION 4-12-2023  
RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby approve the Bassett Medical Center Occupational Health Services Agreement as per ATTACHMENT III D.

**E. PERSONNEL**

**RESOLUTION 5-12-2023**

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint Kelly Fernandez to a position as a part-time School Monitor for a probationary period beginning November 27, 2023 through May 27, 2024.

**RESOLUTION 6-12-2023**

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 2023-2024 school year:

Joslyn Mabie - Tutor

Jennifer Bishop - Chaperone Dances, Basketball Games, Concerts, Drama Performances & Track

**RESOLUTION 7-12-2023**

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint the following as an Instructional Support Staff Substitute for the 2023-2024 school year:

James Wait

**RESOLUTION 8-12-2023**

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint the following as an Instructional Substitute for the 2023-2024 school year:

James Wait

**RESOLUTION 9-12-2023**

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby approve the following as volunteers for the 2023- 2024 school year:

Laurie Belrose Darrell Gage Bruce Leavitt Tonya Jicha-Leavitt Rebecca Prime  
Ashlie Dawson Kelly Snyder Melody Loft Katie Krause Susan Matis Stephen Matis

**IV. NEW BUSINESS**

**A. POLICY REVIEW**

**RESOLUTION 10-12-2023**

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby conduct a first reading of Policy 2325 Video Conferencing of Board Meetings, 4327 Homebound Instruction, 6700 Purchasing, 8520 Free and Reduced Price Meal Services, 8636 Artificial Intelligence, and 9260 Conditional Appointment and Emergency Conditional Appointment-Student Safety.

**RESOLUTION 11-12-2023**

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby conduct a first reading of Policy 8130.2 Workplace Violence Prevention and hereby waives the second reading due to time constraints with law requirements for January 1, 2024.

**RESOLUTION 12-12-2023**

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby direct the District Clerk to transmit to NYSSBA updated Policy 8130.2 Workplace Violence Prevention to the New York State School Boards Association by December 28, 2023.

**B. SEQRA RESOLUTION FOR SPECIAL VOTE FEBRUARY 13, 2024**

**RESOLUTION 13-12-2023**

WHEREAS, the Board of Education of the Cherry Valley-Springfield Central School District (“Board”) is considering to undertake a capital project consisting of upgrades and improvements to the School District’s main building, including the removal and replacement of a fuel oil tank, reconstruction of parking areas, sidewalks, and concrete stairs, removal and replacement of playground equipment, resurfacing of the outdoor athletic track and tennis courts, repair of exterior walls, removal, replacement, and refurbishment of existing windows, flooring, lockers, and bleachers, installation of a new backup electrical generator, and the addition of a blue light safety system, and upgrades and improvements to the School District’s transportation building, including the repair and replacement of parking areas and catch basin, reconstruction of asphalt pavement, removal and replacement of overhead doors and the repair bay and office furnaces, and the installation of a blue light safety system (“the Project”); and

WHEREAS, the Board wishes to fully comply with its obligations under the State Environmental Quality Review Act (“SEQRA”) and the regulations thereunder with respect to the Project; and

WHEREAS, the Board has carefully considered the nature and scope of the proposed Project; and

WHEREAS, upon review of the foregoing, the Board makes the following determinations:

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

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

Roll Call Vote.

**C. SPECIAL VOTE RESOLUTIONS FOR FEBRUARY 13, 2024**

**RESOLUTION 14-12-2023**

**A RESOLUTION AS TO SPECIAL MEETING and vote CHERRY VALLEY-SPRINGFIELD CENTRAL SCHOOL DISTRICT OTSEGO, HERKIMER AND MONTGOMERY COUNTIES, NEW YORK  
DECEMBER 21, 2023**

BE IT RESOLVED, by the Board of Education (the “Board”) of the Cherry Valley-Springfield Central School District, Otsego, Herkimer and Montgomery Counties, New York (the “District”), as follows:

Section 1. That the provisions of this resolution shall be effective regardless of anything to the contrary in the policies of this Board, or the previous minutes of this Board, or otherwise.

Section 2. That the Board wishes to propose a capital improvement project involving the partial reconstruction and renovation of, and the construction of additions, improvements, and upgrades to, various District buildings and facilities (and the sites thereof), all as described in greater detail in Proposition No. 1A and

Proposition No. 1B in the legal notice set forth below (collectively, the “Project”) and, as part of that process, pursuant to the State Environmental Quality Review Act (“SEQRA”), the School District has reviewed the materials provided by BCA Architects & Engineers relating to the capital improvement project and based on those materials has adopted a resolution making certain findings under SEQRA for purposes of comply with the provisions of SEQRA.

Section 3. That a special meeting and vote of the qualified voters of the District (the “Special Meeting and Vote”) will be held in the Cherry Valley-Springfield Central School located at 597 Co. Hwy. 54, Cherry Valley, New York, on Tuesday, February 13, 2024, at 12:00 p.m.- 8:00 p.m., prevailing time, for the purpose of voting upon the propositions hereinafter set forth.

Section 4. That the notice of the Special Meeting and Vote, including the propositions to be voted upon, shall be in substantially the following form, to-wit:

**NOTICE OF SPECIAL SCHOOL DISTRICT MEETING and vote  
CHERRY VALLEY-SPRINGFIELD CENTRAL SCHOOL DISTRICT  
OTSEGO, HERKIMER AND MONTGOMERY COUNTIES, NEW YORK**

The Board of Education of the Cherry Valley-Springfield Central School District, Otsego, Herkimer and Montgomery Counties, New York (the “District”) HEREBY GIVES NOTICE that a special meeting and vote of the qualified voters of the District (the “Special Meeting and Vote”) will be held on **Tuesday, February 13, 2024** in the Cherry Valley-Springfield CSD located at 597 Co. hwy. 54, Cherry Valley, New York, at 12:00 p.m., prevailing time, for the purpose of voting by paper ballots upon the propositions hereinafter set forth. Polls for the purpose of voting will be kept open between the hours of 12:00 p.m. and 8:00 p.m., prevailing time, on that day. In the event that the District’s schools are closed on February 13, 2024 due to emergency or inclement weather (or for any other reason), the date of the Special Meeting and Vote will be changed, without further notice, to the date on which the District’s schools are next open.

**PROPOSITION NO. 1A--CAPITAL IMPROVEMENT PROJECT, 2024**

Shall the following resolutions be adopted, to-wit:

RESOLVED, that the Board of Education (the “Board”) of the Cherry Valley-Springfield Central School District, Otsego, Herkimer and Montgomery Counties, New York (the “District”), is hereby authorized to undertake a proposed Capital Improvement Project, 2024 (the “Project”) consisting of the partial reconstruction and renovation of, and the construction of additions, improvements, and upgrades to, various District buildings and facilities (and the sites thereof), at an estimated maximum cost of \$7,199,014, to implement various health, safety, accessibility and code compliance measures required by the State Education Department in connection with any significant capital improvement project, and various other measures that are generally described in (but are not to be limited by) the written plan for the Project that was prepared by the District with the assistance of BCA Architects & Engineers (the “Proposition 1A Plan”), which is available for public inspection in the offices of the District Clerk (collectively, the “Proposition 1A Project”), such work being anticipated to include, without limitation and to the extent as and where required, the particular items described below: (1) main building improvements anticipated to include replacement of underground fuel oil tank, reconstruction of south parking area, reconstruction of elementary entrance sidewalk, replacement of concrete stair, replacement of playground, reconstruction of tennis courts, repair of exterior walls, replacement of existing windows at elementary wing, replacement of stairwell flooring, replacement of corridor high school wing lockers, replacement of high school gym bleachers, installation of new backup generator, and installation of blue light safety system; and (2) transportation building improvements anticipated to include drainage improvements to catch basin, reconstruction of asphalt pavement, replacement of exterior overhead doors, replacement of repair bay furnace, replacement of office furnaces, and installation of blue light safety system. The foregoing components of the Proposition 1A Project (or so much thereof as may be reasonably accomplished, given the level of construction bids received) will include the purchase of original furnishings, equipment, machinery, and apparatus required in connection with the purposes for which such buildings, facilities, and sites are used, and all ancillary or related work required in connection therewith. The District will be authorized to expend for the Proposition 1A Project, including for preliminary costs and costs

incidental thereto and to the financing thereof, an amount not to exceed the estimated maximum cost of \$7,199,014, provided that the detailed costs of the components of the Proposition 1A Project (as generally described in the Proposition 1A Plan) may be reallocated among such components, or such components may be deleted, revised or supplemented if (1) the Board shall determine that such reallocation, deletion, revision or supplementation is in the best interests of the District, (2) the aggregate amount to be expended for the Proposition 1A Project shall not exceed \$7,199,014, and (3) no material change shall be made in the overall scope and nature of the Proposition 1A Project; and be it further

RESOLVED, that the Board is hereby authorized to expend or apply toward such Project the amount of \$1,200,000 from the District's Capital Reserve Fund; and be it further

RESOLVED, that a tax is hereby voted to finance the balance of the estimated maximum cost of the Project in an amount not to exceed \$5,999,014, such tax to be levied and collected in installments in such years and in such amounts as shall be determined by the Board; and be it further

RESOLVED, that in anticipation of such tax, obligations of the District (including, without limitation, serial bonds, statutory installment bonds and/or lease/purchase obligations) are hereby authorized to be issued in the aggregate principal amount not to exceed \$5,999,014, and a tax is hereby voted to pay the interest on such obligations as the same shall become due and payable; and be it further

RESOLVED, that the New York State Building Aid funds expected to be received by the District are anticipated to offset a substantial part of such costs, and such funds shall, to the extent received, be applied to offset and reduce the amount of taxes herein authorized to be levied.

**PROPOSITION NO. 1B (CONTINGENT)**  
**TRACK CAPITAL IMPROVEMENT PROJECT, 2024**

If (and only if) Proposition No. 1A presented herewith shall be approved by the voters of the District, shall the following resolutions also be adopted (please note that this Proposition No. 1B, even if approved by the voters of the District, will have no effect, and the work described herein will not be undertaken, unless Proposition No. 1A is also approved), to wit:

RESOLVED, that the Board of Education (the "Board") of the Cherry Valley-Springfield Central School District, Otsego, Herkimer and Montgomery Counties, New York (the "District"), is hereby authorized to undertake a proposed Capital Improvement Project, 2024 (the "Project") consisting of the partial reconstruction and renovation of, and the construction of additions, improvements, and upgrades to, various District buildings and facilities (and the sites thereof), at an estimated maximum cost of \$1,421,679, to implement various health, safety, accessibility and code compliance measures required by the State Education Department in connection with any significant capital improvement project, and various other measures that are generally described in (but are not to be limited by) the written plan for the Project that was prepared by the District with the assistance of BCA Architects & Engineers (the "Proposition 1B Plan"), which is available for public inspection in the offices of the District Clerk (collectively, the "Proposition 1B Project"), such work being anticipated to include, without limitation and to the extent as and where required, the particular item described below: (1) resurfacing of track. The foregoing component of the Proposition 1B Project (or so much thereof as may be reasonably accomplished, given the level of construction bids received) will include the purchase of original furnishings, equipment, machinery, and apparatus required in connection with the purposes for which such buildings, facilities, and sites are used, and all ancillary or related work required in connection therewith. The District will be authorized to expend for the Proposition 1B Project, including for preliminary costs and costs incidental thereto and to the financing thereof, an amount not to exceed the estimated maximum cost of \$1,421,679, provided that the detailed costs of the components of the Proposition 1B Project (as generally described in the Proposition 1B Plan) may be reallocated among such components, or such components may be deleted, revised or supplemented if (1) the Board shall determine that such reallocation, deletion, revision or supplementation is in the best interests of the District, (2) the aggregate amount to be expended for the Proposition 1B Project shall not exceed \$1,421,679, and (3) no material change shall be made in the overall scope and nature of the Proposition 1B Project; and be it further

RESOLVED, that a tax is hereby voted to finance the balance of the estimated maximum cost of the Project in an amount not to exceed \$1,421,679, such tax to be levied and collected in installments in such years and in such amounts as shall be determined by the Board; and be it further

RESOLVED, that in anticipation of such tax, obligations of the District (including, without limitation, serial bonds, statutory installment bonds and/or lease/purchase obligations) are hereby authorized to be issued in the aggregate principal amount not to exceed \$1,421,679, and a tax is hereby voted to pay the interest on such obligations as the same shall become due and payable; and be it further

RESOLVED, that the New York State Building Aid funds expected to be received by the District are anticipated to offset a substantial part of such costs, and such funds shall, to the extent received, be applied to offset and reduce the amount of taxes herein authorized to be levied.

