SUPPORT SERVICES GOALS

Support services, which include safety and maintenance programs, transportation, food services, insurance management and office services, are essential to the successful functioning of the school district. Education is the district's central function, and all support services shall be provided, guided, and evaluated by this function.

In order to provide services that are truly supportive of the educational program, the Board of Education establishes these goals:

1. providing a physical environment for teaching and learning that is safe and pleasant for students, staff, and the public;
2. providing safe transportation and nutritious meals for students who use these services; and
3. providing timely, accurate, and efficient support services that meet district needs and promote district goals.

Adoption date: June 15, 2006

SCHOOL BUILDING SAFETY

The Board of Education recognizes that a safe, secure and healthy school environment is necessary to promote effective learning. The Board is committed to ensuring that all school buildings are properly maintained and preserved to provide a suitable educational setting.

Consistent with the requirements of state law and regulations, the Board will:

1. Appoint a Health and Safety Committee composed of representation from district administration, school staff, bargaining units and parents that shall perform the functions listed in Policy 8112, Health and Safety Committee.
2. Review and approve all annual building inspections and building condition surveys.
3. Take immediate action to remedy serious conditions in school buildings affecting health and safety and report such conditions to the Commissioner of Education.
4. Annually review the facilities section of the school district report card for each building and report in a public meeting on the status of each item contained in that section of the report card. The report card shall provide information on a building's age, size enrollment, useful life, safety rating, visual inspection and building condition survey results and other items prescribed by the Commissioner.

Health and safety of pupils and staff are an important responsibility of the buildings and grounds staff and supervisors. These responsibilities will be emphasized in induction and orientation sessions, continuing education, evaluations, and written communications with these staff members.

The Superintendent of Schools shall be responsible for the development of procedures for investigating and resolving complaints related to the health and safety issues in the district's buildings consistent with requirements of state law and regulations.

Cross-ref: 7100, Facilities Planning
7365, Construction Safety
8112, Health and Safety Committee
8220, Buildings and Grounds Maintenance and Inspection

Ref: Education Law §§ 409-d (Comprehensive Public School Building Safety Program); 409-e (Uniform Code of Public School Buildings Inspection, Safety Rating and Monitoring)
8 NYCRR Part 155 (Educational Facilities)
9 NYCRR Parts 600-1250 (Uniform Fire Prevention and Building Code)

Adoption date: June 15, 2006

HEALTH AND SAFETY COMMITTEE

The Board of Education recognizes the importance of the participation of district staff and parents in promoting a safe, secure and healthy school environment. In accordance with Commissioner's regulations, the Board will appoint a Health and Safety Committee composed of representation from district officials, staff, bargaining units and parents.

The committee will participate in monitoring the condition of occupied school buildings to assure that they are safe and maintained in a state of good repair. The Superintendent of Schools will ensure that the committee is appropriately involved in all of the activities required by the Commissioner's regulations. Specifically, the committee will:

1. Participate in the investigation and disposition of health and safety complaints.
2. Ensure that at least one member of the committee participates in the annual visual inspection.
3. Consult with district officials in completing safety ratings of all occupied school buildings.
4. Monitor safety during school construction projects including periodic meetings to review issues and address complaints related to health and safety resulting from the project.
5. Upon completion of a construction project, conduct a walk-through inspection to ensure the area is ready to be reopened for use.
6. During construction projects, the Facilities Manager shall keep the Health and Safety Committee informed of all issues related to on-going construction projects.

Cross-ref: 7365, Construction Safety
8110, School Building Safety
8220, Buildings and Grounds Maintenance and Inspection

Ref: 8 NYCRR Part 155 (Educational Facilities)

Adoption date: June 15, 2006
Revised: January 16, 2014

PESTICIDES AND PEST MANAGEMENT

The Board of Education is committed to maintaining the integrity of school buildings and grounds, protect the health and safety of students and staff and maintaining a productive learning environment.

The Board recognizes that pests can pose a significant risk to health and property and there may be significant risks inherent in using chemical pesticides in the school environment. Generally, pesticides will not be used on district playgrounds, turf, athletic or playing fields, unless there is an emergency. Emergencies will be handled in accordance with applicable law and regulation.

Provisions will be made for a least toxic approach to integrated pest management (IPM) for all school buildings and grounds in accordance with the Commissioner's regulations. Integrated pest management is a systematic approach to managing pests focusing on long term prevention or suppression with minimal impact on human health, the environment and non-targeted organisms.

Notification of Pesticide Application

All district staff and parents/guardians will be notified of pesticide applications performed at any school facility. A notice will be sent at the beginning of the school year which will include:

1. Notification of periodic pesticide applications throughout school year.
2. The availability of 48-hour prior written notification of pesticide applications to parents and staff who request such notice.
3. Instructions on how to register with the school to receive this prior written notification.
4. The name and number of the school representative who can provide further information.

A separate notice will be sent to staff and parents within two days of the end of winter and spring recess and within 10 days of the end of the school year which includes the date, location and product used for each pesticide application which required prior notification and each emergency application.

The Superintendent of Schools shall ensure the dissemination of this policy and conduct any training necessary to ensure that all staff are fully informed about pesticides and pest management.

Cross-ref: 8110, School Building Safety
8220, Building and Grounds Maintenance and Inspection

Ref: Environmental Conservation Law, Art.33 (Pesticides)
Education Law §409-h (Requirements for Notification of Pesticide Applications); §409-k (Pesticide Alternatives)
6 NYCRR Part 325 (Application of Pesticides)

8 NYCRR 155.4 (Uniform Code of Public School Building Inspections, Safety Rating and Monitoring)
Desmond Americana v. Jorling, 153 AD2d 4 (3rd Dept. 1989)
IPM Workbook for New York State Schools, Cornell Cooperative Extension Community IPM Program with support from New York State Dept. of Environmental Conservation, August 1998

Adoption date: June 15, 2006
Revised: January 7, 2021

SCHOOL SAFETY PLANS AND TEAMS

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 shall 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 shall be designed to prevent or minimize the effects of serious violent incidents and emergencies and to facilitate the district's coordination with local and county resources. The plans shall also address risk reduction/prevention, response and recovery with respect to a variety of types of emergencies and violent incidents in district schools.

In accordance with state law and regulation, the district shall 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 Board shall 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. The Board may appoint a mental health representative to the district-wide school safety team. This individual preferably possesses a license to practice psychology or psychiatry though other licensed mental health professionals may be considered. This team shall be responsible for the development and annual review of a comprehensive district-wide school safety plan. The plan shall cover all district school buildings and shall 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 shall include all those elements required by law and regulation.

The Board may also appoint a student representative to the district-wide school safety team. However, no confidential building-level emergency response plans shall be shared with the student member, nor shall 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 his/her designee shall be the district’s chief emergency officer, and shall coordinate communication between school staff and law enforcement and first responders. The chief emergency officer shall 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 shall 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 shall ensure that the district-wide plan is coordinated with the building-level plans, and shall ensure that required evacuation and lock-down drills are conducted.

Building-Level Emergency Response Plans and Teams

Each Building Principal shall be responsible for annually appointing a building-level emergency response team that includes representation from teachers, administrators, school psychologist, parent organizations, school safety personnel, other school personnel, law enforcement officials, fire officials and other emergency response agencies. The emergency response team shall be responsible for the development and review of a building-level emergency response plan for each district building. The plan(s) shall address response to emergency situations , such as those requiring evacuation, sheltering and lock-down at the building level and shall include all components required by law and regulation. These confidential plans shall include evacuation routes, shelter sites, medical needs, transportation and emergency notification of parents and guardians.

Building-level emergency response plans shall 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 shall 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, in consultation with the Superintendent, shall annually designate a threat assessment team to provide ongoing support and information in order to identify, and assess individuals who may be potential threats to safety, with the intent of minimizing acts of violence in the school community. The threat assessment team shall be composed of, but not limited to, the following personnel from both within the school and the larger community, as appropriate: building administrators, legal counsel, the medical director and/or school nurse, school counselors, local mental health and social service providers, law enforcement, school resource officers, security personnel, and facilities and maintenance personnel. The team shall meet regularly. The team shall be mindful of the need for discretion and observance of confidentiality requirements.

Students shall be encouraged to bring their concerns to any district employee. If a district employee becomes aware of a threat to the school community, the Building Principal shall be informed and he/she 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 shall receive appropriate training.

The Building Principal shall be 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) shall be confidential and shall not be subject to disclosure under the Freedom of Information Law or any other law.

Annual Review and Report

All plans shall be annually reviewed and updated, if necessary, by the appropriate team by July 1st. In conducting the review, the teams shall 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 shall remain in effect. If the district-wide plan requires change, then the updated plan shall 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 shall be responsible for filing the district-level school safety plan and any amendments to the plan with the Commissioner within 30 days after their adoption. Each Building Principal shall be responsible for filing the building-level emergency response plan for his or her building and any amendments to the plan with the appropriate local law enforcement agency and the state police within 30 days after their adoption, but no later than October 15 of each year.

Cross-ref: 0115, Bullying and Harassment Prevention and Intervention
5300, Code of Conduct
8134, Emergency Closings
9700, Staff Development

Ref: Education Law §2801-a (school safety plans)
Executive Law §2B (state and local natural and manmade disaster preparedness)
8 NYCRR Part 155 (Educational Facilities)
School Safety Plans Guidance, New York State Education Department, June 2010

Adoption date: June 15, 2006
Revised: January 7, 2021

EXTREME RISK PROTECTION ORDERS (THE "RED FLAG LAW")

Extreme risk protection orders are court orders that restrict the ability of a person, who is judged likely to engage in conduct that would result in serious physical harm to him/herself or others, to purchase or possess firearms, rifles or shotguns, or attempt to do so.

Under state law, Building Principals are permitted to petition the state Supreme Court for extreme risk protection orders for students currently enrolled in their building, or students who were enrolled in their building in the six months immediately before filing the petition (referred to in this policy as "currently- enrolled" and "recently-enrolled" students, respectively).

When district staff members have reason to believe, either personally or through information received by others, that a currently-enrolled or recently- enrolled student is likely to engage in conduct that would result in serious physical harm to him/herself or others, they are encouraged to report their concerns to the Building Principal or his/her designee. This is in keeping with employees' general responsibility for student safety, as well as their own interests for maintaining a safe working and learning environment.

Any other person, including but not limited to students, parents, and community members, may also bring their concerns to the Building Principal or his/her designee that a currently-enrolled or recently-enrolled student is likely to engage in conduct that would result in serious physical harm to him/herself or others.

If the Building Principal and his/her designee is absent from the building, the Superintendent of Schools will be the main point of contact to report concerns.

When a Building Principal receives concerns from persons under this policy, or has his/her own concerns about a student, he/she must immediately notify the Superintendent of Schools. The Superintendent will contact the school attorney, and both will assist the Building Principal in determining the appropriateness of petitioning the court for an extreme risk protection order.

When determining whether it is appropriate to petition the court for an extreme risk protection order, the district will consider, among other things, the following factors as they relate to the student:

1. Threats or acts of violence or physical force made against him/herself or another person;
2. Violating or allegedly violating orders of protection (i.e., restraining orders);
3. Pending criminal convictions or charges involving weapons;
4. Recklessly using, displaying, or brandishing a firearm, rifle or shotgun;
5. Violating previous extreme risk protection orders;
6. Evidence of recent or current drug or alcohol abuse; and
7. Evidence that the student has recently acquired a firearm, rifle, shotgun, other deadly weapon (including but not limited to knives, clubs, and metal knuckles), dangerous instrument (including items capable of causing death or serious physical injury, when used for that purpose), or ammunition.

Additionally, the Building Principal is directed to contact local law enforcement, in accordance with the Code of Conduct, district-wide school safety plan, and building-level emergency response plan.

In consultation with the Superintendent and school district attorney, the Building Principal may designate, in writing, certain other employees at that school to petition the court for the extreme risk protection order. Such employees include: teachers, school guidance counselors, school psychologists, school social workers, school nurse, any other personnel required to hold a teaching or administrative license or certificate, and certain coaches (those who are full- or part-time paid employees required to hold either a temporary coaching license or professional coaching certificate).

Under Education Law section 3023, the district must defend and indemnify employees against lawsuits for negligence, accidental bodily injury or property damage where the employee is performing his/her duties within the scope of employment.

