

MOUNT SINAI UNION FREE SCHOOL DISTRICT
POLICY HANDBOOK

TABLE OF CONTENTS

POLICY	PAGE/s
<i>Foundation & Basic Commitments</i>	1
Mount Sinai School District	1
<i>Board Governance & Operations</i>	
Policy Drafting	1
Policy Adoption	1
Policy Dissemination	1
Policy Review	1
Code of Ethics/Conflict of Interest	2
Members	3
Duties of the Board President	3
Duties of the Vice-President	4
Meetings	4
Notification of Meetings	4
Agenda	4
Quorum	4
Minutes	4
Public Participation in Board Meetings	5
Executive Session	5
Memberships	5
School Board Members - Conferences, Conventions, Workshops	5
Advisory Committees	5
Board Committees	6
Audit Committee Charter	6
<i>Fiscal Management</i>	
Preparation of Budget Document	8
Financial Reports	8
Monies in School Building	9
Petty Cash	9

Transfer of Funds Between Categories	9
Employee Bonds	10
Professional Appraisal	10
Sale and Disposal of Obsolete Personal Property	10
Inventories	10
Internal Claims Auditor	10
Reimbursement for Expenses Regarding Conferences, Conventions, Workshops, Meetings	11
Fixed Asset	12
Credit Card Use	14
Technology Use – Cell Phone, Internet Access for Employees, and the like	15
Vehicle Use	17
Non-Resident Tuition	17
Investments	19
Procurements of Goods and Services Enacted in Accordance with General Municipal Laws	22
Extra-classroom Activity Funds	29
Fund Balance Policy	36
<i>Students/Instruction</i>	
Bus Safety	37
Field Trips and Excursions	38
Bus Suspension	39
AIDS	40
Individual Competitor Sport	43
Code of Conduct	43
Introduction	43
Definitions	43
Student Rights and Responsibilities	47
Essential Partners	47
Student Dress Code	49
Prohibited Student Conduct	52
Reporting Violations	53
Disciplinary Penalties	54
Referrals and Remedies	61

Alternative Instruction	62
Discipline of Students with Disabilities	62
Corporal Punishment	66
Student Searches and Interviews	66
Visitors to the Schools	68
Public Conduct on School Property	69
Dissemination and Review	70
Early Graduation	72
Grade Weighting, Class Rank and Valedictorian Determination	72
Interscholastic Athletic Participation for Physical Education Credit	72
Preschool Special Education	73
Conditional and Emergency Conditional Appointments	73
Limited English Proficiency Instruction	73
Sexual Harassment	74
Sexual Harassment Form	80
Public's Right to Know	83
Public Relations Goals and Objectives	83
Freedom of Information	83
Family Rights and Privacy Act (FERPA)	84
News Media Relations	93
Public Hearings	93
Public Complaints	94
Public Complaints about Curricula or Instructional Material	94
Visitors to the School	95
Community Use of School Facilities	95
Use of Unlicensed Motorized Vehicles on School Property	96
Public Gifts to Schools	96
School-Based Organizations	96
Comprehensive Attendance Policy	97
IEP Distribution Policy	104
Protection of Pupil Rights Policy (PPRP)	104
Selection/Classification for Athletic Participation	105
Wellness Policy	106

Breach of Security	107
Computer Operations Policy	107
Education of Special Education Student	108
Medicaid Confidential Disclosure Policy	113
Dignity for All Students Act	115
Dignity for All Students Act-Cyberbullying	116
Student Abuse of social Media/Cyberbullying, Harassment and Bullying Prevention and Intervention	117
Suicide Prevention Policy	121
Meal Payment and Charge Policy	125
Gender Neutral Bathroom Facilities	127
Federal Uniform Grant Guidance Policy (Formally known as - Procurement: Uniform Grant Guidance for Federal Awards	128
Board Meeting Participation by Students Policy	128
Title IX and Sex Discrimination Policy	129
Internet Protection Policy	144
Use of Emergency Interventions Policy	145

MOUNT SINAI SCHOOL DISTRICT

The board understands its role as the policy-making body responsible for the governance of the Mount Sinai School District. The documents contained in this policy manual reflect the will of the duly elected Board of Education. The board, the employees of the School District, and the students it serves, as well as those persons in the buildings or on the grounds of the School District are all governed by the policies set forth in this policy manual. It shall be the policy of the Board of Education to establish goals for the District biennially and to review the progress toward those goals annually.

POLICY DRAFTING

Adoption of new policies, or changing existing policies, is the responsibility of the Board of Education and Superintendent.

Proposals for new policies, or changes to existing policies, may be initiated in writing by any Board Member or by any committee of the board.

POLICY ADOPTION

Policies introduced and recommended to the board shall not be adopted until a subsequent meeting. Thus, time shall be given to permit further study and also to give an opportunity to interested working parties to react. However, temporary approval may be granted by the board in lieu of formal policy to meet emergency conditions or special events, which will take place before formal action can be taken.

POLICY DISSEMINATION

The superintendent is directed to establish and maintain an orderly plan for preserving and making accessible the policies adopted by the board and the administrative rules and regulations needed to put them into effect.

Accessibility is to extend at least to all employees of the School District, to members of the board and to all persons in the community.

POLICY REVIEW

The board should follow through on the policies it has formulated. It shall evaluate how the policies have been executed by the school staff and shall weigh the results. The board shall rely on the school staff, students and the community for providing evidence of the effect of the policies, which it has adopted.

The board shall strive to keep its policies up-to-date. To achieve this end, it shall direct the superintendent to call to its attention policies that are in need of revision. The superintendent shall be given authority to call in policy manuals as necessary for updating.

SCHOOL DISTRICT OFFICER and EMPLOYEE CODE OF ETHICS/CONFLICT OF INTEREST

The Board of Education is committed to avoiding any situation in which the existence of conflicting interests of any officer or employee may call into question the integrity of the management or operation of the school district. The Board recognizes that sound, ethical standards of conduct serve to increase the effectiveness of district officers and staff as educators and public employees in the community. Adherence to a code of ethics promotes public confidence in the district and furthers the attainment of district goals.

The Board also recognizes its obligation to adopt a code of ethics setting forth the standards of conduct required of all district officers and employees under the provisions of the General Municipal Law. Therefore, every officer and employee of the district, whether paid or unpaid, shall adhere to the following code of conduct:

Gifts: An officer or employee shall not directly or indirectly solicit any gift or accept or receive any gift having a value of \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her in the performance of his or her official duties or was intended as a reward for any official action on his or her part.

However, the Board welcomes and encourages the writing of letters or notes expressing gratitude or appreciation to staff members. Gifts from children that are principally sentimental in nature and of insignificant financial value may be accepted in the spirit in which they are given.

Confidential Information: An officer or employee shall not disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his or her personal interest. An officer or employee shall not discuss confidential information outside of his/her official duties or forum.

Representation before the Board or District: An officer or employee shall not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before the school district.

Disclosure of Interest in Matters Before the Board: A member of the Board of Education and any officer or employee of the District, whether paid or unpaid, must publicly disclose the nature and extent of any interest they or their spouse have, will have or later acquire in any actual or proposed contract, purchase agreement, lease agreement or other agreement involving the school district (including oral agreements), to the governing body and his/her immediate supervisor (where applicable) even if it is not a prohibited interest under applicable law. Such disclosure must be in writing and made part of the official record of the school district. Disclosure is not required in the case of an interest that is exempted under Section 803(2) of the General Municipal Law. The term "interest" means a pecuniary or material benefit accruing to an officer or employee. Exceptions to the conflict of interest law can be found in Section 802 of the General Municipal Law.

Investments in Conflict with Official Duties: An officer or employee shall not invest or hold any investment directly in any financial, business, commercial or other private transaction that creates a conflict with his or her official duties.

Private Employment: Professional staff (SED certified) may accept and provide private paid employment from a parent or other source for professional services (tutoring, therapy, etc.) for students who are not part of their active caseload (regular class or related services) during a particular school year provided that:

- a) the building principal is advised of such proposed employment and its circumstances and finds no conflict of interest
- b) availability for such employment shall not in any way be advertised on school property to students and/or parents either verbally or through written flyers
- c) private employment services are not provided on school property

Future Employment: an officer or employee shall not, after the termination of service or employment with the district, appear before the Board in relation to any action, proceeding, or application in which he or she personally participated during the period of his or her service or employment or that was under his/her active consideration.

Conflict of Interest: No person employed by the district shall allow any matter, concern or interest, personal, financial or otherwise to influence or interfere with the performance of his or her duties. Should such a matter, concern or interest arise, the employee shall bring the matter to the attention of his or her supervisor or the Board to seek ways to reduce or eliminate the influence or interference.

The Board affirms its commitment to adhere scrupulously to all applicable provision of law regarding material conflicts of interest.

Distribution of Code of Ethics/Conflict of Interest

The Superintendent of Schools shall cause a copy of this Code of Ethics/Conflict of Interest to be distributed via the School District's website to every member of the Board, every officer and employee of the school district.

MEMBERS

Official actions of the Mount Sinai Board of Education can be taken only at duly constituted board meetings.

Individual board members or groups of board members do not have the authority to speak for the board and may not make commitments for the board unless directed to act on behalf of the board. Board members shall deal with such relative matters only through the recognized chain of command.

DUTIES OF THE BOARD PRESIDENT

The duties of the President of the Mount Sinai Board of Education shall include the following:

- a. To preside at all meetings of the board.
- b. To appoint committees with the advice of fellow board members.
- c. To call special meetings as considered necessary or on request.
- d. To act as an ex-officio member of all committees.
- e. When authorized by the board, to execute such documents.
- f. To perform the usual and ordinary duties of the office.
- g. To act as spokesperson on behalf of the board for matters relating to public information.

The position of President does not preclude the right to vote on all questions, or the right to serve as a committee chairperson.

DUTIES OF THE VICE-PRESIDENT

The Vice President of the Mount Sinai Board of Education shall have the power to exercise the duties of the President in case of the President's absence or inability to act.

MEETINGS

The regular meetings of the Mount Sinai Board of Education shall take place monthly as determined at the reorganization meeting. If a change is made in the time or date of the regular meetings, prior public notice will be given.

Special meetings of the board may be convened whenever necessary.

NOTIFICATION OF MEETINGS

Board members shall be sent notification of board meetings, which will include the agenda of the meeting. They will be provided whenever possible with information, financial data and other background material in advance of the meetings in order to assist the board in reaching sound decisions in the most objective manner and as efficiently as possible.

AGENDA

The President of the Mount Sinai Board of Education or appropriate designee, in consultation with the superintendent, will prepare the agenda for each board meeting.

Any member of the board may submit requests for inclusion of items on the agenda.

The agenda of regular meetings shall allow recognition and introduction of community members and time shall be set aside specifically for community discussion.

The agenda will include items of information on the educational programs on a continuing basis. Such information as may be provided to the board by the clerk, treasurer, administration and staff in advance of the meetings will be sent out with the agenda.

QUORUM

A quorum of the Mount Sinai Board of Education shall consist of four of the total of seven board members.

MINUTES

It shall be the responsibility of the clerk of the Mount Sinai Board of Education to keep records of all proceedings at meetings of the board and to furnish copies of these minutes as per the requirements of the Open Meetings Law.

PUBLIC PARTICIPATION IN BOARD MEETINGS

The board recognizes its responsibility to conduct the business of the district in an orderly and efficient manner and will, therefore, require reasonable control to regulate public presentations to

the board. A person wishing to be heard by the board during time set aside for community discussion shall first be recognized by the president. Persons shall identify themselves and proceed with their comments as briefly as the subject permits. The president is responsible for the orderly conduct of the meeting and shall rule on such matters as the time to be allowed for public discussion, the appropriateness of the subject being presented and the suitability of the time for such presentation. The board as a whole shall have the final decision in determining the appropriateness of all such rulings.

EXECUTIVE SESSION

Executive Session of the Mount Sinai Board of Education shall be conducted as per Public Officer's Law s-105 (Open Meetings Law concerning Executive Session).

MEMBERSHIPS

The Mount Sinai Board of Education shall maintain membership in the National School Boards Association, the New York State School Boards Association, Nassau-Suffolk School Boards Association and Brookhaven Town School Boards Association. The aforementioned shall be subject to budget considerations prevailing each year.

SCHOOL BOARD MEMBERS - CONFERENCES, CONVENTIONS, WORKSHOPS

In recognition of the need for continuing in-service training and development for its members, the Board of Education encourages the participation of all members at meetings and activities of area and state, as appropriate, school boards associations, as well as in the activities of other educational groups.

In order to control both the investment of time and funds necessary to implement this policy, the board establishes these principles and procedures for its guidance:

1. When any board member attends a conference, convention, or workshop, the member will be requested to share information, recommendations, and materials acquired at the meeting.
2. Approval of the majority of the board is needed for a board member to attend a conference out of the Nassau/Suffolk area or for expenses above \$100.
3. The board will reimburse conference attendees (board members) for reasonable and necessary expenses not paid for directly by the district (travel, hotel, meals, registration).

ADVISORY COMMITTEES

The Board of Education may appoint individuals to serve on Citizens' Advisory Committees to assist in the study of current or impending problems and to make advisory recommendations for consideration by the board.

Said resolution shall state the organization and scope of the work of the committee. When, in the opinion of the board, the work of a standing committee has been completed, the board may dissolve the committee.

The reports of such committees shall be made directly to the board, and all publicity or press releases concerning the assignment, meeting, or activities of any committee shall be under the direction of the board through its president or the superintendent.