NOTICE IS HEREBY FURTHER GIVEN that such Proposition No. 1A and Proposition No. 1B shall appear on the scannable ballot sheets or the paper ballots, as the case may be, to be utilized for voting on such Proposition No. 1A and Proposition No. 1B in substantially the following abbreviated forms:

**PROPOSITION NO. 1A—CAPITAL IMPROVEMENT PROJECT, 2024**

Shall the following resolution be adopted, to-wit:

RESOLVED, that (a) the Board of Education (the “Board”) of the Cherry Valley-Springfield Central School District, Otsego, Herkimer and Montgomery Counties, New York (the “District”) is hereby authorized to undertake a Capital Improvement Project, 2024 (the “Project”) consisting of the partial reconstruction and renovation of, and the construction of additions, improvements, and upgrades to, various District buildings and facilities (and the sites thereof), to implement various health, safety, accessibility and code compliance measures and various other measures that are included and generally described in (but are not to be limited by) the Project Plan that was referred to in the public notice of the vote on this Proposition, and to expend therefor an amount not to exceed \$7,199,014; (b) the Board is hereby authorized to expend or apply toward the Project \$1,200,000 from the District’s Capital Reserve Fund; (c) a tax is hereby voted in an amount not to exceed \$5,999,014 to finance the balance of the estimated maximum cost of the Project, such tax to be levied and collected in installments in such years and in such amounts as shall be determined by the Board; (d) in anticipation of such tax, obligations of the District are hereby authorized to be issued in the aggregate principal amount of not to exceed \$5,999,014, and a tax is hereby voted to pay the interest on such obligations as the same shall become due and payable; and (e) New York State Building Aid funds expected to be received by the District are anticipated to offset a substantial part of such costs, and such funds, to the extent received, shall be applied to offset and reduce the amount of taxes herein authorized to be levied.

\_\_\_\_\_ YES

\_\_\_\_\_ NO

**PROPOSITION NO. 1B (CONTINGENT)**

**TRACK CAPITAL IMPROVEMENT PROJECT, 2024**

If Proposition No. 1A presented herewith shall be approved by the voters of the District, shall the following resolution also be adopted and approved (**please note that this Proposition No. 1B, even if approved by the voters of the District, will have no effect, and this proposed work will not be undertaken, unless Proposition No. 1A is also approved**), to wit:

RESOLVED, that (a) the Board of Education (the “Board”) of the Cherry Valley-Springfield Central School District, Otsego, Herkimer and Montgomery Counties, New York (the “District”) is hereby authorized to undertake a Capital Improvement Project, 2024 (the “Project”) consisting of the partial reconstruction and renovation of, and the construction of additions, improvements, and upgrades to, various District buildings and facilities (and the sites thereof), to implement various health, safety, accessibility and code compliance measures and various other measures that are included and generally described in (but are not to be limited by) the Project Plan that was referred to in the public notice of the vote on this Proposition, and to expend therefor an amount not to exceed \$1,421,679; (b) a tax is hereby voted in an amount not to exceed \$1,421,679

to finance the balance of the estimated maximum cost of the Project, such tax to be levied and collected in installments in such years and in such amounts as shall be determined by the Board; (c) in anticipation of such tax, obligations of the District are hereby authorized to be issued in the aggregate principal amount of not to exceed \$1,421,679, and a tax is hereby voted to pay the interest on such obligations as the same shall become due and payable; and (d) New York State Building Aid funds expected to be received by the District are anticipated to offset a substantial part of such costs, and such funds, to the extent received, shall be applied to offset and reduce the amount of taxes herein authorized to be levied.

\_\_\_\_\_ YES

\_\_\_\_\_ NO

NOTICE IS HEREBY FURTHER GIVEN that the District has determined that the undertaking of the Proposition 1A Project and the Proposition 1B Project is a "Type II action" that will not have a significant effect on the environment and, therefore, no other determinations or procedures under the State Environmental Quality Review Act ("SEQR") are required.

NOTICE IS HEREBY FURTHER GIVEN that applications for absentee or military ballots will be obtainable between the hours of 9:00 a.m. and 4:00 p.m., prevailing time, Monday through Friday, except holidays, from the District Clerk. Completed applications must be received by the District Clerk at least seven (7) days before the election if the ballot is to be mailed to the voter, or the day before the election, if the ballot is to be delivered personally to the voter when the applicant or the applicant's agent appears in the District office to deliver the completed application. Absentee ballots must be received by the District Clerk not later than 5:00 p.m. prevailing time on the day of the election. Pursuant to the provisions of Section 2018-a of the Education Law, qualified voters who meet the criteria for "permanently disabled" and are so certified by the Otsego, Herkimer and/or Montgomery County Board of Elections, will receive paper ballots by mail. A list of persons to whom absentee ballots are issued shall be made and filed in the District Clerk's office and shall be available for public inspection during regular office hours until the day of the election. The District may require all persons offering to vote at any school district meeting or election for which registration is not required to provide one form of proof of residency pursuant to Education Law Section 2018-c. Such form may include a driver's license, a non-driver identification card, a utility bill, or a voter registration card. Upon offer of proof of residency, the School District may also require all persons offering to vote to provide their signature, printed name, and address.

Dated: December 21, 2023

Cherry Valley, New York

BY ORDER OF THE BOARD OF EDUCATION OF THE  
CHERRY VALLEY-SPRINGFIELD CENTRAL SCHOOL DISTRICT  
OTSEGO, HERKIMER AND MONTGOMERY COUNTIES, NEW YORK

By: \_\_\_\_\_  
District Clerk

Section 5. That the District Clerk is hereby authorized and directed to cause notice to be given of such Special Meeting and Vote, in substantially the form hereinbefore prescribed, by publishing the same four (4) times within the seven (7) weeks next preceding the date of the Special Meeting and Vote, the first publication to be at least 45 days (but not more than 49 days) before the Special Meeting and Vote, in the Oneonta Daily Star, which is a newspaper having general circulation in the District, and by giving such other notice as in the District Clerk's discretion may be deemed advisable.

Section 6. That the temporary use of available funds of the District, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to

Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 2 of this resolution. The District then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (A) the date hereof or (B) the date of any earlier expression by the District of its intent to reimburse expenditures for this or any earlier iteration of the Project) with the proceeds of the bonds, notes, lease/purchase arrangements or other obligations contemplated by this resolution. This resolution shall constitute the declaration (or reaffirmation) of the District's "official intent" to reimburse the expenditures authorized by Section 2 hereof (or expenditures for any earlier iteration of the Project) with such proceeds, as required by United States Treasury Regulations Section 1.150-2.

Section 7. That this resolution shall take effect immediately.

Roll Call Vote.

#### RESOLUTION 15-12-2023

A RESOLUTION DATED DECEMBER 21, 2023 CALLING FOR THE SUBMISSION, TO THE VOTERS OF THE CHERRY VALLEY-SPRINGFIELD CENTRAL SCHOOL DISTRICT, OTSEGO COUNTY, NEW YORK (THE "DISTRICT"), OF A PROPOSITION AUTHORIZING THE TRANSFER OF \$63,252.91 FROM THE DISTRICT'S CAPITAL RESERVE - EQUIPMENT FUND (TO FUND A MACHINERY ACQUISITION PROJECT), AND DIRECTING THAT SUCH PROPOSITION BE INCLUDED IN THE DISTRICT'S NOTICE OF SPECIAL MEETING AND VOTE.

BE IT RESOLVED BY THE BOARD OF EDUCATION AS FOLLOWS:

1. That provisions in substantially the following form (subject to final review and approval of the appropriate District officials and the District's counsel) shall be added to the District's notice of special meeting and vote for February 13, 2024, to-wit:

AND FURTHER NOTICE IS HEREBY GIVEN that a proposition for the authorization of the transfer of monies from the District's Capital Reserve - Equipment Fund (to fund a machinery acquisition project) shall be presented for a public vote in substantially the following form:

#### PROPOSITION NO. 2:

##### USE OF CAPITAL RESERVE MONIES TO FUND A MACHINERY ACQUISITION PROJECT

Shall the following resolutions be adopted?

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, Otsego County, New York (the "District") be authorized to appropriate, transfer and utilize \$63,252.91 from the District's "Capital Reserve - Equipment Fund" to fund a capital improvements project consisting primarily of the acquisition of a tractor with related attachments (the "Machinery Acquisition Project"); and be it further RESOLVED, that the detailed costs of the components of the Machinery Acquisition Project may be reallocated among such components, or such components may be deleted, revised or supplemented if (1) the Board shall determine that such reallocation, deletion, revision or supplementation is in the best interests of the District and (2) the aggregate amount to be expended for the Machinery Acquisition Project shall not exceed \$63,252.91 and (3) no material change shall be made in the overall scope and nature of the Machinery Acquisition Project. AND FURTHER NOTICE IS HEREBY GIVEN that the proposition relating to the Machinery Acquisition Project will appear on the ballots used for voting in substantially the following abbreviated form:

#### PROPOSITION NO. 2:

##### USE OF CAPITAL RESERVE MONIES TO FUND A MACHINERY ACQUISITION PROJECT

Shall the following resolution be adopted?

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, Otsego County, New York (the "District") be authorized to appropriate, transfer and utilize \$63,252.91 from the District's "Capital Reserve - Equipment Fund" to fund a capital improvements project consisting primarily of the acquisition of a tractor with related attachments (the "Machinery Acquisition Project") that was referred to in the public notice of the vote on this Proposition No. 2.



2. The District Clerk (or the District Clerk's designee) is hereby directed to add the above-referenced Proposition No. 2 (in substantially the stated form) to the notice of the special meeting and vote of the District for February 13, 2024, working in consultation with the appropriate District officials and the District's counsel.

3. In the event the Board of Education determines to schedule a special district meeting to consider the vote for this Proposition No. 2, such special district meeting is hereby authorized and the District will take such steps to arrange for such special meeting, with the assistance of the District's counsel.

4. This resolution shall take effect immediately.

Roll Call Vote.