The Superintendent or his/her designee is directed to take appropriate steps to notify district staff of the provisions of this policy. This includes ensuring that employees are trained and knowledgeable about when and how to properly utilize the law to best protect the school from violence. Staff will be notified of who is designated to file extreme risk protection orders in the building.

Cross-ref:	5300, Code of Conduct 8130, School Safety Plans and Teams
Ref:	Civil Practice Law and Rules Article 63-A Education Law §3023
Adoption date:	March 5, 2020

EMERGENCY CLOSINGS

The Superintendent of Schools may close the schools or dismiss students/staff early when hazardous weather or other emergencies threaten the health or safety of students and personnel. The Superintendent may delegate this authority to another staff member in the event of his/her absence. Such action is never to be taken lightly, for public education is one of the principal functions of the community and should be maintained at a normal level except in extreme circumstances.

Schools will close when the safety of students and staff is in jeopardy to travel. While it may be prudent, under certain circumstances, to excuse all students from attending school, to delay the opening hour, or to dismiss students early, the Superintendent has the responsibility to ensure that administrative, supervisory, and operational activity is continued to the extent possible. School closing and delayed starting times will be announced over local media, posted on the district website, and announced via Robocall and Email. If no report is heard, it can be assumed the schools are in session, and are opening on time.

If school must be closed when students are in attendance, the principal, faculty and staff shall remain to care for the school and student safety until the Superintendent or a designee approves their departure. The district shall make every effort to transport students who would ordinarily be transported home; if transportation is not possible, students will remain at school under proper supervision until buses or their parents arrive.

In making the decision to close schools, the Superintendent may consider many factors, including the following, which relate to the safety and health of students:

1. weather conditions, both existing and predicted, including extreme heat and cold;
2. driving, traffic, and parking conditions affecting public and private transportation facilities;
3. actual occurrence or imminent possibility of any emergency condition that would make the operation of schools difficult or dangerous; and
4. inability of teaching personnel to report for duty, which might result in inadequate supervision of students.

Among the other factors the Superintendent may consider are advice from traffic and weather authorities, Building Principals, and school officials.

Students, parents, and staff will be informed early in each school year of the procedures that will be used to notify them in case of emergency closing.

Ref: Education Law §3604(7)
Adoption date: June 15, 2006
Revised: July 5, 2007
Revised: January 6, 2011
Revised: December 1, 2016

UNSAFE SCHOOL TRANSFER CHOICE

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, Violent or Disruptive Incident Reporting

Ref: 20 USC §7912(a)
Education Law §2802(7)
Penal Law §10.00(1), (12)
8 NYCRR §120.5

Adoption date: June 15, 2006

VANDALISM

The Board of Education believes that students and faculty should respect property and take pride in the schools of the district. Any incidents of vandalism or theft of district property, and the names of the person(s) believed to be responsible, shall be reported to the Superintendent of Schools.

The district may conduct an investigation to determine who is responsible for damage to school property, or may contact the local police department. The district may seek payment for damages from those responsible. The Board may determine that legal action against a vandal and/or his/her parents/guardians should be brought to recover costs for damages* caused by a willful, malicious or unlawful act of the child. The Board will also determine whether to offer monetary rewards** for information leading to the arrest and conviction of vandals or thieves of district property. All information pertaining to the investigation will be forwarded to the school attorney and the district attorney.

Cross-ref: 5300, Code of Conduct

Ref: Family Court Act §§757; 758-a
General Obligations Law §3-112
Education Law §§1604(35), (38); 1709(36),(38); 2509-g(15)
General Municipal Law §789

* State law now permits parental liability for up to five thousand dollars ($5,000)
** State law now permits monetary rewards for up to one thousand dollars ($1,000)

Adoption date: June 15, 2006
Revised: January 6, 2011

VANDALISM REGULATION

Incidents of illegal entry, theft of school property, vandalism or other damage to school property shall be reported to the office of the Superintendent, Assistant Superintendent for Business and the Director of Facilities. A written report will be filed with the Business Office within 24 hours of discovery on a form provided by that office (see Exhibit 8212-E.1). Copies will be sent to the Superintendent's Office and the Facilities Office. A report will also be filed with the police.

Adoption date: June 15, 2006

VANDALISM EXHIBIT

Report of Vandalism, Burglary and Lost and/or Stolen Property

School _____ Date _____

Discovered by Whom _____ Time _____

Were Police Notified? Yes_____ No _____ Officers _____

_____

Police Case # _____ Detective Case # _____
Incident _____
_____
_____
_____
Property Taken _____
_____
_____
Serial # _____ Model # _____
Name(s) of Witness(s) _____
_____
Damage _____
_____
_____
_____

Value $ _____

_____ _____ _____
Signature: Head Custodian Signature: Building Principal Date

Adoption date: June 15, 2006

VANDALISM EXHIBIT

Monthly Vandalism Report

To Be Submitted With Monthly Maintenance Fire Reports

INCIDENT	DATE REPTD.	REPTD. BY	ACTION TAKEN	ESTIMATE OF DAMAGE INCL. MAN HRS. TO REPAIR

PLEASE REPORT ANY MAJOR INCIDENT OF VANDALISM TO BUILDINGS AND GROUNDS DEPARTMENT OFFICE AS EARLY AS POSSIBLE.

RETURN TO: Buildings & Grounds Dept. along with Maintenance and Fire Reports at the end of each month.

Signed _____ Date _____
HEAD CUSTODIAN

Signed _____ Date _____
PRINCIPAL

Adoption date: June 15, 2006

BUILDINGS AND GROUNDS MAINTENANCE AND INSPECTION

To accommodate the district's educational program, the Board of Education is committed to providing suitable and adequate facilities. To this end, proper maintenance and inspection procedures are essential. The Board directs the Superintendent of Schools to ensure that proper maintenance and inspection procedures are developed for every school building.

Custodians are primarily responsible for the care and protection of district facilities. Each custodian shall have direction for how to perform his or her duties, as well as a schedule for jobs which must be completed. Members of the school faculty and staff, as well as pupils, are expected to cooperate with custodians.

Consistent with federal and state law and regulations, the following items will be included in the district's buildings and grounds maintenance and inspection procedures:

Comprehensive Maintenance Plan

A comprehensive maintenance plan for all major building systems will be instituted to ensure the building is maintained in a state of good repair. Such plan will include provisions for a least toxic approach to integrated pest management and establish maintenance procedures and guidelines which will contribute to acceptable indoor air quality. The plan shall be available for public inspection.

Procedures will also be established to ensure the safety of building occupants during maintenance activities including standards for exiting and ventilation, asbestos and lead protocols, noise abatement and control of chemical fumes, gases and other contaminants.

Building Condition Surveys

Each occupied district building will be assessed every five years by a building condition survey. This survey will be conducted by a team that includes at least one licensed architect or engineer and will include a list of all program spaces and inspection of building system components for evidence of movement, deterioration, structural failure, probable useful life, need for repair and maintenance and need for replacement. Building condition survey reports will be submitted to the Commissioner by January 15, 2001 and January 15th of every fifth year thereafter.

Annual Visual Inspections

A visual inspection of building system components in each occupied district building will take place annually except for years in which a Building Condition Survey is performed. The inspection will be conducted by a team including a local code enforcement official, the Facilities Director or his/her designee and a member of the Health and Safety Committee. The inspection will be completed by November 15th of each year and will be made available to the public.

A corrective action plan will be developed by a licensed architect or engineer if a deficiency exists in the building.

Fire Safety Inspections

An annual inspection for fire and safety hazards will be conducted in accordance with a schedule established by the Commissioner of Education. The inspection will be conducted by a qualified fire inspector and the report will be kept in the district office. Any violation of the State Uniform Fire Prevention and Building Code shall be corrected immediately or within a time frame approved by the Commissioner.

Safety Rating System

A safety rating keyed to the structural integrity and overall safety of each occupied school building will be provided on an annual basis in consultation with the Health and Safety Committee. Safety ratings will be based on the safety rating system developed by the Commissioner and will comply with all statutory and regulatory requirements.

Building Principals shall, on an on-going basis, undertake their own inspections of school buildings and grounds, searching for any dangerous or hazardous conditions and take immediate steps to remedy the problem.

Cross-ref: 6200, Annual Budget
7100, Facilities Planning
7365, Construction Safety
8110, School Building Safety
8112, Health and Safety Committee
8115, Pesticides and Pest Management

Ref: 29 CFR □ 1910 et seq (OSHA Hazard Communication)
40 CFR Part 763 (Asbestos Hazard Emergency Response Act)
Education Law §§409-d (Comprehensive Public School Safety Program); 409-e (Uniform Code of Public School Buildings Inspections, Safety Rating and Monitoring); □807-a (Fire Inspections)
Labor Law §§875-883 (toxic substances)

Public Health Law §§4800-4808 (Right to Know, toxic substances)
Environmental Conservation Law §33-0725 (Pesticides)
6 NYCRR Part 325 (Pesticides)
8 NYCRR §§155.1(Educational Facilities); 155.4 (Uniform Code of Public School Buildings Inspection, Safety Rating and Monitoring); 155.8 (Fire and Building Safety Inspections)
9 NYCRR Parts 600-1250 (Uniform Fire Prevention & Building Code)
12 NYCRR Part 56 (Industrial Code Rule concerning asbestos)
Appeal of Anibaldi, 33 Educ. Dep't Rep. 166 (1993) (district required to monitor student's physical symptoms when air quality caused health problems)
Guidelines for the Evaluation and Control of Lead-Based point Hazards in Housing, U.S. Department of Housing and Urban Development, Washington D.C., June 1995)
IPM Workbook for New York State Schools, Cornell Cooperative Extension Community IPM Program with support from New York State Dept. of Environmental Conservation, August 1998

Adoption date: June 15, 2006

TRAFFIC AND PARKING ON SCHOOL PROPERTY

The Board of Education requires safe and orderly operation of automobiles, trucks, and other traffic on school grounds. As appropriate and consistent with law, such traffic may be regulated by:

1. Prohibiting, restricting or limiting vehicular standing, stopping or parking.
2. No parking shall be permitted in fire lanes.
3. Determining traffic direction.
4. Establishing speed limits.
5. Providing for vehicular parking, storage and removal in normal or emergency situations.
6. Providing for automobile registration procedures by school.

Violation of measures adopted by the Board or its designee(s) is a traffic infraction as provided in New York State Vehicle and Traffic Law. Such measures may be enforced by the Nassau County Police Department at the request of school authorities.

The Superintendent of Schools is delegated authority to develop rules and regulations governing driving and parking on roads, driveways and parking lots on and accessory to each school and playground in the district. Such regulations shall take into account the need to ensure the safety of all students, school personnel and anyone else on school property or on roads, driveways and parking lots adjacent to such school property.

Ref: Education Law §1804
Vehicle and Traffic Law §§1670; 1800

Adoption date: June 15, 2006
Revised: January 16, 2014

TRAFFIC AND PARKING ON SCHOOL PROPERTY REGULATION

1. The following vehicles, and no others, shall be permitted to be parked on school grounds or property:
   a. Those vehicles which have been registered with the school office, and for which parking permits have been issued. Such parking permit, once issued, shall be visibly displayed in the right hand corner of the rear window of the vehicles to which it has been issued.
   b. Those vehicles belonging to bona fide visitors in pursuit of official school business or school related matters.

2. Between the hours of 7:00 am and 4:00 pm:
   a. Where specific parking spaces have been assigned to registered vehicles, such vehicles shall be parked only in such assigned spaces. It shall be unlawful for any other vehicle to be parked in such assigned spaces.
   b. Unregistered vehicles belonging to bona fide visitors in pursuit of official school business or school-related matters, or registered vehicles when at locations removed from assigned parking spaces or to which no spaces have been assigned, shall be parked only in spaces designated for "visitors" parking, or in unassigned or unmarked spaces.

3. Parking in areas designed as "fire lanes" is prohibited.
4. No vehicle shall be driven at a speed in excess of 5 miles per hour on any school ground or property.

Student Drivers

Student parking on school grounds is by permit only. Cars may be registered in the office of the assistant principal.

All student operated motor vehicles drive to school and parked on school premises must be in safe operating condition, and each driver must certify that the vehicle for which a car permit is requested is legally and properly insured.