BOARD COMMITTEES

Committees of the Mount Sinai Board of Education may include, but not be limited to, the following:

- a. Boundaries
- b. Transportation
- c. *Building and Facilities
- d. Finance-Budget
- e. School-Community Relations
- f. Negotiations
- g. Policy

**Indicates Citizens' Advisory Participation*

AUDIT COMMITTEE CHARTER

Audit Committee Authority

Pursuant to a resolution adopted on November 16, 2005, the Board of Education of the Mount Sinai School District has established an audit committee to assist the Board in the oversight of both the internal and external audit functions. The requirement to create an audit committee was established by Education Law s2116-c. According to s2116-c (4), the role of an audit committee shall be advisory and any recommendations it provides to the Board shall not be substituted for any required review and acceptance by the Board of Education.

Mission

The Board of Education of the Mount Sinai School District has established an audit committee to provide oversight of the following matters:

- Assist the Board in providing oversight of the internal and external audit functions, including the appointment of the internal and external auditors.
- Review the scope, plan and coordination of the external audit.
- Review corrective action plans and necessary improvement based on audit findings and recommendations received from external and internal auditors.
- Oversee the competitive Request for Proposal Process (RFP) used to solicit quotations for the District's annual external audit.

Composition and Requisite Skills

The Mount Sinai School District Audit Committee is comprised of the full membership of the Board of Education.

Duties and Responsibilities

The duties and responsibilities of the Mount Sinai School District Audit Committee include the following:

External Audit Focus

- Recommend selection of the external auditor to the Board of Education.
- Meet with the external auditor prior to commencement of the audit to review the engagement letter.
- Review and discuss with the external auditor any risk assessment of the district's fiscal operations developed as part of the auditor's responsibilities under governmental auditing standards for a financial statement audit and federal single audit standards, if applicable.
- Review the external auditor's assessment of the district's system of internal controls.
- Receive and review the draft annual audit report and accompanying draft management letter and, working directly with the external auditor, assist the Board of Education in interpreting such documents.
- Make a recommendation to the Board of Education on accepting the annual audit report.
- Review any corrective action plan developed by the school district and assist the Board of Education in the implementation of such plans.

Internal Audit Focus

- Make recommendations to the Board of Education regarding the appointment of the internal auditor.
- Assist in the oversight of the internal audit function.
- Review the results of internal audit activities and significant recommendations and findings of the internal auditor.
- Monitor implementation of the internal auditor's recommendations by management.
- Provide input on the performance evaluation of the internal auditor.

Administrative Matters

- The audit committee shall administer other related duties as prescribed by the Board as well as in accordance with any revisions to the Committee's charter.

Membership

The membership duties of the Mount Sinai Audit Committee include the following:

- **Good Faith** – Members of the Committee shall perform their duties in good faith, in a manner they reasonably believe to be in the best interests of the Committee and the District with such care as a generally prudent person in a similar position would use under similar circumstances.
- **Independence** – The following individuals would be precluded from being an Audit Committee member:
 - Someone currently employed by the District or previously employed by the District during the past two years.
 - Someone currently providing services contractually to the District or previously providing services contractually to the District during the past two years.

- Someone of the immediate family (husband, wife & any children and their spouses) of an individual who is, or has been employed by the district, providing services contractually to the District or contractually related to the District as a board member or an administrator.
 - Someone who is a partner in, a controlling owner or an executive of, any for-profit business to which the district made, or from which the district received, payments that are or have been significant to the district or the for-profit business entity in any of the past five years.
- **Confidentiality** – During the exercise of duties and responsibilities, the Committee members may have access to confidential information. The Committee shall have an obligation to the district to maintain the confidentiality of such information.
 - **Oath of Office** – All non-board members, who are members of the Audit Committee, should be administered the District's oath of office by the District Clerk.

Decision-Making Process

All decisions shall be reached by consensus of those members present at the meeting. Consensus is defined as an acceptable solution that all can agree to support. If consensus cannot be reached, polling of the voting membership will take place and simple majority will rule. A quorum constitutes a simple majority of the total membership and meetings will not be conducted unless a quorum is present.

Meetings and Notification

The Mount Sinai School District Audit Committee shall meet as necessary. As the Audit Committee is a "Committee of the Whole Board," any actions taken by the audit committee would be part of the regular board minutes and comport with said minute guidelines.

PREPARATION OF BUDGET DOCUMENT

The superintendent, or his appointee, shall determine the manner in which the annual budget is to be compiled and issue instructions to the staff. He shall also establish a time schedule for the preparation of the budget to be known as the "Budget Calendar."

The superintendent shall present the annual budget to the board together with his/her recommendations on the needs of the district considered in the light of the funds available.

FINANCIAL REPORTS

The Assistant Superintendent for Business shall be responsible for maintaining the books and records of the district in audit form. S/he shall prepare, or cause to be prepared, all fiscal reports, keep necessary records to control adequately the financial transactions of the district and prepare financial statements.

The assistant superintendent for business shall file all fiscal reports with the County, State or Federal agencies, as required.

MONIES IN SCHOOL BUILDING

Monies collected by school district employees and by student treasurers shall be handled with good and prudent business practice. All monies collected shall be receipted and accounted for and directed without delay to the proper location of deposit. In no case shall monies be left overnight in schools except in safes provided for safekeeping of valuables and even then no more than a few dollars should be so kept. All school banks shall provide for making bank deposits after regular banking hours in order to avoid leaving money in school overnight.

PETTY CASH

The board hereby establishes a petty cash fund for each instructional building of the district. The person responsible for the petty cash fund shall be the principal of the building. The maximum amount of each fund shall not exceed \$100 at any time. The principal shall be responsible for receiving and recording deposits into the fund and the payment of monies out of the fund. Each such payment shall be recorded in a ledger book indicating the date the payment was made, to whom the payment was made, and the purpose for the payment. Any accompanying receipts shall be kept by the principal of the building in support of the items entered into the ledger. Payments from the petty cash fund may be made for materials, supplies or services only when payment is required upon delivery of the materials, supplies or service.

There shall also be established a petty cash fund for the maintenance department, the transportation department, the food service department, and central administration. The person responsible for the fund in each case shall be the person who is the head of the department. The maximum amount of the fund shall be \$100 and payments from such funds may be made only for materials, supplies or services and only when such payment is required upon delivery.

All petty cash funds established hereby, which would not operate during July or August, will be closed out by June 30 of any year. Such funds will be reduced to zero and any monies in such fund on June 30 will be returned to the general fund.

TRANSFER OF FUNDS BETWEEN CATEGORIES

The transfer of funds between and within functional unit appropriations is commonly required during the school year. The Superintendent of Schools, or his/her designee, in accordance with the Regulations of the Commissioner of Education, is authorized to make budget transfers between line item accounts, so long as the transfer for any one item does not exceed \$50,000, excluding payroll codes. All transfers in excess of \$50,000 require prior Board of Education approval. End of year transfers, transferred after the close of the fiscal year as part of the closing process, will not need prior Board approval.

EMPLOYEE BONDS

All school district employees who, in the course of their duties, handle funds shall be covered for \$25,000 under a Blanket Position Bond.

PROFESSIONAL APPRAISAL

The Board of Education shall employ a professional appraisal firm periodically to conduct a complete physical survey of the value of school property for insurance purposes and for record keeping. The values of all school property will be kept up-to-date by means of annual reports submitted by professional appraisers. The appraisers' reports shall act as a guide for determining insurance values.

SALE AND DISPOSAL OF OBSOLETE PERSONAL PROPERTY

The superintendent shall, at least once each year, recommend to the Board of Education the disposal of certain items of personal property, which are of no value to the district. The board shall act upon the superintendent's recommendation, and if the board determines that there is such property it may be disposed of either by outright disposal or through public sales or auction, such method of disposal shall be determined at the time of the superintendent's recommendation.

INVENTORIES

The administration shall keep an accounting record of textbooks, library books, and movable equipment (including audio visual education equipment, athletic equipment, music equipment, uniforms, typewriters, and related supplies). The superintendent shall report to the board losses of equipment and related supplies not consumed in the process of use.

INTERNAL CLAIMS AUDITOR

The Board of Education will designate and appoint an internal claims auditor to be responsible for overseeing the audit of all claims to the District according to local procedures and requirements and New York State and federal laws and regulations, and general auditing and accounting practices. The internal claims auditor shall serve at the pleasure of the Board and shall report directly to the board. The internal claims auditor cannot be a school Board member, Superintendent, Clerk of the Board, Treasurer, official responsible for business management, purchasing agent, or staff directly involved in accounting and purchasing functions. Delegation for claims auditor services may be through inter-municipal cooperative agreements, shared services through BOCES, or an independent contractor. The claims auditor need not be a District resident.

The internal claims auditor shall be responsible for formally examining, allowing or ejecting all accounts, charges, claims or demands against the School District. The auditing process shall determine:

1. That the proposed payment is for a valid and legal purpose;
2. That the obligation was incurred by an authorized District official;
3. That the items for which payment is claimed were in fact received or, in the case of services, that they were actually rendered;
4. That the obligation does not exceed the available appropriation; and that the submitted voucher is in proper form, mathematically correct, does not include previously paid charges, and is in agreement with the purchase order or contract upon which it is based.

The internal claims auditor will certify all claims as ready for payment directly to the Treasurer. All claims shall be presented to and approved by the internal claims auditor prior to payment.

The internal claims auditor and the Treasurer shall develop appropriate procedures for the auditing of District claims by the internal claims auditor.

REIMBURSEMENT FOR EXPENSES REGARDING CONFERENCES, CONVENTIONS, WORKSHOPS, MEETINGS

All actual and necessary registration and tuition fees, expenses of travel, meals, and lodging incurred in connection with conferences, conventions, and workshops related to School District business will be reimbursed upon the submission of receipts for such expenses along with a statement of the purpose for such expenses. Such receipts shall be submitted within 21 calendar days of when the expense was incurred. The consumption of alcoholic beverages is not a permitted expense, nor is any travel expense associated with a spouse.

Travel expenses that are reimbursable include hotel room charges, mileage, taxi expenses, rental car expenses and meals. Travel expenses that are not reimbursable include charges for in-room movies and alcoholic beverages.

If an employee can reasonably be expected to attend a conference, convention, or workshop and return home that day, the employee will be reimbursed for all actual and necessary travel expenses such as mileage and meals, but will not be reimbursed for lodging. If the employee's attendance at a conference, convention or workshop reasonably requires that the employee stay overnight, the employee will be reimbursed for all actual and necessary travel expenses in accordance with this policy, such as travel, meals, and lodging.

The maximum reimbursement rate for lodging, meals and incidental expenses shall be that set by the U.S. General Services Administration for the location involved. Exceptions to these rates may be made if circumstances warrant. Such exceptions are to be authorized by the Superintendent, Deputy Superintendent or Assistant Superintendent for Curriculum, Instruction and Staff Development.

Mileage shall be reimbursed at the then current IRS rate (unless contractual agreement specifies otherwise).

Employees should either seek a purchase order for lodging in advance, if possible, or request a sales tax exemption form to be presented to the place of lodging upon registration so that employees do not incur a personal expense for items that are not reimbursable – sales tax relative to lodging for school business.

Costs noted within this policy that are not reimbursable, or are not reimbursable under law, remain the responsibility of the employee.

Authorization to attend a conference, convention, or workshop requiring travel for which reimbursement is sought must first be obtained from the Superintendent, Deputy Superintendent, or Assistant Superintendent for Curriculum, Instruction, and Staff Development in writing and submitted before any claim or expense may be paid.

Extending travel for personal reasons is not a reimbursable expense. Extending business travel for personal reasons must first be authorized by the Superintendent, Deputy Superintendent, or Assistant Superintendent for Curriculum, Instruction and Staff Development. Any costs associated with such additional travel must be paid by the officer or employee.

Advance of monies for estimated expenditures, registration and tuition fees, travel, meals, and lodging may be made to a person duly authorized to attend a conference, convention, or

workshop requiring travel expenses. Itemized vouchers must be submitted after attendance and any monies advanced in excess of expenditures must be refunded within 14 calendar days of attendance. Where an officer or employee fails to return such excess advance, the School District will deduct, when applicable, the amount of such unreturned excess advance from the salary or other money owed the officer or employee by the School District.

The Board of Education recognizes that from time to time it may be appropriate to provide meals and refreshments at District meetings or events which are being held for an educational purpose. The Deputy Superintendent, Assistant Superintendent for Business, and Assistant Superintendent for Curriculum, Instruction, and Staff Development are charged with the authorizing of such expenditures. Building Principals should advise the Deputy Superintendent, Assistant Superintendent for Business or Assistant Superintendent for Curriculum, Instruction and Staff Development in advance, when possible, if meals or refreshments are to be provided at building level events. Expenditures made on such meals and refreshments should be appropriately documented with a receipt, appropriately itemized, and submitted to the District's Business Office within 21 calendar days of incurring such expense.

Examples of authorized categories of such expenditures include, but are not limited to, meals and refreshments for staff on teacher orientation day at the beginning of each year, staff recognition day, superintendent's conference day and community/district meetings.

Expenses for meals actually and necessarily incurred at meetings of school district personnel may be reimbursable upon the submission of appropriate receipts within 21 days of incurring such expense only if the school district business which is conducted is of an immediate nature and it is essential to conduct such a meeting during mealtime. Furtherance of the school district's business must be the main purpose of such a meeting and the meal only incidental thereto. Documentation seeking reimbursement shall recite the reason why the meeting was required to be conducted during a mealtime.

Expenses for meals actually and necessarily incurred for a Board meeting will be reimbursable only when the meeting is deemed essential to be conducted during a mealtime. Documentation seeking reimbursement shall recite the reason why the meeting was required to be conducted during a mealtime.

