

DRAFT

**BOARD AGENDA
BUSINESS MEETING**

Tuesday, May 16, 2023
7:00 PM In the School Cafeteria

CV-S Central School
Cherry Valley, NY

I. OPENING OF MEETING

A. QUORUM CHECK

B. CALL TO ORDER

C. PLEDGE OF ALLEGIANCE

D. SPECIAL PRESENTATIONS - Community Service, Student Representative, Administration & Board Committee Reports

E. ADDITIONS TO AGENDA

F. CORRESPONDENCE RECEIVED

G. SUPERINTENDENT'S REPORT

H. RECOGNITION OF VISITORS

II. PROPOSED EXECUTIVE SESSION SUBJECT TO BOARD APPROVAL

III. CONSENT AGENDA ITEMS – Consider motion to approve consent agenda items to include RESOLUTIONS 19-5-2023 through RESOLUTION 27-5-2023

A. RESOLUTION 19-5-2023
APPROVAL OF MINUTES – May 4, 2023

B. RESOLUTION 20-5-2023
ACKNOWLEDGE RECEIPT OF TREASURER'S AND FINANCIAL REPORTS – April 2023

C. DCMO BOCES COOPERATIVE PURCHASING
RESOLUTION 21-5-2023
RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby adopt the cooperative purchasing resolutions with DCMO BOCES, Cooperative Purchasing, Cafeteria Supplies and Food Bid and Generic, as per ATTACHMENT III C.

D. SUMMER SCHOOL TUITION RATE
RESOLUTION 22-5-2023
RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby set the tuition rate for the 2023 high school summer school program at \$150/student for Driver's Education and out of district residents.

E. PERSONNEL

RESOLUTION 23-5-2023

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby accept the resignation of Mikayla Biele, Elementary Teacher, effective June 30, 2023.

RESOLUTION 24-5-2023

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby accept the resignation of Maryssa Velten, Elementary Teacher, effective June 30, 2023.

RESOLUTION 25-5-2023

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint the following Extracurricular assignments for the 2022-2023 school year: Tutors - Kathleen Urban and Eric Soler

RESOLUTION 26-5-2023

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 volunteers for the 2022-2023 school year: Nikki All Kaitlyn Webster Slade Brigham

RESOLUTION 27-5-2023

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint the following 2023 Summer Program positions: *Summer School is contingent on the enrollment figures.

Secondary - Teacher: Jordan Rhodes

Elementary - Teacher: Skyler Babcock

Substitute: Lindsay Monser

Student Workers: Amelia Dubben, Joleen Lusk, Brin Whiteman & Stephanie Whiteman

IV. NEW BUSINESS

V. OLD BUSINESS

A. POLICY REVIEW

RESOLUTION 28-5-2023

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby conduct a second reading of Policies and Regulations - 4765 Onlilne, Distance, and Remote Learning, 8130 School Safety Plans and Teams, 8131 Pandemic Planning, 6700 Purchasing and Regulation, 4321.5 Confidentiality and Access to Individualized Education Programs, Individualized Education Services Programs and Service Plans, 0115 Student Harassment and Bullying Prevention and Intervention, 5710 School Safety and Educational Climate (SSEC) Reporting, 8140 Unsafe School Transfer Choice and 5151 Homeless Children and Regulation.

RESOLUTION 29-5-2023

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby direct the District Clerk to transmit the NYSSBA updated Policy and Regulations - 4765 Online, Distance, and Remote Learning, 8130 School Safety Plans and Teams, 8131 Pandemic Planning, 6700 Purchasing and Regulation, 4321.5 Confidentiality and Access to Individualized Education Programs, Individualized Education Services Programs and Service Plans, 0115 Student Harassment and Bullying Prevention and Intervention, 5710 School Safety and Educational Climate (SSEC) Reporting, 8140 Unsafe School Transfer Choice and 5151 Homeless Children and Regulation to the New York State School Boards Association by May 31, 2023.

VI. PROPOSED EXECUTIVE SESSION SUBJECT TO BOARD APPROVAL

- Matters leading to the employment of particular individual(s)
- Employment history of particular individual(s) or corporation(s)

VII. ADJOURNMENT

RESOLUTION OF BOARD OF EDUCATION

**COOPERATIVE PURCHASING
SCHOOL YEAR 2023-2024**

WHEREAS,

The Cooperative Purchasing Service is a plan of a number of public school districts in the Delaware-Chenango-Madison-Otsego BOCES Area in New York, to bid jointly equipment, supplies and contract items, and

WHEREAS,

The Central School named below is desirous of participating with other districts in the Delaware-Chenango-Madison-Otsego BOCES in the joint bidding of the items mentioned above as authorized by General Municipal Law, Section 119-o, and

WHEREAS,

The Central School named below wishes to appoint the Delaware-Chenango-Madison-Otsego BOCES to advertise for bid, accept, tabulate bids and award bids on their behalf; therefore,

BE IT RESOLVED,

That the Board of Education of the Central School listed below hereby appoints the Delaware-Chenango-Madison-Otsego BOCES to represent it in all matters relating above, and designates the Evening Sun Newspaper as the legal publication for all Cooperative Purchasing bid notifications, and,

BE IT FURTHER RESOLVED,

That the Board of Education of the Central School listed below authorizes the Delaware-Chenango-Madison-Otsego BOCES to represent it in all matters leading up to the entering into a contract for the purchase of the above mentioned commodities, and,

BE IT FURTHER RESOLVED,

That the Board of Education of the Central School listed below agrees to (1) assume its equitable share of the costs of the Cooperative Bidding; (2) abide by majority decisions of the participating districts; (3) abide by the Award of the BOCES Board; (4) and that after the award of the bid it will conduct all negotiations directly with the successful bidder(s).

CERTIFICATION OF DISTRICT CLERK

I, _____, District Clerk of the

_____ Central School Board of Education, hereby certifies that the above resolution was adopted by the required majority vote of the Board of Education at its meeting held on _____.

Signature of District Clerk

Date

RESOLUTION OF BOARD OF EDUCATION

**GENERIC
SCHOOL YEAR 2023-2024**

WHEREAS,

It is a plan of a number of public school districts in the Delaware-Chenango-Madison-Otsego BOCES Area in New York, to bid jointly equipment, supplies and contract items, and

WHEREAS,

The Central School named below is desirous of participating with other districts in the Delaware-Chenango-Madison-Otsego BOCES Area in the joint bidding of the items mentioned above as authorized by General Municipal Law, Section 119-o, and

WHEREAS,

The Central School named below wishes to appoint a committee made up of participating schools to assume the responsibility for drafting of specifications, advertising for bids, accepting and opening bids, tabulating bids and providing the information to their Board of Education who will make the awards; therefore,

BE IT RESOLVED,

That the Board of Education of the Central School listed below hereby appoints the Delaware-Chenango-Madison-Otsego BOCES to represent it in all matters relating above, and designates the Evening Sun Newspaper as the legal publication for all Cooperative Purchasing bid notifications and,

BE IT FURTHER RESOLVED,

That the Board of Education of the Central School listed below authorizes the above committee to represent it in all matters leading up to the entering into a contract for the purchase of the above mentioned items, and,

BE IT FURTHER RESOLVED,

That the Board of Education of the Central School listed below agrees to (1) abide by majority decisions of the participating districts on quality standards; (2) that it will award contracts based on information provided from the bid; (3) and that after the award of the bid it will conduct all negotiations directly with the successful bidder(s).