Any student 17 years of age or older wishing to park a car on campus must receive and display a parking permit. These are available in the main office after the student, and his parents, have signed a contract listing his responsibilities. A student parking illegally or violating traffic rules and regulations will forfeit the privilege of bringing a car on school grounds and may be ticketed by the Nassau County Police.

Student parking is available only in the East and Front Parking Lots. The North Parking Lot is for staff use. The speed limit is 5 MPH on campus. Eleventh graders wishing to receive a parking permit must park in the designated southeast parking lot. They will not be able to access their cars until completion of the school day. Students parking illegally face loss of driving privileges and disciplinary sanctions.

Adoption date: June 15, 2006

AUTHORIZED USE OF SCHOOL-OWNED MATERIALS AND EQUIPMENT

The Board of Education permits the use of district-owned materials and equipment (e.g., laptop computers, cell phones, audio-visual equipment, etc.) by Board members, officers, and employees of the district when such material and equipment is needed for district-related purposes, such as familiarization or to carry out work directly related to their responsibilities. Equipment may not be borrowed if it will impede student use.

Individuals borrowing district-owned equipment shall be fully liable for any damage or loss occurring to the equipment during the period of its use, and shall be responsible for its safe return.

The Superintendent of Schools, in consultation with the School Business Official, shall establish regulations governing the loan and use of such equipment. Such regulations must address:

- the individuals who may properly authorize the use of such material and/or equipment;
- the lack of authority of the borrower to use such material or equipment for private, non-business purposes;
- the responsibilities of the borrower for proper use, care and maintenance;
- that, regardless of condition or other factors, all loaned equipment must be returned to the district. No item may be sold to or purchased by the borrower unless such equipment has been returned to the district for evaluation and, if necessary, disposal in accordance with district policy and procedures.

All equipment shall be inventoried and a list shall be maintained of the date such equipment was loaned, to whom it was loaned, and the date of expected and actual return.

The Business Office shall maintain records of all equipment that is loaned for long-term use (e.g., school year, term of office, etc.) and shall review such list yearly.

Adoption date: June 15, 2006

USE OF DISTRICT-OWNED CELL PHONES

The Board of Education recognizes that certain district employees will be required to carry district-owned cell phones in order to meet their job responsibilities. Such phones should be provided only when a less costly alternative is not available or is not appropriate in the circumstances.

A list of job titles requiring district-owned cell phones shall be maintained in the Business Office and reported to the Board for its approval each year at its organizational meeting in July. All cellular telephone contracts shall be secured through the appropriate purchasing process (e.g., competitive bid, RFP process) and shall be subject to review and approval by the Board.

Cell phones are to be used for school district business purposes only and anything other than incidental private use is prohibited. Failure to follow these guidelines may result in revocation of the phone and discipline of the employee. In addition, since employees are issued district owned cell phones in connection with their work responsibilities, employees shall not have an expectation of privacy with respect to information contained on the device (e.g., text messages, records of phone calls).

As with any district-owned equipment, employees must take proper care of cell phones and take all reasonable precautions against damage, loss, or theft. Any damage, loss, or theft must be reported immediately to the Business Office. Since employees are responsible for the safe return of district-owned cell phones, employees who use district-owned cell phones may be liable for damages or losses which occur during the period of its use.

At least once per year, the Business Office shall evaluate and report to the Board on the cost and effectiveness of the district's cellular telephone plan.

Ref: Fourth Amendment, U.S. Constitution
Fourteenth Amendment, U.S. Constitution
City of Ontario, California v. Quon 130 S. Ct. 2619 (2010)

Adoption date: June 15, 2006
Revised: January 7, 2021

DISTRICT-ISSUED CREDIT /DEBIT CARDS

The Board of Education permits the use of School District credit/debit cards by certain employees to pay for actual and necessary expenses incurred in the performance of work-related duties for the School District including cash advances and or withdrawals for international travel. A list of those individuals that will be issued a School District credit/debit card will be maintained in the Business Office and reported to the Board of Education each year at its reorganizational meeting in July. The Assistant Superintendent for Business will notify the District Treasurer of the authorized employee(s) to receive a School District issued credit/debit card. Cards will only be used by authorized employees. All credit /debit cards accounts will be in the name of the School District. The District Treasurer will obtain a card for the authorized employee from the financial institution for the period of the trip.

The School District shall establish a credit line not to exceed $25,000 for each card issued and an aggregate credit line of $125,000 for all cards issued to the School District. A separate Bank account will be opened with Debit Card issued on the said account which will be funded by the district for overseas use.

The School District will not pay any claim or portion thereof that is not expressly authorized, does not constitute a proper School District charge, or supersedes any laws, rules, regulations, or policies otherwise applicable. In addition, the Board of Education will ensure that no claim shall be paid unless an itemized voucher approved by the officer or employee whose action gave rise or origin to the claim, shall have been presented to the Board of Education and shall have been audited and allowed.

The Superintendent of Schools, or his/her designee, will preserve the School District's rights to refuse to pay any claim or portion thereof that is not expressly authorized by the School District, does not constitute a proper School District charge and/or supersede any laws, rules, regulations, or policies otherwise applicable, when entering into an agreement with a financial institution for the issuance of a credit/debit card in the School District's name.

These Cards may only be used for legitimate School District business expenditures. The use of these cards is not intended to circumvent the School District's policy on purchasing.

Users must take proper care of these credit/debit cards and take all reasonable precautions against damage, loss or theft. Any damage, loss, or theft must be reported immediately to the Business Office and to the appropriate financial institution. Failure to take proper care of credit/debit cards or failure to report damage, loss or theft may subject the employee to financial liability.

Purchases that are unauthorized, illegal, represent a conflict of interest, are personal in nature or violate the intent of this policy may result in credit/debit card revocation and disciplinary action against the employee.

Users must submit detailed documentation, including itemized receipts for commodities, services, travel and/or other actual and necessary expenses which have been incurred in connection with school-related business for which the credit/debit card has been used. The

School District's Claims Auditor shall review the documentation submitted, along with the credit card statement, prior to the payment of the claim.

All credit/debit cards must be returned to the District Treasurer within 5 business days upon completion of the trip.

The Superintendent of Schools, in consultation with the Assistant Superintendent for Business and the District's Purchasing Agent, shall establish regulations governing the issuance and use of credit/debit cards. Each cardholder shall be apprised of the procedures governing the use of the credit/debit card and a copy of this policy and accompanying regulations shall be given to each cardholder.

The Assistant Superintendent for Business shall periodically, but no less than twice a year, monitor the use of each credit/debit card and report any serious problems and/or discrepancies directly to the Superintendent of Schools and the Board of Education.

Cross-ref: 2160 School District Officer and Employee Code of Conduct
6700 Purchasing
6830 Expense Reimbursement

Ref: Education Law §1724

Adopted: February 15, 2017

STUDENT TRANSPORTATION

The Board of Education affirms its goal of providing a safe and economical transportation system for district students. Transportation shall be provided at district expense to those students who are eligible as authorized by the Board.

The major objectives in the management of the student transportation program are to:

1. provide efficient, effective and safe service;
2. ensure that all students whose disability or distance from school requires them to receive necessary transportation do, in fact, receive it;
3. adapt the system to the demands of the instructional program;
4. maintain transportation vehicles in the best possible condition;
5. review at least once a year school bus schedules and routing plans to ensure that maximum efficiency and safety are maintained; and
6. review at least once a year the eligibility for transportation of students residing in the district, to ensure that all entitled to the services receive them.

Eligibility for district transportation is based on distance to school, as provided for in policy 8411, or as appropriate for disabled students. Temporary bus passes may be issued to students who need transportation for medical reasons. A physical examination may be required at the discretion of school authorities.

The Superintendent of Schools shall be responsible for administering the transportation program. The program shall comply with all applicable laws, regulations and policies established by federal, state and local authorities.

Cross-ref: 8411, School Bus Scheduling and Routing

Ref: Education Law §§305(14); 1501-b; 1709(24), (25), (27); 1807; 3602(7); 3620 et seq.; 3635 et seq.
Matter of Ingargiola, 75 State Dept. Rep. 220 (1955)
Matter of Handicapped Child, 24 EDR 41 (1984)
Matter of Zakrezewski, 22 EDR 381 (1983)
Matter of Nowak, 22 EDR 91 (1982)
Matter of Fox, 19 EDR 439 (1980)
Matter of Law, 12 EDR 224 (1973)
Matter of Ruth, 11 EDR 66 (1971)

Adoption date: June 15, 2006

STUDENT TRANSPORTATION REGULATION

Temporary Medical Bus Passes

Requests for temporary medical bus passes are directed initially to the school nurse, who informs the parent(s) about steps in the pass procedure.

1. The parent receives a Pass Request and is asked to complete it.
2. The Building Principal reviews the pass in consultation with the nurse.
3. As the Principal deems appropriate, he/she may approve the pass or may confer with the Director of Health. They may confer with the district physician and/or the Director of Transportation. If they so determine, the district physician may examine the student. The Principal then renders a decision about approval.
4. A copy of the Pass Request is then maintained in the student's health folder and a copy is sent to the Director of Transportation.

Adoption date: June 15, 2006

SCHOOL BUS SCHEDULING AND ROUTING

The District Transportation Supervisor and Assistant Superintendent of Schools shall establish bus routes. Authorized bus stops shall be located at convenient intervals in places where students may embark and disembark the buses, cross highways, and await the arrival of buses in the utmost safety allowed by road conditions.

Transportation to the public schools of the school district and to the private schools located within a fifteen (15) mile limit from the place of residence will be furnished for pupils residing in the district and living:

1. over 3/4 of a mile from the school attended for grades K-5.
2. over 1 mile from the school attended for grades 6-12.

The point of measurement at the student's home shall be that part of the student's property which is closest both to the nearest available highway and to the school. The point of measurement at each school shall be the place in line with the flagpole at that school. For a private school, the point of measurement will be the point closest to the front of school on the public road closest or nearest to the school building. In measuring the distances from home to school, distances along private roads shall be excluded.

To determine general eligibility for transportation, the schools have prepared maps showing curves (lines) which are three-fourths; one; and one and one-half miles from the respective schools, as measured along the nearest available highway route. As they deem appropriate, district personnel may determine distances to specific locations using measuring devices of their choosing, consistent with law and regulation. In the event of dispute about the measurement of distances, the decision of district personnel shall govern.

Ref: Education Law §§1709(24), (25), (27); 3620 et seq.; 3635 et seq.
Matter of Ingargiola, 75 State Dept. Rep. 220 (1955)
Matter of Ruth, 11 EDR 66 (1971)
Matter of Law, 12 EDR 224 (1973)

Adoption date: June 15, 2006
Revised: July 1, 2017
Revised: July 1, 2018

Ref: Referendum approved by the voters on May 16, 2017
Ref: Referendum approved by the voters on May 15, 2018

CONDUCT ON SCHOOL BUSES

The Board of Education believes it is crucial for students to behave appropriately while riding on district buses, to ensure their safety, that of other passengers, and the fewest possible distractions for bus drivers.

Some students are eligible for district transportation. While the law requires the district to furnish transportation for such students, it does not relieve parent(s) or guardian(s) of the responsibility for supervision until such time as the student boards the bus in the morning and after the student leaves the bus at the end of the school day. Only after a student boards the bus does he/she become the responsibility of the district. Such responsibility shall end when the student is delivered to the regular bus stop at the close of the school day.

Since the school bus may be regarded as an extension of the classroom, students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated. It is important that those waiting for buses conduct themselves properly in respect to the rights and property of others.

If a student does not conduct himself/herself properly on a bus, such instances shall be brought to the attention of the Superintendent by the bus driver.

Students who become a serious disciplinary problem may have their riding privileges suspended by the Superintendent. In such cases, the parents and/or guardians become responsible for seeing that the students get to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the school district will make appropriate arrangements to provide for the student's education. Any such suspension shall be in accordance with the provisions of the Education Law.

Cross-ref: 5300, Code of Conduct
8410, Student Transportation

Ref: Education Law §3635
Matter of Hale, 30 EDR 26 (1990)
Appeal of McGaw; *Matter of Roach*, 19 EDR 377 (1980)

Adoption date: June 15, 2006

CONDUCT ON SCHOOL BUSES REGULATION

The responsibility for students using school buses rests with the parents and/or guardians until the students actually board the bus for school and after the students gets off the bus on the return trip.