FIXED ASSET

The Mount Sinai Union Free School District recognizes the need to implement the required accounting and financial reporting standards promulgated by the Governmental Accounting Standards Board (GASB). GASB Statement 34 was issued to provide new and additional information to the diverse users of the District's financial statements.

A fixed asset or capital asset is defined as a physical commodity (i.e. land, buildings, machinery, vehicles, equipment, and furnishings) having an estimated period of usefulness in excess of one year and an estimated value of at least \$5,000.

The Mount Sinai Union Free School District is committed to fostering proper management of the District's assets.

Guidelines

1. The disposal of all fixed assets shall be recorded and approved for disposition by the Board.
2. Obsolete or surplus items shall be kept to the lowest levels.

3. The Board shall designate a person who will be responsible for safeguarding all fixed assets and who will ensure that none is removed from school property unless authorized by the Board.
4. Generally, capital assets should be considered for disposal when they can be identified with one or more of the following:
 - a) Obsolete: An asset which is no longer suitable for its original purpose and which is incapable of being modified to achieve an acceptable level of operation, with little or no resale value.
 - b) Not Repairable: An asset which cannot be repaired or restored to an acceptable level of operation, or where the cost of repair in relation to replacement cost is not economically justifiable.
 - c) Surplus: An asset may become surplus if it is in excess of estimated requirements or if the purpose for which it was originally acquired no longer exists.

Recording of Fixed Assets

All assets will be recorded on an ongoing basis in a Fixed Asset Register. The Register will record an identifying number, a description of the asset, the location of the asset, and the original cost of the asset.

All items that are listed as fixed assets shall be tagged and identified in the District's Register of Assets. All other assets shall be tagged if such assets may be conducive to theft and have a value of at least \$100, (e.g., a digital camera costing \$400) and shall be included in the Register.

Physical Inventory of Fixed Assets

Inventories are physical reviews and confirmation of the District's assets. A periodic evaluation of the inventory will ensure the integrity of the amounts in the Districts financial statements, maintain current insurance valuations, and assist in loss detection.

Inventories shall be conducted as follows:

- Land and building – every five years;
- Machinery, equipment, vehicles, furnishings – every two years;
- All other fixed assets – at least annually.

Any assets not accounted for must be immediately brought to the attention of the Board.

Transfer of Fixed Assets

The transfer of an asset from its original location must be specified in the Register by date, the new location, the purpose of the transfer, and the person(s) responsible for the transfer.

Disposal of District Property

Policy

Building Principals are responsible for identifying obsolete or surplus equipment and supplies within their areas(s) of responsibility. Each year a determination shall be made of equipment, supplies and or materials that are obsolete and cannot be salvaged or utilized effectively or economically by the District. Such equipment, supplies, or materials shall be sold through bid

procedures, if possible, for the highest possible price. The Assistant Superintendent for Business shall be authorized to dispose of obsolete or surplus equipment and supplies in the following manner:

1. Reassign the items, as needed, to other locations within the School District;
2. Centralize the storage of items of potential usefulness;
3. Discard or sell as surplus those items determined to be of no further use or worthless following approval by the Board of Education.

Following approval by the Board of Education, items may be sold in the following manner:

1. Offer to sell the items to local municipalities or local non-profit organization;
2. Sell items at a public sale. In the event of a public sale, notice of availability of such equipment, supplies, and materials and requests for bids shall be disseminated through announcements in local newspapers and such other appropriate means. Items shall be offered for sale to the general public except that no Board member, officer or employee of the District shall be eligible to bid on the equipment, supplies and or materials; and
3. Sell remaining items as scrap for the best obtainable amount or discard in the safest, least expensive manner.

CREDIT CARD USE

Gasoline credit cards may be issued in the name of the School District for use by the custodial and grounds staff. Said cards to be given to the person(s) in charge of the buildings and grounds departments. Such credit cards shall be issued in an amount not to exceed \$2,500 and shall only be used for fuel purchases, vehicle repairs, and automotive/power equipment related expenses which are directly related to the School District. An original receipt for such expense must be delivered to the Business Office within 21 calendar days of incurring such expense. Any claim submitted by the credit card company shall be paid within a reasonable time to avoid incurring service or interest charges.

Any employee, before using a credit card in accordance with this policy, shall be required to review and sign an acknowledgment form indicating that the employee understands and will comply with the established credit card policies and procedures.

The School District shall have different individuals in charge of purchasing, payments and reconciliation functions related to credit card usage.

The School District shall review periodically, but at least twice a year, credit card usage which shall include the need to assess the reasonableness of the nature and number of purchases.

The use of credit cards for purposes other than those stated in this policy will result in an investigation of such use and may lead to disciplinary action up to and including termination, personal liability for any damages or loss resulting from the improper use of such credit cards, and the filing of criminal charges.

ACKNOWLEDGMENT FORM

I, _____, have read and understand the Mount Sinai School District's Credit Card Policy and will comply with it. I fully understand that the use of a credit card for purposes other than that stated in the policy will result in an investigation of such use and may lead to disciplinary action up to and including termination, personal liability for any

damages or loss resulting from the improper use of such credit cards, and the filing of criminal charges.

Dated

Signature

Witnessed by:

Signature

(Original shall be kept in the school district's files. A copy of the executed form shall be given to the employee for the employee's file).

TECHNOLOGY USE – Cell Phones, Internet Access for Employees, and the like

Cell Phones

The Board may from time to time contract with an outside vendor for the provision of cell phones and cell phone service. Employees assigned exclusive use of District cell phones shall be responsible for any personal use of the cell phone in any month where the minutes used on the cell phone exceed the number of minutes provided for in the calling plan contract between the School District and the vendor. In the case of those cell phones not exclusively assigned to employees of the District, employees found responsible for non-business use of the cell phone will be billed when the minutes used in any given month exceed the contracted for call plan.

The Deputy Superintendent, Assistant Superintendent for Business, and/or the Assistant Superintendent for Curriculum, Instruction and Staff Development are authorized to determine who shall be assigned a cell phone for both exclusive and periodic/event usage. As a general rule, administrators and key custodial staff will normally be assigned a cell phone due to the nature and requirements of their positions. Periodic or event usage will be determined on an as needed basis by those authorized herein to make said determinations. In addition, the Deputy Superintendent, Assistant Superintendent for Business, and Assistant Superintendent for Curriculum, Instruction and Staff Development may delegate the authorization process for periodic or event usage to building principals and the Director of Athletics and Director of Fine Arts to facilitate the practical and efficient operation of school programs.

A log shall be maintained indicating who was assigned a cell phone which shall include the date and reason(s) for such assignment.

Internet Access for Employees

Employees of the Mt. Sinai Union Free School District may be issued a password and e-mail address for use on the District's internal network. The password and e-mail address may also allow the individual user to access the Internet from district computers. Employees should be aware that district computer use is primarily there to support the educational mission of the District.

The Board recognizes the integral and ubiquitous nature of technology in the workplace. Further, it understands and recognizes that such instruments are, in most cases, two-way sources of communication and that e-mails, text messages, voicemail, etc., may arrive from any quarter,

some of which may undoubtedly not be school related. The Board also understands and accepts that in this day of instant communications, employees may speak with, e-mail or communicate in some fashion with those who are unrelated to the course of normal school business. For example a spouse e-mailing a spouse about childcare or child pick-up, someone receiving an automated message for a package delivery tracking system, or an instant alert message on a school closing due to weather are just a few examples of the numerous possibilities of such contact and outreach that may occur.

As long as these communications and technology use do not unreasonably interfere with the course of learning and school business and results in no additional cost to the district, the Board understands and accepts that this is part of the interface of daily life, both business and personal. It is also understood and accepted that district personnel may have files/voicemail/etc. that are not school related on their technology as long as these do not unreasonably interfere with learning, school business or school operation, or violate the specific restrictions as noted below.

Mount Sinai Union Free School District employees shall not use a District computer:

- ✓ without authorization of the supervisor of the IT Department prior to loading software including free-ware or share-ware not licensed to the District on any district computer resource. This includes peripherals such as printers or storage devices which may be connected to District computer resources unless they are the property of the Mt. Sinai Union Free School District without express permission. No computers other than those belonging to the District may be physically connected to the District's network;
- ✓ to access, transmit, or retransmit material which promotes violence or advocates destruction of property, including information concerning the manufacture of destructive devices, such as explosives, fireworks, smoke bombs, incendiary devices or the like;
- ✓ to access, transmit, or retransmit any information which is or may be harmful to minors or staff, including but not limited to pornographic material;
- ✓ to access, transmit or retransmit material which advocates or promotes violence or hatred against particular individuals or groups of individuals or advocates or promotes the superiority of one racial, ethnic or religious group over another;
- ✓ to use or possess bootleg software. Bootleg software means any software which has been downloaded or is otherwise in the user's possession without the appropriate registration of the software, including the payment of any fees owed to the owner of the software;
- ✓ to use encryption software from any access point within the School District;
- ✓ to transmit e-mail through an anonymous remailer;
- ✓ to access the Internet from a School District computer using a non-School District Internet account;
- ✓ to use an instant messenger service or program, Internet Relay Chat or other forms of direct electronic communication, or entering a chat room;
- ✓ to commit or attempt to commit any act involving the use of the network which disrupts the operation of the network within the School District or any network connected to the Internet, including the use or attempted use or possession of computer viruses or so-called hacking or other unlawful activities on line;

- ✓ to disable or attempt to disable filtering software. However, such filtering software may be disabled for bona fide research or other lawful purposes, when the Building Principal, IT Manager, Assistant Superintendent for Curriculum & Instruction, Assistant Superintendent for Business, or Deputy Superintendent has given written permission to disable the filtering software.

In addition to the above, it is also understood that administrators' job responsibilities often require them to take work home. The electronic transfer of work documents and projects will facilitate the completion of "paperwork" that is an ever-demanding, ever-increasing part of administrative duties and responsibilities that often extend beyond the school day and on weekends, vacation periods and holidays. Also, on many occasions the teaching staff has off-site job responsibilities (i.e. reporting of grades, responding to emails, lesson planning, etc.). In recognition of these demands, the Board authorizes the use of District technology outside of school, particularly at home – either portable or fixed technology. The cost of Internet service to facilitate said use will be borne by the administrator/teacher. It is accepted that such technology in residence may have files and information that are not school related.

A violation of this policy may result not only in loss of Internet privileges, but disciplinary action up to and including termination of employment.

VEHICLE USE

The use of a personal vehicle in the course of School District business is defined and administered through the negotiated contracts with respect to each bargaining group which includes the non-instructional staff, teaching staff, administrators and superintendent.

The chief custodian, due to the requirements and nature of the position, is authorized to have the use of a 24-hour vehicle which includes, but is not limited to, travel to and from home and work as well as activities related to the requirements of the position. It is understood that on occasion the vehicle may be used for personal activities within a few miles of the chief custodian's home (i.e. stopping at the store, running an errand, going to the post office). The superintendent and deputy superintendent are authorized to make adjustments, as appropriate, in the use of the 24-hour vehicle; and shall advise the Board of any substantial change to the current practice.

NON-RESIDENT TUITION

As the Board of Education has determined that the district can no longer provide for the "tuitioning" of students into the district in a fiscally prudent manner, effective July 1, 1997, it shall be the policy of the Mount Sinai Board of Education not to accept non-resident students in the Mount Sinai School District, except (a) non-resident students of future Mount Sinai residents who have contracted for the purchase or lease of a residence in Mount Sinai, and (b) former Mount Sinai students who attended Mount Sinai schools continuously in the past may continue to do so after their parent(s) and/or legal guardian(s) relocate their domicile outside Mount Sinai.

The Board of Education recognizes that the changes in policy concerning non-resident students enacted July 1, 1997 may have a significant financial impact on those parent(s) and/or legal guardian(s) whose non-resident students previously had been accepted into Mount Sinai Schools on a tuition basis. Therefore, though the Board of Education reserves the right to unilaterally change this policy upon notice to the parent(s) and/or legal guardian(s) of non-resident students, the board will allow admission of non-resident students on a tuition basis under one of the above listed criteria at the tuition rate of \$4,000.00 per year per student to be increased by 5% per year through graduation or withdrawal from the district.

Where the non-resident student(s) has (have) been accepted in the Mount Sinai School District on a tuition basis and the parent(s) and/or legal guardian(s) of the non-resident student(s) owns real property in the Mount Sinai School District and pays Mount Sinai School District taxes on that real property, New York State law requires that the amount of Mount Sinai School District taxes paid must be deducted from the tuition charged for the non-resident student(s).

Payment of Mount Sinai School District taxes on real property in the Mount Sinai School District does not obligate the Board of Education to accept a non-resident student of said taxpaying parent(s) and/or legal guardian(s)).

The Office of Civil Rights of the United States Department of Education has stated that charging a disabled non-resident student a higher rate than that charged for a non-disabled non-resident student constitutes discrimination on the basis of a disability in violation of Section 504 of the Rehabilitation Act of 1973. Therefore, non-resident disabled students who are accepted must be charged the same tuition as accepted non-resident students who are not disabled.

One quarter of the total yearly tuition is to be paid on/or before August 31, November 30, February 28 and May 31.