V. OLD BUSINESS

VI. PROPOSED EXECUTIVE SESSION SUBJECT TO BOARD APPROVAL

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

VII. ADJOURNMENT



COMMUNITY HEALTH CENTER &  
CHERRY VALLEY SPRINGFIELD CENTRAL SCHOOL  
DISTRICT HEALTH SERVICES AGREEMENT  
2023-2024

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

1. Physical examinations and Scoliosis Screenings for all students as State Mandated. Physicals for all other children in CSE or as indicated by school personnel.
2. Physical examinations for all students involved in interscholastic athletics. This will include an exam and/or clearance, as necessary, for students returning to a sport.
3. Physical examinations for working papers, when arranged through the school nurse.
4. The Community Health Center will have a representative serve on the CSE as needed.
5. For the above services, The Community Health Center will receive \$13.75 per student enrolled on the opening day of school. (This will be prorated for July thru November of 2023).
6. Physical examinations required for any employee of the school district done at the Community Health Center will be done at the current fee schedule.  
\*Bus Drivers 19-A and DOT Physicals will be done at a rate of \$125.00
7. All supplies for the physical exams conducted at the school will be provided by the school district.
8. **This agreement will be in effect from July 1, 2023 through November 30, 2023**

For items  
# 1-5 only.

\_\_\_\_\_  
Thomas Garretson, Supervisor/Date  
Community Health Center

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



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 1<sup>st</sup> day of January, 2024 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, 2024 through December 31, 2025 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	-	\$140.00
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**

DocuSigned by:  
By: Therese Snyder  
Name: Therese Snyder  
Title: Superintendent  
Date: 11/16/2023

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

DocuSigned by:  
By: Stephen Clark  
Name: Stephen Clark  
Title: Administrative Director, Research Institute  
Date: 11/14/2023



Subject: Policy Update -  
NYSSBA Policy Update Service 2023-2024

Second Installment – November 2023

Dear Policy Update members,

We are including the following policies with this Second Installment of the Policy Update Service for 2023-2024:

**2325, Videoconferencing of Board Meetings** (policy recommended, update recommended)  
We have updated this policy to reflect a change in state law allowing school boards to permit board members with disabilities to participate in meetings via videoconference and count toward the quorum that would otherwise need to be physically present. *CV-S does not have.*

**4327, Homebound Instruction** (policy recommended, update required)  
We have updated this policy to reflect SED guidance on homebound instruction for students with disabilities, as well as an SED Formal Opinion of Counsel regarding minimum number of hours of instruction for the alternative instruction provided to students of compulsory education age who have been suspended.

**6700, Purchasing** (policy and regulation) (policy and regulation required, update recommended)  
We have updated this policy to reflect the district's option under the law to give a preference for purchasing American salt, as well as amended exemptions for competitive bidding for certain food and milk purchases.

**8130.2, Workplace Violence Prevention** (new policy, required)  
This new policy is provided to meet new requirements of state law and regulation to develop a workplace violence prevention program and adopt a policy statement. *CV-S does not have.*

**8520, Free and Reduced Price Meal Services** (policy recommended, update required)  
We have updated this policy to reflect that more schools and school districts can participate in the

Community Eligibility option if the “Identified Student Percentage” of students eligible for free meals is 25% (previously this was 40%).

**8636, Artificial Intelligence (new policy, recommended)**

This optional policy has been developed to summarize the district’s expectations and considerations for the use of Generative Artificial Intelligence in the schools. This policy should be considered a starting point for discussions in your district; it can be customized to align with your districts goals and expectations.

*CU-S does not have.*

**9260, Conditional Appointment and Emergency Conditional Appointment - Student Safety (policy required, updated required)**

We have updated this policy to reflect that “prospective school employees” subject to this policy include those providing services remotely, via digital or audio platforms, and that the ability to hire on a conditional basis has been made permanent in the law.

**A note on Juneteenth and display of the flag:**

We have been asked by some of our members whether regulation 4311.1-R, Display of the Flag Regulation, needs to be amended to add Juneteenth to the list of holidays on which the flag be displayed. Executive Law section 403 lists those holidays, and Juneteenth does not appear on that list.

**A note on required website posting of data privacy and student records information:**

As reported in the 10/16/23 issue of On Board, NYSED’s Office of Data Privacy and Security is conducting monitoring of school district websites regarding required posting and public notification. Please make sure that your Parents Bill of Rights for Student Data Privacy, and any third-party supplements, is posted on the district website. Your district might have these documents posted in your online policy manual as 8635-E or as an exhibit to policy 5500, Student Records. Inclusion in an online policy manual linked to the district website may not be sufficient to meet this requirement. SED recommends establishing a dedicated privacy page on the district website for all required notifications. Here is the link to SED’s memo to school districts: <https://www.nysed.gov/sites/default/files/programs/data-privacy-security/nysed-privacy-office-website-monitoring-memo-7.19.23.pdf>.

Sincerely, your NYSSBA Policy Team

Jessica Goldstein, Deputy Director of Policy Services  
Courtney Sanik, Senior Policy Consultant  
Mary Williams-Noi, Policy and Equity Consultant  
Stephanie Combs, Policy Consultant

**Cross References**

2325 - VIDEOCONFERENCING OF BOARD MEETINGS

4327 - HOMEBOUND INSTRUCTION

6700 - PURCHASING

6700-R - PURCHASING REGULATION

8130.2 - WORKPLACE VIOLENCE PREVENTION

8520 - FREE AND REDUCED PRICE MEAL SERVICES

8636 - ARTIFICIAL INTELLIGENCE

9260 - CONDITIONAL APPOINTMENT AND EMERGENCY CONDITIONAL APPOINTMENT -  
STUDENT SAFETY



## **VIDEOCONFERENCING OF BOARD MEETINGS**

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

*NEW NOTE: Chapter 58 Part X §1 of the Laws of 2023 amended the Public Officers Law §103-a (the Open Meetings Law), permitting public bodies such as school boards and BOCES boards to allow board members with a disability to participate via videoconference and count toward fulfilling a quorum. A physical location where the public can attend the meeting is still required.*

*NOTE: This policy reflects the provisions of §103-a, which permits board members to meet via videoconferencing under extraordinary circumstances, as long as a quorum of the Board is present in-person (excepting the disability exception above), and the public is allowed to attend in-person. This section is effective until July 1, 2024 (unless it is extended or made permanent in the future). During a declared emergency, boards may meet virtually without the need for in-person access.*

*To allow Board members to participate via videoconferencing under extraordinary circumstances pursuant to §103-a, Boards must adopt a resolution after holding a public hearing and must maintain an official website. Note that the Board's resolution can be applicable to the Board and its committees or subcommittees, or may specify that each committee or subcommittee may make its own determination. The law also requires the establishment and posting of written procedures governing participation by videoconferencing. Such procedures, which could take the form of this policy, or a separate document attached to it, should be tailored to your district's process.*

*The NYS Committee on Open Government has issued guidance on this topic:*

*<https://opengovernment.ny.gov/system/files/documents/2022/05/chapter-56-of-the-laws-of-2022-guidance-document-05-20-22.pdf>. Based on this guidance, it is our understanding that, whether or not the Board adopts a resolution to allow videoconferencing under extraordinary circumstances, Board members can participate via videoconferencing as was permitted by the Open Meetings Law prior to the enactment of §103-a, i.e., where all locations, including those where Board members participate by videoconference, must be open to members of the public.*

### **I. Videoconferencing - Locations Open to the Public**

*NOTE: This section addresses the type of remote participation which was in place prior to the enactment of §103-a, and which is still in effect. This type of remote participation does not depend on a Board resolution. The first paragraph reflects the Committee on Open Government's Advisory Opinion #5575 addressing the confidentiality of information discussed during executive session. In that opinion, the COOG also advised that if a district has the technological capability for a member to participate by videoconferencing, then the Board may not put in place a blanket prohibition on it, and that multiple requests should be accommodated if feasible. Any restrictions a Board sets on the number of times a Board member participates by videoconferencing in a given time period must be reasonable.*

Members of the Board of Education may attend Board meetings by videoconference, if their location is open to the public, and appropriate public notice has been given as outlined in policy 2340, Notice of Meetings. Such members may participate in all aspects of the meeting, including establishing a quorum, discussions, and voting. Board members participating via videoconference must disclose the total number of people in attendance at that location. To promote the highest degree of confidentiality during executive session, such Board members must sign an affidavit that the only people, if any, present in the room during the executive session were authorized to be there.

*NOTE: The Open Meetings Law requires boards to make all reasonable efforts to ensure that meetings are held in facilities that permit barrier-free access to the physically handicapped, and are held in an*

appropriate facility that can adequately accommodate members of the public who wish to attend the meeting. The COOG Opinion #5575 advises that, for local municipalities, this applies to "primary" meeting locations, not remote locations.

The district will make all reasonable efforts to ensure that the facility of the primary meeting site provides barrier-free access to the physically handicapped, and accommodates all members of the public who wish to attend. Sites where a member participates via videoconference which are open to the public are not required to comply with these conditions.

## II. Videoconferencing Under Extraordinary Circumstances (Public Officers Law Section 103-a) – Locations Not Open to the Public

*NOTE: This section is only applicable if the Board has adopted a resolution permitting videoconferencing under extraordinary circumstances. Unless otherwise noted, all provisions of this section of the policy reflect requirements of Public Officers Law §103-a or the COOG 5/20/22 Guidance.*

*The Board's resolution, as well as its written procedures (which could take the form of this policy), must include the "extraordinary circumstances" necessitating participation by videoconference of Board members. The law includes some examples (shown below: disability, illness, caregiving), but is not an exhaustive list (it also includes "or other significant or unexpected factor or event"). Before adding examples of other significant or unexpected factors or events that would preclude physical attendance to this policy, the authorizing resolution, or any separate written procedures, please review with your attorney.*

Pursuant to Board resolution # \_\_\_\_\_, dated \_\_\_\_\_, Board members are permitted to participate in meetings via videoconferencing under extraordinary circumstances, in accordance with state law and this policy. **Optional language:** That resolution is attached to this policy as an exhibit.] Extraordinary circumstances include: disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the members' physical attendance at the meeting.

*NOTE: The first sentence of the paragraph below reflects a requirement of the law. The second sentence reflects clarifying guidance from the Committee on Open Government.*

To utilize videoconferencing under extraordinary circumstances, a quorum of Board members must be present in the same physical location(s) where the public can attend the meeting. Board members videoconferencing under extraordinary circumstances can participate in meeting discussions and voting, and their locations are not required to be open to the public, but they do not count towards a quorum unless their locations are open to the public.

*NEW NOTE: The following paragraph is provided to allow the Board to permit members of the Board who have a disability to participate remotely and still count toward quorum.*

**Optional provision:** However, the Board permits board members who have a disability that renders them unable to participate in-person in any location where the public can attend, to count toward fulfilling a quorum, as long as the district maintains at least one physical location where the public can attend the meeting. For purposes of this paragraph, disability is as defined in Executive Law §292: (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques, (b) a record of such an impairment, or (c) a condition regarded by others as such an impairment.

The in-person quorum requirement will not apply in the event of a declared state disaster emergency or local state of emergency, if the district determines that such emergency would affect or impair the district's ability to hold an in-person meeting.