CERTIFICATION OF DISTRICT CLERK

I, _____, District Clerk of the
_____ Central School Board of
Education, hereby certifies that the above resolution was adopted by the required
majority vote of the Board of Education at its meeting held on _____.

Signature of District Clerk

Date

ONLINE, DISTANCE, AND REMOTE LEARNING

() Required

(X) Local

(X) Notice

The Board of Education recognizes that new technologies are changing the way instructional material can be delivered to students. These technologies may permit the district to more effectively reach all students and provide expanded and enriched curriculum opportunities, as well as provide instruction remotely during emergency school closures. Therefore, the Board encourages teachers and administrators to utilize online instructional opportunities for students. The use of distance learning opportunities (e.g., through BOCES), where students attend class in the district with instruction provided remotely by a teacher at another location, may be utilized but is not covered by this policy.

Online and Blended Courses

In accordance with Commissioner's regulations, the Board authorizes the use of district-approved online courses which enable students to earn course credit toward a Regent's Diploma, in accordance with this policy. Such online course instruction may be used to supplement a class offered by the district ("blended course") or it may be the sole mechanism for delivering the subject matter ("online course"). Online courses may be provided either with district instructional staff, through a BOCES contract, or through a shared services contract with another school district.

The Superintendent is directed to develop the following:

1. a mechanism for reviewing and approving online educational programming that can be used to enable students to earn course credit as either part of a blended or online course in accordance with Commissioner's Regulations and policy 4200, Curriculum Management;
2. criteria and procedures for admitting students to online courses; and
3. methods for monitoring the efficacy of online courses. In developing the procedures above, the Superintendent, with the assistance of appropriate staff, will consider:
 - the equitable access of students to blended and/or online courses;
 - the adequacy of instructional support for students utilizing blended and/or online courses;
 - the budgetary impact of use of blended and/or online courses; and
 - the fit of online education resources to New York State learning standards.

Remote Instruction During Emergency School Closures

During emergency school closures (due to situations including, but not limited to: extraordinary adverse weather conditions, insufficient heat/water/fuel, destruction of a school building, or a communicable disease outbreak), the district may utilize remote instruction as defined in commissioner's regulations 8 NYCRR 100.1(u), pursuant to the district's emergency remote instruction plan included in the district-wide school safety plan, in order to maintain continuity of the instructional program. The district will survey students and parents to obtain information on student access to devices and internet connectivity. The district will ensure students have adequate technological capacity to participate in remote learning during the emergency school closures, such as providing computing devices and temporary internet access devices.

Attendance and Behavioral Expectations

As much as possible, the Board expects students learning remotely to observe similar behavioral and attendance expectations as though they are in the school building. Therefore, the Board establishes the following expectations:

1. Students must complete assignments and participate in class as set by teachers;
2. Students must demonstrate some form of daily attendance or participation, as provided in policy 5100, Student Attendance;
3. When participating in live virtual classes, students must observe similar behavioral rules as the in-school classroom;
4. Students must understand that taking photos/screenshots, audio or visual recordings of classes can be disruptive to the teacher and students, and create an atmosphere not conducive to open dialogue and sharing of information. Students are expected to refrain from making such recordings, unless specified in an IEP or permitted by the teacher, and must not use any recording to bully or harass any individual or for academic misconduct;
5. Student misbehavior while learning remotely will lead to consequences outlined in the district's policies, including but not limited to the Code of Conduct and bullying policy;
6. Teachers must pay particular attention to the engagement of students learning remotely, and initiate additional outreach activities when a student starts to fall behind in participation, schoolwork or educational progress;
7. Teachers must communicate specific class rules and expectations, while understanding that it is not always possible to perfectly recreate the school environment in the home; and
8. Parents/guardians and families must understand that while their assistance may be needed to resolve technological issues, their presence during learning time may be distracting to their students, as well as to the teacher and other students during live virtual classes.

Cross-ref:

0115, Student Bullying and Harassment Prevention and Intervention
4200, Curriculum Management
5100, Student Attendance
5300, Code of Conduct
8130, School Safety Plans and Teams
8131, Pandemic Planning

Ref:

8 NYCRR §§100.1(u); 100.5(d)(10); 155.17
Matter of Boyd, Decision No. 16,364 (2012)

Adoption Date:

Classification:

Revised Dates: ; **07.02, 09.17.20, 05.16.23**

SCHOOL SAFETY PLANS AND TEAMS

() Required

(X) Local

(X) Notice

Emergencies and violent incidents in schools are critical issues that must be addressed in an expeditious and effective manner. The Board of Education recognizes its responsibility to adopt and keep current a comprehensive district wide school safety plan and building-level emergency response plan(s) which address violence prevention, crisis intervention, emergency response and management.

Taken together, the district-wide and building level plans provide a comprehensive approach to addressing school safety and violence prevention, and provide the structure where all individuals can fully understand their roles and responsibilities for promoting the safety of the entire school community. The plans will be designed to prevent or minimize the effects of serious violent incidents and emergencies, declared state disaster emergencies involving a communicable disease or local public health emergency declaration and other emergencies and to facilitate the district's coordination with local and county resources. The plans will also address risk reduction/prevention, response and recovery with respect to a variety of types of emergencies and violent incidents in district schools, and will address school closures and continuity of operations.

In accordance with state law and regulation, the district will have the following safety teams and plans to deal with violence prevention, crisis intervention and emergency response and management:

Comprehensive District-Wide School Safety Team and Plan

The Superintendent of Schools will annually appoint a district-wide school safety team that includes, but is not be limited to, a representative from the following constituencies: the Board, teachers, administrators, and parent organizations, school safety personnel and other school personnel (including bus drivers and monitors). This team is responsible for the development and annual review of the comprehensive district-wide school safety plan and must consider the installation of a panic alarm system. The plan will cover all district school buildings and will address violence prevention (taking into consideration a range of programs and approaches that are designed to create a positive school climate and culture), crisis intervention, emergency response and management including communication protocols, at the district level. It will include all those elements required by law and regulation, including protocols for responding to declared state disaster emergencies involving a communicable disease that are substantially consistent with the provisions of Labor Law §27-c, and an emergency remote instruction plan.

The Superintendent of Schools may also appoint a student representative to the district-wide school safety team. However, no confidential building-level emergency response plans will be shared with the student member, nor will the student member be present during discussion of any confidential building-level emergency response plans, or confidential portions of the district-wide emergency response strategy.

The Superintendent of Schools or designee will be the district's chief emergency officer, and will coordinate communication between school staff and law enforcement and first responders. The chief emergency officer will ensure that all staff understand the district-wide school safety plan and receive training on the building-level emergency response plan, violence prevention and mental health, and will also ensure that district-wide and building-level plans are completed, reviewed annually, and updated as needed by the designated dates. The chief emergency officer will ensure that the district-wide plan is coordinated with the building-level plans, and will ensure that required evacuation and lock-down drills are conducted.