If the parent(s) and/or legal guardian(s) of a non-resident student wishes to withdraw their child or if the school district finds it necessary to exclude a student, the following quarterly reimbursement schedule will be in effect:

- withdrawal/exclusion during the first week of each quarter: 85% reimbursement
- withdrawal/exclusion during the second week of each quarter: 75% reimbursement
- withdrawal/exclusion during the third week of each quarter: 50% reimbursement
- withdrawal/exclusion thereafter: 0% reimbursement

The parent(s) and/or legal guardian(s) of an admitted non-resident student is (are) advised that the tuition charge will entitle the non-resident student to all rights and privileges afforded to resident students with the exception of transportation. Transportation will be the responsibility of the parent(s) and/or legal guardian(s) of the non-resident student.

Resident students who move out of the boundaries of the district after February 28/29 of any year will be allowed to finish the school year without a tuition charge being assessed provided that they adhere to all other policies of the district.

In addition to the foregoing requirements and criteria for admission of the non-resident student(s), the parent(s) and/or legal guardian(s) of such student must complete an application for each non-resident student and return it to the district office prior to admission.

The non-resident student(s) and their parent(s) and/or legal guardian(s) must abide by the policies and procedures of the district, and must also abide by the rules, regulations, and procedures of the school building that the non-resident student attends. These policies, rules, regulations and procedures may be found in the Mount Sinai School District Policy Manual that is in the school building that the non-resident student attends.

Admission of non-resident students is contingent on there being sufficient room within the academic program into which the student seeks to enroll. No student shall be admitted when such admission would cause the class or program to exceed the enrollment limits set out in the regulations of the Commissioner of Education or in an applicable collective bargaining agreement, or where the addition of a student would require the district to hire another instructional employee or support staff for the class or program in which the student seeks to enroll.

INVESTMENTS

Scope

This investment policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

Objectives

The primary objectives of the School District's investment activities are, in priority order,

- to conform with all applicable federal, state and other legal requirements (legal);
- to adequately safeguard principal (safety);
- to provide sufficient liquidity to meet all operating requirements (liquidity); and
- to obtain a reasonable rate of return (yield).

Delegation of Authority

The governing board's responsibility for administration of the investment program is delegated to the treasurer who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

Prudence

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the School District to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

Diversification

It is the policy of the School District to diversify its deposits and investment by financial institution, by investment instrument, and by maturity scheduling.

Internal Controls

It is the policy of the School District for all moneys collected by any officer or employee of the government to transfer those funds to the treasurer within five business days of deposit, or within the time period specified in law, whichever is shorter.

The treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance

with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

Collateralizing of Deposits

In accordance with the provisions of General Municipal Law, §10, all deposits of the School District, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

- a) By a pledge of "eligible securities" with an aggregate "market value" as provided by GML, §10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.
- b) By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
- c) By an eligible surety bond payable to the government for an amount at last equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims – paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

Safekeeping and Collateralization

Eligible securities used for collateralizing deposits shall be held by depositary or a third party bank or trust company subject to security and custodial agreements as determined by the treasurer.

The security agreement shall provide that eligible securities are being pledged to secure the School District deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the School District to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the School District, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the School District or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the School District, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the School District a perfected interest in the securities.

Permitted Investments

As authorized by General Municipal Law s11, the School District authorizes the treasurer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts;
- Certificates of deposit;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- Obligations of the State of New York;
- Obligations issued pursuant to LFL s24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the School District;
- Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments.
- Certificates of Participation (COPs) issued pursuant to GML 109-b.
- Obligations of this School District, but only with any moneys in a reserve fund established pursuant to GML s6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the School District within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the School District within two years of the date of purchase.

Authorized Financial Institutions and Dealers

The School District shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the School District conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the school district. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The treasurer is responsible for evaluating the financial position and maintaining a listing of proposed depositaries, trading partners and custodians. Such listing shall be evaluated at least annually.

Purchase of Investments

The treasurer is authorized to contract for the purchase of investments:

- a) Directly, including through a repurchase agreement, from an authorized trading partner.
- b) By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.
- c) By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the School District, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the School District by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, §10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the School District, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the School District a perfected interest in the securities.

Repurchase Agreements

Repurchase agreements are authorized subject to the following restrictions:

- All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- No substitution of securities will be allowed.
- The custodian shall be a party other than the trading partner.

PROCUREMENT OF GOODS AND SERVICES ENACTED IN ACCORDANCE WITH GENERAL MUNICIPAL LAWS 104-B

The Board of Education views purchasing as serving the educational program by providing necessary supplies, equipment and related services. Purchasing will be centralized in the Business Office under the authority of the Purchasing Agent (Superintendent) or Deputy Purchasing Agent (Assistant Superintendent for Business) as designated by the Board.

It is the goal of the Board to purchase competitively, without prejudice or favoritism, and to seek the maximum educational value for every dollar expended. Competitive bids or quotations shall be solicited in connection with purchases pursuant to law. The General Municipal Law requires that purchase contracts for materials, equipment and supplies involving an estimated annual expenditure exceeding \$20,000 and public work contracts involving an expenditure of more than \$35,000 will be awarded only after responsible bids have been received in response to a public advertisement soliciting formal bids. The Purchasing Agent or the Assistant Superintendent for Business is authorized to conduct bid openings on behalf of the Board of Education.

Purchasing when Competitive Bidding Not Required

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

These purchases can be secured by the following procurement methods:

- Through requests for proposals
- By written or verbal quotations
- Items under a county contract
- Items under a state contract
- Under a federal contract
- Under a contract of another political subdivision
- By articles manufactured in state correctional institutions
- From agencies for the blind and severely disabled
- Or through any other appropriate method of procurement

Opportunities shall be provided to all responsible suppliers to do business with the school district. Purchases will be made through available state contracts of the Office of General Services, county contracts, or agreements entered into by school districts for joint purchasing whenever such purchases are in the best interests of the district. In addition, the district will make purchases from correctional institutions and severely disabled persons through charitable or non-profit-making agencies, as provided by law.

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

The Purchasing Agent will not be required to secure alternative proposals or quotations for:

- Emergencies where time is a crucial factor;
- Procurements for which there is no possibility of competition (sole source items); or
- Small procurements when solicitations of competition would not be cost-effective.

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

The Purchasing Agent shall be responsible for the establishment and implementation of the procedures and the standard forms for use in all purchasing and related activities in the district. Such procedures shall comply with all applicable laws and regulations of the state and the Commissioner of Education.

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

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

Ref: Education Law §§305(14); 409-I; 1604(29-a); 1709(4a) (14) (22); 2503(7-a); 255(7-a)
General Municipal Law §§102; 103; 103-g; 104; 104-b; 109-a; 800 et seq.
State Finance Law §§97-g (3), (4), (5), 163; 163-b; 165-a
County Law §408-a (2)

ADMINISTRATIVE (PURCHASING) REGULATIONS

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

Definitions

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

Public Work Contract: a contract involving services, labor or construction

Professional Service Contract: a contract involving work rendered by an independent contractor who has a professed knowledge of some department of learning or science.

General Municipal Law

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

Competitive Bidding Required

Method of Determining Whether Procurement is Subject to Competitive Bidding

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

If the procurement is either a purchase contract or a contract for public work, the district will then determine whether the amount of the annual procurement is above the applicable monetary threshold as set forth above.

The District will also determine whether any exceptions to the competitive bidding requirements (as set forth below) exist.

Contract Combining Professional Services and Purchase

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

Opening and Recording Bids; Awarding Contracts

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

Documentation of Competitive Bids

The District will maintain proper written documentation which will set forth the method in which it determined whether the procurement is a purchase or a public work contract. A quote which exceeds the bid limit will be awarded only when such award is in the best interests of the district and otherwise furthers the purposes of Section 104-b of the General Municipal Law. The district will provide justification and documentation of any such contract awarded.

Leases of Personal Property

In addition to the above-mentioned competitive bidding requirements, Section 1725 of the Education law requires that the District will be subject to competitive bidding requirements for purchase contracts when it enters into a lease of personal property. Documentation: The District will maintain written documentation such as quotes, cost-benefit analysis of leasing versus purchasing, etc.

Exceptions to Competitive Bidding Requirements

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

1. Emergency situations where:
 - The situation arises out of an accident or unforeseen occurrence or condition
 - A district building, property, or the life, health or safety of an individual on district property is affected
 - The situation requires immediate action which cannot await competitive bidding.

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

Documentation: The District will maintain records of verbal (or written) quotes and attach to all purchase orders.

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

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

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

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

Quotes When Competitive Bidding Not Required

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

Methods of Documentation:

Verbal Quotations: the telephone log will set forth, at a minimum, the date, item or service desired, price quoted, name of vendor, name of vendor's representative; (See Exhibit #E.1.), to be sent to Business Office and to be attached to Purchase Order.

Written Quotations: vendors will provide, at a minimum, the date, description of the item or details of service to be provided, price quoted, name of contact. The District will maintain documentation consistent with Exhibit E.2 to be sent to Business Office and to be attached to Purchase Order.

Requests for Proposals: the District will contact a number of professionals (e.g., architects, engineers, accountants, lawyers, underwriters, fiscal consultants, etc.) and request that they submit written proposals. The RFP's may include negotiations on a fair and equal basis. The RFP's and evaluation of such proposals will consider price plus other factors such as:

- The special knowledge or expertise of the professional or consultant service
- The quality of the service to be provided
- The staffing of the service
- The suitability for the district's needs

- The district will first locate prospective qualified firms by:
 - Advertising in trade journals
 - Checking listings of professionals
 - Making inquiries of other districts or other appropriate sources

The District will then prepare a well-planned RFP which will contain critical details of the engagement, including the methods which it will use in selecting the service.

Purchase/Public Work: Methods of Competition to be Used for non-Bid Procurements; Documentation to be Maintained

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

1. Purchase Contracts up to \$20,000
 - a. Contracts from \$2,500 to \$7,500: 3 Verbal quotes;
Documentation will include notations of 3 verbal quotes, see section 5A
 - b. Contracts in excess of \$7,501 to \$19,999: 3 written quotes, see section 5A
2. Public Work contracts up to \$35,000
 - a. Contracts from \$2,500 to \$7,500: 3 verbal quotes;
Documentation will include notations of 3 verbal quotes, See section 5A
 - b. Contracts in excess of \$7,001 to \$34,999: 3 written quotes, See section 5A

3. Emergencies: Verbal or written quotes are required if possible, as the situation dictates. Notations of quotes should be documented and submitted to the Business Office to be attached to Purchase Order.
4. Professional Services: RFP; Documentation will include written proposals.
5. Sole Source: Documentation will include, among other things, the unique benefits of the patented item as compared to other items available in the marketplace; that no other item provides substantially equivalent or similar benefits; and that considering the benefits received, the cost of the item is reasonable, when compared to conventional methods. The district will document that there is no possibility of competition for the procurement of the goods, (i.e. letter from the company indicating they are the sole source of the item or service being provided).

Quotes Not Required When Competitive Bidding Not Required

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

- Emergencies where time is a crucial factor
- Procurements for which there is no possibility of competition (sole source items)
- Procurements of professional services, which, because of the confidential nature of the services, do not lend themselves to procurement through solicitation
- Very small procurements when solicitations of competition would not be cost-effective
- Under a federal contract
- Under a contract of another political subdivision
- Under a county contract
- Under a state contract
- Of articles manufactured in state correctional institutions
- From agencies for the blind and severely disabled.

Procurements From Other Than The Lowest Responsible Dollar Offeror

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

Standardization

Upon the adoption of a resolution by the Board of Education stating that, for reasons of efficiency or economy, there is a need for standardization for a particular type or kind of all current and future purchases.

PURCHASING EXHIBIT #1

VERBAL QUOTATION – TELEPHONE LOG

DATE CALLED: _____

Item or Service Desired: _____

<u>Vendor Name</u>	<u>Vendor Rep Name</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Shipping if applicable</u>	<u>Total Quote</u>
1.					
2.					
3.					

The Mt. Sinai School District is Requesting a Written Quote for:

Scope and Location of the Work:

Notes for the Contractor:

- This is an Article 8 public works job per the Department of Labor.
- This is a prevailing wage job that requires certification of payroll. For information on prevailing wage you may contact the Department of Labor (631-228-3915) or visit their website (www.labor.ny.gov) to get your PRC number.
- The contractor must provide a certificate of insurance with the required coverage listed in the attached requirements. It is at the district's discretion to waive any part of the insurance requirements.
- An inspection of the site is mandatory prior to acceptance of the quote. Please contact Dwight Lukasz at 631-870-2845 or Scott Reh at 631-870-2902 to arrange inspection.
-

(FOR THE CONTRACTOR – please fill in the blanks below)

Job Quote: Quotes will be accepted by fax (631-473-0905), or delivered or mailed to Ms. Linda Jensen, Mt. Sinai School District, 118 North Country Rd. Mt. Sinai, NY 11766, by _____ on _____, _____, 20____. (time)

_____ I am an unincorporated sole proprietor not subject to prevailing wage regulations.

Name, Address and Phone Number of company:

Name Address Phone #

Quote Given By:

Printed Name Signature Title

EXTRACLASSROOM ACTIVITY FUNDS

Extraclassroom activity funds are defined in the Regulations of the Commissioner of Education as "funds raised other than by taxation or through charges of a board of education, for, by, or in the name of a school, student body or any subdivision thereof." Basically, extraclassroom activity funds are those operated by and for the students. Monies are usually collected voluntarily by pupils and are spent by them as they see fit so long as they abide by established regulations.

Extraclassroom activity funds must not be confused with funds accounted for in accordance with the Uniform System of Accounts prescribed by the State Comptroller. Procedures discussed in this policy and applicable regulation applies only to extraclassroom activity funds.