*NEW NOTE: The COOG model procedures directs board members requesting to participate via videoconference to notify the representative or chair of the public body. To promote board member privacy, we suggest that this be limited to the Board President or Superintendent.*

*NOTE: The following paragraph does not reflect a requirement of §103-a, but is suggested to effectuate the law as part of the Board's written procedures, consistent with COOG guidance and model procedures. The law does not include a deadline for notification, but videoconferencing must be included in the notice of meetings. Your Board may wish to include other elements it finds necessary.*

To participate via videoconference under extraordinary circumstances, Board members must notify the Board President or Superintendent, ~~District Clerk, or designee,~~ as soon as the need arises, stating the extraordinary circumstance, no later than four business days prior to the meeting, in order to give proper notice to the public. The district will also notify the Board officers. If extraordinary circumstances arise within four business days prior to the meeting, the district will update its public notice as soon as practicable. If the district cannot update its public notice, the district may reschedule its meeting. Such notification may be made by any means (e.g., phone, electronically, in writing or in person), but the Board member should receive confirmation, so they know the request was received and approved.

*NOTE: The following paragraph does not reflect a requirement of §103-a, but is suggested to effectuate the law.*

If more than one Board member wishes to participate in the same meeting by videoconferencing under extraordinary circumstances, the district will consider the need for a quorum at locations where the public may attend. The district may reschedule meetings if appropriate.

The district will give public notice of meetings using videoconferencing under extraordinary circumstances pursuant to policy 2340).

*NOTE: The district's written procedures governing videoconferencing under extraordinary circumstances must be posted on the district's website.*

This policy, or the district's written procedures for videoconferencing under extraordinary circumstances if a separate document, will be posted on the district website.

Except for properly convened executive sessions, all Board members (i.e., those attending both in person and via videoconferencing) must be able to be heard, seen and identified (e.g., their first and last name shown) during the meeting, including all motions, proposals, resolutions or any other matter formally discussed or voted upon.

*NOTE: Opinion #5575 of the Committee on Open Government (issued prior to the enactment of §103-a) advised that Board members participating via videoconference, as their locations were required to be open to the public, could be required to sign an affidavit regarding those present during executive sessions. Under §103-a, remote locations are not required to be open to the public. The Board may still wish to address confidentiality of information discussed during executive session. If the Board wishes to require Board members to sign an affidavit as described in the first paragraph of this policy, we urge you to consult with your attorney.*

All meetings that are broadcast or utilize videoconference technology will utilize technology that permits access by members of the public with disabilities, consistent with the Americans with Disabilities Act, as amended.

For all meetings involving videoconferencing under extraordinary circumstances, the district will provide members of the public the opportunity to view the meeting via video, and participate in public comment via videoconference in real time where public comment is authorized, to the same extent as in-person comment.

Minutes of meetings involving videoconferencing under extraordinary circumstances will include which members participated remotely.

All meetings where videoconferencing under extraordinary circumstances is used will be recorded, except those portions held in executive session. Recordings will be posted or linked on the district website within five business days of the meeting, and remain posted or linked for at least five years after the meeting. Recordings will be transcribed upon request.

Cross-ref:

1230, Public Comment at Board Meetings  
2310, Regular Board Meetings  
2320, Special Board Meetings  
2340, Notice of Meetings  
2360, Minutes

Ref:

Public Officer's Law §§102; 103; 103-a; 104  
NYS Department of State, Committee on Open Government, Advisory Opinion OML-AO-#5575 (3/6/2018)  
"Questions and Answers, Chapter 56 of the Laws of 2022," NYS Committee on Open Government, <https://opengovernment.ny.gov/system/files/documents/2022/05/chapter-56-of-the-laws-of-2022-guidance-document-05-20-22.pdf>

Adoption date:

Adoption Date:  
Classification:  
Revised Dates: ;

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NYSSBA Sample Policy



## HOMEBOUND INSTRUCTION

- ( ) Required  
 ( ) Local  
 (X) Notice

*NEW NOTE: We have modified this policy to reflect a 10/3/23 SED Formal Opinion of Counsel (No. 243) which addresses the minimum number of hours of instruction for students receiving alternative instruction due to suspension, as well as SED guidance clarifying the provision of home, hospital, or institutional instruction to students with disabilities.*

*OLD NOTE: This policy reflects the requirements of state regulations 8 NYCRR §100.22 regarding homebound instruction for students for physical, mental, or emotional illness or injuries. In SED's Assessment of Public Comment for these regulations, the Department drew a distinction between students receiving homebound instruction, and those being tutored at home due to being suspended from school. For this reason, we address students receiving homebound instruction due to suspension in a separate section.*

*Other information regarding homebound instruction (e.g., coordinating with teachers for assignments, progress reports and grades, submitting time sheets and payroll periods, etc.) can be addressed in a building level procedure rather than a district level regulation.*

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.

*OLD NOTE: The following paragraph is optional and is not addressed in the state regulations.*

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 with Disabilities**

*NEW NOTE: This section reflects the SED guidance document referenced below.*

Students with disabilities may request home, hospital or institutional instruction as outlined above. In order for the district to provide a student with a disability with the programs and/or services outlined in their IEP in a home, hospital or institutional setting, the Committee on Special Education must meet and determine that the student's educational placement should be "home and hospital" as defined and described in 8 NYCRR sections 200.1 and 200.6.

Once the district has granted a request for home, hospital or institutional instruction for a student with a disability, the CSE will meet to make the determination of the special education programs and related services the student will receive in the home, hospital or institutional setting, and will indicate that in the student's IEP. Any related services so provided would be in addition to the minimum hours of instruction required by state regulations.

### **Students Instructed Out of School Due to Suspension**

*NEW NOTE: SED's Formal Opinion of Counsel (No. 243) (10/3/23) indicated that suspended students of compulsory education age who are receiving alternative instruction must receive the same minimum number of daily/weekly hours of instruction as required for students receiving homebound instruction.*

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

Students who have been suspended from school will be provided with alternative instruction, as described in the district's Code of Conduct. Such instruction may be provided in the student's home or other location, including remotely, as determined by the district, balancing the best interests of the student, the safety of district personnel, and the district's resources. The district's homebound instructors may be utilized, if available. Such instruction is not subject to the requirements of state regulations for homebound instruction (8 NYCRR §100.22) referenced in the rest of this policy. However, students of compulsory education age must receive the same minimum hours of instruction required for homebound instruction outlined above. 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

*NEW NOTE: We have updated the reference section with the addition of the underlined text.*

Ref:  
Education Law §§1709(24); 4401 et seq.  
8 NYCRR §§100.1(u); 100.22; 175.21; 200.1; 200.6  
*Appeal of Camille S.* 39 EDR 574 (Dec. No. 14,316) (2000)  
Formal Opinion of Counsel No. 243, Office of Counsel, NYSED,  
<https://www.counsel.nysed.gov/sites/counsel/files/243.pdf> (10/3/23)  
Home, Hospital, or Institutional Instruction Frequently Asked Questions, NYSED (Jan. 2023),  
<https://www.p12.nysed.gov/sss/ssae/AltEd/documents/home-hospital-or-institutional-instruction-faqs.pdf>

Adoption date:

Adoption Date:  
Classification:  
Revised Dates: ;

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NYSSBA Sample Policy



## PURCHASING

**(X) Required**

(X) Local

( ) Notice

*NEW NOTE: We have added item E to the "Special Circumstances" section outlining the district's ability to give a preference for rock salt mined or harvested in the U.S., pursuant to Chapter 72 of the Laws of 2023. Changes to the accompanying regulation are necessary to reflect this, as well as Chapter 58 Part 00 of the Laws of 2023 regarding the purchase of certain New York State food and milk products.*

*OLD NOTE: A policy on purchasing that is not subject to competitive bidding is required by General Municipal Law § 104-b.*

*This policy addresses elements such as: competitive bidding requirements, exceptions to competitive bidding, purchasing under the competitive bidding threshold, "piggybacking" onto other governmental contracts, awarding contracts on the basis of best value instead of lowest bid, green cleaners, purchasing recycled materials, Green Purchasing specifications, instructional materials in alternative formats, and E-Rate discounts.*

The Board of Education views purchasing as serving the educational program by providing necessary supplies, equipment and related services. Purchasing will be centralized in the business office under the general supervision of the Purchasing Agent designated by the Board.

It is the goal of the Board to purchase competitively, without prejudice or favoritism, and to seek the maximum educational value for every dollar expended. Competitive bids or quotations will be solicited in connection with purchases pursuant to law. The General Municipal Law requires that purchase contracts for materials, equipment and supplies involving an estimated annual expenditure exceeding \$20,000 and public work contracts involving an expenditure of more than \$35,000 will be awarded only after responsible bids have been received in response to a public advertisement soliciting formal bids. Purchases of the same commodity cannot be artificially divided for the purpose of avoiding the threshold. Similar procurements to be made in a fiscal year will be grouped together for the purpose of determining whether a particular item must be bid.

The district's purchasing activity will strive to meet the following objectives:

*NOTE: Optional item 6 below is provided for the district to participate in the GreenNY Green Purchasing Community.*

1. to effectively supply all administrative units in the school system with needed materials, supplies, and contracted services;
2. to obtain materials, supplies and contracted services at the lowest prices possible consistent with the quality and standards needed as determined by the Purchasing Agent in conformance with state law and regulation and in cooperation with the requisitioning authority. The educational and physical welfare of the students is the foremost consideration in making any purchase;
3. to ensure that all purchases fall within the framework of budgetary limitations and that they are consistent with the educational goals and programs of the district;
4. to maintain an appropriate and comprehensive accounting and reporting system to record and document all purchasing transactions;
5. to ensure, through the use of proper internal controls, that loss and/or diversion of district property is prevented; and

**6. optional:** to utilize the GreenNY purchasing specifications set by New York State whenever feasible.

Opportunities will be provided to all responsible suppliers to do business with the school district. Suppliers whose place of business is situated within the district may be given preferential consideration only when bids or quotations on an item or service are identical as to price, quality and other factors.

*NOTE: The following sections are grouped under the heading of "Special Circumstances": piggybacking, instructional materials in alternative formats, environmentally preferable (green cleaning products, green purchasing, and recycled materials), and e-rate and other federal discounts.*

### **Special Circumstances**

#### **A. "Piggybacking"**

*NOTE: The paragraph below provides the Board with a blanket allowance to "piggyback" onto contracts let by other federal, state and local political subdivisions, where permitted by law.*

Where permitted by law, purchases may be made through available cooperative BOCES bids, or by "piggybacking" onto contracts of the United States or agencies thereof or the federal General Services Administration (GSA), the New York State Office of General Services (OGS), departments or agencies of New York State, any New York State county, or any state or any county or political subdivision or district therein, whenever such purchases are in the best interests of the district or will result in cost savings to the district. In addition, the district will make purchases from correctional institutions and severely disabled persons through charitable or non-profit-making agencies, as provided by law.

*NOTE: The text below clarifies the district's responsibility to review any contracts for which they are "piggybacking," to ensure the original contract was let in a manner consistent with the requirements of state law. This review may require your school attorney's involvement.*

It is the district's responsibility to review each "piggybacking" contract corresponding to a proposed purchase, upon the advice of counsel as necessary, to determine whether the original contract does not conflict with state law or regulation, and meets the following requirements:

1. The contract must have been let by the United States, or any agency thereof, any state, or any other political subdivision or district therein;
2. The contract must have been made available for use by other governmental entities; including New York State local governments;
3. The contract must have been let to the lowest responsible bidder or on the basis of best value, in a manner consistent with General Municipal Law §103. Those main elements are: (a) public solicitation of bids or offers; (b) secure or confidential bids or offers; (c) use of a common standard for bidders or offers to compete fairly; and (d) awarded to the lowest responsible bidder, or responsible offeror of best value, which optimizes quality, cost and efficiency.