The bus drivers have immediate authority over students at all times while being transported to and from school, under the supervision and with the support of the Building Principals. Drivers shall promptly reporter discipline problems which need the attention of the Principal to the Principal.

Only students who have received “Bus Passes” from their building principal are permitted to ride on school buses.

While the “bus pass list” (alphabetically arranged) will be displayed in each school bus, this list is not a regular substitute for individual bus passes, which should be carried by students while using district transportation. If students present themselves at a bus without a pass, the driver will check the list for eligibility. Students not on the list shall not be permitted to board the bus.

Students who forget or lose their bus passes will not be left at school or their home bus stop, but will be transported as usual and given instruction on how to obtain a new bus pass, which they should do within the next 24 hours. Students who have lost their bus passes must report to their school principal to pay a $1.00 replacement fee for the first occurrence and $5.00 for each subsequent occurrence.

The bus driver is responsible for the conduct of the passengers, who should keep in mind that a bus is like a "classroom on wheels." Students on a bus shall be subject to the same high standards of conduct that prevail in a classroom, except that students are permitted to engage in normal conversation with each other.

Drivers are expected to concentrate on driving and students should not try to engage them in unnecessary conversation. Bus drivers shall refer discipline cases to the appropriate Principal, who may revoke the privilege of bus transportation for misconduct. Suspension form a school bus should be used only as a last resort.

In such cases, a student’s parent and/or guardian will become responsible for seeing that the student gets to and from school safely. A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the parents or guardians will be provided with a reasonable opportunity for an informal conference with the building principal or the principal’s designee to discuss the conduct and the penalty involved. It shall be the responsibility of the student to reapply for renewal of bus privileges.

Specific guides for driver’s performance of duty are found in the driver’s manual available in the transportation office.

Adoption date: June 15, 2006
Revised: January 6, 2011

ALCOHOL AND DRUG TESTING OF BUS DRIVERS

The Board of Education recognizes the dangers inherent in alcohol and controlled substance use by employees especially those in safety-sensitive positions. To ensure the safety of its students and to comply with federal regulations, the Board requires alcohol and controlled substance testing of school bus drivers and other covered employees.

The district shall directly, by contract, or through a consortium, implement and conduct a program to provide alcohol and controlled substance testing of employees who operate a commercial motor vehicle, perform in a safety-sensitive position, and are required to hold a commercial driver's license. Such employees include:

1. drivers of buses designed to transport 16 or more passengers, including the driver;
2. drivers of commercial motor vehicles whose manufacturer's rating is 26,001 lbs. or more; or
3. any other employee who may drive a listed vehicle (e.g. a mechanic who performs test drives).

Controlled substance and alcohol tests will be conducted at the time of employment and randomly throughout the school year. In addition, testing will be conducted when a supervisor has a reasonable suspicion that an employee has engaged in prohibited alcohol or controlled substance use; after certain accidents; prior to return to duty when the employee has been found to violate district policy and federal regulations; and after the employee's return to duty.

In accordance with federal and state law, a bus driver will not be permitted to drive if he or she:

1. possesses, consumes or is reasonably believed to possess or have consumed alcohol or a controlled substance, while on duty;
2. uses or is under the influence of alcohol or a controlled substance within six hours or less before duty;
3. has an alcohol concentration of 0.02 or higher, or tests positive for a controlled substance; or
4. refuses to take a required alcohol or controlled substance test.

Also, no driver shall use alcohol after being involved in an accident in which there was a fatality or in which the bus driver was cited for a moving violation and a vehicle was towed from the scene or an injury was treated away from the scene until he/she has been tested or 8 hours have passed, whichever occurs first.

Any employee who is tested and found to have an alcohol concentration of at least 0.02, but less than 0.04, shall be removed from the position until his or her next regularly scheduled duty period, but not less than 24 hours following administration of the test. Any employee found to have violated this requirement may be disciplined in accordance with the provisions of the applicable collective bargaining agreement, district policy, and/or law.

If a driver has an alcohol concentration of 0.04 or greater, or has engaged in prohibited alcohol or controlled substance use, he or she will be removed from driving duties, and referred to a substance abuse professional. The employee may be required to complete a treatment program and/or be disciplined pursuant to district policy and/or collective bargaining agreement. No driver who has abused controlled substances and/or alcohol may return to duty unless he/she has successfully passed a required return to duty test. Thereafter, the driver will be subject to follow-up testing.

Should the district receive a dilute test result in which the creatinine concentration is greater than 5mg/dL in the case of any pre-employment, return-to-duty, follow-up, reasonable suspicion, or random test, it is the policy of the district that the individual shall be re-tested and that re-test will become the test of record.

The Superintendent of Schools shall ensure that a copy of this policy, the district's policy on misuse of alcohol and use of controlled substances, information on alcohol and drug abuse and treatment resources and any other information prescribed by federal regulations is provided to all school bus drivers and other appropriate personnel prior to the initiation of the testing program and to each driver subsequently hired or transferred to a position subject to testing.

Ref: Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§31136; 31306
49 U.S.C. §521(b)
49 CFR Part 382
49 CFR Part 40
49 CFR §395.20
Vehicle and Traffic Law, §§509-1; 1192; 1193

Adoption date: June 15, 2006

ALCOHOL AND DRUG-TESTING OF BUS DRIVERS REGULATION

Any employee who operates a commercial motor vehicle and is in a safety-sensitive function shall be subject to alcohol and controlled substance testing. An employee having any questions concerning the district's policy or regulation, state law or the federal regulations shall contact the Superintendent of Schools.

Any treatment, rehabilitation program or discipline will be provided in accordance with district policy and/or collective bargaining agreements.

I. Covered Employees

Covered employees include district employees who operate a commercial motor vehicle, perform in a safety-sensitive position, and are required to obtain a commercial driver's license. Such employees include:

1. drivers of buses designed to transport 16 or more passengers, including the driver;
2. drivers of commercial motor vehicles whose manufacturer's rating is 26,001 lbs. or more; or
3. any other employee who may drive a listed vehicle (e.g., a mechanic who performs test drives).

Such employees include, but are not limited to full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed or under lease to an employer or who operate a commercial motor vehicle at the direction or with the consent of the district.

Drivers will be removed from their safety-sensitive functions if they violate the district's policy or federal regulations pertaining to the possession or consumption of alcohol or controlled substances. A driver is performing a safety-sensitive function when:

1. waiting to be dispatched, unless the driver has been relieved from duty;
2. inspecting, servicing or conditioning any commercial motor vehicle;
3. driving a commercial motor vehicle;
4. attending a vehicle being loaded or unloaded;
5. performing the driver requirements of the federal regulations pertaining to accidents; and
6. attending to a disabled vehicle.

Covered employees are required to be in compliance with district policy and regulation:

- when performing any on-duty safety-sensitive functions, including all time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility; and

- during all time spent providing a breath sample, saliva sample or urine specimen and travel time to and from the collection site in order to comply with random, reasonable suspicion, post-accident, return-to-duty or follow-up testing.

II. Prohibitions and Consequences

The Supervisor of Transportation or his/her designee shall prohibit an employee from driving a school bus or performing other safety-sensitive duty if the employee:

1. possesses, consumes or is reasonably believed to possess or have consumed alcohol or a controlled substance, while on duty;
2. has consumed or is under the influence of alcohol or a controlled substance within six hours before duty;
3. has an alcohol concentration of 0.02 or higher, or tests positive for controlled substances; or
4. refuses to take a required alcohol or controlled substance test. Refusal to submit shall mean the failure to provide adequate breath or urine without a valid medical explanation or to engage in conduct that clearly obstructs the testing process, such as a failure to arrive for the drug testing or failure to sign the alcohol testing form prior to specimen collection.

An employee is prohibited from consuming alcohol within eight hours after being involved in an accident, or before undergoing a post-accident test, if such a test is required. Illegal drug use by drivers is prohibited on or off duty.

Any employee who tests 0.02 or greater but less than 0.04 will be removed from driving and other safety-sensitive duties until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

In the event that an employee has a breath alcohol concentration of 0.04 or greater, has tested positive for a controlled substance or has refused to take a test, he or she will, in addition to immediate removal from driving and any other safety-related duties, not be returned to duty until he or she:

1. has been evaluated by a substance abuse professional;
2. has complied with any treatment recommendations; and
3. has received a satisfactory result from a return to duty test.

Upon return to duty, the employee will be subject to follow-up testing.

III. Types of Testing

The Superintendent of Schools and the Director of Transportation shall ensure that the following alcohol and drug tests are implemented and that any employee who is required to take an alcohol or controlled substance test shall be notified prior to the test that it is required pursuant to federal regulations or, in the case of pre-employment alcohol testing, district policy.

1. Pre-employment: Controlled substance and alcohol tests will be conducted before applicants are hired or after an offer to hire, but before actually performing safety-sensitive functions for the first time. These tests will also be given when employees transfer to a safety-sensitive function.
2. Post-accident: Alcohol and controlled substance tests will be conducted if a driver is involved in an accident in which:
   a. there has been a fatality; OR
   b. the driver has received a citation for a moving violation in connection with the accident AND EITHER
      1. there is an injury treated away from the scene of the accident; or
      2. there is a disabled vehicle towed from the scene.
3. Reasonable Suspicion: Alcohol and controlled substance tests will be conducted if the Transportation Supervisor or other school official who has completed the minimum two hours of training has a reasonable suspicion that the driver has violated district policy and regulation. A "reasonable suspicion" must be based on specific, contemporaneous, articulable observations concerning the driver's behavior, appearance, speech or body odors that are characteristic of controlled substance or alcohol misuse. Alcohol tests can only be done just before, during or just after the employee drives a school bus or performs other safety-sensitive duties. The supervisor who makes the determination of reasonable suspicion cannot do the testing.
4. Random Testing: Random alcohol tests shall be conducted annually at a minimum rate of 25 percent of the average number of positions subject to such testing pursuant to federal regulation. Random alcohol tests must be conducted just before, during or just after the employee drives a bus or performs other safety-sensitive duties.

   Random controlled substance tests shall be conducted annually at a minimum rate of 50 percent of the average number of positions subject to such testing pursuant to federal regulation. Random controlled substance tests may be conducted at any time.

   Random alcohol and controlled substance tests must be unannounced and spread reasonably throughout the calendar year.
5. Return-to-Duty Testing: An employee who refused to take a test or has engaged in prohibited alcohol and controlled substance use, except for alcohol concentration of between 0.02 and 0.04, shall be required to take an alcohol or controlled substance test and achieve a satisfactory result before returning to duty in the safety-sensitive position. If removal was due to alcohol use, a satisfactory result will be less than 0.02 alcohol concentration. If removal was due to controlled substance use, a satisfactory result will be one that it is verified as negative. The test will not be administered until the employee has been evaluated by a substance abuse professional and has complied with any treatment recommendations.
6. Follow-Up Testing: After an employee who was found to violate the district's policy against alcohol and controlled substance use returns to duty, he or she will be subject to at least six unannounced tests in the first 12 months following the employee's return to duty. Follow-up testing may be extended for up to 60 months from the date of the employee's return to duty. Follow-up alcohol testing may only be conducted before, during or after the driver has performed his or her driving duties.

IV. Testing Procedures

A. Alcohol Testing Procedures

Alcohol testing will be conducted with evidential breath testing (EBT) devices approved by the National Highway Traffic Safety Administration. An approved non-evidential screening device may be used to perform screening tests but not for confirmation alcohol tests. The employee and the Breath Alcohol Technician conducting the test must complete the alcohol testing form to ensure that the results are properly recorded.

1. Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test.
2. If the alcohol concentration is 0.02 or greater, a second or confirmation test must be conducted. The confirmation test must be conducted using an EBT that prints out the results, date and time, a sequential test number, and the name and serial number of the EBT to ensure the reliability of the results.
3. If the confirmation test results indicate an alcohol concentration from 0.02 to 0.03999, the employee will be restricted from duty for at least 24 hours from the time of the test.
4. If the confirmation test results indicate an alcohol concentration equal to or greater than 0.04, the employee will be removed from all safety-sensitive duties and no return to duty will be permitted until the employee has successfully passed required return-to-duty tests. The employee must also be reviewed by a Substance Abuse Professional and comply with his/her recommendations. Follow-up tests will also be required.
5. For post-accident testing, the results of breath or blood tests conducted by law enforcement officials will be accepted as long as the testing conforms with federal and state requirements for alcohol testing and the results are made available to the district.