The Board of Education recognizes that the fundamental task of the schools is to prepare young people for life. In order for this preparation to be done properly, the educational program of the schools must be as wide as life itself. An integral part of such a program is extraclassroom activities. They represent an essential part of the educational experiences, which should be available to young people. In order to promote the organization and maintenance of extraclassroom activities and to provide for the proper handling and safeguarding of extraclassroom activity funds, the board of education hereby adopts rules and regulations for the guidance of students, teachers and principals.

Purpose

Student extraclassroom activities may only be formed for educational and school service purposes and may only be formed by students in grades 6-12.

Definition

Extraclassroom activity funds are funds raised other than by taxation or through charges of a board of education, for, by, or in the name of a school, student body, or any subdivision thereof.

Organizational Procedures

Students desiring to form an extraclassroom activity shall petition their principal in writing. The petition shall state the purpose of, and describe the activities of, the proposed extraclassroom activity, and shall be signed by at least seven students before it is presented to the principal for action. If the purpose of the proposed extraclassroom activity falls within the scope of educational or school service purposes and if the necessary space and equipment are available, the principal, in conjunction with the petitioning students, shall seek a suitable advisor. When these procedures have been accomplished, the building principal shall recommend to the superintendent that the extraclassroom activity be approved by the Board of Education.

Approved Extraclassroom Activities

All extraclassroom activities shall be approved by the Board of Education. The superintendent shall maintain an up-to-date register of all extraclassroom activities that are approved or discontinued.

Faculty Advisor

Each extraclassroom activity shall have a faculty advisor recommended by the superintendent and appointed by the Board of Education. The faculty advisor shall attend all meetings of the extraclassroom activity.

Meetings

All extraclassroom activities shall meet at least once monthly while school is in session. These meetings shall be held on school property. Extraclassroom activities shall not meet outside school property unless they have received the consent of their school principal.

Officers

Each extraclassroom activity shall have a president, secretary, and treasurer. These officers shall be elected annually from among the membership by secret ballot.

Financial Procedures

All extraclassroom activity funds shall be handled in accordance with the regulation for the safeguarding, accounting, and auditing of these funds.

Inactive Clubs and Leftover Funds

An inactive extraclassroom activity shall be defined as one having no financial activity for one full school year. If an inactive club is identified, the central treasurer is directed to liquidate the leftover funds of this club in accordance with the following. Leftover funds of inactive or discontinued extraclassroom activities and of graduating classes shall automatically revert to the account of the general student organization or student council (High School – Government Account, Middle School – Student Council Account). Inactive clubs must follow the organizational procedures set forth in this policy to re-activate previously existing activities.

Sales, Campaigns and Fundraising Activities

The chief faculty counselor shall provide information to the central treasurer (if any questions arise, the central treasurer will make the superintendent aware) on sales, campaigns and fundraising activities of all extraclassroom activity clubs, including the nature of the event, dates of operation, duration of sale or campaign, and means of solicitation (e.g., door-to-door, direct mailing, etc.).

Travel and Transportation

All overnight trips and foreign travel must receive approval from the Board of Education. The chief faculty counselor shall provide a written itinerary to each student, along with a copy of the code of acceptable conduct and secure written permission from a student's parent/guardian for all overnight and foreign travel. Every effort should be made to provide the educational travel opportunity to all eligible students. The faculty advisor must assure that there is sufficient adult supervision at all times.

District transportation may be provided, upon timely and proper request, at cost. Each club will be invoiced for actual cost upon trip completion. Trip cost estimates may be obtained from the business office. Although use of private carrier is permitted, the faculty advisor is required to ascertain that the driver(s) are properly insured, properly licensed and that the vehicle is appropriate, legal and safe. The safety of all students and adults must be guaranteed.

Risk Management

The chief faculty counselor shall work with the business official to assure that the district's exposure to any risk resulting from club activities or fundraisers is minimized. In all cases where a vendor will be using district facilities to conduct its event, the district requires a certificate of insurance with the district named as an additional insured. Periodically, the district may request that its primary liability insurance carrier conduct a review of the activities of its extraclassroom activities and may prohibit certain events based on the review results.

Equipment Acquisitions

All equipment purchases shall be evidenced by official action of a majority of the club or activity members. Title to all equipment acquired with extraclassroom activity funds shall reside with the district and be carried as an insurable asset on its list of insurable values. All equipment shall be operated on district property, unless express permission from the superintendent is secured to use the equipment or have it reside off premises. Such equipment shall be tagged as district property but is available for exclusive use by the extraclassroom activity club acquiring the item.

Contracts, Commitments and Guarantees

All contracts, commitments and guarantees require approval of the district's purchasing agent. All commitments and contracts shall be the sole responsibility of the extraclassroom activity club giving rise to the transaction, regardless of change in advisors, membership or officers.

Administrative Regulations

Subject: Rules for the Safeguarding, Accounting, and Auditing of Extraclassroom Activity Funds

General

There are certain principles and procedures that should be followed in establishing an adequate accounting system for extraclassroom activity funds. The following basic devices are essential to the proper management of such funds:

Basic Principles

- A. Two separate and independent sets of records of receipts and expenditures shall be maintained.
- B. The authority to expend monies shall be distinct and separate from the custody of these monies.
- C. At least two individuals shall take part in each act of disbursing money.
- D. The custodian of funds and the accounting officer or auditor shall both report to the Board of Education or its designated representative regularly and independently at intervals.

- E. All accounts shall be audited at least annually.
- F. The accounting system shall be such that it will yield the largest possible educational return to students without sacrificing the safety of funds or exposing students to undue responsibility or unnecessary routine.

Appointment of Officers

The Board of Education shall appoint, on the recommendation of the superintendent, members of the regular faculty and non-instructional staff to fill the following positions:

- 1) Central Treasurer
- 2) Faculty Advisors (appointed by the chief faculty counselor)
- 3) Activity Treasurers
- 4) Chief Faculty Counselor (usually the building principal)
- 5) Faculty Auditor
- 6) Independent Auditor

The building principals shall be chief faculty counselor(s) and shall recommend faculty advisors for each extraclassroom activity.

Each extraclassroom activity shall elect an activity president, secretary, and treasurer (students).

Function and Duties of Officers

1) CENTRAL TREASURER (appointed by the Board of Education)

It shall be the duty of the central treasurer to have custody of all funds. All disbursements of funds shall be by means of pre-numbered check forms signed by the central treasurer upon receipt of a disbursement order signed by the activity treasurer and faculty advisor. The central treasurer shall have no part in the approval of payments but shall disburse funds only on the presentation of a properly signed pay order in duplicate providing, of course, that there are sufficient funds available in the account. The completed check will be sent to the vendor after posting. The central treasurer shall sign a receipt for all funds placed in his/her custody and he/she shall deposit these funds promptly in a bank designated by the Board of Education.

Once each month, the central treasurer shall receive and verify the bank statements and once each quarter prepare reports for presentation to the faculty auditor and the board of education. These central treasurer reports and reconciliation of bank balances should show beginning balances, receipts for the month, disbursements for the month, and ending balances for each club.

2) FACULTY ADVISOR

It shall be the duty of these officers to guide and advise the pupil officers in planning extraclassroom activities and the planning of financial budgets. The advisors shall assist the activity treasurer in the preparation of statements of income. He/she shall audit these statements and sign them as acknowledgements of verification of the income statement to be attached to deposit slips. The advisor shall guide the student treasurer in posting his/her account ledger and from time to time shall check the balancing of the activity treasurer's accounts and the completeness of their supporting evidence. The faculty advisor shall supervise expenditures by insuring that funds are available before approving each proposed purchase and by signing all pay orders drawn on the central treasurer for disbursement of funds. The faculty advisor is responsible for determining which of the activities of his/her organization are subject to sales tax and for taking steps to see that all tax information is accurately recorded and sent to the central treasurer. The faculty advisor shall constantly work toward the goal of insuring the largest educational return from the activities participated in by the pupils.

3) ACTIVITY TREASURER

The activity treasurer shall receive all monies raised by his/her activity and the advisor shall deposit such funds with the central treasurer. Duplicate deposit slips shall be made out and signed by both the advisor and activity treasurer. One of these is to be retained by the central treasurer, and one, after being signed by the central treasurer, is to be returned to the activity treasurer together with a central treasurer's receipt.

The activity treasurer shall pay all bills by issuing pay orders signed by himself/herself and the faculty advisor. This form is to be made in duplicate and is an order for the central treasurer to issue a check for payment of the invoice, which shall be attached to the pay order. The central treasurer will keep one copy of the pay order and return the other copy to the activity treasurer. The central treasurer will then send the check to the vendor involved after posting.

The activity treasurer shall keep a ledger showing all receipts and expenditures and indicating a daily running balance. He/she shall file all supporting data, chronologically, as evidence for the entries made in the ledger.

4) CHIEF FACULTY COUNSELOR

It shall be the duty of this officer to coordinate the financial planning of all projects of the various pupil organizations in his building; to consult with the faculty advisors; to appoint a faculty advisor for each activity in his building on a year-to-year basis; and to submit to the board of education for approval all new activity organizations initiated by the students. He/she shall investigate all problems and disputes concerning the student organizations under his jurisdiction and shall effect action that will enable these problems and disputes to be resolved. In addition, he shall be charged with implementation of any corrective action plan developed as part of the audit of the activities under his jurisdiction.

5) FACULTY AUDITOR

The function of the auditor shall be distinct and separate from the duties of the other officers. The person appointed as auditor shall have no part in the approval of payments, the planning of income, or in the keeping of records and forms. This policy prohibits the appointment of a building principal or the chief school officer as auditor inasmuch as the building principal should serve as chief faculty counselor, and the chief school officer would have general supervision of the entire system and be responsible for the decisions of the chief faculty counselor and the faculty advisors.

In order to establish the responsibility of the auditor and to make available to this office adequate evidence of all financial transactions, the auditor shall receive once each quarter from the central treasurer on a regular date designated by the chief school officer, a complete statement of the accounts showing the balance for each activity and the total balance for all accounts. In addition, the auditor will call in the ledgers kept by the activity treasurers at least twice a year and on a rotating basis, in order to compare the balance as shown on the central treasurer's report with the balance recorded in the ledger of the activity treasurer. He/she should also examine various transactions and paperwork to determine if correct procedures are being used. He/she shall certify on these pages the accuracy of the entries posted and the available balances listed.

In the event that the ledgers of the activity treasurer do not agree with the ledger kept by the central treasurer, the auditor shall base his investigation on the supporting evidence kept by the activity treasurer and the central treasurer in the form of audited receipt statements, signed deposit slips, original audited bills, signed pay orders, cancelled checks, and bank statements. The entries in the central treasurer's books and activity treasurer's ledgers are, in the final analysis, based on forms bearing not only the signature of the activity treasurer, but also the counter signature of the faculty advisor.

At the end of the school year, it shall be the duty of the auditor to assemble the monthly reports and prepare a composite report listing the financial condition of each activity for the full school year for the guidance of the chief school officer and the board of education.

6) INDEPENDENT AUDITOR

The independent auditor is appointed by the Board of Education to make an annual audit of all school district finances and should be required to include the extraclassroom activity fund as a part of his/her annual audit. This audit should include a statement of receipts, disbursements, and balances for each activity together with a reconciliation of cash.

Procedures in Handling Funds

Receipt of Money

Upon receiving money, the activity treasurer will take the following steps:

- 1) Ensure that if the money received is from a fundraising event, that a completed profit/loss statement is on file or accompanies the money received.
- 2) Count the money received and reconcile with the individual project profit or loss statement that is involved in the transaction. The faculty advisor should sign the statement next to the signature of the activity treasurer, check any activity treasurer receipts involved, place the receipts in a bank deposit bag and place the bag in the school vault until the next school day. No activity money should be taken home by anyone.
- 3) Prepare the deposit slip, obtain the signature of the faculty advisor on the deposit slip following his/her review.
- 4) Return all funds used for making change.
- 5) Receive the duplicate deposit slip signed by the central treasurer.
- 6) Enter the amount of the deposit in the activity fund register indicating the source from which the funds were received.
- 7) File chronologically, the supporting data consisting of the duplicate deposit slip, and, if applicable, the profit or loss statement. These forms provide the evidence for the entries made in the activity treasurer's books.

Payments

When merchandise is to be purchased, the advisor is responsible for being sure the purchase is proper in all respects. When the goods are received and the bill arrives, the activity treasurer, under the faculty advisor's supervision, checks the goods and bill to see that there are no discrepancies. When it is determined that the bill is correct, the following steps are taken:

- 1) The payment order is prepared in duplicate and signed by both the activity treasurer and faculty advisor.
- 2) The final audited bill is attached to the original pay order form and both are given to the central treasurer.
- 3) The central treasurer records the consecutive pay order number on the forms and prepares the check.
- 4) The central treasurer makes the entries in his/her books and files both the original pay order and the bill as evidence for the entries.
- 5) A copy of the pay order will be sent to the activity treasurer.
- 6) The activity treasurer makes the necessary entry in his/her books indicating to whom the check is made out and the reason. The central treasurer then sends the check to the vendor. The central treasurer, to give evidence for the entry, files the pay order.

Advances

To provide ways and means for financing certain types of activities which do not lend themselves to the usual procedures, it is suggested provision be made for "advances." For example, to

provide the necessary cash for student organization activity trips, the activity treasurer of the group will draw a payment order in the same manner as when paying for a purchase except that in explaining the payment he/she will state that the check is to be drawn to himself, giving essential facts regarding the trip. A detailed statement of estimated expenditures and the like should accompany this order. Such a payment order should be pre-audited and approved the same as any other payment order. After audit and approval, the central treasurer will draw the necessary voucher check. The activity treasurer will thus secure the requested cash. After the trip, the activity treasurer shall file with the central treasurer a detailed statement of actual expenditures and turn over any balance not accounted for. The statement should, of course, be audited and approved by the faculty advisor.