Building-Level Emergency Response Plans and Teams

Each Building Principal is responsible for annually appointing a building-level emergency response team that includes representation from teachers, administrators, parent organizations, school safety personnel, other school personnel (including bus drivers and monitors), law enforcement officials, fire officials and other emergency response agencies. The emergency response team is responsible for the development and review of a building-level emergency response plan for each district building. The plan(s) will address response to emergency situations, such as those requiring evacuation, sheltering and lock-down at the building level and will include all components required by law and regulation, including measures necessary to comply with Labor Law § 27-c to respond to public health emergencies involving a communicable disease. These confidential plans will include evacuation routes, shelter sites, medical needs, transportation and emergency notification of parents and guardians.

Building-level emergency response plans will include protocols in response to carbon monoxide alarms or detection. Alarm or detection of carbon monoxide will result in the appropriate actions as described by the emergency response plan.

Building-level emergency response plans must designate:

- an emergency response team for incidents that includes appropriate school personnel, law enforcement officials, fire officials, and representatives from local, regional and/or state emergency response agencies to assist the school community in responding to a violent incident or emergency; and
- a post-incident response team that includes appropriate school personnel, medical personnel, mental health counselors and other related personnel to assist the community in coping with the aftermath of a serious violent incident or emergency.

The Building Principal is responsible for conducting at least one test every school year of the emergency response procedures under this plan including procedures for sheltering and early dismissal.

To maintain security and in accordance with law, the building-level emergency response plan(s) are confidential and not subject to disclosure under the Freedom of Information Law or any other law.

Threat Assessment Teams

Students will be encouraged to bring their concerns to any district employee. If a district employee becomes aware of a threat to the school community, they must inform the Building Principal, who will convene the threat assessment team. The Building Principal may request the participation of the following additional individuals who may have specific knowledge of the potential perpetrator: supervisors, teachers, students and parents. The Building Principal is responsible for keeping the Superintendent informed about the activities of the threat assessment team. Threat assessment team members will receive appropriate training.

Annual Review and Reporting

All plans will be annually reviewed and updated, if necessary, by the appropriate team by July 15. In conducting the review, the teams will consider any changes in organization, local conditions and other factors including an evaluation of the results of the annual test of the emergency response procedures which may necessitate updating of plans. If the plan requires no changes, then it will remain in effect. If the district-wide plan requires change, then the updated plan will be submitted to the Board of Education in time to allow 30-days of public comment and to hold a public hearing which provides for the participation of school personnel, students and other interested parties prior to Board adoption. All plans must be adopted by the Board of Education by September 1.

The Superintendent of Schools is responsible for submitting the district-level school safety plan and any amendments to the plan to the Commissioner within 30 days after its adoption, no later than October 1 of each year. The district-wide plan will be posted on the district's website. Each Building Principal is responsible for submitting the building-level emergency response plan for the building, and any amendments to the plan, to the appropriate local law enforcement agency and the state police within 30 days after its adoption, but no later than October 15 of each year until the 2020-2021 school year, when it must be submitted by October 1 of each year.

Cross-ref:

0115, Bullying and Harassment Prevention and Intervention
5300, Code of Conduct
9700, Staff Development

Ref:

Education Law §2801-a (school safety plans)
Executive Law §2B (state and local natural and manmade disaster preparedness)
Labor Law §27-c
8 NYCRR §155.17 (School Safety Plans and Teams)
School Safety Plans Guidance, New York State Education Department, June 2010

Adoption Date:

Classification:

Revised Dates: ; **03.20, 06.20, 05.16.23**

PANDEMIC PLANNING

- Required
 Local
 Notice

The Board of Education recognizes the public's concern over the possibility of a contagious disease outbreak and acknowledges that it is in the best interests of its students, employees and the community to prepare for such a scenario. To this end, the Board directs the Superintendent of Schools to:

1. Implement infection prevention control procedures that could help limit the spread of contagious diseases at schools in the district, including but not limited to:
 - encouraging, through classroom instruction at every grade level and posters, good hygiene habits recommended by public health experts to help protect the school community from contagious diseases (e.g., washing hands frequently with soap and water, coughing/sneezing into tissues or the crook of the elbow instead of one's hand, utilizing alcohol-based/waterless hygiene products and avoiding shaking hands).
 - providing a description of warning signs and symptoms of contagious diseases infections and instruct parents and employees that students and staff displaying such symptoms should not report to school.
 - providing sufficient and accessible infection prevention supplies including soap, alcohol-based/waterless hygiene products, tissues and receptacles for their disposal.
 - following the recommendations of federal, state and local authorities regarding properly cleaning and sanitizing the schools.
 - observing required or recommended social distancing measures (keeping adequate physical space between people as much as possible), utilizing physical barriers, screening people before or during entry to school, and following required or recommended wearing of face coverings.
2. Work with school administrators, district medical personnel, local county health representatives, teachers, guidance counselors, and other staff and parent representatives as appropriate, to prepare, as part of the district's existing emergency/safety plan, a contagious disease preparedness plan. Such plan will include, but not be limited to:
 - Protocols that are substantially consistent with section 27-c of the Labor Law, including: designating essential positions needed to work on-site; telecommuting for non-essential employees; staggered shifts of essential employees; procuring, storing, and accessing personal protective equipment; preventing the spread in the district by those who are exposed to, show symptoms of, or test positive for the disease (including leave available to employees for testing, treatment, isolation, or quarantine); documenting hours and locations of individuals in order to track the disease and identify those who may have been exposed to the disease; identifying emergency housing for essential employees; and other requirements of the state Department of Health.
 - Describing the potential impact of an outbreak on student learning (such as student and staff absences), school closing, school trips, and extracurricular activities based on having various levels of illness among students and staff, and the alternative means of delivering education pursuant to the emergency remote instruction plan

included in the district-wide school safety plan, along with plans to assess student progress once school resumes.

- Ensuring continuity of meal programs during school closure, which may involve utilizing school vehicles or satellite pickup points.
- Establishing procedures for caring for, isolating, and/or transporting students and staff who become ill with contagious diseases while in school, and their return to school after illness.
- Establishing liberal, non-punitive attendance policies for students unique to an outbreak of contagious diseases.
- Developing a process for gathering and analyzing the latest information and recommendations from health experts (for example, from the Centers for Disease Control, the New York State Health Department, the County Health Department, etc.) which will inform district policymakers' decisions.
- Developing a process for communicating information concerning the outbreak of contagious diseases to the school community on a continuing basis. Such efforts may include preparing an information letter for distribution to parents and guardians of students advising them of the dangers of contagious diseases and the steps that may be taken to reduce the risk of infection, and/or establishing a section on the district's website to communicate information about the district's policy concerning contagious diseases and links to relevant governmental websites.
- Coordinating the district's plan with the local and state health departments as well as the State Education Department and area BOCES.
- Assigning responsibility for the activities listed above to appropriate staff.

3. Facilitate discussions with all negotiating units representing employees of the district to determine whether it is appropriate to consider opening up negotiations for the limited purpose of bargaining over the inclusion in collective bargaining agreements of provisions related to sick time and absences on the part of employees, who have been either diagnosed as having contracted contagious diseases that has caused the outbreak or who have family members who have contracted the contagious diseases that has caused the outbreak.