All testing procedures will conform to the requirements outlined in federal regulations (49 CFR Part 40) for ensuring the accuracy, reliability and confidentiality of test results. These procedures include training and proficiency requirements for Breath Alcohol Technicians, quality assurance plans for the EBT devices including calibration, requirements for suitable test location, and protection of employee test records.

B. Drug Testing Procedures

The employee must provide a urine specimen which will be analyzed at a laboratory certified and monitored by the U.S. Dept. of Health and Human Services.

1. Regulations require that each urine specimen be divided into one "primary" specimen and one "split" specimen.
2. All urine specimens are analyzed for the following drugs:
    a. Marijuana (THC metabolite)
    b. Cocaine
    c. Amphetamines
    d. Opiates (including heroin)
    e. Phencyclidine (PCP)

3. If the primary specimen confirms the presence of one or more of these drugs, the employee has 72 hours to request that the split specimen be sent to another certified lab for analysis. [Note: The employee must be removed from driving duties at this time--pursuant to federal regulations, the driver's removal cannot await the result of split sample.]
4. If the screening test has a drug-positive result, a confirmation test will then be performed for each identified drug using gas chromatography/mass spectrometry (GC/MS) analysis.
5. All drug test results will be reviewed and interpreted by a physician (also called a Medical Review Officer) before they are reported to the district.
6. If the laboratory reports a positive result to the Medical Review Officer (MRO), the MRO shall interview the employee to determine if there is an alternative medical explanation for the drugs found in the employee's urine specimen. If the employee provides appropriate documentation and the MRO determines that it is legitimate medical use of a prohibited drug, the drug test result is reported as negative.
7. If the MRO reports a positive drug result, the employee must be evaluated by a substance abuse professional and follow his/her recommendations prior to taking a return-to-duty test. Follow-up testing is also required.
8. For post-accident testing, the results of urine tests conducted by law enforcement officials will be accepted as long as the testing conforms with federal and state requirements for controlled substance testing and the results are made available to the district.

All controlled substance testing shall comply with the requirements of the federal regulations (49 CFR Part 40) including procedures for the proper identification, security and custody of the sample, use of certified laboratories, gas chromatography/mass spectrometry analysis testing, assurance that all drug test results are reviewed and interpreted by a physician, and ensuring confidentiality of employee test records.

V. Dilute Specimen Testing

If the district receives a drug test result which is negative but dilute and the creatinine concentration is greater than 5mg/dl, the district shall require a re-test to be conducted in each of the following cases:

- Pre-employment tests
- Return-to-duty tests
- Follow-up tests
- Reasonable suspicion tests
- Random tests

The result of the re-test shall become the test of record. If the employee refuses to take the re-test it will be considered the same as a positive test result.

VI. Training

The Supervisor of Transportation and every other person designated to determine whether reasonable suspicion exists to require an employee to undergo reasonable suspicion

testing must receive at least one hour of training on alcohol misuse and at least one additional hour of training on controlled substance use which they will use in making their determinations.

VII. Recordkeeping and Reporting

The Transportation Supervisor shall ensure that alcohol and drug testing records are maintained and are available, if requested, for submission to the federal government or any State or local officials with regulatory authority over the employer or any of its drivers.

VIII. Required Notification

Every affected employee shall receive information about the signs, symptoms, and effects of alcohol misuse and controlled substance use as well as a copy of the district's policy and procedures, the consequences of testing positive and who to contact within the district to seek further information and/or assistance.

Each covered employee is required to sign a statement certifying that he/she has received this information. The district shall maintain the original signed certification until the employee's employment is discontinued. The district will provide a copy of the certification to the covered employee upon request.

IX. Penalties

Any employer or driver who violates the requirements of the federal regulations of the Omnibus Transportation Employee Testing Act of 1991 may be subject to civil penalties.

In addition, in accordance with New York State law, a bus driver convicted of driving a school bus with one or more student passengers while impaired by the use of drugs or alcohol will have his/her license revoked for one year and is subject to fines ranging from $500 to $5,000 and/or imprisonment. Any bus driver convicted more than once in 10 years for such crimes will have his/her license revoked for three years and is subject to a fine of $1,000 to $5,000 and/or imprisonment.

Adoption date: June 15, 2006

ALCOHOL AND DRUG TESTING PROGRAM

I, _____, have received, read and understand the Alcohol and Drug Testing Program policy and regulation. I consent to submit to the alcohol and drug testing program as required by law and district policy and regulation.

I understand that if I am being required to submit to a pre-employment alcohol test or a dilute specimen re-test, such test is required pursuant to district policy for employment with the district and not pursuant to federal regulations.

I understand that if I violate district policy, regulation or the law, I may be subject to discipline up to and including termination or I may be required to successfully participate in a substance abuse evaluation and, if recommended, a substance abuse treatment program. If I am required to and fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program, I understand I may be subject to discipline up to and including termination.

_____ _____

Signature of Employee Date

Adoption date: June 15, 2006

STUDENT TRANSPORTATION IN PRIVATE VEHICLES

Although strongly discouraged, the Board of Education recognizes that, in special circumstances, district employees may need to use private vehicles for school purposes. In particular, the Building Principal or designee may authorize the transportation of students in private vehicles for the following reasons:

1. to transport a student or students to a hospital or other medical facility, in the event of a medical emergency; and/or
2. to transport a student or students to district-sponsored events when regular district transportation is unavailable.

Prior authorization may not be necessary in the event of an emergency. The district assumes no liability unless the employee has prior authorization for such transportation.

District administrators will exercise caution in authorizing transportation of students in private vehicles, since the district potentially assumes liability for any accident claim which exceeds the driver's automotive liability coverage. Any teacher or parent using a private vehicle to transport students on a regular basis must provide evidence of liability insurance, with the district named as an additional insured, in an amount deemed adequate by the Superintendent of Schools or the School Business Administrator.

Reimbursement to car owners for use of their vehicles for school business shall be made in accordance with policy 6830, Expense Reimbursement.

Cross-ref: 6830, Expense Reimbursement

Ref: Education Law §§3023; 3635

Adoption date: June 15, 2006
Revised: December 1, 2016

FOOD SERVICE MANAGEMENT

The Board of Education recognizes that school cafeterias are a part of the total school program. The Board shall therefore provide adequate facilities, resources and personnel for the provision of food services for all elementary and secondary students in district schools.

Food service management is the responsibility of the Assistant Superintendent of Business and the Food Service Manager. The school food service should be operated in the most economical, efficient and satisfactory method given the student's needs and the district's resources.

Food Pricing

The price for school lunches will be fixed at a level calculated to encourage total participation in the program, and within the financial ability of the majority of parents. Insofar as possible, within these parameters, the food services program shall be self-supporting.

The cost of lunches will be based on the cost of preparing and serving food, cost for components of the meal (not including federally donated commodities or commodities covered by subsidy), cost for replacement of expendable items, plus a charge for depreciation of equipment.

Lunches will be served at reduced or no cost to pupils unable to pay. Authorization for such lunches will be granted following guidelines under current state and federal law.

Ref: Education Law §305(14)(a)

Adoption date: June 15, 2006
Revised: January 6, 2011
Revised: January 16, 2014

SCHOOL FOOD SERVICE PROGRAM

The Board of Education recognizes that the nutrition of School District students is an important factor in their educational progress. The Board of Education therefore shall participate in federally funded school food and milk programs as feasible, and shall provide free or reduced price food and milk services to qualified School District students. All records concerning federally funded school food and milk programs will be maintained in a separate and distinct manner.

The Board of Education has entered into an agreement with the New York State Education Department (SED) to participate in the National School Lunch Program, School Breakfast Program and/or Special Milk Program to receive commodities donated by the Department of Agriculture and to accept responsibility for providing free and reduced price meals to elementary and secondary students in the schools of the School District.

The Superintendent of Schools or his/ her designee will have the responsibility to carry out the rules of the School Lunch and Breakfast Programs.

Notice of the availability of the free and reduced price meal programs will be sent to (a) the homes of students, (b) local media, (c) the local unemployment office and (d) large employers experiencing layoffs in the area from which the School District draws its attendance. Any child who is a member of a family unit whose income is below the federally established scale shall be eligible to receive such services.

To apply for the free or reduced price meal program:

a. Application forms will be available in the main office of each school building and on the district website and can be completed and submitted at any time during the year.
b. Completed forms must be submitted to the Building Principal where the student attends, or the Food Service Supervisor prior to any determination of eligibility.
c. The parent or guardian will be informed of the Food Service Supervisor's determination within one week of receiving a properly completed application.
d. If a school or school district becomes aware that a student who has not submitted a meal application is eligible for free or reduced-free meals, the school or school district shall complete and file an application for the student pursuant to determining eligibility for free and reduced price meals and free milk in schools.
e. The School District's homeless liaison(s) shall coordinate with the nutrition department to make sure that homeless, foster, and migrant students receive free school meals, in accordance with federal law.

Upon written request, the Superintendent of Schools or his/her designee will hear appeals of determinations regarding such services in compliance with federal regulations governing the National School Lunch Program.

In addition, in order to reach students who are categorically eligible for free and reduced price meals and to comply with state law, three times per school year the Food Service Supervisor will review the list made available by the State Education Department of children ages three to 18 who are in households receiving federal food assistance, Medicaid benefits (for

certain recipients), or Temporary Assistance for Needy Families (TANF) to identify students within the School District. The School District will send a notice to those families apprising them of their student's eligibility to participate in the school meal programs without further application. Parents may decline participation by informing the School District in writing. If the service is declined, the student will be removed from the eligibility list.

Free or reduced price meals may be allowed for qualifying students attending School District schools upon receipt of a written application from the student's parent or guardian or a "Direct Certification" letter from the New York State Office of Temporary and Disability Assistance (OTDA). Applications will be provided by the District to all families.

School District officials must also determine eligibility for free or reduced meals and milk by using the Direct Certification Matching Process, a dataset supplied by the Office of Temporary and Disability Assistance, and made available by the SED. Any student receiving federal assistance through Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance to Needy Families (TANF) is automatically eligible for free meals and milk. There is no need for families to complete further applications. The School District will notify parents or guardians of eligibility, giving them the opportunity to decline free meals and milk if they so choose.

Schools will coordinate with the foster, homeless, migrant, runaway coordinators to certify eligible students. School liaisons required for homeless, foster, and migrant students shall coordinate with the nutrition department to make sure such students receive free school meals, in accordance with federal law.

In the event seventy percent (70%) or more of students enrolled in a school of the District are eligible for free or reduced price meals, that school shall offer all students in attendance at the school a school breakfast after the instructional day has begun, in accordance with the law and Commissioner's Regulations. In addition, the school will provide notice to each student's parents or guardians that the school will be offering free school breakfast after the instructional day has begun. The New York State Education Department will annually publish a list of all schools meeting this requirement.

Child Nutrition Program

Since the School District participates in the Child Nutrition Program, the Board approves the establishment of a system to allow a student to charge a meal.

Charging Meals

The School District operates and maintains a point of sale system for the purpose of providing parents/guardians of students enrolled in the School District with the ability to fund school meals. The School District's point of sale system allows for automatic replenishment when a balance reaches a certain amount set by the parent/guardian of the student. The School District will encourage parents/guardians of students in the School District to avail themselves of this option. Funds remaining in a student's school meal account at the end of a school year will be carried over to the next school year. When a student ceases attendance in the School District

and/or graduates from the School District, the School District refunds any funds remaining in the student's account to the parent/guardian. Parents/guardians may request that said remaining funds be transferred to one of their other children who remain enrolled in the School District. Unclaimed funds remaining after ninety (90) days shall be retained in the school meal account.

The Board of Education recognizes that, on occasion, students may forget to bring meal money to school. To ensure that students do not go hungry, but also to promote responsible student behavior and to minimize the fiscal burden on the School District, the Board of Education will allow students who may forget meal money to "charge" the cost of meals to be paid back at a later date subject to the terms in this policy. The School District shall not charge any interest or fees in connection with any meals charged. Nothing in this policy is intended to allow for the unlimited accrual of debt.