The use of the "advance" procedure shall be very carefully limited and closely supervised. The device should be used only in case of real need, and not merely for convenience.

In order to avoid confusion in the case of advances for making change for admission tickets sold and to avoid inflation of accounts, a "service account" shall be set up. This account is charged with the advance and credited with the return of the money. Then the exact amount of net receipts can be credited to the activity.

Transfer of Funds From One Activity to Another

It may be necessary or desirable, occasionally, to transfer funds from one activity to another. This may be done by the use of a payment order. The treasurer of the activity managing the donation will upon proper authorization draw a payment order stating all essential facts. The central treasurer will then effect the necessary transfer in his accounts, and no money will actually change hands.

Bonding of the Central Treasurer

The Board of Education shall require the central treasurer of the extraclassroom activity fund to be bonded for no less than the amount of the average cash balance of the fund.

Investing Extraclassroom Activity Account Monies

The central treasurer may entrust a portion of the fund in a time deposit account, a certificate of deposit, a savings account, or other investment approved by the Board of Education. The investment of this money must be authorized by the Board of Education and shall be credited to each activity account based on its pro-rata principal investment.

FUND BALANCE POLICY

Resolved, upon the recommendation of the Superintendent, the Board of Education hereby adopts the Fund Balance Policy that was proposed at the June 15, 2011 Board Meeting as follows:

GASB has issued Statement No. 54, Fund Balance reporting and Governmental Fund Type Definitions (GASB 54). The objective of this Statement 54 is to enhance the usefulness of fund balance information by providing clearer fund balance classifications that can be more consistently applied.

Part 1 - Fund Balance Classifications (pursuant to GASB Statement 54)

Non-spendable - consists of assets that are inherently non-spendable in the current period either because of their form or because they must be maintained intact, including prepaid items, inventories, long-term portions of loans receivable, financial assets held for resale, and principal of endowments.

Restricted- consists of amounts that are subject to externally enforceable legal purpose restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments; or through constitutional provisions or enabling legislation. Because the State regulates the establishment, funding and use of school district reserves, generally, reserves will be classified as restricted fund balance.

Committed-consists of amounts that are subject to a purpose constraint imposed by a formal action of the government's highest level of decision-making authority before the end of the fiscal year, and that require the same level of formal action to remove the constraint. The New York State Office of the State Comptroller at the present time believes that in the NYS school districts will not have any committed fund balance.

Assigned- consists of amounts that are subject to a purpose constraint that represents an intended use established by the board or by their designated official. The purpose of the assignment must be narrower than the purpose of the general fund, and in funds other than the general fund, assigned fund balance represents the residual amount of fund balance. Assigned Fund Balance generally includes encumbrances and appropriated fund balance.

Unassigned-represents the residual classification for the government's general fund, and could report a surplus or deficit. In funds other than the general fund, the unassigned classification should be used only to report a deficit balance resulting from overspending for specific purposes for which amounts had been restricted, committed, or assigned.

Part 2 - General Policy

Fund balance measures the net financial resources available to finance expenditures within current or future periods. The Districts Unassigned General Fund- Fund Balance will be maintained to provide the District with financial stability and a margin of safety to fund unanticipated contingent expenditures that may occur unexpectedly during the fiscal year. The unassigned general fund-fund balance used for these purposes may only be appropriated by resolution of the Board of Education unless voter approval is required.

Any portion of Fund Balance may be applied or transferred for a specific purpose either by voter approval if required by law or by formal action of the Board of Education if voter approval is not required. Amendments or modification to the applied or transferred fund balance must also be approved by formal action of the Board of Education.

The Board of Education shall delegate the authority to assign fund balance, for encumbrance purposes, to the person(s) to whom it has delegated the authority to sign purchase orders.

In circumstances where an expenditure is incurred for a purpose for which amounts are available in multiple fund balance classifications (e.g., expenditures related to reserves).

The expenditure is to be spent first from the restricted fund balance to the extent appropriated by either budget vote or board approved budget revision and then from the unrestricted fund balance. Expenditures incurred in the unrestricted fund balances shall be applied first to the assigned fund balance to the extent that there is an assignment and then to the unassigned fund balance.

BUS SAFETY

The Mount Sinai School District is proud of its bus safety record. It must be remembered however, that bus safety is greatly dependent upon the behavior of the students riding the bus.

Safety on the school bus is not solely the responsibility of the school administrator and the bus driver. Safety is a matter of teamwork and requires the constant support and attention of the pupils and the parents, as well as the personnel of the schools.

Our purpose is to clarify for the parent and the pupil their responsibility in contributing to the safety of our school transportation program.

Parent Responsibility

Parents should study the transportation regulations with their children. At the same time, the importance of observing these regulations should be stressed to the pupil not only for his own safety but to protect the lives of all students riding the school bus.

- 1) Parents are responsible for the actions and safety of pupils walking to and from bus stops.
- 2) Parents are responsible for the actions of the pupils at the bus stops. The school assumes responsibility for pupils only after they have boarded the district vehicles.
- 3) Any parental concerns in relation to school bus, driver or student problems must be directed to the school authorities for action. Parents are NOT PERMITTED on board a school bus while the bus is actively engaged in transporting children.
- 4) Help the driver maintain his schedule by making sure that pupils are ready on time. The driver is not expected to wait for students.
- 5) Do not ask the driver to stop at places other than the regular bus stops. The drivers are not permitted to do this except by proper authorization from a school official.

Student Responsibility

The student's responsibility to the bus driver and fellow students is very important. A responsible student will:

1. Be on time at your designated school bus stop. Stay to the side of the road while waiting for the bus. Conduct yourself in a safe manner while waiting.
2. Respect the property rights of others, especially if the bus stop is in front of someone's house.
3. Wait for the bus to come to a complete stop before attempting to enter.
4. Keep head and hands inside the bus at all times.
5. Loud talking or unnecessary confusion could cause a disruption and divert the driver's attention and may contribute to a serious accident.
6. Treat bus equipment with respect. Damage to the seats, etc., must be paid for by the offender. Never tamper with the bus or any of its equipment.
7. No objects larger than that which may be held on the student's lap are permitted. No objects made of glass or sharp metals are allowed. Whenever possible students should place instruments and other large objects in the front of the bus.
8. Keep books, packages, coats and all other objects out of the aisles. All aisles and exits must be kept clear.
9. Bus riders are not permitted to leave their seats while the bus is in motion.
10. Students are expected to be courteous to fellow students and the bus driver.
11. No smoking or use of drugs or alcohol on school buses is permitted.
12. In case of an emergency, remain on the bus, unless directed to exit by the driver.
13. Obey the driver's instructions at all times.
14. Do not throw anything out of the bus windows. Horseplay is not permitted around or on the school bus.
15. No open packages of food or drink are allowed on the bus.
16. Students should cross the street 10 feet in front of the bus. When crossing the street students should advance to a point protected by the bus and wait for a signal from his/her

bus driver to finish crossing the street. Students must not walk along the sides of the bus. Do not cross the street in the back of the bus.

FIELD TRIPS AND EXCURSIONS

A field trip is understood to be any excursion outside of the school building or grounds, which is considered an educational experience for students and is planned and supervised by school faculty.

Field trips are recognized to be activities, which have a definite relationship to and are a natural outgrowth of the curriculum. They should provide an educational opportunity, which is not obtainable in the school environment.

Where possible, the educational experience should be brought to the school in the form of an assembly, lecture, demonstration or film.

It shall be the policy of the board that any field trip shall be approved by the superintendent or the building principal as designee and by the board where deemed necessary by the superintendent. In addition to field trips, the superintendent may authorize instructional days at approved sites that are beyond the bounds of the school site. Said instructional days must be under the direct supervision of the regularly assigned teacher and will be at the discretion of the superintendent, subject to the availability of funds in the budget.

BUS SUSPENSION

These are the policies and procedures for bus suspension in effect in the district. It is important that every parent be aware that:

1. School administrators will enforce these procedures, as directed by the Board of Education.
2. Even though students are suspended from buses, they are expected to be in school. When a bus suspension takes place, it is the parent's responsibility to get the child to and from school.
3. Parents have the responsibility for teaching self-control and good manners to their children, while the school has the responsibility of educating and transporting. If students cannot control their behavior on a school bus and continuously disrupt the safety and order of the bus and fellow students they will lose their riding privilege.

Procedures

The administrator in charge will take into consideration the age of the offender and the severity of the situation. In regard to all reports, each will be determined on its merit and will be investigated:

First Report -

The bus driver will report all incidents in writing on the official district form. Names and a description of the violation are given on this report form, which is turned in to the building principal. The building principal sends home the first "warning" letter. The parent is expected to discuss this report with the child.

Second Report -

Should a second incident occur with the same child, the driver will forward a written report to the principal. The principal will send a second notice to the parents and other parties. This letter may indicate a bus riding suspension of five days and the beginning day of this suspension.

Third Report -

After a third incident occurs with the same child, the driver will forward an official report to the principal. The third letter will be sent to the parent indicating an indefinite suspension from bus riding.

SPECIAL NOTE: A serious infraction of the rules may result in immediate suspension, with no warning letter sent, if in the opinion of school officials an immediate suspension is necessary to ensure the safety of the child and of all children.

General Information

Students will sometimes bring in a note asking to take another bus. Always clear this with the school administrator because some buses may exceed capacity loads if extra children are permitted to ride on them.

AIDS

A. Definitions

"HIV-related illness" means any clinical illness that may result from or be associated with HIV infection, including AIDS.

"Protected individual" shall mean a person who is the subject of an HIV-related test or who has been diagnosed as having an HIV-related illness.

"Capacity to consent" means an individual's ability, determined without regard to such individual's age, to understand and appreciate the nature and consequences of a proposed health care service, treatment or procedure, and to make an informed decision concerning such service, treatment or procedure.

B. Confidentiality and Release of Information

School officials and employees shall keep HIV-related information confidential, however obtained. The information shall not be disclosed to any person, unless the protected individual (or a person with capacity to consent) has completed and signed the Health Department Authorization for Release form ("Authorization Form"), a court order granted under Public Health Law-2785 has been issued, or the person to whom the information has been furnished is authorized to receive such information under Public Health Law FL-2782 without a release form. Persons authorized to receive HIV information without a release include physicians providing care, agencies monitoring such care, and insurance companies for payment purposes. Disclosure to school personnel staff requires a release or court order.

C. Testing

No HIV-related testing of any student shall take place without first receiving the written informed consent of the person to be tested on a form approved by the State Health Department. Such consent shall only be given by an individual with capacity to consent as defined above.

D. Penalties

Persons who disclose confidential HIV information to unauthorized parties or who fail to obtain informed consent for the HIV test, may be subject to a \$5,000.00 penalty and a criminal misdemeanor charge.

E. Procedures

1. Procedures set forth here shall be followed in any instance where the school district receives confidential HIV-related information concerning a student from the student and/or person in parental relation to the student without benefit of an Authorization Form or court order.
 - a. The superintendent or building administrator to whom the information has been given shall request a meeting with the person in parental relation and/or the student for the purpose of discussing the student's condition, concerns and, should the situation arise, educational alternatives. Such alternatives may include homebound instruction during periods of short-term illness as well as provision of educationally related support services. At this point, school or public health personnel may be consulted provided that the appropriate authorization form is obtained. The person in parental relation and/or the student should be apprised of this and asked to sign such release form for personnel whose consultation is needed for delivery of appropriate educational services.
 - b. If a school officer or employee who has not been made privy to confidential HIV-related information pursuant to an authorization form or court order reasonably believes that a student may present a clear and imminent danger to an individual whose life or health may unknowingly be at significant risk as a result of contact with the person, he/she should express these concerns to the superintendent or building principal who may attempt to obtain an authorization form from the individual or someone else with the capacity to consent. Should this request be refused, the superintendent may recommend to the school board that the district seek an order for disclosure of confidential HIV-related information, pursuant to Public Health Law-2785
 - c. If a professional staff member of a school district who has been made privy to confidential HIV-related information pursuant to an authorization form or court order reasonably believes that a student may present a clear and imminent danger to an individual whose life or health may unknowingly be at significant risk as a result of contact with the person, he/she should make a referral of the student to the CSE, if appropriate. Staff is also expected to encourage students to seek advice from their physician and AIDS counseling center and to behave responsibly by contacting those persons with whom they have engaged in behavior of significant risk.
2. If a student has been referred to the CSE and the CSE reasonably believes either (a) that the student may present a clear and imminent danger to an individual whose life or health may unknowingly be at significant risk as a result of contact with the student, or (b) that the student has or is suspected of having a handicapping condition and that the condition may be due, in whole or in part, to HIV-related illness, the CSE shall inform the superintendent, who shall attempt to obtain an authorization form from the student or someone else with the capacity to consent. Should this request be refused, the superintendent may recommend to the school board that the district seek an order for disclosure of confidential HIV-related information, pursuant to Public Health Law-2785.

When seeking the confidential information through either said form or court order, the superintendent shall attempt to have the person or court agree to disclose such information to the CSE, and may attempt to have the person or court agree to disclose

such information to the classroom teacher(s) and any other personnel the superintendent and the school attorney believe are appropriate.

3. At such time as the CSE receives confidential HIV-related information, it shall, on a case-by-case basis, review all of the medical information pertinent to the individual situation and make a determination as to whether the current mode of instruction and classroom setting for the student meets his/her current and ongoing needs or if it is appropriate.