In the event that the district implements its emergency plan in response to a pandemic, the Superintendent will keep the Board regularly informed regarding any actions taken and information gathered. The Board may temporarily suspend other policies to the extent necessary to comply with executive orders and other governmental guidance during the pandemic.

Cross-ref:

5100, Student Attendance
5420, Student Health Services
8130, School Safety Plans and Teams

Ref:

Education Law §2801-a
Labor Law §27-c
8 NYCRR §§100.1(u); 155.17; 175.5(e)

Adoption Date:

Classification:

Revised Dates: ; **07.20, 09.17.20, 06.20, 05.16.23**

PURCHASING

(X) Required

(X) Local

() Notice

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:

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. 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.

Special Circumstances

A. "Piggybacking"

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.

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 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

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-greenny-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

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.

Competitive Bidding

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.

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.

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

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.

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.

"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

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; 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: 07.09.15

Classification:

Revised Dates: ; **03.22.18, 05.16.23**

PURCHASING REGULATION

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.
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

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.

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;

- 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, 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 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

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

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.

"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

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.

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: 07.09.15

Classification:

Revised Dates: ; **03.22.18, 05.16.23**

CONFIDENTIALITY AND ACCESS TO INDIVIDUALIZED EDUCATION PROGRAMS, INDIVIDUALIZED EDUCATION SERVICES PROGRAMS AND SERVICE PLANS

(X) Required

Local

Notice

The Board of Education recognizes the importance of ensuring the confidentiality of personally identifiable data pertaining to a student with a disability. Personally identifiable data will not be disclosed by any school district employee or member of a CSE/CPSE to any person (other than the parent of such student), organization or agency unless the parent or guardian of the child provides written consent; there is a valid court order for such information; or disclosure is permitted by law.

Personally identifiable data is defined in the policy on Student Records, 5500.

The Board of Education, while acknowledging the confidentiality requirement, believes that in order for each student with disabilities to receive the full benefit of their Individualized Education Program (IEP), Individualized Education Services Program (IESP) (for New York State resident students placed by their parents in nonpublic schools located in the district) or Services Plan (SP) (for out-of-state resident students placed by parents in nonpublic schools located in the district), individuals responsible for implementing the program or plan must, prior to the implementation, fully understand the scope of their responsibility and the specific accommodations, modifications, supports and/or services to be provided.

To this end, this policy establishes procedures to ensure that any person having a responsibility to provide a service, support, accommodation or program modification for the student in accordance with that student's IEP, IESP or SP will be informed of their responsibilities under the IEP, and receive a copy of or have access to the student's IEP, IESP or SP as specified below.

I. Access to or Copies of IEPs, IESPs or SPs

At a CSE, CSE Subcommittee or CPSE meeting for each student, a determination will be made as to which regular education teachers, special education teachers, related service providers and other service providers have responsibility to implement the recommendations on the student's IEP, IESP or SP. "Other service provider" means a representative of another public school district, charter school, BOCES program, child care institution school, Special Act school district, State-supported school, approved private in-state or out-of-state school and an approved preschool provider where the student receives or will receive IEP, IESP or SP services.

Prior to implementation of any IEP, IESP, or SP, the CSE, CSE Subcommittee and CPSE Chairpersons must ensure that a paper or electronic copy of each student's IEP, IESP or SP is provided to each regular education teacher, special education teacher, related service provider and/or other service provider who is responsible for implementation of the program or plan, or they are able to access it electronically. If access is provided electronically, the CSE Chairperson or designee will notify and train the individuals on how to access the document.

These individuals responsible for implementing an IEP, IESP or SP will, in turn, ensure that all supplementary school personnel (teacher aides and teacher assistants) and other providers responsible for assisting in implementation are given the opportunity to review their copy of the IEP, IESP or SP prior to program implementation as well as have ongoing access to such copy.

II. Notification of Responsibilities

In addition to disseminating copies of a student's IEP, IESP or SP, CSE, CSE Subcommittee and CPSE Chairpersons must designate one or more professional employees of the district with knowledge of the student's disability and program to inform each regular education teacher, special education teacher, related service provider, other service provider, supplementary school personnel, and other provider, and support staff person (who has direct contact with the student based on their assigned duties) of their responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP, IESP or SP. In selecting the professional staff person(s), the chairperson could select themselves for this responsibility, another administrator, or a teacher, related service provider or other professional, as appropriate.

III. Confidentiality

All copies of a student's IEP, IESP or SP provided or made accessible under this policy must remain confidential, and will not be redisclosed to any other person, except in accordance with the Individuals with Disabilities Education Act (IDEA) and the Family Educational Rights and Privacy Act (FERPA). To ensure such confidentiality, the CSE and CPSE Chairpersons must include with each IEP, IESP or SP copy provided or made accessible under this policy, a copy of the Board's policy on student records (Policy 5500). All IEP, IESP or SP copies must remain in a secure location on school grounds at all times. If IEP copies are transmitted and/or provided electronically, security systems (e.g., password protect a file or folder) must be implemented to prevent unauthorized internal and external access to the student's IEP, IESP or SP.

IV. Documentation

The designated professional employee(s) defined in section II above must obtain the signature of each person covered by this policy, indicating that he or she:

1. has received either a copy of or electronic access to the student's IEP, IESP or SP or the opportunity to review the IEP, IESP or SP prior to its implementation, as required under state law and regulation;
2. has been informed of their responsibilities for implementation;
3. has knowledge of where the IEP, IESP or SP is to be maintained and how to access it; and
4. has an understanding of the confidentiality requirements.

At the end of the school year or whenever the IEP has been revised, the CSE and CPSE Chairperson will collect all IEP copies provided under this policy and destroy them.

Cross-ref:

4321, Programs for Students with Disabilities Under IDEA and Article 89
5500, Student Records

Ref:

Individuals with Disabilities Education Act (IDEA), 20 USC §§1400 et seq.
Family Educational Rights and Privacy Act (FERPA), 20 USC §1232g; 34 CFR Part 99
Education Law §4402(7)
8 NYCRR §§200.2(b)(1-10); 200.4(e)(3); 200.16(ef)(6)
New York State Education Department, Vocational and Educational Services for Individuals with Disabilities (VESID), SED Guidance Document, *Providing copies of the IEPs for Students with Disabilities*, May 13, 2003
(<https://www.p12.nysed.gov/specialed/publications/policy/chap408final.pdf>)

Adoption Date: 07.09.15

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Revised Dates: ; **05.16.23**

STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION

(X) Required

() Local

(X) Notice

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity and equality. The Board recognizes that discrimination, such as harassment, hazing and bullying, are detrimental to student learning and achievement. These behaviors interfere with the mission of the district to educate its students and disrupt the operation of the schools. Such behavior affects not only the students who are its targets but also those individuals who participate and witness such acts.

To this end, the Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events. Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, such as cyberbullying, which creates or can be reasonably expected to create a material and substantial interference with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students are prohibited, and may be subject to disciplinary consequences.