#### **B. Instructional Materials in Alternative Formats**

In accordance with law, the district will give a preference in the purchase of instructional materials to vendors who agree to provide materials in alternative formats. The term "alternative format" means any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a disabled student enrolled in the district (or program of a BOCES), including but not limited to Braille, large print, open and closed captioned, audio, or an electronic file in a format compatible with alternative format conversion software that is appropriate to meet the needs of the individual student.

C. Environmentally Preferable Conscious Purchasing

1. Environmentally Sensitive ("Green") Cleaning Products

The Board is aware of the need to reduce exposure of students and staff to potentially harmful chemicals and substances used in cleaning and maintenance. In accordance with law, regulation and guidelines set forth by the Office of General Services (OGS), the district will purchase and utilize environmentally sensitive cleaning and maintenance products in its facilities whenever feasible. Cleansers purchased must, first and foremost, be effective so that the district may continue to purchase non-green products as necessary. Environmentally sensitive cleaning and maintenance products will be procured in accordance with standard purchasing procedures as outlined in this policy and regulation.

2. GreenNY Purchasing

*NOTE: The following optional paragraphs are provided to permit the district to become a "Green Purchasing Community" by participating in the GreenNY procurement program. The first paragraph was adapted from model language provided by the GreenNY program. The second paragraph reflects other exemptions available to state agencies.*

*Districts wishing to become a Green Purchasing Community follow certain state-approved specifications for purchasing products and services. The state has also issued a list of approved vendors who have met these specifications; however, whether or not the district adopts the GreenNY specifications, purchasing must still meet the applicable requirements for lowest responsible bidder/offeror or best value.*

*To become a "Green Purchasing Community" the Board must first amend its purchasing policy to commit to using the GreenNY purchasing specifications used by New York State government. The district then submits an application, along with the amended policy, the resolution passing the amended policy, and estimated annual purchasing, to [gpc@dec.ny.gov](mailto:gpc@dec.ny.gov). More information is available here: <https://ogs.ny.gov/apply-now-become-green-purchasing-community>.*

Where the district is procuring a commodity, service, or technology, whether by competitive bid or other type of procurement, that is the subject of a GreenNY procurement specification that has received final approval of the NYS GreenNY Council pursuant to Executive Order No. 22 (2022), the Purchasing Agent will follow the GreenNY procurement specification to the maximum extent practicable, as long as the cost is reasonably competitive, as defined in General Municipal Law §104-a. GreenNY approved procurement specifications can be found online at: <https://ogs.ny.gov/greenny/approved-greeny-specifications>.

However, the district will not follow the GreenNY specifications if the Purchasing Agent determines that:

- a. the commodity, service or technology will not meet the district's requirements for form, function, or utility; or
- b. there is a compelling public health or safety reason not to purchase such commodity, service or technology.

3. Recycled Products

*NOTE: Municipalities have had the option under General Municipal Law §104-a of giving a preference to purchasing recycled products even if the cost is not the lowest, as long as the price is "reasonably competitive". General Municipal Law §104-a defines this as not over 10% more than a comparable non-recycled product, or not over 15% more if at least 50% of the secondary materials are from the NYS waste stream.*

The district gives a preference to vendors of recycled products whenever they meet the district's specifications and the price is reasonably competitive, defined in General Municipal Law §104-a.

**D. E-Rate and other Federal Discounts**

In order to ensure that the district avails itself of advantageous purchasing opportunities, the Board authorizes the Purchasing Agent to represent the district in applying for federal programs designed to discount prices for goods and services. Specifically, the Purchasing Agent will abide by the rules and regulations associated with applying for telecommunications service discounts through the Universal Service Fund (E-Rate), in addition to complying with the local purchasing policies set forth by the Board. As with all purchasing activity, appropriate documentation of the application and purchase through any federal program will be maintained by the business office.

**E. American Salt Preference**

*NEW NOTE: The district could state that it will give a preference to suppliers of American Salt, instead of it being an option. More details reflecting the provisions of General Municipal Law §104-d are in the accompanying regulation.*

The district may give a preference to suppliers of American rock salt or sodium chloride, pursuant to the requirements of General Municipal Law §104-d.

**Competitive Bidding**

*NOTE: The following paragraph reflects the allowance to award purchase contracts on the basis of "best value," which is optional; since it offers the Board more flexibility, NYSSBA recommends its inclusion.*

Purchase contracts and public works contracts subject to competitive bidding will be awarded to the lowest responsible bidder, however, the Board authorizes that purchase contracts may be awarded on the basis of best value, as defined in State Finance Law §163. Other exceptions to competitive bidding are outlined below.

*NOTE: The paragraph below allows the Board to authorize the receipt of sealed bids in an electronic format, as allowed by General Municipal Law §103(1). The Board is not required to accept electronic bids. NYSSBA recommends discussing the option with the administrative team. If it is determined that allowing electronic bidding is desirable, insert the following paragraph.*

In addition, the Board authorizes the receipt of sealed bids for purchase contracts in electronic format, pursuant to the provisions of General Municipal Law §103(1) which addresses proper documentation, authentication, security, and confidentiality of electronic bids.

*NOTE: The following paragraph is included to comply with section 103-g of the General Municipal Law, which was enacted to implement the federal Iran Divestment Act of 2010 (Public Law 111-195).*

The district will comply with the requirements of General Municipal Law §103-g, which prohibits, with few exceptions, competitive bidding contracts with entities that invest significantly in the Iranian energy sector, as outlined in the accompanying regulation.

**Exceptions to Competitive Bidding**

*NOTE: The text in item 5 clarifies the district's responsibilities for "piggybacking" for certain items otherwise subject to competitive bidding.*

Competitive bidding, even if the dollar value of the purchase meets the threshold established above, is not required in the following circumstances:



1. emergencies where time is a crucial factor;
2. procurements for which there is no possibility of competition (sole source items);
3. professional services that require special skill or training (see policy 6741 for guidance on purchasing professional services);
4. purchases such as surplus or second-hand items from governmental entities, certain food and milk items, or goods and services from municipal hospitals; or
5. where the district is purchasing through (or is "piggybacking" onto) the contract of another governmental entity, where the original contract complies with the requirements of New York State law for competitive bidding.

### **Purchasing when Competitive Bidding Not Required**

Goods and services which are not required by law to be procured by the district through competitive bidding will be procured in a manner so as to ensure the prudent and economical use of public monies, in the best interests of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption.

*NOTE: Items 3 and 4 address the ability of the district to "piggyback" onto contracts that are not subject to competitive bidding requirements (i.e., under the threshold dollar amounts).*

Alternative proposals or quotations will be secured by requests for proposals, written or verbal quotations or any other appropriate method of procurement, except as permitted by state law for procurements:

1. under a county contract;
2. under a state contract;
3. under a federal contract;
4. under a contract of another political subdivision;
5. of articles manufactured in state correctional institutions; or
6. from agencies for the blind and severely disabled.

*NOTE: The following text emphasizes that even when competitive bidding is not required, contracts must be awarded in the best interests of the taxpayers.*

"Piggybacking" onto the contract of other governmental agencies is permitted where the original contract is in conformance with the goals of this section.

The district will provide justification and documentation of any contract awarded to an offeror other than the lowest responsible dollar offeror, setting forth the reasons why such award is in the best interests of the district and otherwise furthers the purposes of section 104-b of the General Municipal Law.

### **General Purchasing Provisions**

The Superintendent of Schools, with the assistance of the Purchasing Agent, is responsible for the establishment and implementation of the procedures and standard forms for use in all purchasing and related activities in the district. Such procedures must comply with all applicable laws and regulations of the state and the Commissioner of Education.

No Board member, officer or employee of the school district will have an interest in any contract entered into by the Board or the district, as provided in Article 18 of the General Municipal Law.

Comments will be solicited from those administrators involved in the procurement process before enactment of the district's policies regarding purchasing and from time to time thereafter. The

policies must then be adopted by Board resolution. All district policies regarding the procurement processes will be reviewed by the Board at least annually.

The unintentional failure to fully comply with the provisions of section 104-b of the General Municipal Law or the district's policies regarding procurement will not be grounds to void action taken nor give rise to a cause of action against the district or any officer or employee of the district.

**Cross-ref:**

6710, Purchasing Authority

6741, Contracting for Professional Services

*NEW NOTE: We have added the citation to General Municipal Law §104-d.*

**Ref:**

Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195)

Education Law §§305(14); 409-i; 1604(29-a); 1709(4-a), (9), (14), (22); 2503(7-a); 2554(7-a)

General Municipal Law §§102; 103; 103-g; 104; 104-a; 104-b; 104-d; 109-a; 800 et seq.

State Finance Law §§97-g(3), (4), (5); 163; 163-b; 165-a

County Law §408-a(2)

8 NYCRR Part 114

Adoption date:

Adoption Date:

Classification:

Revised Dates: ;

## **PURCHASING REGULATION**

*NEW NOTE: Changes are suggested to IV.3. and IV.4. for NYS food and milk purchases, and new item VII.A. is added for U.S. salt preferential purchasing.*

*NOTE: This policy and regulation should be shared with, and carefully reviewed by, Superintendents, School Business Officials, Purchasing Agent, and all personnel involved in district purchasing.*

The following sets forth the procedures for the procurement of goods and services by the district:

### **I. Definitions**

**Best value:** optimizing quality, cost and efficiency. The basis for best value shall reflect, whenever possible, objective and quantifiable analysis, and may also take into consideration small businesses or certified minority- or women-owned businesses as defined in State Finance Law §163.

**Purchase Contract:** a contract involving the acquisition of commodities, materials, supplies, services or equipment.

**Public Work Contract:** a contract involving labor or both materials and labor for a project such as construction.

**Reasonably Competitive:** the cost of a recycled product does not exceed (a) 10% above that of a comparable non-recycled product, or (b) 15% above that of a comparable non-recycled product, if at least 50% of the secondary materials used to make the product comes from New York State waste.

**Recycled Product:** any product manufactured from secondary materials (recovered from or otherwise destined for the waste stream), as defined in Economic Development Law §261(1), and which meets the requirements of Environmental Conservation Law §27-0717(2) and associated regulations 6 NYCRR §368.4.

### **II. General Municipal Law**

The General Municipal Law requires that purchase contracts for services, materials, equipment and supplies involving an estimated annual expenditure exceeding \$20,000 and public work contracts involving an expenditure of more than \$35,000 will be awarded only after responsible bids have been received in response to a public advertisement soliciting formal bids. Similar procurements to be made in a fiscal year will be grouped together for the purpose of determining whether a particular item must be bid.

### **III. Competitive Bidding Required**

#### **A. Method of Determining Whether Procurement is Subject to Competitive Bidding**

1. The district will first determine if the proposed procurement is a purchase contract or a contract for public work.

2. If the procurement is either a purchase contract or a contract for public work, the district will then determine whether the amount of the procurement is above the applicable monetary threshold as set forth above.
3. The district will also determine whether any exceptions to the competitive bidding requirements (as set forth below) exist.