In making its determination, the CSE shall consider the following factors: (a) the physical condition of the student and any behavior which might increase the risk of transmission of the virus; and (b) the expected type of interaction with others in the school setting.

The CSE may also consult with the appropriate public health officials pursuant to article 27-F of the Public Health Law. In all other respects, the CSE shall carry out its responsibilities and make recommendations based upon a written evaluation setting forth the reasons for the recommendations, to the student, parent or guardian of the student, and Board of Education as it would with any other student who has or is suspected of having a handicapping condition.

Because of the provisions in article 27-F of the Public Health Law permitting physicians to disclose confidential HIV-related information under certain circumstances, the school physician will be required to attend all meetings of the CSE in regard to students suspected or diagnosed as having HIV-related illness.

4. If no such consent or court order is obtained, the district shall take no further action in this matter and shall instruct the appropriate officers or employees not to disclose information in regard to the case.
5. Pursuant to Public Health Law-article 27-F, a physician may, upon the consent of a parent or guardian, disclose confidential HIV-related information to a state, county or local health officer for the purpose of reviewing the medical history of a child to determine the fitness of the child to attend school.

Additional Matters

In the event of the presence of any contagious or communicable disease (such as chicken pox or measles, etc.) in the school population, which may constitute a risk to an infected individual, the superintendent, building principal or school nurse with authorization to obtain the confidential HIV-related information, shall inform the student, the student's parents or legal guardian about such risk. Any temporary decision or recommendation in such circumstances should be made by the individual's personal physician and the student's parents in consultation with the superintendent, building principal, school physician and nurse.

INDIVIDUAL COMPETITOR SPORT

The Mount Sinai Board of Education recognizes the importance of athletics in the total educational experience of the students. The board also recognizes its fiduciary responsibility to the community. This responsibility dictates that the board cannot fund all programs based upon the individual likes and desires of the residents or the student body. The Board of Education must be judicious and selective in its budget deliberations, making every effort to allocate taxpayer dollars where they will affect the greatest number of students.

The Board of Education, however, does not want to limit a student's participation in a sport based upon the limitations inherent in a school district budget or based upon the determinations of the Board of Education that the district will not offer and/or fund a particular sport. In cases where a student wishes to participate in a sport that is not offered by the school district, the Board of Education hereby directs the administration to develop procedures, which will allow student participation.

The procedures developed will provide the student with school district sponsorship, thereby; allowing the student an opportunity to participate provided that:

- All expenditures required for participation by a student in an individual competitor sport will be the responsibility of the student and/or the parents or guardians;
- Responsibility for transportation needs, uniforms, attendance at events and practices will be the responsibility of the parent or guardian;
- Obtaining a coach and team which will allow the student to participate will be the responsibility of the parent or guardian; and,
- All rules, regulations, and practices are in accordance with Section XI and their policies on Individual Competitor Sports.

CODE OF CONDUCT

I. Introduction

The Board of Education is committed to providing a safe and orderly school environment where students may receive, and district personnel may deliver, quality educational services without

disruption or interference. Responsible behavior by students, teachers, other district personnel, parents and other visitors is essential to achieving this goal.

The district has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. To this end, the board adopts this code of conduct (“code”).

Unless otherwise indicated, this code applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

II. Definitions

A. “Disruptive student” means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.

B. “Parent” means parent, guardian or person in parental relation to a student.

C. “School property” means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in, or on a school bus, as defined in Vehicle and Traffic Law §142.

D. “School function” means any school-sponsored extracurricular event or activity.

E. Bullying

Bullying, under the amended Dignity for All Students Act, has the same meaning as harassment (see below). The accompanying regulation provides more guidance regarding the definition and characteristics of bullying to help the school community recognize the behavior.

F. Cyberbullying

Cyberbullying is defined as harassment (see below) through any form of electronic communication.

G. Hazing

Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

H. Sexual Harassment

Sexual harassment means bullying, harassment or discrimination of a sexual nature, as defined by the District’s sexual harassment policy.

I. Sexting

Sexting means taking nude or semi-nude photos or videos of self or others and forwarding them electronically.

J. “Violent student” means a student under the age of 21 who:

- Commits an act of violence upon a school employee, or attempts to do so.
- Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at a school function, or attempts to do so or acts in concert with other persons to do so.
- Possesses, while on school property or at a school function, a weapon.
- Displays, while on school property or at a school function, what appears to be a weapon.
- Threatens, while on school property or at a school function, to use a weapon.
- Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
- Knowingly and intentionally damages or destroys school district property.

K. “Weapon” means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, slingshot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

L. “Discrimination and Harassment - Harassment has been defined in various ways in federal and state law and regulation. The Board recognizes that these definitions are important standards but the board’s goal is to prevent misbehavior from escalating in order to promote a positive school environment and to limit liability. The Dignity for All Students Act (ss10-18 of education Law) defines harassment as the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. The harassing behavior may be based on any characteristic including but not limited to a person’s actual or perceived:

- Race
- Color
- Weight
- National origin
- Ethnic group
- Religion
- Religious practice
- Disability
- Sex
- Sexual orientation, or
- Gender (including gender identity and expression).

For the purpose of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

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

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

M. Prevention

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

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

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

N. Intervention

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

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

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

O. Provisions for Students Who Do Not Feel Safe at School

The Board acknowledges that, notwithstanding actions taken by district staff, intervention may require a specific coordinated approach if the child does not feel safe at school. Students who do not feel safe at school are limited in their capacity to learn and reach their academic potential. Staff, when aware of bullying, should determine if accommodations are needed in order to help ensure the safety of the

student and bring this to the attention of the building principal. The building principal, other appropriate staff, the student and the student's parent(s) will work together to define and implement any needed accommodations.

The district recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually. The student, parent/guardian and school administrator will collaborate to establish safety provisions that best meet the needs of the targeted student.

Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

P. Training

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

Q. Non-Retaliation

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

III. *Student Rights and Responsibilities*

A. Student Rights - The district is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly and civil school environment, all district students have the right to:

- Take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.
- Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
- Access school rules and, when necessary, receive an explanation of those rules from school personnel.

B. Student Responsibilities - All students have the responsibility to:

- Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
- Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
- Attend school every day, unless they are legally excused, and be in class, on time, and prepared to learn.
- Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
- React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
- Work to develop mechanisms to control their anger.

- Ask questions when they do not understand.
- Seek help in solving problems that might lead to discipline.
- Dress appropriately for school and school functions.
- Accept responsibility for their actions.
- Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

Note: Students should consider school their place of business and conduct themselves accordingly.

IV. Essential Partners

A. Parents - All parents are expected to:

- Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
- Send their children to school ready to participate and learn.
- Ensure their children attend school regularly and on time.
- Ensure absences are excused. Students may be excused (legal absence) from school for student illness, illness or death in the family, quarantine, required court appearances, religious observance, attendance at health clinics, and approved college visits. Parents should be aware that parental notes are notes of explanation and not notes of excuse. Absences are excused only for the reasons previously cited. Under law, the responsibility for this judgment has been assigned to the school district.
- Recognize that children who are ill or who may be infectious to others should not be sent to school.
- Insist their children be dressed and groomed in a manner consistent with the student dress code.
- Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
- Know school rules and help their children understand them.
- Convey to their children a supportive attitude toward education and the district.
- Build good relationships with teachers, other parents and their children's friends.
- Help their children deal effectively with peer pressure.
- Inform school officials of changes in the home situation that may affect student conduct or performance.
- Provide a place for study and ensure homework assignments are completed.

Note: Further information and description about public conduct on school grounds is noted in Section XIV. Parents/visitors should be familiar with those expectations and requirements too.

B. Teachers - All teachers are expected to:

- Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
- Be prepared to teach.
- Demonstrate interest in teaching and concern for student achievement.
- Know school policies and rules and enforce them in a fair and consistent manner.
- Communicate to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines

- d. Expectations for students
- e. Classroom discipline plan
- Communicate regularly with students, parents and other teachers concerning growth and achievement.

C. Guidance Counselors - All counselors are expected to:

- Assist students in coping with peer pressure and emerging personal, social and emotional problems.
- Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
- Regularly review with students their educational progress and career plans.
- Provide information to assist students with career planning.
- Encourage students to benefit from the curriculum and extracurricular programs.

D. Principals/Administrators - All principals/administrators are expected to:

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
- Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal/administrators for redress of grievances.
- Evaluate on a regular basis all instructional programs.
- Support the development of, and student participation in, appropriate extracurricular activities.
- Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

E. Superintendent is expected to:

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
- Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
- Inform the board about educational trends relating to student discipline.
- Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
- Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

F. Board of Education is expected to:

- Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
- Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.

V. Student Dress Code

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

A student's dress, grooming and appearance, including but not limited to, hair style/color, jewelry, make-up and nails, shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Not include items or language that are vulgar, obscene, displays adult themes, be libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
3. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
4. Be such that all outer clothing must appropriately cover undergarments.

A. Long Pants:

Students may wear long pants that:

- Are neat and clean
- Are composed of intact and opaque fabric
- Meet the safety requirements set forth by specific student activities (i.e., shop, laboratories)

B. Footwear:

Students shall wear shoes/sneakers/boots that:

- Are neat, clean, and intact
- Are not a safety hazard to self or others

Note: footwear must be worn at all times

C. Shorts (Skorts):

Students **may** wear shorts that:

- Are neat and clean
- Are constructed of intact and opaque fabric
- Meet the requirements set forth by specific student activities (i.e., shop, laboratories)

Students **may not** wear shorts that:

- Have an inseam of less than three inches
- Are revealing or provocative

D. Skirts:

Students **may wear** skirts that:

- Are neat and clean
- Are intact and constructed of opaque fabric
- Meet the requirements of specific student activities (i.e., shop, laboratories)

Students **may not** wear skirts that:

- Are revealing or provocative
- Are higher than mid-thigh

E. Shirts:

Students **shall wear** a shirt that:

- Is neat and clean
- Is intact and constructed of opaque fabric
- Is constructed with a strap over each shoulder
- Is long enough to be tucked in
- Meets the requirements of specific student activities (i.e., shop, laboratories)

Students **shall not** wear a shirt that:

- Exposes the midriff
- Is an extremely brief garment; such as: tube-top, halter top, net-top, see-through, or has a plunging neckline (front or back)

- Has spaghetti straps

F. Dresses:

Students may wear dresses that meet the descriptions of shirts and skirts listed above (same rationale).

G. Outerwear:

Students may wear a jacket or coat to school as required by weather conditions. It must be removed upon entering the school building and placed in a locker during regular school hours and while in school buildings.

H. Hats/Head Apparel

Hats may be worn in the public areas of a school building (i.e., hallways, lobbies, entrances, corridors) and may only be worn in the classroom with the permission of the teacher.

NOTE: Teachers may withdraw permission at their discretion.

I. Gangs:

Defined:

The term gang as used in this policy refers to all groups of three or more individuals who share a common interest, bond or activity characterized by criminal, delinquent or otherwise disruptive conduct engaged in collectively or individually.

Gang attire:

No manner of grooming or apparel, including clothing, jewelry, hats, emblem and badges, which by virtue of color, arrangement, trademark, or attribute is associated with or denotes membership in or affiliation with any gang will be permitted in school buildings, school grounds, buses or school activities on or off the school campus.

The following are prohibited:

- Lettering, patches, or insignia on backpacks, handbags, scarves, bandannas, or other personal items related to gang activity as recognized by the school administration.
- Use of colors, symbols, or styles related to gang activity as recognized by the school administration.

J. Miscellaneous:

The following are prohibited:

- Facial or body jewelry that presents a safety concern or serves to disrupt learning or orderly, appropriate conduct of students in school. Earrings for both male and female students are permitted.
- Wallet chains.
- Sunglasses or tinted eye wear worn inside school buildings.

Clubs, teams, and other groups of students must follow the “opt-out” provisions prior to wearing attire with the same or similar color, lettering, or insignia.

Each building principal or his or her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it

with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including, but not limited to, in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including, but not limited to, out-of-school suspension.

K. Opt-out Provision:

School administration must be contacted regarding exemption from the dress code policy when religious, cultural, or medical reasons exist. The opt-out provision shall be utilized prior to the occurrence of a dress code violation. If a request for an opt-out is denied the applicant may appeal the denial to the superintendent within five school days. If the superintendent denies the application, the applicant may appeal the denial to the Board of Education within five days of the superintendent's written denial. The decision of the board will be final.

VI. Prohibited Student Conduct

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

The board recognizes the need to make its expectations for student conduct, while on school property or engaged in a school function, specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct.

A student shall be subject to disciplinary action in relation to the following:

- a) Being under the influence of an alcoholic beverage, drinking an alcoholic beverage or in possession of an alcoholic beverage on school premises (including buildings or grounds) or on a bus going to or from a school function or a school-sponsored function. Alcoholic beverages shall mean and include alcohol, spirits, liquor, wine, beer and cider having alcoholic content.
- b) The use, possession, sale, gift, sharing or distribution of any drug or controlled substance, including prescription/over the counter drugs, marijuana or any instruments for the use of such drugs, controlled substance or marijuana such as a pipe, syringe or other paraphernalia, while on school premises (including buildings or grounds) or on a bus going to or from a school function or school-sponsored function. Excepted is any drug taken in accordance with a current prescription signed by a physician, which is to be taken by the particular student at the time in question in concert with district's procedure regarding medications.

Note: If an administrator has suspicion that a student has consumed alcohol or has taken an illegal substance prior to or during school hours or at a school sponsored event, the student will be administered an alcosensor test or an oral (saliva) fluid based drug test as appropriate (any refusal to take either test will be considered as an admission of guilt).