Definitions

1. **Bullying.** Bullying, under the amended Dignity for All Students Act, has the same meaning as harassment (see below). The accompanying regulation provides more guidance regarding the definition and characteristics of bullying to help the school community recognize the behavior.
2. **Cyberbullying.** Cyberbullying is defined as harassment (see below) through any form of electronic communication.
3. **Discrimination.** Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as enumerated in the *Definitions* section, under Harassment, below).
4. **Hazing.** Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.
5. **Harassment.** Harassment has been defined in various ways in federal and state law and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent misbehavior from escalating in order to promote a positive school environment and to limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a

risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

- Race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as but not limited to braids, locks, and twists),
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression).

For the purpose of this definition the term "threats, intimidation or abuse" includes verbal and non-verbal actions.

In some instances, bullying or harassment may constitute a violation of an individual's civil rights. The district is mindful of its responsibilities under the law and in accordance with district policy regarding civil rights protections.

In order to streamline the wording of this policy and regulation the term bullying will be used throughout to encompass harassment, intimidation, cyberbullying and hazing behaviors.

Prevention

The school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with and respect for others is a key district value. A program geared to prevention is designed to not only decrease incidents of bullying but to help students build more supportive relationships with one another by integrating the bullying prevention program into classroom instruction. Staff members and students will be sensitized, through district-wide professional development and instruction, to the warning signs of bullying, as well as to their responsibility to become actively involved in the prevention of bullying before overt acts occur.

Curricular material that raises awareness and sensitivity to discrimination or harassment and civility in the relationships of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, sexes or gender expression or identities will be included in the instructional program K-12.

In order to implement this program, the Board will designate at its annual organizational meeting a *Dignity Act Coordinator (DAC)* for each school in the district. One of the DAC's will be designated as the district-wide coordinator whose responsibilities are described in the accompanying regulation. The role of each DAC is to oversee and enforce this policy in the school to which they are assigned.

In addition, the Superintendent will establish a district-wide Task Force on Bullying Prevention, as well as Bullying Prevention Coordinating Committees in each school that will be overseen by the district-wide DAC. Committees will include representation from staff, administration, students and parents. The district-wide task force and the school-level committee will assist the administration in developing and implementing specific prevention initiatives, including early identification of bullying and other strategies. In addition, the program will include reporting, investigating, remedying and tracking allegations of bullying. The accompanying regulation provides more detail on the specific programs and strategies implemented by the district.

Intervention

Intervention by adults and bystanders is an important step in preventing escalation and resolving issues at the earliest stages. Intervention will emphasize education and skill-building.

Successful intervention may involve remediation. Remedial responses to bullying include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target. Remediation may be targeted to the individual(s) involved in the bullying behavior or environmental approaches which are targeted to the school or district as a whole.

In addition, intervention will focus upon the safety of the target. Staff is expected, when aware of bullying, to report it in accordance with this policy, refer the student to designated resources for assistance, or to intervene in accordance with this policy and regulation.

Provisions for Students Who Do Not Feel Safe at School

The Board acknowledges that, notwithstanding actions taken by district staff, intervention may require a specific coordinated approach if the child does not feel safe at school. Students who do not feel safe at school are limited in their capacity to learn and reach their academic potential. Staff, when aware of bullying, should determine if accommodations are needed in order to help ensure the safety of the student and bring this to the attention of the DAC. The building principal, other appropriate staff, the student and the student's parent will work together to define and implement any needed accommodations.

The district recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually. The student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

Incident Reporting and Investigation

Although it can be difficult to step forward, the district can't effectively address bullying if incidents are not reported. Students who have been bullied, parents whose children have been bullied or other students who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided. Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to make an oral report to DAC within one school day and to fill out the district reporting form within two school days. Staff who are unsure of the reporting procedure are expected to ask their supervisors how to proceed. District employees may be deemed to have permitted unlawful discrimination or harassment if they fail to report an observed incident, whether or not the target complains.

At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, or, if applicable, [0100, Equal Opportunity and Nondiscrimination, or 0110, Sexual Harassment] and the district's Code of Conduct. The DAC will prepare an annual report for the Superintendent based on complaints filed.

An equitable and thorough investigation will be carried out by DAC in accordance with the accompanying regulation. In addition, the results of the investigation will be reported back to both the target and the accused as specified in the accompanying regulation. If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with the regulations that accompany this policy. Verified bullying incidents that meet the criteria established by the state will be included in the statewide reporting system when applicable, in accordance with law and regulation.

The Board will receive the annual School Safety and Educational Climate (SSEC) Summary Data Collection Form, the state-required report relevant to bullying, violent and disruptive incidents, and the school climate, for each building and for the district as whole. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.

Disciplinary Consequences/Remediation

While the focus of this policy is on prevention, acts of bullying may still occur. In these cases, offenders will be given the clear message that their actions are wrong and the behavior must improve. Student offenders will receive in-school guidance in making positive choices in their relationships with others. If appropriate, disciplinary action that is measured, balanced and age-appropriate will be taken by the administration in accordance with the district's Code of Conduct, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Consequences for a student who commits an act of bullying will be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors, and must be consistent with the district's Code of Conduct.

Non-Retaliation

All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

Training

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent, the districtwide DAC and the District Professional Development Team will incorporate training to support this program in new teacher orientation and the annual professional development plan, as needed. Training opportunities will be provided for all staff, including but not limited to bus drivers, cafeteria and hall monitors and all staff who have contact with students. The DACs will be trained in accordance with state requirements and will continue their professional development so as to successfully support this policy and program.

Dissemination, Monitoring and Review

This policy, or a plain language summary, will be published in student registration materials, student, parent and employee handbooks, and posted on the district's website. A bullying complaint form will be available on the district's website. The district will ensure that the process of reporting bullying is clearly explained to students, staff and parents on an annual basis.

Each year, as part of the annual review of the Code of Conduct, this policy will be reviewed to assess its effectiveness and compliance with state and federal law. If changes are needed, revisions will be recommended to the Board for its consideration.

The district will ensure that reporting of information to the public in conjunction with this policy will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

Cross-ref:

0100, Equal Opportunity and Nondiscrimination

0110, Sexual Harassment

4321, Programs for Students with Disabilities

5300, Code of Conduct

5710. School Safety and Educational Climate (SSEC) Reporting

9700, Staff Development

Ref:

Dignity for All Students Act, Education Law, §10 – 18
Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*
Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*
Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*; 34 CFR §100 *et seq.*
Title IX, Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*
§504, Rehabilitation Act of 1973, 29 U.S.C. §794
Individuals with Disabilities Education Law, 20 U.S.C §§1400 *et seq.*
Executive Law §290 *et seq.* (New York State Human Rights Law)
Education Law §§313(3), 3201, 3201-a
8 NYCRR §§100.2(c), (l), (jj), (kk); 119.6
Tinker v. Des Moines Independent Community School Dist., 393 U.S. 503 (1969)
Mahanoy Area School District v. B.L., 594 U.S. ___, 141 S. Ct. 2038 (2021)
Pollnow v. Glennon, 594 F.Supp. 220, 224 *aff'd* 757 F.2d 496
Zeno v. Pine Plains 702 F.3d 655 (2nd Cir. 2012)
Cuff v. Valley Central School District F.3d 109 (2nd Cir 2012)
Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)
Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)
Faragher v. City of Boca Raton, 524 U.S. 775 (1998)
Burlington Industries v. Ellerth, 524 U.S. 742 (1998)
Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)
Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)
Appeal of K.S., 43 Ed. Dept. Rep. 492
Appeal of Ravick, 40 Ed. Dept. Rep. 262
Appeal of Orman, 39 Ed. Dept. Rep. 811