*NOTE: Item 4 below reflects the district's responsibilities under the Iran Divestment Act of 2012 when advertising bids.*

4. All advertised bids must include the following statement required by General Municipal Law 103-g: "By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the state finance law."

**B. Contract Combining Professional Services and Purchase**

In the event that a contract combines the provision of professional services and a purchase, the district, in determining the appropriate monetary threshold criteria to apply to the contract, will determine whether the professional service or the purchase is the predominant part of the transaction.

**C. Opening and Recording Bids; Awarding Contracts**

*NOTE: The paragraph below reflects the district's option to award bids on the basis of best value.*

The Purchasing Agent will be authorized to open and record bids. Contracts will be awarded to the lowest responsible bidder or a purchase contract bid of best value (as recommended by the Purchasing Agent), who has furnished the required security after responding to an advertisement for sealed bids.

*NOTE: The paragraph below reflects the district's responsibilities under the Iran Divestment Act of 2012 when selecting bidders.*

In order to be considered a responsible bidder, entities must certify that they are not on the list created and maintained by the State Office of General Services cataloging significant investment in the Iranian energy sector. Such statement may be submitted electronically pursuant to General Municipal Law §103(1). Entities that cannot make this certification may only be awarded the bid if:

1. The entity's investment activities in Iran were made before April 12, 2012; the investment activities in Iran have not been expanded or renewed after that date; and the entity has adopted, publicized, and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or
2. The district makes a determination, in writing, that the goods or services are necessary for the district to perform its functions and that, absent such an exemption, the district would be unable to obtain the goods or services for which the contract is offered.

**D. Documentation of Competitive Bids**

The district will maintain proper written documentation which will set forth the method in which it determined whether the procurement is a purchase or a public work contract.

E. Leases of Personal Property

In addition to the above-mentioned competitive bidding requirements, section 1725 of the Education Law requires that the district will be subject to competitive bidding requirements for purchase contracts when it enters into a lease of personal property.

Documentation: The district will maintain written documentation such as quotes, cost-benefit analysis of leasing versus purchasing, etc.

Any legal issues regarding the applicability of competitive bidding requirements will be presented to the school attorney for review.

IV. Exceptions to Competitive Bidding Requirements

The district will not be subject to competitive bidding requirements when the Board of Education, in its discretion, determines that one of the following situations exists:

1. emergency situations where:

- a. the situation arises out of an accident or unforeseen occurrence or condition;
- b. a district building, property, or the life, health, or safety of an individual on district property is affected; or
- c. the situation requires immediate action which cannot await competitive bidding.

However, when the Board passes a resolution that an emergency situation exists, the district will make purchases at the lowest possible costs, seeking competition by informal solicitation of quotes or otherwise, to the extent practicable under the circumstances.

Documentation: The district will maintain records of verbal (or written) quotes, as appropriate;

2. when the district purchases surplus or second-hand supplies, materials or equipment from the federal or state governments or from any other political subdivision or public benefit corporation within the state.

Documentation: The district will maintain market price comparisons (verbal or written quotes) and the name of the government entity;

*NEW NOTE: Items 3 and 4 below reflects changes to General Municipal Law §103(9) and (10) and Commissioner's regulations §114.3 and 114.4 regarding certain food and milk purchases.*

3. when the Board separately purchases eggs, livestock, fish and dairy products (other than milk), juice, grains and species of fresh fruits and vegetables ~~directly from New York State producers or growers or associations of producers and growers grown, produced or harvested in New York State. each order not to exceed \$150,000 unless granted permission by the Commissioner of Education,~~ subject to the requirements of General Municipal Law §103(9) and Commissioner's Regulations §114.3.

Documentation: The district will maintain documentation consistent with section 114.3 of the Regulations of the Commissioner of Education;

4. when the Board separately purchases milk produced in New York State directly from licensed milk processors ~~employing less than forty (40) people~~. The amount expended in any fiscal year by the district may not exceed an amount equal to twenty-five cents multiplied by the number of days in the school year multiplied by the total enrollment of the district or exceed the current market price.

Documentation: The district will maintain documentation consistent with section 114.4 of the Regulations of the Commissioner of Education;

5. when the district purchases goods, supplies and services from municipal hospitals under joint contracts and arrangements entered into pursuant to section 2803-a of the Public Health Law.

Documentation: The district will maintain the legal authorization, Board authorization and market price comparisons;

6. when there is only one possible source from which to procure goods or services required in the public interest.

Documentation: The district will maintain written documentation of the unique benefits of the item or service purchased as compared to other items or services available in the marketplace; that no other item or service provides substantially equivalent or similar benefits; and that, considering the benefits received, the cost of the item or service is reasonable, when compared to conventional methods. In addition, the documentation will provide that there is no possibility of competition for the procurement of the goods.

7. when the district purchases professional services that require special skill or training, such as but not limited to, audit, medical, legal or insurance services, or property appraisals.

Documentation: The district will keep proper documentation in accordance with policy 6741; or

*NOTE: The text below addresses "piggybacking" where competitive bidding requirements would otherwise apply. There are no documentation requirements specific to piggybacking; however, the Office of the State Comptroller (OSC) recommends that districts maintain at least some documentation about why piggybacking is in the best interests of the district, copies of the original contract, and that the originating contract was let in a manner consistent with state competitive bidding requirements. The OSC also recommends that districts consult their attorneys to review the contract and make sure there are no provisions that conflict with other New York State laws or regulations.*

8. when the district purchases through the contracts of (or "piggybacks" onto) other governmental entities, as authorized by law, for certain goods and services permitted by law. Factors relevant to the decision to "piggyback" may include cost, staff time, delivery arrangements, quality of goods and services, and suitability of such goods and services to the district's needs.

Documentation: The district will keep documentation indicating why "piggybacking" is in the best interests of the district, copies of the original contract, and that the originating contract was let in a manner consistent with applicable competitive bidding requirements.

#### V. Quotes When Competitive Bidding Not Required

Goods and services which are not required by law to be procured by the district through competitive bidding will be procured in a manner so as to ensure the prudent and economical use of public monies in the best interests of the taxpayers. Alternative proposals or quotations will be secured by requests for proposals, written or verbal quotations or any other appropriate method of procurement, as set forth below.

A. Methods of Documentation

1. Verbal Quotations: the telephone log or other record will set forth, at a minimum, the date, item or service desired, price quoted, name of vendor, name of vendor's representative;
2. Written Quotations: vendors will provide, at a minimum, the date, description of the item or details of service to be provided, price quoted, name of contact. For example, with regard to insurance, the district will maintain documentation that will include bid advertisements, specifications and the awarding resolution. Alternatively, written or verbal quotation forms will serve as documentation if formal bidding is not required.
3. Requests for Proposals: the district will utilize RFP's to engage professional services providers in accordance with policy 6741.

B. Purchases/Public Work: Methods of Competition to be Used for Non-Bid Procurements; Documentation to be Maintained

The district will require the following methods of competition be used and sources of documentation maintained when soliciting non-bid procurements in the most cost-effective manner possible:

1. Purchase Contracts up to \$20,000
  - a. Contracts from \$100 to \$1,000: Verbal quotes  
Documentation will include notations of verbal quotes.
  - b. Contracts in excess of \$1,000 to \$20,000: Written quotes
2. Public Work Contracts up to \$35,000
  - a. Contracts from \$1,000 to \$10,000: Verbal quotes  
Documentation will include notations of verbal quotes.
  - b. Contracts in excess of \$10,000 to \$35,000: Written quotes

VI. Quotes Not Required When Competitive Bidding Not Required

*NOTE: Items 3 and 4 below address piggybacking where competitive bidding is not required and alternative quotes will not be secured.*

The district will not be required to secure alternative proposals or quotations for those procurements as permitted by state law:

1. under a county contract;
2. under a state contract;
3. under a federal contract;
4. under a contract of another political subdivision;
5. of articles manufactured in state correctional institutions; or
6. from agencies for the blind and severely disabled.

*NOTE: The following text emphasizes that even when competitive bidding is not required, contracts must be awarded in the best interests of the taxpayers.*

"Piggybacking" onto the contract of other governmental agencies is permitted where the original contract is in conformance with the goals of the district's policy and regulation for purchasing when competitive bidding is not required.

VII. Procurements from Other than the "Lowest Responsible Dollar Offeror"

The district will provide justification and documentation of any contract awarded to an offeror other than the lowest responsible dollar offeror, setting forth the reasons why such award is in the best interests of the district and otherwise furthers the purposes of section 104-b of the General Municipal Law.

VIII. Preferential and Environmentally Conscious Purchasing

*NOTE: This section addresses purchasing instructional materials in alternative formats, green cleaners, green purchasing, and recycled products.*

A. Instructional Materials in Alternative Formats

In accordance with Education Law, the district gives a preference in the purchase of instructional materials to vendors who agree to provide materials in alternative formats (i.e., any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a disabled student enrolled in the district, including but not limited to Braille, large print, open and closed captioned, audio or an electronic file in an approved format).

The district will establish and follow a plan to ensure that every student with a disability who needs instructional materials in an alternative format will receive those materials at the same time that they are available to non-disabled students.

B. Environmentally-Sensitive Cleaning and Maintenance Products

In accordance with Education Law §409-i, the district will purchase and utilize environmentally sensitive cleaning and maintenance products whenever feasible. The purchasing agent will consult with the Green Guidelines provided by the Office of General Services.

C. GreenNY Purchasing

The district has opted to include the GreenNY procurement specifications in its purchasing, whenever feasible. The Purchasing Agent will determine whether a GreenNY specification exists for any potential purchase, including purchases subject to competitive bidding and those that are not, and whether to include the specification. Relevant factors include whether the cost is reasonably competitive, whether the product or service will meet the district's needs, and if there is a health or safety reason to not purchase with the specification.

D. Recycled Products

The district has opted to give a preference to vendors of recycled products whenever the price is reasonably competitive, as these terms are defined in state law and reflected in this regulation. The Purchasing Agent is directed to seek out recycled materials whenever possible, and to include this information in its advertisements.

E. American Salt Preference

*NEW NOTE: The following paragraph reflects the provisions of General Municipal Law §104-d.*



The district may award contracts for rock salt or sodium chloride (whether or not subject to competitive bidding) to a responsible and reliable supplier of rock salt or sodium chloride that is mined or hand harvested in the United States, as long as the offer is within ten percent of the lowest price or best value offer.

**IX. Internal Control**

The Board authorizes the Superintendent of Schools, with the assistance of the Purchasing Agent, to establish and maintain an internal control structure to ensure, to the best of their ability, that the district's assets will be safeguarded against loss from unauthorized use or disposition, that transactions will be executed in accordance with the law and district policies and regulations, and recorded properly in the financial records of the district.

Comments will be solicited from those administrators involved in the procurement process before enactment of the district's regulations regarding purchasing and from time to time thereafter. The regulations must then be adopted by Board resolution. All district regulations regarding the procurement processes will be reviewed by the Board at least annually.

The unintentional failure to fully comply with the provisions of section 104-b of the General Municipal Law or the district's regulations regarding procurement will not be grounds to void action taken or give rise to a cause of action against the district or any officer or employee of the district.