Students whose parents or guardians have unpaid school meal fees shall not be shamed or treated differently than a student whose parent or guardian does not have unpaid school meals fees. To that end, the School District shall provide each student with the student's meal of choice for that school day of the reimbursable meal choices, if the student requests one, regardless of unpaid school meal fees. A student's parent or guardian may provide written permission to the School District to withhold a meal in the event of unpaid meal charges in excess of those permitted herein.

As part of its efforts to decrease student distress or embarrassment connected with unpaid meal charges, the School District shall not:

a. publicly identify or stigmatize a student who cannot pay for a meal or who owes a meal debt by any means including, but not limited to, requiring that a student wear a wristband or hand stamp;

b. require a student who cannot pay for a meal or who owes a meal debt to do chores or other work to pay for meals;

c. require that a student throw away a meal after it has been served because of the student's inability to pay for the meal or because money is owed for earlier meals;

d. take any action directed at a pupil to collect unpaid school meal fees. A school or school district may attempt to collect unpaid school meal fees from a parent or guardian, but shall not use a debt collector; or

e. discuss any outstanding meal debt in the presence of other students.

To comply with State guidelines, to maintain a system for accounting for charged meals, regarding both full and reduced-price meals, and to establish a procedure for handling unpaid meal charges, the School District shall:

- allow only regular meals, defined as items on the menu, excluding extras and snacks, to be charged;
- carry all charges not paid before the end of the school year to be carried forward into the next school year;

- provide parents with an opportunity to establish a repayment schedule for outstanding meal charges;
- determine eligibility for free or reduced-price meals when a student owes money for five or more meals. The School District shall:
    - make every attempt to determine if a student is directly certified to be eligible for free meals;
    - make at least two attempts, not including the application or instructions included in a school enrollment packet, to reach the student's parent or guardian and have the parent or guardian fill out a meal application; and
    - contact the parent or guardian to offer assistance with a meal application, determine if there are other issues within the household that have caused the child to have insufficient funds to purchase a school meal and offer any other assistance that is appropriate.
- notify parents on a timely basis of outstanding charges;
- use a computer-generated point of sale system which identifies and records all charged meals, as well as for collecting repayments

Charged meals must be counted and claimed for reimbursement on the day that the student charged (received) the meal, not the day the charge is paid back. When charges are paid, these monies are not to be considered "a la carte" transactions, as a section on the daily cash report or deposit summary reads "charges paid." Students eligible for free meals shall not be denied a reimbursable meal even if they have accrued a negative balance from other cafeteria purchases.

Families may apply for free-reduced price meals at any time during the school year. The School District's administration will discreetly notify parent/guardians of students who regularly have insufficient funds in their school meal accounts of the application process for free and/or reduced price meals. Information concerning the availability of free and reduced price meals will be provided to the parents/guardians of all students enrolled in the School District prior to the start of the school year. Parents/guardians will be advised that the application for free-reduced price meals is available on the School District's website and at all schools in the School District. (Application can be found at http://northshore.k12.ny.us/Menus/food-services/English-and-Spanish-Versions-Free-&-Reduced-%20Lunch-Applications.pdf). If the School District becomes aware that a student who has not submitted a meal application is eligible for free or reduced-fee meals, the school or School District shall complete and file an application for the student pursuant to determining eligibility for free and reduced price meals and free milk in schools. The School District shall provide a free, printed meal application in every school enrollment packet, or if the school or school district chooses to use an electronic meal application, provide in school enrollment packets an explanation of the electronic meal application process and instructions for how parents or guardians may request a paper application at no cost.

Applications are mailed to all families prior to the start of the school year. In addition, applications are available at the School District's Administrative Offices.

The School District shall send a letter home to all parents on an annual basis, prior to the opening day of school, notifying them of the requirements of this policy. The policy shall also be

published in appropriate school and School District publications, as well as on the School District's website.

The School District will provide training to staff concerning the procedures to be utilized in the event a student's unpaid meal charges exceed twenty-five dollars ($25.00) and the manner in which affected parents/guardians will be provided with assistance in establishing eligibility for free or reduced-price meals.

This policy applies to all paying students whether they are paying full-price or reduced-price.

Restriction of Sweetened Foods in School

The sale of sweetened foods will be prohibited from the beginning of the school day until the end of the last scheduled meal period.

Sweetened foods consist of sweetened soda water, chewing gum, candy, including hard candy, jellies, gum, marshmallow candies, fondant, licorice, spun candy, candy coated popcorn, and water ices except those which contain fruit or fruit juices.

Restrictions on Sale of Milk Prohibited

Schools that participate in the National School Lunch Program may not directly or indirectly restrict the sale or marketing of fluid milk products at any time or in any place on school premises or at school sponsored events.

Food Substitutions for Children with Disabilities

Federal regulations governing the operation of Child Nutrition Programs, Part B of the Individuals with Disabilities Education Act, and Section 504 of the Rehabilitation Act of 1973 require that children with disabilities be offered the opportunity to participate in all academic and nonacademic activities including the school nutrition programs. The School District will make reasonable accommodations to those children with disabilities whose disabilities restrict their diets, such as providing substitutions and/or modifications in the regular meal patterns. These meal substitutions for students with disabilities will be offered at no extra charge. A student with a disability must be provided substitutions in food when that need is supported by a statement signed by a physician attesting to the need for the substitutions and recommending alternate foods.

However, the school food service is not required to provide meal services (for example, School Breakfast Program) to students with disabilities when the meal service is not normally available to the general student body, unless a meal service is required under the student's individualized education program (IEP) or Section 504 Accommodation Plan as mandated by a physician's written instructions.

Food Substitutions for Nondisabled Children

Though not required, the School District will also allow substitutions for non-disabled children who are unable to consume the regular meal because of medical or other special dietary needs if the request is supported by a statement signed by a recognized medical authority.

The School District may also allow substitutions for fluid milk with a non-dairy beverage that is nutritionally equivalent (as established by the Secretary of Agriculture) to fluid milk and meets nutritional standards for students who are unable to consume fluid milk because of medical or other special dietary needs if the request is supported by a statement signed by a recognized medical authority or by the student's parent/legal guardian.

Prohibition Against Adults Charging Meals

Adults should pay for their meals at the time of service or set up pre-paid accounts.

HACCP-Based Food Safety Program

Schools participating in the National School Lunch and/or School Breakfast programs are required to implement a food safety program based on Hazard Analysis and Critical Control Point (HACCP) principles. The District must develop a written food safety program for each of its food preparation and service facilities that is based on either traditional HACCP principles or the "Process Approach" to HACCP. (The "Process Approach" simplifies traditional HACCP by grouping foods according to preparation process and applying the same control measures to all menu items within the group, rather than developing an HACCP plan for each item.) Regardless of the implementation option that is selected, the District's written food safety program must also include:

a) Critical control points and critical limits;

b) Monitoring procedures;

c) Corrective actions;

d) Verification procedures;

e) Recordkeeping requirements; and

f) Periodic review and food safety program revision.

Child Nutrition and WIC Reauthorization Act of 2004, PL 108-265
Child Nutrition Act 1966, 42 USC § 1771 et seq.
Richard B. Russell National School Lunch Act 1946, 42 USC § 1751 et seq.
§ 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.
Individuals with Disabilities Education Act (IDEA), 20 USC §§ 1400-1485
7 CFR Parts 15B, 210 and 220
Education Law §§ 902(b), 915, 918, 1604(28), 1709(22), 1709(23) and 2503(9)(a)
8 NYCRR §§ 200.2(b)(1) and 200.2(b)(2)
Social Services Law § 95

Adoption: December 15, 2016
Revised: August 23, 2018

PRIVACY AND SECURITY FOR STUDENT, TEACHER AND PRINCIPAL DATA

1.0 Purpose and Benefits

The Board of Education recognizes its responsibility to enact policies that provide privacy and security for student, teacher and principal data in accordance with law. This is particularly relevant in the context of the administration of student, teacher and principal data, which is collected, surveys that collect personal information, and the disclosure of personal information for marketing purposes and in conducting physical exams.

2.0 Authority and Definitions

As provided in Education Law Section 2-d and/or its implementing regulations, the following terms, as used in this policy, will mean:

a) "Breach" means the unauthorized acquisition, access, use, or disclosure of student data and/or teacher or principal data by or to a person not authorized to acquire, access, use, or receive the student data and/or teacher or principal data.

b) "Building principal" means a building principal subject to annual performance evaluation review under the provisions of Education Law Section 3012-c.

c) "Classroom teacher" means a teacher subject to annual performance evaluation review under the provisions of Education Law Section 3012-c.

d) "Commercial or marketing purpose" means the sale of student data; or its use or disclosure for purposes of receiving remuneration, whether directly or indirectly; the use of student data for advertising purposes, or to develop, improve, or market products or services to students.

e) "Contract or other written agreement" means a binding agreement between an educational agency and a third-party, which includes, but is not limited to, an agreement created in electronic form and signed with an electronic or digital signature or a click-wrap agreement that is used with software licenses, downloaded, and/or online applications and transactions for educational technologies and other technologies in which a user must agree to terms and conditions prior to using the product or service.

f) "Disclose" or "disclosure" means to permit access to, or the release, transfer, or other communication of personally identifiable information by any means, including oral, written, or electronic, whether intended or unintended.

g) "Education records" means an education record as defined in the Family Educational Rights and Privacy Act and its implementing regulations, 20 USC Section 1232g and 34 CFR Part 99, respectively.

h) "Educational agency" means a school district, board of cooperative educational services (BOCES), school, or the New York State Education Department (NYSED).

i) "Eligible student" means a student who is eighteen years or older.

j) "Encryption" means methods of rendering personally identifiable information unusable, unreadable, or indecipherable to unauthorized persons through the use of a technology or methodology specified or permitted by the Secretary of the United States Department of Health and Human Services in guidance issued under 42 USC Section 17932(h)(2).

k) "FERPA" means the Family Educational Rights and Privacy Act and its implementing regulations, 20 USC Section 1232g and 34 CFR Part 99, respectively.

l) "NIST Cybersecurity Framework" means the U.S. Department of Commerce National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1). A copy of the NIST Cybersecurity Framework is available at the Office of Counsel, State Education Department, State Education Building, Room 148, 89 Washington Avenue, Albany, New York 12234.

m) "Parent" means a parent, legal guardian, or person in parental relation to a student.

n) "Personally identifiable information (PII)," as applied to student data, means personally identifiable information as defined in 34 CFR Section 99.3 implementing the Family Educational Rights and Privacy Act, 20 USC Section 1232g, and, as applied to teacher or principal data, means personally identifying information as this term is defined in Education Law Section 3012-c(10).

o) "Release" has the same meaning as disclosure or disclose.

p) "Student" means any person attending or seeking to enroll in an educational agency.

q) "Student data" means personally identifiable information from the student records of an educational agency.

r) "Teacher or principal data" means personally identifiable information from the records of an educational agency relating to the annual professional performance reviews of classroom teachers or principals that is confidential and not subject to release under the provisions of Education Law Sections 3012-c and 3012-d.

s) "Third-party contractor" means any person or entity, other than an educational agency, that receives student data or teacher or principal data from an educational agency pursuant to a contract or other written agreement for purposes of providing services to the educational agency, including but not limited to data management or storage services, conducting studies for or on

behalf of the educational agency, or audit or evaluation of publicly funded programs. This term will include an educational partnership organization that receives student and/or teacher or principal data from a school district to carry out its responsibilities pursuant to Education Law Section 211-e and is not an educational agency, and a not-for-profit corporation or other nonprofit organization, other than an educational agency.

t) "Unauthorized disclosure" or "unauthorized release" means any disclosure or release not permitted by federal or state statute or regulation, any lawful contract or written agreement, or that does not respond to a lawful order of a court or tribunal or other lawful order.

3.0 Information Statement

District Data Privacy and Security Standards

The North Shore Central School District will use the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1) (Framework) as the standard for its data privacy and security program. The Framework is a risk-based approach to managing cybersecurity risk and is composed of three parts: The Framework Core, the Framework Implementation Tiers, and the Framework Profiles. The Framework provides a common taxonomy and mechanism for organizations to:

a) Describe their current cybersecurity posture;

b) Describe their target state for cybersecurity;

c) Identify and prioritize opportunities for improvement within the context of a continuous and repeatable process;

d) Assess progress toward the target state; and

e) Communicate among internal and external stakeholders about cybersecurity risk.