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Classification:

Revised Dates: ; **09.22, 05.16.23**

SCHOOL SAFETY AND EDUCATIONAL CLIMATE (SSEC) REPORTING

(X) Required

Local

(x) Notice

SCHOOL SAFETY AND EDUCATIONAL CLIMATE (SSEC) REPORTING

The Board of Education is committed to promoting and maintaining the safety of all students, staff, and visitors to the schools. The Board is also committed to maintaining a school environment that is free from harassment, bullying, and discrimination. Consistent with these commitments and in accordance with state law and regulation, the district will submit an annual report to the Commissioner of Education regarding violent and disruptive incidents and material incidents of harassment/bullying/discrimination, as part of the New York State Education Department's School Safety and Educational Climate (SSEC) Summary Data Collection. In addition, the Board will use this data to assess the safety and educational climate of its schools and, where appropriate, identify and take steps to improve the safety, security, and well-being of its students, staff, and visitors.

Reporting Requirement

Each Building Principal is responsible for preparing on regular basis a report of all the violent and disruptive incidents and material incidents of harassment, bullying, and discrimination, that have occurred on school grounds, at a school function, or at a school-sponsored event and forwarding the report to the Superintendent of Schools. The Superintendent or designee is responsible for compiling the reports received from the Building Principals into the annual report and submitting the report to the Commissioner. The summary report will contain all the information required by law and will be filed with the Commissioner on or before a date set by the Commissioner. The Superintendent will also present this summary report to the Board at its first meeting following the filing of the report with the Commissioner.

Additionally, Building Principals are required to provide a regular report on data and trends related to harassment, bullying, and/or discrimination to the Superintendent at least once during each school year.

The district is responsible for assuring that copies of each SSEC report, both individual and summary reports, are retained at the school until the youngest person involved in a reported incident is 27 years old. Individual incident report forms will not be kept in student cumulative folders nor sent to the next school or district that students attend.

Confidentiality

Any violent or disruptive incident or harassment, bullying, and discrimination report prepared in accordance with law will be available for inspection by the State Education Department upon request. All names and other personally identifiable information included in any report are confidential and must not be disclosed to any person for use by any person for purposes other than the reporting purposes in Education Law §2802, except as otherwise authorized by law.

Cross-ref:

0115, Student Harassment and Bullying Prevention and Intervention

Ref:

Education Law §§10-18 (Dignity for All Students Act); 2802 (Uniform Violent Incident Reporting System)

8 NYCRR §100.2 (gg) (Uniform Violent Incident Reporting System)

8 NYCRR §185.15 (Appendix L) (Retention and Disposition Schedule LGS-1 for New York Local Government Records)

Adoption Date: 07.09.15

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UNSAFE SCHOOL TRANSFER CHOICE

(X) Required

- (X) Local
- (X) Notice

The Board of Education recognizes that, in accordance with law, there may be instances in which it must offer students the choice to transfer to a safe public school at the same grade level. Such transfer choice must be offered if:

1. the school a student would normally attend is designated a "persistently dangerous school" by the Commissioner of Education; or
2. a student becomes the victim of a "violent criminal offense" that occurs on the grounds of the school the student currently attends.

In accordance with federal and state law and regulations, the option to transfer to a safe school will be available only if there is a safe public school that eligible students can transfer to at the same grade level within the district. Therefore, the Board directs the Superintendent of Schools to develop a list identifying any school(s) designated by the Commissioner of Education as persistently dangerous that also includes any alternative safe public school(s) within the district for each grade level to which students may transfer. The list shall be revised annually and presented to the Board.

Notification of Transfer Rights

The Superintendent shall notify parents of all students in a school designated as persistently dangerous, and the parents of any student who becomes a victim of the victim of a violent criminal offense on school grounds, of their child's right to transfer out of the school they currently attend. The notice shall:

1. explain that students may transfer only to a safe public school at the same grade level within the district,
2. identify the school(s) a student may transfer to,
3. explain the procedures for transfer, including the need for parents wanting their child to transfer to inform the Superintendent of their decision within the time frame stated in the notice.
4. inform parents of their right to request that their child be returned to the school of origin if they later reconsider their decision to allow the transfer.

The required notice shall be sent first class mail within 10 days after the district receives notice from the Commissioner of Education of the school's designation as persistently dangerous. In the case of a student who is deemed to be the victim of a violent criminal offense on school grounds the notice shall be sent first class mail within 24 hours of any such determination by the Superintendent.

To the extent practicable, the notice will be provided in the dominant language or mode of communication used by the parents.

Procedures for Transfer

The transfer of any student attending a school that is deemed to be persistently dangerous generally will occur within 30 school days after the district finds out about the designation. The transfer of a student determined to be a victim of a violent criminal offense on school grounds will occur generally within 10 calendar days of the determination.

A student transferring from a persistently dangerous school has the right to remain at the safe school he or she transfers to for as long as the school of origin continues to be identified as persistently dangerous. But such a student will remain at the safe school until he or she completes the highest grade level there if it is determined to be in the best educational interest of the student to remain there. The district will make such a determination based on the student's educational needs and other factors affecting his or her ability to succeed if returned to the school of origin.

A student who transfers because he or she became the victim of a violent criminal offense at his or her school of origin remains at the school transferred to until he or she completes the highest grade level there.

Upon parental request, any student who exercised his or her right to transfer to a safe school may return to the school of origin. Any such transfer back will be effective at the start of classes in the next school year following the request.

Transportation

The district shall provide transportation to students transferring to a safe school within the transportation limits established under New York's Education Law.

Procedures for Determining Whether a Student Has Become the Victim of a Violent Criminal Offense on School Grounds

In accordance with district procedures for the reporting of violations that constitute crimes, the Building Principal or designee shall promptly notify both local law enforcement and the Superintendent of all reports that involve the infliction of a serious physical injury upon another, a sex offense involving forcible compulsion, or any other offense that involves the use or threatened use of a deadly weapon under applicable provisions of New York's Penal Law.

Following receipt of any such report, the Superintendent shall proceed to determine whether any of the students involved in the reported incident has become the victim of a violent criminal offense on school grounds. In making this determination, the Superintendent shall:

1. consult with any law enforcement agency investigating the alleged violent criminal offense, and document his or her consultation with law enforcement officials,
2. consider any reports or records provided by law enforcement agencies investigating the situation, and
3. consult with the district's attorney prior to making any final determination,
4. document his or her findings.

A criminal conviction is not required for the Superintendent of Schools to make a determination that a student indeed has become the victim of a violent criminal offense on school grounds. However, a Superintendent's determination that a violent criminal offense has occurred cannot be used as evidence in any student disciplinary proceeding initiated against either the alleged victim or the perpetrator of the offense.