Adoption date:

Adoption Date:  
Classification:  
Revised Dates: ;



## WORKPLACE VIOLENCE PREVENTION

**(X) Required**

(X) Local

(X) Notice

*NOTE: School districts employing at least 20 full time permanent employees must now develop and implement a workplace violence prevention program pursuant to Labor Law §27-b and its regulations (12 NYCRR §800.6). This requirement is effective January 4, 2024. School districts were previously exempt from this requirement of all public employers.*

*The implementing State regulations (12 NYCRR §800.6) also require employers to develop and post a written policy statement. We have developed this policy to reflect the requirements of law, taking into consideration the Department of Labor's sample Policy Statement. More information and resources are available at <https://dol.ny.gov/workplace-violence-prevention-information>.*

*The requirement to develop a workplace violence prevention program is separate from the Code of Conduct required by Education Law §2801 and the school safety plan required by Education Law §2801-a, though there are similar elements. However, state regulations 12 NYCRR §800.6(g)(1) allow that if an employer has an existing safety and health program developed and implemented to meet other federal, state or local regulations, laws or ordinances, it may be considered acceptable in meeting this requirement if the other programs cover or are modified to cover the topics required for the workplace violence prevention program. Because there are particular development, public input, and public posting requirements for the Code of Conduct and School Safety Plan, your district may wish to develop a stand-alone workplace violence prevention program.*

The district is committed to establishing and maintaining a safe and secure workplace for employees. Workplace violence is a safety hazard to the district, its employees, and everyone in the workplace, and will not be tolerated. All employees are expected to work together to create and maintain a safe and respectful work environment for everyone.

*NOTE: The following paragraph reflects the definition of workplace violence in state regulations.*

Workplace violence is defined as any physical assault or act of aggressive behavior occurring where employees perform any work-related duty in the course of their employment including but not limited to an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee; any intentional display of force which would give an employee reason to fear or expect bodily harm; intentional and wrongful physical contact with a person without their consent that entails some injury; or stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

*NOTE: The state regulations 12 NYCRR §800.6(e)(1)(ii) require the employer's written policy statement to briefly indicate the employer's incident alert and notification policies for employees to follow in the event of a workplace violent incident. If there is more than one designated contact person, for example, one per building, please modify as appropriate.*

All employees are responsible for notifying their supervisor or other designated contact person of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received. All acts of workplace violence will be promptly and thoroughly investigated, and appropriate action will be taken, including contacting law enforcement where necessary.

Designated Contact

Person: \_\_\_\_\_

Title: \_\_\_\_\_

Department: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

*NOTE: The following paragraph reflects the requirements of Labor Law §27-b and regulations 12 NYCRR §800.6(g).*

As required by Labor Law §27-b, the district will develop and implement a Workplace Violence Prevention Program to comply with the law and its implementing regulations. The Program will include elements required by law and regulation, including:

- a. the risk factors present in the workplace;
- b. the methods the district will use to prevent incidents of violence in the workplace;
- c. the methods and means by which the district will address specific identified hazards;
- d. a system to report workplace violence incidents in writing;
- e. a written outline for employee training; and
- f. a plan for annual program and review.

*NOTE: The regulations require employers to solicit input from an authorized employee representative in developing the plan. Under state regulations, the authorized employee representative is an employee authorized by the employees, or the designated representative of a recognized or certified employee organization under Civil Service Law Article 14.*

In developing the Workplace Violence Prevention Program, the district will conduct an evaluation to identify likely potential risks of violence in the workplace. Authorized employee representative(s) will be involved in:

- a. evaluating the physical environment;
- b. developing the Workplace Violence Prevention Program; and
- c. reviewing workplace violence incident reports at least annually to identify trends in the types of incidents reported, if any, and reviewing the effectiveness of the mitigating actions taken.

### **Employee Notice and Training**

*NOTE: This section reflects the requirements of Labor Law §27-b and regulations 12 NYCRR §800.6.*

As required by law, all employees will participate in Workplace Violence Prevention Training Program at the time of initial assignment and annually thereafter. Employees must be trained on:

- a. the details of the workplace violence prevention program;
- b. the measures they can take to protect themselves from risks of violence; and
- c. the specific procedures the district has implemented to protect employees (such as appropriate work practices, emergency procedures, and the use of security alarms).

Additionally, at the time of initial assignment and at least annually, employees will be informed of the requirements of Labor Law §27-b, the risk factors identified in the workplace, and the location of the district's Workplace Violence Prevention Program.

*NOTE: State regulations 12 NYCRR §800.6 requires that the policy statement be posted where employee notices are normally posted.*

This policy must be posted where notices to employees are normally posted.

### **Allegations of Violations and Non-Retaliation**

*NOTE: While not a required element of the policy or prevention program, this section summarizes the requirements for allegations of workplace violence prevention program violations, inspections by the NY Commissioner of Labor, and non-retaliation protections of Labor Law §27-b(6) and 12 NYCRR 800.6(j).*

The process for employees to allege violations of the workplace violence prevention program to the state Commissioner of Labor, and the employment protections for doing so, is set forth in Labor Law §27-b and 12 NYCRR §800.6 and includes the following:

A "serious violation" of the workplace violence prevention program is the failure to develop and implement a program or address situations which could result in serious physical harm. "Imminent danger" is any condition or practice in the workplace where a danger exists which could reasonably be expected to cause death or serious physical harm immediately, or before the imminence of the danger can be eliminated through these complaint procedures.

Employees or their representatives who believe that a serious violation of the workplace violence prevention program exists or that an imminent danger exists (as defined above), must bring the matter to their supervisor's attention in writing, and must give the district a reasonable opportunity to correct the activity, policy or practice, before notifying the Commissioner of Labor. However, such prior written notice and opportunity for correction is not required if there is an imminent danger or threat to the safety of a specific employee, and the employee reasonably believes in good faith that reporting to a supervisor would not result in corrective action.

If, after the matter has been brought to a supervisor's attention and a reasonable opportunity to correct the issue has passed, the issue has not been resolved and the employee still believes that a violation of the workplace violence prevention program remains or that an imminent danger exists, employees or their representatives may request an inspection from the Commissioner of Labor in writing. The Commissioner will provide a copy of the request to the district, but the employee may request that their name be withheld.

A district representative and authorized employee representative may accompany the Commissioner of Labor during the inspection to assist in the inspection. If there is no authorized employee representative, the Commissioner will consult with district employees concerning workplace safety.

The district will not take retaliatory action (terminate, suspend, demote, penalize, discriminate, or other adverse employment action in the terms and conditions of employment) against any employee because they have alleged a serious violation of the workplace violence prevention program, or imminent danger exists, requested an inspection by the Commissioner of Labor, or accompanied the Commissioner on the inspection, as prescribed by state law and regulation.

Cross-ref:  
5300, Code of Conduct  
8130, School Safety Plans and Teams

Ref:  
Labor Law §27-b  
12 NYCRR §800.6

Adoption date:

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

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NYSSBA Sample Policy

## FREE AND REDUCED PRICE MEAL SERVICES

- Required
- Local
- Notice

*NEW NOTE: A recent change in USDA regulations now permits schools with an "identified student percentage" (of students eligible for free meals by means other than household applications) of 25% (previously 40%) to exercise the Community Eligibility option to provide all students in a school or schools with free meals. Updated language is underlined below. We have also added language reflecting a requirement to not overtly identify students receiving free or reduced price meals, in instances where the district does not provide free meals to all students.*

*NOTE: This policy reflects federal and state requirements and options in offering students free and reduced price meals. In New York State, the direct certification option includes students in certain households receiving Medicaid benefits (those at or below 133% of the federal poverty level for family size). This data will be provided to districts alongside SNAP information. Districts have the option, at local expense, to provide free meals to students otherwise eligible for reduced price meals. If the district chooses to exercise this option, simply remove all references to "reduced price" in this policy indicated in highlight. While this would be an additional cost, it would also streamline and simplify district processes. This policy reflects the "Community Eligibility" option for schools with a high percentage of low-income students. Exercising the Community Eligibility option eliminates the need to collect meal money from students as well as having to keep track of students who forget meal money, and reduces paperwork pertaining to applications.*

The Board of Education recognizes that the nutrition of district students is an important factor in their educational progress. The Board therefore ~~shall participate~~ participates in federally funded school lunch programs, and ~~shall provide~~ provides free or reduced price meal services to qualified district students.

*NOTE: The following paragraph is optional. The district, if eligible, can offer food services during the summer recess. If eligible, the Board should determine if the district will be offering this program.*

The district will provide this program through the summer months. The location of this summer program will be advertised ***[insert locations here such as school website, local social service offices, on information regarding summer programs, in student hand books, etc.]***

### Availability, Application & Notification

Where the district does not participate in community eligibility, notice of the availability of the free and reduced price meal programs will be sent to the homes of students, local media, the local unemployment office and large employers experiencing layoffs in the area from which the district draws its attendance. Any child who is a member of a family unit whose income is below the federally established scale shall be is eligible to receive such services. Notification procedures for availability and eligibility will not overtly identify a student or family as eligible for free or reduced price meals.

To apply for the free or reduced price meal program:

- a. Application forms will be available in the main office of each school building ***[optional language: and on the district web site]*** and can be completed and submitted at any time during the year.
- b. Completed forms must be submitted to the ***[Insert title here, generally the Building Principal]*** of the school which the student attends prior to any determination of eligibility.

- c. The parent or guardian will be informed of the **[insert title here, generally the Building Principal]** determination within one week of receiving a properly completed application.

Applications will be kept confidential.

Upon written request, the **insert title** will hear appeals of determinations regarding such services in compliance with federal regulations governing the National School Lunch Program.

*NOTE: The state will be providing information on eligible Medicaid recipients alongside the information on SNAP and TANF. Students in a household which is receiving Medicaid benefits, where the household income is at or below 133% of the federal poverty level for the family size, are now eligible for direct certification for free and reduced price meals.*

In addition, in order to reach students who are categorically eligible for free and reduced price meals and to comply with state law, three times per school year (**insert appropriate title, such as business official or food service coordinator**) will review the list made available by the State Education Department of children ages three to 18 who are in households receiving federal food assistance, Medicaid benefits (for certain recipients), or Temporary Assistance for Needy Families (TANF) to identify students within the district. The district will send a notice to those families apprising them of their student's eligibility to participate in the school meal programs without further application. Notification procedures for availability and eligibility will not overtly identify a student or family as eligible for free or reduced price meals. Parents may decline participation by informing the district in writing. If the service is declined, the student will be removed from the eligibility list.

*NOTE: The Board can allow direct certification to children other than those included in the paragraph above (who are required to be given that opportunity) to participate in the district's food programs. In accordance with federal regulations, foster, migrant, runaway, homeless and Head Start children can be "categorically" eligible for free meals (i.e., eligible by virtue of being designated in those status categories). If the Board chooses to allow direct certification in these cases, the following language should be incorporated into this policy:*

*"Children in Head Start, or who have been determined to be homeless, migrant or runaway, or in foster care can be directly certified to participate in the district free and reduced price meal program. The Superintendent will develop implementing regulations."*

The Building Principal in conjunction with **insert title for the person in charge of food service** will establish meal time procedures that both protect the anonymity of the student and allow for proper accounting.