The District will protect the privacy of PII by:

a) Ensuring that every use and disclosure of PII by the District benefits students and the District by considering, among other criteria, whether the use and/or disclosure will:

1. Improve academic achievement;
2. Empower parents and students with information; and/or
3. Advance efficient and effective school operations.

b) Not including PII in public reports or other public documents.

The District affords all protections under FERPA and the Individuals with Disabilities Education Act (IDEA) and their implementing regulations to parents or eligible students, where applicable.

Data Protection Officer

The District has designated a District employee to serve as the District's Data Protection Officer.

The Data Protection Officer is responsible for the implementation and oversight of this policy and any related procedures including those required by Education Law Section 2-d and its implementing regulations, as well as serving as the main point of contact for data privacy and security for the District.

The District will provide training to the Data Protection Officer to administer these functions. The Data Protection Officer may perform these functions in addition to other job responsibilities.

Data Collection Transparency and Restrictions

As part of its commitment to maintaining the privacy and security of student data and teacher and principal data, the District will take steps to minimize its collection, processing, and transmission of PII. Additionally, the District will:

a) Not sell PII nor use or disclose it for any marketing or commercial purpose or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so.

b) Ensure that it has provisions in its contracts with third-party contractors or in separate data sharing and confidentiality agreements that require the confidentiality of shared student data or teacher or principal data be maintained in accordance with law and District policy.

Except as required by law or in the case of educational enrollment data, the District will not report to NYSED the following student data elements:

a) Juvenile delinquency records;

b) Criminal records;

c) Medical and health records; and

d) Student biometric information.

Nothing in Education Law Section 2-d or this policy should be construed as limiting the administrative use of student data or teacher or principal data by a person acting exclusively in the person's capacity as an employee of the District.

Privacy and Security of Student Data

The Board of Education is committed to protecting the privacy and security of each and every student's data. In accordance with law, the following shall govern parental rights concerning their child's data:

a) A student's personally identifiable information cannot be sold or released for any commercial purposes.

b) Parents/guardians have the right to inspect and review the complete contents of their child's education record.

c) The confidentiality of a student's personally identifiable information is protected by existing state and federal laws, and safeguards such as encryption, firewalls, and password protection, must be in place when data is stored or transferred. Third party contractors are required to employ technology, safeguards and practices that align with the National Institute of Standards and Technology Cybersecurity Framework.

d) A complete list of all student data elements collected by the State Education Department is available for public review at: http://www.nysed.gov/data-privacy-security/student-data-inventory, or by writing to the Office of Information & Reporting Services, New York State Education Department, Room 863 EBA, 89 Washington Avenue, Albany, NY 12234.

e) Parents have the right to file complaints about possible breaches of student data. Parents may submit a complaint regarding a potential breach by the District to the District Protection Officer at 450 Glen Cove Avenue, Glen Head NY 11545. The District shall promptly acknowledge any complaints received and commence an investigation into the complaint, while taking the necessary precautions to protect personally identifiable information. The District shall provide a response detailing its findings from the investigation no more than sixty (60) days after receipt of the complaint. Complaints pertaining to the State Education Department or one of its third-party vendors should be directed in writing to the Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, NY 12234, or email to privacy@nysed.gov.

f) In the event of a data breach or unauthorized disclosure of students' personally identifiable information, third party contractors are required by law to notify the District within seven (7) days of discovery of the breach or unauthorized disclosure.

g) If the District enters into a contract with a third party in which student, teacher, or principal data is shared with a third party, the District will require the third party to provide evidence that it has adopted a data and security plan in accordance with Education Law, section 2-d and will post as supplemental information be appended to the Parents' Bill of Rights the following information:

1. the exclusive purposes for which the student data will be used;

2. how the third party will ensure that subcontractors, persons or entities that the third party will share the student data with, if any, will abide by data protection and security requirements;

3. that student data will be returned or destroyed upon expiration of the Agreement;

4. if and how a parent, student, or eligible student may challenge the accuracy of the student data that is collected; and

5. where the student data will be stored (described in such a manner as to protect data security), and the security protections taken to ensure such data will be protected, including whether such data will be encrypted.

h) Parents may access the State Education Department's Parents' Bill of Rights at: http://www.nysed.gov/data-privacy-security/bill-rights-data-privacy-and-security-parents-bill-rights.

i) The District will post a Parents' Bill of Rights in accordance with the requirements of Education Law.

j) The District will designate a Data Protection Officer on an annual basis who shall be responsible for the implementation of policies and procedures required by law and to serve as the point of contact for data security and privacy for the District.

The District will publish on its website the supplement to the Bill of Rights (i.e., the supplemental information described above) for any contract or other written agreement it has entered into with a third-party contractor that will receive PII from the District. The Bill of Rights and supplemental information may be redacted to the extent necessary to safeguard the privacy and/or security of the District's data and/or technology infrastructure.

The District will maintain a record of all complaints of breaches or unauthorized releases of student data and their disposition in accordance with applicable data retention policies, including the Records Retention and Disposition Schedule LGS-1.

Third-Party Contractors

The District will ensure that whenever it enters into a contract or other written agreement with a third-party contractor under which the third-party contractor will receive student data or teacher or principal data from the District, the contract or written agreement will include provisions requiring that confidentiality of shared student data or teacher or principal data be maintained in accordance with law and District policy.

In addition, the District will ensure that the contract or written agreement includes the third-party contractor's data privacy and security plan that has been accepted by the District.

Surveys

The Board of Education recognizes that student surveys are a valuable tool in determining student needs for educational services. In accordance with law and Board policy, parental consent is required for minors to take part in surveys which gather any of the following information:
a) political affiliations or beliefs of the student or the student's parent/guardian;
b) mental or psychological problems of the student or the student's family;
c) sex behavior or attitudes;
d) illegal, anti-social, self-incriminating or demeaning behavior;
e) critical appraisals of other individuals with whom respondents have close family relationships;
f) legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
g) religious practices, affiliations or beliefs of the student or the student's parent/guardian; or
h) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

In the event that the School District plans to survey students to gather information included in the list above, the School District will obtain written consent from the parent/guardian in advance of administering the survey. The notification/consent form will also apprise the parent/guardian of their right to inspect the survey prior to their child's participation.

Marketing

It is the policy of the Board of Education not to collect, disclose, or use personal information gathered from students for the purpose of marketing or selling that information or providing it to others for that purpose. "Personal Information" is defined as: "individually identifiable information concerning the student, including a student's or parent's first and last name, home address, telephone numbers and/or social security number." This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to students or educational institutions such as:
a) College or other postsecondary education recruitment, or military recruitment;
b) Book clubs, magazines and programs providing access to low-cost literary products;
c) Curriculum and instructional materials used in schools;
d) Tests and assessments used to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information for students or to generate other statistically useful data for the purpose of securing such tests and assessments, and the subsequent analysis and public release of the aggregate data from such tests and assessments;
e) Student recognition programs; and
f) The sale by students of products or services to raise funds for school-related activities.

In the event that such data is collected by the District, disclosure or use of student personal information will be protected by the District pursuant to the requirements of FERPA.

Inspection of Instructional Material

Parents/guardians shall have the right to inspect, upon request, any instructional material, used as part of the educational curriculum for students. "Instructional material" is defined as: "instructional content that is provided to a student, regardless of format including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). It does not include tests or academic assessments."

A parent/guardian who wishes to inspect and review such instructional material shall submit a request in writing to the Building Principal. Upon receipt of such request, arrangements shall be made to provide access to such material to within thirty (30) calendar days after the request has been received.

Invasive Physical Examinations

Prior to the administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, which examination is administered by the School District and is not necessary to protect the immediate health or safety of the student or other students and not otherwise permitted or required by state law, a student's parent/guardian will be notified and given an opportunity to opt their child out of the exam. Hearing, vision and scoliosis screenings are not subject to prior notification. The term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injecting into the body, but does not include a hearing, vision or scoliosis screening.

Notification of Rights

Parents/guardians and eligible students shall be notified of this policy at least annually, at the beginning of the school year and when enrolling students for the first time in the School District's schools. In the annual notification, the School District shall notify the parents/guardians and eligible students of the specific or approximate dates during the school year when the activities involving collection, disclosure or use of personal information collected from students for the purpose of marketing or selling the information, administration of any surveys, and any non-emergency, invasive physical exams or screenings, are scheduled or expected to be scheduled.

The annual notification shall also inform parents/guardians and eligible students that, upon request, the School District will disclose the name, address and telephone number of high school students to military recruiters and institutions of higher learning unless the parents/guardians or eligible students exercise their right to prohibit the release of the information without prior written consent. The School District shall also notify parents/guardians and eligible students within a reasonable period of time after any substantive change to this policy.

Notification of Breach or Unauthorized Release

The District will notify affected parents, eligible students, teachers and/or principals of a breach or unauthorized release of information as set forth in Policy 8635 and Regulations 8635-R, Information Security Breach and Notification.

Cross-ref:

8635, Information Security Breach and Notification

Ref:

20 USC §1232h (No Child Left Behind Act)
34 CFR Part 98
Education Law, section 2-d
Education Law §903

Adopted: April 15, 2021

COMPUTER RESOURCES AND DATA MANAGEMENT

The Board of Education recognizes that computers are a powerful and valuable education and research tool and as such are an important part of the instructional program. In addition, the district depends upon computers as an integral part of administering and managing the schools' resources, including the compilation of data and recordkeeping for personnel, students, finances, supplies and materials. This policy outlines the Board's expectations in regard to these different aspects of the district's computer resources.

General Provisions

The Superintendent shall be responsible for designating a Director of Technology who will oversee the use of district computer resources. The Director of Technology will prepare in-service programs for the training and development of district staff in computer skills, appropriate use of computers and for the incorporation of computer use in subject areas.

The Superintendent, working in conjunction with the designated purchasing agent for the district, and the appropriate Assistant Superintendent, will be responsible for the purchase and distribution of computer software and hardware throughout the schools. They shall prepare and submit for the Board's approval a comprehensive multi-year technology plan which shall be revised as necessary to reflect changing technology and/or district needs.

The Superintendent, working with the Director of Technology shall establish regulations governing the use and security of the district's computer resources (computer resources include all devices that process data, including but not limited to, laptops, fax machines, copiers, scanners, tablets, and phones). The security and integrity of the district computer network and data is a serious concern to the Board and the district will make every reasonable effort to maintain the security of the system. All users of the district's computer resources shall comply with this policy and regulation, as well as the district's policy 4526, Computer Use in Instruction. Failure to comply may result in disciplinary action, as well as suspension and/or revocation of computer access privileges.

All users of the district's computer resources must understand that use is a privilege, not a right, and that use entails responsibility. Users of the district's computer network must not expect, nor does the district guarantee, privacy for electronic mail (e-mail) or any use of the district's computer network. The district reserves the right to access and view any material stored on district equipment or any material used in conjunction with the district's computer network.

Management of Computer Records

The Board recognizes that since district data is managed by computer, it is critical to exercise appropriate control over computer records, including financial, personnel and student information. The Superintendent, working with the Director of Technology and the district's business official, shall establish procedures governing management of computer records taking into account whether the records are stored onsite on district servers or on remote servers in the "cloud". The procedures will address:

- passwords
- system administration
- separation of duties
- remote access
- encryption
- user access and permissions appropriate to job titles and duties
- disposal of computer equipment and resources (including deleting district data or destroying the equipment)
- inventory of computer resources (including hardware and software)
- data back-up (including archiving of e-mail)
- record retention
- disaster recovery plans and notification plans

If the district contracts with a third-party vendor for computing services, the Superintendent, in consultation with the Director of Technology, Business Official, and School Attorney**,** will ensure that all agreements address the procedures listed above, as applicable.

Review and Dissemination

Since computer technology is a rapidly changing area, it is important that this policy be reviewed periodically by the Board and the district's internal and external auditors. The regulation governing appropriate computer use will be distributed annually to staff and students and will be included in both employee and student handbooks.

Cross-ref: 1120, School District Records
4526, Computer Use for Instruction
4526.1, Internet Safety
5500, Student Records
6600, Fiscal Accounting and Reporting
6700, Purchasing
6900, Disposal of District Property
8635, Information Security Breach and Notification

Adoption date: February 4, 2021

COMPUTER RESOURCES AND DATA MANAGEMENT REGULATION

The following rules and regulations govern the use of the district's computer network system, employee access to the Internet, and management of computerized records.