Upon a finding that a student has become the victim of a criminal violent offense on school grounds, the Superintendent will provide the student's parents with notice of the student's right to transfer to a safe school in accordance with the notice procedures established by this policy above. The Superintendent will document compliance with the notification requirements and the procedures followed to carry out the student's transfer if the parents elect to have the student transfer to another school.

Appeal of a Superintendent's Determination Regarding a Violent Criminal Offense

Parents may appeal to the Board of Education a Superintendent's determination regarding whether their child has become the victim of a violent criminal offense on school grounds.

Cross-ref:

5300, Code of Conduct

5710, School Safety and Educational Climate (SSEC) Reporting

Ref:

20 USC §7912(a)

Education Law §2802(7)

Penal Law §10.00(1), (12)

8 NYCRR §120.5

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HOMELESS CHILDREN

(X) Required

() Local

() Notice

The Board of Education recognizes its responsibility under federal (McKinney-Vento) and state laws and regulations to identify homeless children within the district, encourage their enrollment and eliminate existing barriers to their identification, enrollment, attendance, or success in school which may exist in district practices. The Board will provide homeless children attending the district's schools with access to the same free and appropriate public education and other school programs and activities, including publicly funded preschool education, as other children.

A homeless child is a child who lacks a fixed, regular, and adequate nighttime residence or who has a primary nighttime location in a public or private shelter designed to provide temporary living accommodations, or a place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. This definition also includes a child who shares the housing of others due to loss of housing, economic hardship, or similar reason; lives in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; lives in a car, park, public space or abandoned building, substandard housing, bus or train station or similar setting; has been abandoned in a hospital; or is a migratory child who qualifies as homeless. An unaccompanied youth is a homeless child not in the physical custody of a parent or guardian.

To assist in determine eligibility for services under the McKinney-Vento Act, the district will use a housing questionnaire for all enrolling students, and those reporting a change of address, which asks for a description of the student's current living arrangements.

A homeless child or youth has the right to attend their school of origin, or any school that permanently housed students who live in the attendance area in which the homeless student is actually living are eligible to attend. For homeless students, a school of origin can be:

1. the public school they attended when permanently housed (i.e., before becoming homeless);
or
2. the public school where they were last enrolled, or
3. the public school they were entitled or eligible to enroll in when the child became homeless, if that child became homeless after such child was eligible to apply, register, or enroll in a public preschool or kindergarten, or is living with a school-age sibling who attends school in the district; or
4. the designated receiving school at the next grade level for any feeder school, where the child has completed the final grade in the feeder school.

Such schools include publicly-funded preschools administered by the district or the State Education Department (SED).

The homeless child is entitled to attend the designated school on a tuition-free basis for the duration of homelessness. If the child becomes permanently housed, the child is entitled to continue attendance in the same school building until the end of the school year and for one additional year if that year constitutes the child's terminal year in such building. If a homeless child completes the final grade level in the school of origin, the child may also attend the designated receiving school at the next grade level for all feeder schools.

The Superintendent of Schools is directed to develop procedures necessary to expedite the homeless child's access to the designated school. Such procedures must include:

1. *Admission and Participation:* Upon designation, the district will immediately admit the homeless child to school, even if the child is unable to produce records normally required for enrollment, such as previous academic records, medical or immunization records (however, the district may temporarily exclude a child from attendance if there are actual symptoms of a communicable disease that poses a significant risk of transmission to others), proof of age or residency or other documentation and even if there is a dispute with the child's parents regarding school selection or enrollment. During a dispute, the student may continue attending the school until final resolution of the dispute, including all available appeals. Homeless children will have the same opportunity as other children to enroll in and succeed in the district's schools, including extracurricular activities and summer school programs available to district students. They will not be placed in separate schools or programs based on their status as homeless. The district will eliminate barriers to identification, enrollment and retention of homeless children, including barriers to enrollment and retention due to outstanding fees, fines or absences.
2. *Transportation:* The district will promptly provide transportation for homeless students currently attending district schools as required by applicable law, as described in the accompanying regulation. In general, the district will ensure that transportation is provided to homeless students enrolled in the district who attend a school of origin, including a publicly funded preschool administered by the district or SED, even if the student lives outside the district's boundaries. Transportation will be provided for the duration of homelessness, through the remainder of the school year in which the student becomes permanently housed, and one additional year if that is the student's final year in the school.
3. *School Records:* For homeless students attending school out of the district, the district will, within five days of receipt of a request for records, forward a complete copy of the homeless child's records including proof of age, academic records, evaluation, immunization records and guardianship paper, if applicable. For homeless students attending school in the district, the district will request the student's records (academic, medical, etc.) from the school the student last attended.
4. *Coordination:* The district will coordinate with local social services agencies and other entities providing services to homeless children and their families for the provision of services to homeless children, and will coordinate with other school districts on issues of prompt identification, transportation, transfer of records, and other inter-district activities. This will include ensuring the provision of appropriate services to homeless students with disabilities who are eligible for services under either Section 504 or IDEA.

A portion of the district's Title I, Part A funds will be set aside for homeless children and youth to provide educationally related support services and services not ordinarily provided to other students.

Information about a homeless child's living situation will be treated as a student education record, and will not be considered directory information under FERPA. See policy 5500, Student Records, for more information.

The Superintendent will also designate a McKinney-Vento liaison for homeless children and ensure that this person is aware of, and able to carry out, their responsibilities under the law. The Superintendent will ensure that the liaison receives appropriate professional development on identifying and meeting the needs of homeless students, including the definitions of terms related to homelessness. The liaison's responsibilities will include, but not be limited to, ensuring that:

1. parents or guardians of homeless children are informed of the educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children;
2. parents and guardians and unaccompanied youth are fully informed of all transportation services available to them, and are assisted in accessing them;
3. enrollment disputes involving homeless children are promptly mediated and resolved;

4. school personnel, through outreach and in coordination with shelters and social service agencies and other appropriate entities, identify homeless children, including homeless preschoolers;
5. homeless children receive educational services, including but not limited to Head Start and preschool services to which they are eligible, as well as referrals to health care and other appropriate services for homeless children and their families;
6. public notice of the educational rights of homeless children is disseminated in locations frequented by homeless unaccompanied youth and parents/guardians of homeless children, in a manner and form understandable to them;
7. staff who provide services to homeless students receive required professional development and support on identifying and meeting the needs of homeless students;
8. homeless unaccompanied youth are informed of their rights, are enrolled in school, and have opportunities to meet the same state standards set for all students, including receiving credit for full or partial coursework earned in a prior school pursuant to Commissioner's regulations.

In accordance with law and regulation, the district will offer a prompt dispute resolution process (described in more detail in the accompanying administrative regulation). A student will be entitled to continued enrollment in the district's schools, and transportation, pending resolution of the dispute and all available appeals.

In accordance with Commissioner's regulations, the district will collect and transmit to the Commissioner information necessary to assess the educational needs of homeless children within the State.