### **Community Eligibility**

*NOTE (revised to reflect 25% eligibility level): The district may elect to participate in the "Community Eligibility" provision instead of individual eligibility for free and reduced price food services. If at least 25% of the students in a school, group of schools, or district are individually eligible for free food services (via direct certification through receipt of SNAP/FDPIR/TANF/Medicaid benefits, participation in Head Start, or homeless/migrant/runaway/in foster care status), then the school(s)/district can provide all students in that school(s) with free breakfast and lunch. The school(s)/district receive reimbursement for the meals at 1.6 x (the percentage of eligible students) at the free rate, plus reimbursement at the paid rate for the remaining percentage not eligible. It may be a worthwhile option in terms of reduced administrative time on paperwork, reduced staff time spent recouping payment from students, and reduced stigma for students receiving benefits.*

If the district can show that the percentage of students eligible for free school meals at any one school, or group of schools, or the entire school district, is at least ~~40%~~ twenty-five percent (25%), the district may elect for the school, schools, or district to participate in the Community Eligibility option. Pursuant to federal law and regulations, the school would provide all students at that school or schools with free breakfast and lunch, pursuant to federal regulations. The district would receive federal reimbursement corresponding to the percentage of eligible students. If the reimbursement



received by the district is not sufficient to cover total nonprofit school food service program costs, non-federal funds must be used to pay the difference.

Pursuant to federal regulations, under the Community Eligibility option, student eligibility is based on household receipt of food assistance (Supplemental Nutrition Assistance Program (SNAP) or Food Distribution Program on Indian Reservations (FDPIR)), income assistance (TANF), or Medicaid benefits (for certain income levels), student participation in Head Start, or recognition of the student as homeless, runaway, migrant, or in foster care.

All affected households will receive prior notification that the school is operating under the Community Eligibility provision.

**Cross-ref:**

8500, Food Service Management

**Ref:**

National School Lunch Act of 1946, as amended, (42 U.S.C. §§1751-1760)

Child Nutrition Act of 1966, as amended, (42 USC §§1771 et seq.)

7 CFR Part 245 (245.2, Definitions; 245.5, public announcement; 245.6, categorical eligibility and direct certification/verification)

Social Services Law §95(7)

U.S. Department of Education guidance document, *The Community Eligibility Provision and Selected Requirements Under Title I*, January 2014, [www.ed.gov/programs/titleiparta/13-0381guidance.doc](http://www.ed.gov/programs/titleiparta/13-0381guidance.doc).

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NYSSBA Sample Policy



## ARTIFICIAL INTELLIGENCE

- Required  
 Local  
 Notice

*NOTE: The use of generative artificial intelligence has increased among the general public, with the release of ChatGPT and other online tools that generate text, images, and videos in response to a user's prompt. With this new development came opportunities and challenges for school districts. This is an evolving area, and one that will need to be periodically revisited. This sample policy is based on our best recommendations for how to handle in-school and at-home use of generative AI and the impact on school operations.*

*It is important to discuss these issues with your school attorney, Director of Technology, Data Protection Officer, as well as with staff, students, and families.*

The use of artificial intelligence (AI) has permeated aspects of everyday life, including school district operations, such as email spam filters, navigation apps, search engines, speech recorders, spelling and grammar checkers, and word processing auto-complete suggestions, often embedded into commonly used software. Generative artificial intelligence is a type of AI technology that can quickly generate large amounts of high-quality, convincingly authentic, human-like content, such as language, computer code, data analysis, images, video, and audio, in response to a prompt, based on data that it was trained on.

The widespread availability and use of generative artificial intelligence (GenAI) presents both challenges and opportunities for the district. Care must be taken to address and mitigate the challenges, and maximize the opportunities, to improve student learning and district operations.

### Acknowledgements

The district acknowledges that many students are able to access GenAI outside of school, and may be able to use GenAI to complete school assignments. However, not all students are able or willing to do so, and should not be penalized for not using GenAI.

The district further acknowledges that the tools to detect the use of GenAI accurately, consistently and fairly may not be available, may quickly become obsolete, or may be biased against English Language Learners.

The district also acknowledges that the data used to train GenAI models is not usually made public, may be biased, and may violate copyright laws. The responses generated by GenAI may be biased, wrong, or violate copyright laws.

### Guidelines

*NOTE: Any inconsistencies in the district's existing policies as applied to the use of GenAI should be brought to the attention of the Superintendent of Schools, who will advise the Board of the potential need to revise its policies.*

The district's existing policies on acceptable use of computers (4526 and 8630) and academic honesty (5300) apply to student use of GenAI. Additionally, the following guidelines are in place:

1. The Board supports including the principles of responsible and effective use of GenAI as it relates to the curriculum as well as life outside of or beyond school.

2. Students are responsible for their own work, and any errors it may contain, and must cite the sources they use as required by the classroom teacher.
3. The Board respects the professional capacity of the instructional staff to assign work that is less susceptible to student use of GenAI to circumvent learning, and allow for multiple methods for students to demonstrate competence and understanding.
4. Instructional staff must be clear about their expectations for student use of GenAI in assignments. Staff who suspect a student has not done an assignment on their own can request that the student demonstrate their knowledge of the material in other ways, to the same extent they already do.

*NOTE: Keep in mind that some GenAI tools, for example ChatGPT, require a user to sign up for an account using an email address and phone number. Any use of such student Personally Identifiable Information must be in conformance with Education Law 2-d for third-parties who have access to this information. ChatGPT is currently restricted to users aged 13 and up, with parent permission required for users aged 13-17.*

*The district could modify the paragraph below to prohibit all student use of GenAI regardless of whether use is compliant with Education Law 2-d. However, note that some software may contain, or will contain, integrated generative AI tools (e.g., Photoshop, Google, Microsoft).*

Any student use of GenAI in schools, on school networks/computers, or for school purposes must be compliant with Education Law 2-d and its regulations, particularly whenever student Personally Identifiable Information is disclosed, including third-party agreements where applicable. Staff must consult with the district's Data Protection Officer to determine compliance with Education Law 2-d. Staff must also be mindful that some GenAI tools are free and others are not, that some GenAI tools are not permitted to be used by those under certain ages, or require parent permission, and that some students and/or parents may not wish to use GenAI tools or input their work into them.

*NOTE: The district may wish to restrict the use of GenAI by employees for certain purposes. For example, whether teachers should be allowed to use GenAI to grade student assignments, or within what parameters, given that any student work input into a GenAI tool could be used by the platform, and that GenAI can sometimes produce incorrect answers.*

Employees may utilize GenAI tools, with approval from their supervisor, consistent with this policy and the district's Acceptable Use of Computers policy(ies), to complement and/or improve teaching or work output, while they remain responsible for all work they produce, and must always review any work generated by GenAI.

### **Requirements**

Because any information used as input in a GenAI may be used by that system and potentially made available to other users of the system, district users must not input any sensitive, copyrighted, proprietary, or confidential district information, consistent with applicable state and federal laws and district policies, including but not limited to the following:

1. Student information: anything that would be protected by FERPA (see policy 5500) or Education Law 2-d (see policy 8365).
2. Staff information: anything that would be protected by Education Law 2-d (see policy 8365), or other confidential personnel information.
3. School district information: anything that would be withheld from a Freedom of Information Law (FOIL) request (see policy 1120).

*NOTE: GenAI is an area experiencing litigation, including whether the data upon which the GenAI models were trained violated the copyright and intellectual property of the original creators. Some GenAI tools have begun to limit the output of content based on copyrighted works.*

Additionally, users of GenAI must exercise caution before inputting any work created by district students or employees. When using GenAI for school purposes, users must avoid violating copyright protections.

Cross-ref:

1120, School District Records  
4526, Computer Use in Instruction  
4526.1, Internet Safety  
5300, Code of Conduct  
5500, Student Records  
8630, Computer Resources and Data Management  
8635, Information and Data Privacy, Security, Breach and Notification  
8650, School District Compliance with Copyright Law

Ref:

Family Educational Rights and Privacy Act, as amended, 20 USC 1232g; 34 CFR Part 99  
Public Officers Law §84 et seq. (Freedom of Information Law)  
Education Law §2-d  
8 NYCRR Part 121

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NYSSBA Sample Policy



## CONDITIONAL APPOINTMENT AND EMERGENCY CONDITIONAL APPOINTMENT - STUDENT SAFETY

- Required  
 Local  
 Notice

*NEW NOTE: Commissioner's regulations 8 NYCRR §87.2(k)(2) recently changed, clarifying that the definition of a prospective school employee includes those providing services involving direct contact via communication by digital or audio-based technology, as well as in-person. We have suggested language to address services provided remotely, and the amended definition of prospective school employees. Supervision of conditionally appointed and emergency conditionally appointed employees providing services remotely may require intermittent, random, or sustained access to the digital or audio platform, or access to recordings or communication logs. Please discuss this with your school attorney.*

*Additionally, the temporary ability for districts to hire employees on a conditional or emergency conditional basis had been extended incrementally since its passage in 2001, but was recently made permanent by Chapter 56 Part A §24 of the Laws of 2023. We have updated the references section.*

The Board of Education recognizes that there may be instances in which it is necessary, upon recommendation of the Superintendent of Schools, for the Board to conditionally appoint or to make an emergency conditional appointment of a prospective employee. To provide for the safety of students who have contact with an employee holding a conditional appointment or an emergency conditional appointment, the Board adopts the following policy.

No district employee who holds a conditional or emergency conditional appointment shall ~~shall~~ will be in contact with students other than to provide instruction and/or other required services.

No district employee who holds a conditional or emergency conditional appointment shall ~~shall~~ will teach a class or provide services to students with his/her ~~the~~ the classroom or office door closed unless the Building Principal has provided express prior permission to do otherwise.

The Building Principal or his/her designee shall ~~will~~ will, at least twice a week, monitor the activities of such employees while ~~on school district property~~ providing services to students during the period of their conditional or emergency conditional appointment.

In addition, the district will ensure that all personnel, including conditional and emergency conditional appointed employees, are aware of and receive training regarding the prohibition against child abuse in an educational setting and of their responsibility for reporting any such abuse. All conditionally appointed and emergency conditionally appointed employees receive this training at the time of their initial contingency appointment.

For purposes of this policy, the terms "conditionally appointed" and "emergency conditional appointment" shall ~~refer~~ refers to any employee holding conditional or emergency conditional appointment, as defined in Section 1709 of the Education Law.

Prospective employees subject to these requirements are those seeking a compensated position with the district, who are not already employed by the district or a student enrolled at the school, to provide services which involve direct contact with students under the age of 21, either by in-person face-to-face communication or interaction, or any other form of direct communication or interaction, including but not limited to digital or audio-based technology.

The following individuals are exempted: (1) bus drivers and attendants cleared through the Vehicle and Traffic Law, (2) individuals who provided services to the district in the previous school year either in a compensated position, as an employee of a contracted services provider, or placed pursuant to a public assistance employment program, or (3) individuals who are only expected to provide services for no more than five days in a school year, provided district employees provide in-person supervision during the services.

Cross-ref:

9620, Child Abuse in an Educational Setting

Ref:

Education Law §§1125-1133; 1604(39); 1709(30); 1804(9); 1950(4)(II); 2503(18); 2554(25); 2854(3)(a-2) ~~(As extended by L.2001, c. 147; L.2003, c. 100; L.2005, c. 127; L.2007, c. 90; L.2009, c. 179; L.2011, c. 2; L.2011, c. 58; L.2012 c. 57; L.2013 c. 57; L.2014, c. 56; L.2015, c.56; L.2016, c. 54; L. 2017, c. 59; L.2018, c. 59)~~  
8 NYCRR §§100.2(hh); Part 87

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NYSSBA Sample Policy