I. Administration

- The Superintendent of Schools shall designate a computer network coordinator to oversee the district's computer network.
- The computer network coordinator shall monitor and examine all network activities, as appropriate, to ensure proper use of the system. The computer network coordinator shall work with the Director of Technology to maintain an updated inventory of all computer hardware and software resources.
- The computer network coordinator shall develop and implement procedures for data back-up and storage. These procedures will facilitate the disaster recovery and notification plan and will comply with the requirements for records retention in compliance with the district's policy on School District Records (1120) taking into account the use of onsite storage or storage in the cloud.
- The computer network coordinator shall be responsible for disseminating and interpreting district policy and regulations governing use of the district's network at the building level with all network users.
- The computer network coordinator shall provide employee training for proper use of the network and will ensure that staff supervising students using the district's network provide similar training to their students, including providing copies of district policy and regulations (including policy 4526, Computer Use in Instruction) governing use of the district's network.
- The computer network coordinator shall take reasonable steps to protect the network from viruses, other software, and network security risks that would compromise the network or district information.
- All student and employee agreements to abide by district policy and regulations and parental consent forms shall be kept on file in the district office.
- Consistent with applicable internal controls, the Superintendent in conjunction with the school business official and the computer network coordinator, will ensure the proper segregation of duties in assigning responsibilities for computer resources and data management.

II. Internet Access

Student Internet access is addressed in policy and regulation 4526, Computer Use in Instruction. District employees and third-party users are governed by the following regulations:

- Employees will be issued an e-mail account through the district's computer network.
- Employees are expected to review their e-mail daily.

- Communications with parents and/or students should be saved as appropriate and the district will archive the e-mail records according to procedures developed by the computer network coordinator.
- Employees may access the internet for education-related and/or work-related activities.
- Employees shall refrain from using computer resources for personal use.
- Employees are advised that they must not have an expectation of privacy in the use of the district's computers.
- Use of computer resources in ways that violate the acceptable use and conduct regulation, outlined below, will be subject to discipline.

III. Acceptable Use and Conduct

The following regulations apply to all staff and third-party users of the district's computer system:

- Access to the district's computer network is provided solely for educational and/or research purposes and management of district operations consistent with the district's mission and goals.
- Use of the district's computer network is a privilege, not a right. Inappropriate use may result in the suspension or revocation of that privilege.
- Each individual in whose name an access account is issued is responsible at all times for its proper use.
- All network users will be issued a login name and password. Passwords must be changed periodically and must be of sufficient complexity as determined by the district.
- Only those network users with permission from the principal or computer network coordinator may access the district's system from off-site (e.g., from home).
- All network users are expected to take reasonable precaution to secure district information stored on devices they use, including maintaining responsible custody over computer resources, ensuring no unauthorized use of district devices, and exercising prudent judgment when browsing the internet and opening email.
- All network users are expected to abide by the generally accepted rules of network etiquette. This includes being polite and using only appropriate language. Abusive language, vulgarities and swear words are all inappropriate.
- Network users identifying a security problem on the district's network must notify appropriate staff. Any network user identified as a security risk or having a history of violations of district computer use guidelines may be denied access to the district's network.

IV. Prohibited Activity and Uses

The following is a list of prohibited activity for all staff and third-party users concerning use of the district's computer network. Any violation of these prohibitions may result in discipline or other appropriate penalty, including suspension or revocation of a user's access to the network.

- Using the network for commercial activity, including advertising.
- Infringing on any copyrights or other intellectual property rights, including copying, installing, receiving, transmitting or making available any copyrighted software on the district computer network.
- Using the network to receive, transmit or make available to others obscene, offensive, or sexually explicit material.
- Using the network to receive, transmit or make available to others, messages that are racist, sexist, abusive or harassing to others.
- Use of another's account or password.
- Attempting to read, delete, copy or modify the electronic mail (e-mail) of other system users.
- Forging or attempting to forge e-mail messages.
- Engaging in vandalism. Vandalism is defined as any malicious attempt to harm or destroy district equipment or materials, data of another user of the district's network or of any of the entities or other networks that are connected to the Internet. This includes, but is not limited to, creating and/or placing a computer virus, malware on the network, and not reporting security risks as appropriate.
- Using the network to send anonymous messages or files.
- Revealing the personal address, telephone number or other personal information of another person without permission.
- Using the network for sending and/or receiving personal messages.
- Intentionally disrupting network traffic or crashing the network and connected systems.
- Installing personal software, using personal disks, or downloading files on the district's computers and/or network without the permission of the appropriate district official or employee.
- Using district computing resources for fraudulent purposes or financial gain.
- Stealing data, equipment or intellectual property.
- Gaining or seeking to gain unauthorized access to any files, resources, or computer or phone systems, or vandalize the data of another user.
- Wastefully using finite district resources.
- Changing or exceeding resource quotas as set by the district without the permission of the appropriate district official or employee.
- Using the network while your access privileges are suspended or revoked.
- Using the network in a fashion inconsistent with directions from teachers and other staff and generally accepted network etiquette.
- Exhibiting careless behavior with regard to information security (e.g., sharing or displaying passwords, leaving computer equipment unsecured or unattended, etc.).

V. No Privacy Guarantee

Users of the district's computer network should not expect, nor does the district guarantee, privacy for electronic mail (e-mail) or any use of the district's computer network. The district reserves the right to access and view any material stored on district equipment or any material used in conjunction with the district's computer network.

VI. Sanctions

All users of the district's computer network and equipment are required to comply with the district's policy and regulations governing the district's computer network. Failure to comply with the policy or regulation may result in disciplinary action as well as suspension and/or revocation of computer access privileges.

Any information pertaining to or implicating illegal activity will be reported to the proper authorities. Transmission of any material in violation of any federal, state and/or local law or regulation is prohibited. This includes, but is not limited to materials protected by copyright, threatening or obscene material or material protected by trade secret. Users must respect all intellectual and property rights and laws.

VII. District Responsibilities

The district makes no warranties of any kind, either expressed or implied, for the access being provided. Further, the district assumes no responsibility for the quality, availability, accuracy, nature or reliability of the service and/or information provided. Users of the district's computer network and the Internet use information at their own risk. Each user is responsible for verifying the integrity and authenticity of the information.

The district will not be responsible for any damages suffered by any user, including, but not limited to, loss of data resulting from delays, non-deliveries, missed deliveries, or service interruptions caused by the user's own negligence or any other errors or omissions. The district also will not be responsible for unauthorized financial obligations resulting from the use of or access to the district's computer network or the Internet.

The district will take reasonable steps to protect the information on the network and provide a secure network for data storage and use, including ensuring that contracts with vendors address data security issues and that district officials provide appropriate oversight. Disposal of district computer resources shall ensure the complete removal of district information, or the secure destruction of the resource. Even though the district may use technical and/or manual means to regulate access and information, these methods do not provide a foolproof means of enforcing the provisions of the district policy and regulation.

Adoption date: February 4, 2021

INFORMATION SECURITY BREACH AND NOTIFICATION

The Board of Education acknowledges the State's concern regarding the rise in identity theft and the need for prompt notification when security breaches occur. To this end, the Board directs the Superintendent of Schools, in accordance with appropriate business and technology personnel, to establish regulations which:

- Identify and/or define the types of private information that is to be kept secure. For purposes of this policy, "private information" does not include information that can lawfully be made available to the general public pursuant to federal or state law or regulation;

- Include procedures to identify any breaches of security that result in the release of private information; and

- Include procedures to notify persons affected by the security breach as required by law.

Any breach of the district's computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the district shall be promptly reported to the Superintendent and the Board of Education.

Ref: State Technology Law §208

Adoption date: June 15, 2006

INFORMATION SECURITY BREACH AND NOTIFICATION REGULATION

Definitions

"Private information" shall mean personal information (i.e., information such as name, number, symbol, mark or other identifier which can be used to identify a person) in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

- Social security number;
- Driver's license number or non-driver identification card number or;
- Account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account.

Note: "Private information" does not include publicly available information that is lawfully made available to the general public pursuant to state or federal law or regulation.

"Breach of the security of the system" shall mean unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the district. Good faith acquisition of personal information by an officer or employee or agent of the district for the purposes of the district is not a breach of the security of the system, provided that the private information is not used or subject to unauthorized disclosure.

Procedure for Identifying Security Breaches

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or a person without valid authorization, the district shall consider:

1. indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer, or other device containing information;
2. indications that the information has been downloaded or copied;
3. indications that the information was used by an unauthorized person, such as fraudulent accounts, opened or instances of identity theft reported; and/or
4. any other factors which the district shall deem appropriate and relevant to such determination.

Security Breaches – Procedures and Methods for Notification

Once it has been determined that a security breach has occurred, the following steps shall be taken:

1. If the breach involved computerized data *owned or licensed* by the district, the district shall notify those New York State residents whose private information was, or is reasonably believed to have been acquired by a person without valid authorization. The disclosure to affected individuals shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, or any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the system.

   The district shall consult with the New York State Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) to determine the scope of the breach and restoration measures.
2. If the breach involved computer data *maintained* by the district, the district shall notify the owner or licensee of the information of the breach immediately following discovery, if the private information was or is reasonably believed to have been acquired by a person without valid authorization.

Note: The notification requirement may be delayed if a law enforcement agency determines that such notification impedes a criminal investigation. The required notification shall be made after the law enforcement agency determines that such notification does not compromise the investigation.

The required notice shall include (a) district contact information, (b) a description of the categories of information that were or are reasonably believed to have been acquired without authorization and (c) which specific elements of personal or private information were or are reasonably believed to have been acquired. This notice shall be directly provided to the affected individuals by either:

1. Written notice
2. Electronic notice, provided that the person to whom notice is required has expressly consented to receiving the notice in electronic form; and that the district keeps a log of each such electronic notification. In no case, however, shall the district require a person to consent to accepting such notice in electronic form as a condition of establishing a business relationship or engaging in any transaction.
3. Telephone notification, provided that the district keeps a log of each such telephone notification.

However, if the district can demonstrate to the State Attorney General that (a) the cost of providing notice would exceed $250,000; or (b) that the number of persons to be notified exceeds 500,000; or (c) that the district does not have sufficient contact information, substitute notice may be provided. Substitute notice would consist of all of the following steps:

1. E-mail notice when the district has such address for the affected individual;
2. Conspicuous posting on the district's website, if they maintain one; and
3. Notification to major media

Notification of State and Other Agencies

Once notice has been made to affected New York State residents, the district shall notify the State Attorney General, the Consumer Protection Board, and the State Office of Cyber Security and Critical Infrastructure Coordination as to the timing, content, and distribution of the notices and approximate number of affected persons.

If more than 5,000 New York State residents are to be notified at one time, the district shall also notify consumer reporting agencies as to the timing, content and distribution of the notices and the approximate number of affected individuals. A list of consumer reporting agencies will be furnished, upon request, by the Office of the State Attorney General.

Adoption date: June 15, 2006

INSURANCE

The district will maintain a comprehensive insurance program in accordance with the law. The Board shall purchase with district funds the type and amount of insurance necessary to protect the Board as a corporate body, its individual members, its appointed officers, and its employees from financial loss arising out of any claim, demand, suit or judgment by reason of alleged negligence or other act resulting in accidental injury to any person or in property damage within or without the school buildings while the above-named insured are acting in the discharge of their duties within the scope of their employment, or by direction of the Board. Similarly, the Board shall carry insurance to protect the District's real and personal property against loss or damage and shall provide liability coverage for accidents or injuries to students or others upon school premises. Such insurance shall be against accidents occurring in school; on school grounds; during physical education classes; during intramural and interscholastic sports activities; while students are being transported between home and school in a school bus; and during school sponsored trips.

The Superintendent shall review the District's insurance program annually and make recommendations to the Board if more suitable coverage is required.

Ref: Education Law §§1709(8)(8-a)(8-b); 3023; 3028; 3811
General Municipal Law §§6-n; 50-c and 50-e
Lynd v. Heffernan, 286 AD 597 (3d Dept. 1955)
Surdell v. City of Oswego, 91 Misc.2d 1041 (1977)

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Revised: December 15, 2016