Cross-ref:

5150, School Admissions
5420, Student Health Services
5500, Student Records

Ref:

20 USC § 6313(c)
42 USC §§11431 et seq.
McKinney-Vento Education for Homeless Children and Youth Program, 81 Fed. Reg. 14432-14436 (3/17/16)
U.S. Department of Education, Education for Homeless Children and Youths Program, Non-Regulatory Guidance (7/27/16), <https://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidance072716.pdf>
Education Law §§207; 305; 3202; 3205; 3209
Executive Law §§532-b; 532-e
Social Services Law §§17; 62; 397
8 NYCRR §§100.2(x); 175.6

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HOMELESS CHILDREN REGULATION

Each school in the district will maintain forms provided by the Commissioner of Education for designating a homeless child's district of attendance. These forms must be immediately provided to any homeless child or parent or guardian who seeks to enroll a child in school. The district's McKinney-Vento liaison for homeless students will assist the homeless child and/or parent or guardian in understanding their rights under the law and provide them with information regarding the educational and related opportunities available to them.

School placement decisions for homeless children will be based on the "best interest of the child" and will:

1. presume that keeping the child in the school of origin is in the child's best interest, except when doing so is contrary to the wishes of the parent or guardian or unaccompanied youth; and
2. consider student-centered factors such as the effect of mobility on student achievement, education, health and safety of the child, giving priority to the wishes of the child's parent or guardian or unaccompanied youth.

If the district determines that it is in the best interests of the student to attend a school other than the school of origin or a school requested by the parent or guardian, the Superintendent or designee will provide the parent or guardian or unaccompanied youth with a written explanation of its decision, together with a statement regarding the right to appeal the placement, which will be in a manner and form understandable to them. The Superintendent or designee will refer any such dispute to the district's McKinney-Vento liaison for resolution. The student must be enrolled in the school sought by the parent or guardian or unaccompanied youth and provided with requested transportation pending final resolution of the dispute, including all available appeals.

Admission Procedures

Upon identifying a student experiencing homelessness, the Superintendent of Schools or designee will immediately:

1. ensure that a designation form is given to the parent or guardian or unaccompanied youth and review the designation form to ensure that it is complete;
2. admit the homeless child even if the child or parent or guardian is unable to produce records normally required for enrollment, or the student has missed application or enrollment deadlines, or there is an unresolved dispute regarding eligibility, school selection or enrollment;
3. where applicable, make a written request to the school district where a copy of the child's records are located for a copy of the homeless child's school records;
4. notify the McKinney-Vento liaison of the child's admission. The liaison must:
 - a. notify the child and/or the parent or guardian of the educational and related opportunities available to homeless children including transportation to the school of origin, and help arrange for transportation and other services such as those under Title I, Section 504, IDEA, and federal school meals;
 - b. ensure that the child receives the educational services for which they are eligible, including Head Start and Early Head Start, early intervention services, and preschool programs administered by the district;
 - c. make necessary referrals for the homeless children or their families to health care services, dental services, mental health services, substance abuse services, housing services, and other appropriate services;

- d. ensure that any enrollment disputes are mediated promptly and in accordance with law;
- e. when assisting unaccompanied youth in placement or enrollment decisions, give priority to the views of such youth, and inform them of their status as "independent students" for purposes of applying for federal financial aid for college and assist with that process; and
- f. assist in obtaining required immunizations, health screenings, immunization records or health records.

The Superintendent or designee will forward a copy of the designation form to the Commissioner of Education and the school district of origin where applicable.

Unaccompanied Youth and Parent/Guardian Signatures

To the extent that district policies and practices require parent/guardian permission or consent, the district will remove barriers to admission and participation for unaccompanied youth due to lack of parent/guardian signatures. This includes, but is not limited to, enrollment, providing medical care and excuses for absences, participating in field trips and extracurricular activities, and accessing or releasing records. Where parent/guardian consent, permission or signatures cannot be obtained for unaccompanied youth, the district will accept signatures from the following:

1. Persons designated by the parent/guardian as a "person in parental relation" under state General Obligations Law Title 15-A;
2. Authorized caregivers age 18 or older so identified by the unaccompanied youth;
3. The unaccompanied youths themselves; or
4. The McKinney-Vento liaison.

Parental rights under FERPA pertaining to student records extend to a person acting as a parent in the absence of a parent/guardian. The district grants unaccompanied youth under age 18 the rights under FERPA for eligible students and parents/guardians.

Transportation

Unless the homeless child is receiving transportation provided by the Department of Social Services, the district will provide transportation services to the child in accordance with applicable law. Where the district is designated by the parent/guardian or unaccompanied youth, and the student attends the school of origin as defined in law described in the accompanying policy (including a publicly funded preschool administered by the district or the State Education Department), the district will provide transportation, even if transportation is not generally provided to permanently housed students and the student is residing outside the district's boundaries. A designated school district that must provide transportation to a homeless child is not required to provide transportation in excess of 50 miles one way, unless the Commissioner of Education determines that it is in the best interest of the child.

Transportation must be provided to the school of origin when the district receives notice of a child's homeless status, for the duration of the student's homelessness, as well as during the pendency of any disputes. Transportation must be provided to the receiving school as defined in Education Law §3209(1)(h) if the student is homeless over multiple school years. If a child becomes permanently housed during the school year, the student has the right to transportation services to the school of origin until the end of the academic year, as well as one additional year if it is the student's final grade level or terminal year in the building.

If the district recommends that a homeless child attend a summer educational program, and lack of transportation is a barrier to participation, the district will provide transportation.

The district will provide transportation to extracurricular or school activities for homeless students eligible for such activities where lack of transportation is a barrier to participation.

Dispute Resolution Process

If, after the Superintendent reviews the designation form, they find that the student is either not homeless, not entitled to attend the district's school, or not entitled to transportation (if requested) the Superintendent or designee will do the following:

1. Contact the district's McKinney-Vento liaison to assist in dispute resolution process.
2. Contact the student and parent (if available) and inform them of their opportunity to provide more information prior to the district making a final determination.

If, after consideration of any additional information and input from the McKinney-Vento liaison, the Superintendent makes a final determination that a student is not homeless, or not entitled to enrollment or transportation, they must provide the student's parent or guardian, or the student, if the student is an unaccompanied youth, with written notice that the student is not entitled to their request. This written notice must also:

1. state the rationale/basis for the district's determination;
2. state the date as of which the student will be excluded from the district's schools (or transportation), which must be at least 30 days from receipt of the written notice;
3. advise that the district's final determination may be appealed to the Commissioner of Education (Commissioner);
4. provide the name and contact information for the district's McKinney-Vento liaison;
5. inform the student's parent or guardian or the student, if the student is an unaccompanied youth, that the district's McKinney-Vento liaison is required to assist in filing such an appeal; and
6. include, as an attachment, the form needed to file an appeal to the Commissioner.

The Superintendent must ensure that the district's final decision is delivered to the parent, guardian, or unaccompanied youth in a timely manner. The student must remain enrolled and provided with transportation (if requested) until the district provides written notice of its final determination and for a minimum of 30 days after receipt of the determination to give the student's parent or guardian or unaccompanied youth the opportunity to appeal to the Commissioner.

If the parent/guardian or student commences an appeal to the Commissioner within 30 days of the final determination, the homeless child or youth will be permitted to continue to attend the school s/he is enrolled in at the time of the appeal and/or receive transportation to that school until the Commissioner renders a decision.

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