- c) Stealing, lying, cheating, plagiarism, copying, altering records, other acts of dishonesty or assisting others to any of the aforementioned. (*High School students see Honor Code*)

- d) Engaging in conduct and/or behavior that endangers the health, safety and welfare of others. Examples include [but are not limited to]: bullying, intimidation, hazing, threatening, menacing, harassing or assisting others in any of the aforementioned.
- e) Engaging in any act of discrimination or harassment as defined in this code.
- f) Fighting or causing physical harm to another.
- g) Disrespect toward school personnel (faculty or staff).
- h) Possession or use of a weapon, which constitutes a firearm or destructive device, on school premises. School premises include school grounds, school buildings, a school bus or school sponsored activities at off campus locations.
- i) Possession or use of knives or other weapons not included in section (g) on school premises. School premises include school grounds, school buildings, a school bus or school sponsored activities at off campus locations.
- j) Students are not permitted to use electronic devices such as cell phones, MP3 players, iPods, radios, headsets, CD players, laser pointers, electronic games, etc. in school. The use of such electronic communication devices such as cell phones, texting devices, recording devices, etc., without prior consent of the principal's or his/her designee's consent is prohibited and will result in disciplinary action.
- k) Misuse or unauthorized use of technology including, but not limited to, school phones, computers, software, intra/internet or inappropriate web sites.
- l) Failure to comply with the directions of a teacher, administrator or other school employee.
- m) Trespassing – students are not permitted in other school buildings (other than the one they attend) without prior permission from the administration in charge of the building.
- n) Engaging in acts of sexual harassment as defined in the district's sexual harassment policy.
- o) Using in either words, clothing, or signs, profane, lewd, vulgar, abusive language or words, which may incite or defame another person.
Note: Defame means to attack the good name of another by making false or unprivileged statements or representations about an individual or identifiable group of individuals that harms or intends to harm the reputation of a person or persons by demeaning them.
- p) Selling, using, sharing or possessing obscene material.
- q) Gambling
- r) Lateness for, missing or leaving school or class without permission or an excuse given by a faculty member.
- s) Any willful act, which disrupts the normal operation of the school community.
- t) Possessing tobacco products of any kind while on school district property, school transportation or at a school function.
- u) Smoking a cigarette, cigar, pipe, e-cigarette or vaporizer or using chewing or smokeless tobacco on school premises (including buildings or grounds) or on a bus going to or from a school function or a school-sponsored function.
- v) Disrupting the educational process.
- w) Interfering with the teacher's authority over the classroom.
- x) Acting as a violent pupil.
- y) Intentionally damaging or destroying the personal property of a student, visitor, teacher, administrator, or other district employee.
- z) Violates the civil rights of another student.
- aa) Violates the district's dress code.
- bb) Engaging in misconduct while on a school bus
- cc) Disruptive Behavior

Note: Acting in concert with or instigating others to do any of the above is also prohibited.

VII. Incident Reporting and Investigation

Although it can be difficult to step forward, the district can't effectively address bullying if incidents are not reported. Students who have been bullied, parents whose children have been bullied or other students or staff who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided. Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to make an oral report to the Building DAC. Appeals shall be forwarded to the DAC at Mount Sinai School District, 118 North Country Road, Mount Sinai, New York 11766 within one school day and to fill out the district reporting form within two school days. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with his/her supervisor. A district employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident, whether or not the target complains.

At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, or, if applicable, 0100 Equal Opportunity and Nondiscrimination, or 0110, Sexual Harassment and the district's Code of Conduct. The Dignity Act Coordinator (DAC) will prepare a report for the Superintendent based on complaints filed. Incidents will be included in the Violent and Disruptive Incident Reporting (VADIR) system when applicable.

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

The Board has access to the annual VADIR report, as well as any other state required report relevant to bullying and/or school climate, for each building and for the district as a whole. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.

Note: In the case of a weapon found, particularly a firearm or destructive device, a call to 911 shall be made immediately.

VIII. Disciplinary Penalties

Procedures and Referrals - Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

Disciplinary action, when necessary, will be firm and fair so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

- The student's age.
- The nature of the offense and the circumstances that led to the offense.
- The student's prior disciplinary record.
- The effectiveness of other forms of discipline.
- Information from parents, teachers and/or others, as appropriate.
- Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

A. Penalties

Students who are found to have violated the district's code of conduct may be subject to the following penalties, either alone or in combination. The range of penalties, which may be imposed for the conduct set forth in Section VI, is as follows:

- Verbal (i.e. oral) warning;
- Written warning;
- Written notification to parent;
- Probation;
- Reprimand;
- Detention;
- Suspension from transportation;
- Suspension from athletic participation;
- Suspension from social or extracurricular activities;
- Suspension of other privileges;
- Exclusion from a particular class;
- Involuntary transfer; or
- Suspension from instruction.

When the student repeatedly is substantially disruptive of the educational process (u) or substantially interferes with the teacher's authority over the classroom (v), or is violent (w), *he/she will be suspended for a minimum of five (5) days subject, however, to mitigation; the matter will be thoroughly investigated by the building administration and the discipline imposed will reflect the finding of the investigator. In all likelihood, repeat offenders will receive a harsher level of discipline (up to and including a Superintendent's hearing) than first time offenders.*

Any suspension from attendance upon instruction for violation of any section may be imposed only in accordance with Education Law § 3214(3).

The type and extent of punishment for violations of all sections except section (g) and beyond the minimum in relation to sections (u), (v), and (w) shall be *based upon the thorough investigation by the building administration; the discipline imposed will reflect the finding of the investigator. In all likelihood repeat offenders will receive a harsher level of discipline (up to and including a Superintendent's hearing) than first time offenders.*

In accordance with the Gun-Free Schools Law (20 U.S.C.A. § 3351), the Gun-Free Schools Act of 1994(20 U.S.C.A. §8921)~ New York State Education Law § 3214 (3), and this board policy, the punishment for violation of Section (g) shall be a suspension from attendance upon instruction for a period of not less than one calendar year, unless the superintendent shall determine to modify such punishment. The superintendent's determination shall be on a case-by-case basis.

The term "firearm" as used in Section (g) is defined in 18 U.S. C.A. § 921 (3) and shall include any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device. The term "destructive device" means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine or any device similar to any of those devices already described in this paragraph. Except that "destructive device" shall not mean any device not designed or redesigned for use as a weapon.

The superintendent shall refer a pupil who has been determined to have violated section (g) as follows:

- If the pupil is under 16 years of age to the Family Court in accordance with the Family Court Act, Article 3.
- If the pupil is 16 years of age or older to the appropriate law enforcement agency.

The term "violent pupil" is defined as follows: *(However, it is to be recognized that an "act of violence" upon another student may be warranted to avoid a higher act of violence being committed; or avoiding the placing in severe jeopardy a third party student or staff member; or being required to avoid the student suffering bodily injury to himself/herself.)*

A violent pupil is an elementary or secondary student under twenty-one years of age who:

- commits an act of violence upon a teacher, administrator or other school employee;
- commits, while on school district property, an act of violence upon another student or any other person lawfully upon said property;
- possesses, while on school district property, a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;
- displays, while on school district property, what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing death or physical injury;
- threatens, while on school district property, to use any instrument that appears capable of causing physical injury or death;
- knowingly and intentionally damages or destroys the personal property of a teacher, administrator, other school district employee or any person lawfully upon school district property; or
- knowingly and intentionally damages or destroys school district property.

The term "disruptive pupil" is defined as:

A disruptive pupil is an elementary or secondary student under twenty-one years of age who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

A teacher may remove a disruptive student from the classroom for a period not to exceed five class days in relation to (u) or (v).

School property or school premises means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of the schools of the district or in, or on a school bus.

A school function shall mean a school-sponsored extracurricular event or activity.

B. Procedures

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

Teacher disciplinary removal of disruptive students

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student into the hallway briefly; (3) sending a student to the principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

On occasion, a student's behavior may become disruptive. For purposes of this code of conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

A classroom teacher may remove a disruptive student from class for up to five (5) days. The removal from class applies to the class of the removing teacher only.

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours.

The teacher must complete a district-established disciplinary removal form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal, the principal or another district administrator designated by the principal must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

The teacher who ordered the removal will attend the informal conference.

If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

The principal or the principal's designee may overturn the removal of the student from class if the principal finds any one of the following:

- The charges against the student are not supported by substantial evidence.
- The student's removal is otherwise in violation of law, including the district's code of conduct.
- The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The principal or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.

Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

Suspension from school

Suspension from school is a penalty, which may be imposed upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

The board retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the building principals.

Any staff member may recommend to the superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying

the recommendation or referral warrant immediate attention. In such cases, a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The superintendent or principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

a) Short-term (5 days or less) suspension from school

When the superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student’s presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student’s presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent’s decision, they must file a written appeal to the Board of Education with the district clerk within 10 business days of the date of the superintendent’s decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the board may be appealed to the commissioner within 30 days of the decision.

b) Long-term (more than 5 days) suspension from school

When the superintendent or building principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student’s parents of their right to a fair hearing. At the hearing, the student shall have the right to be represented by counsel, the right to question witnesses against him or her, and the right to present witnesses and other evidence on his or her behalf.

The superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof.

An appeal of the decision of the superintendent may be made to the board that will make its decision based solely upon the record before it. All appeals to the board must be in writing and submitted to the district clerk within 10 business days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The board may adopt in whole or in part the decision of the superintendent. Final decisions of the board may be appealed to the commissioner within 30 days of the decision.

- C. Minimum Periods of Suspension** – *In accordance with the regulations of the Commissioner, the student Code of Conduct must include minimum periods of suspension for so-called “violent students” and students who are repeatedly “substantially disruptive of the educational process” or who “substantially interfere with a teacher’s authority over the classroom.”*

Sections “a”, “b”, and “c” address those minimum periods of suspension. However, it is to be recognized that such minimum suspension periods are to be subject to reductions dependent upon the circumstances.

a) Students who bring a weapon to school

Any student found guilty of bringing a weapon onto school property would be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. In addition, if a student is disabled, there shall first be a meeting of the CSE to determine manifestation.

The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

- The student's age
- The student's grade in school
- The student's prior disciplinary record
- The superintendent's belief that other forms of discipline may be more effective
- Input from parents, teachers and/or others
- Other extenuating circumstances

A student with a disability may be suspended only in accordance with the requirements of state and federal law.

b) Students who commit violent acts other than bringing a weapon to school

Any student who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the

same notice and opportunity for a hearing given to all students subject to a long-term suspension. If a student has a disability, a manifestation determination by the CSE may have to be made in appropriate circumstances.

The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

c) Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes with the teacher's authority over the classroom

Any student who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. For purposes of this code of conduct, "repeatedly substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester. If the proposed penalty is the minimum five-day suspension, the same notice and opportunity for an informal conference will be given to students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to students subject to a long-term suspension. If a student has a disability, a manifestation determination by the CSE may have to be made in appropriate circumstances.

The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

IX. *Referrals and Remedies*

a) Counseling - The guidance office shall handle all referrals of students to counseling.

b) PINS Petitions - The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

- Being habitually truant and not attending school as required by part one of Article 65 of the Education Law
- Engaging in an ongoing or continual course of conduct that makes the student ungovernable or habitually disobedient and beyond the lawful control of the school
- Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition

c) Juvenile Delinquents and Juvenile Offenders - The superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

- Any student under the age of 16 who is found to have brought a weapon to school
- Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42)

The superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

X. Alternative Instruction

When a teacher removes a student of any age from class or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate (immediate does not mean instantaneous) steps to provide alternative means of instruction for the student.

XI. Discipline of Students with Disabilities

The board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The board also recognizes that students with disabilities are entitled to certain procedural protections whenever school authorities intend to impose discipline upon them. The board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

This code of conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

A. Authorized Suspensions or Removals of Students with Disabilities - For purposes of this section of the code of conduct, the following definitions apply.

- A “suspension” means a suspension pursuant to Education Law § 3214.
- A “removal” means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.
- An “IAES” means a temporary educational placement for a period of up to 45 days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student’s current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:

- The board, the district (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
- The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.

- The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
 - The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
- a) **“Weapon”** means the same as “dangerous weapon” under 18 U.S.C. § 930(g)(h), which includes “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury.
- b) **“Controlled substance”** means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
- c) **“Illegal drugs”** means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

B. Change of Placement Rule

A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:

- for more than 10 consecutive school days; or
- for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student’s disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

C. Special Rules Regarding the Suspension or Removal of Students with Disabilities.

The district’s Committee on Special Education shall:

- Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability

for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances. If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary. If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

- Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that the child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
- The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
- A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
 - a) conducted an individual evaluation and determined that the student is not a student with a disability, or
 - b) determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.

The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to

an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

The procedural safeguards notice prescribed by the commissioner shall accompany the notice of disciplinary removal.

The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.

Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days may be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.

The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.

During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

D. Expedited Due Process Hearings

An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:

- The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
- The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.

If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. Referral to law enforcement and judicial authorities

In accordance with the provisions of IDEA and its implementing regulations:

- The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
- The superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to which a crime is reported.

XII. Corporal Punishment

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee is strictly forbidden. However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

- Protect oneself, another student, teacher or any person from physical injury.
- Protect the property of the school or others.
- Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts.

The district will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with commissioner's regulations as required by law.

XIII. Student Searches and Interviews

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. In addition, the board authorizes the superintendent, building principals, the school nurse and district security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible

and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the district code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

A. Student Lockers, Desks and Other School Storage Places

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

B. Strip Searches

There shall be no strip searches.

C. Police Involvement in Searches and Interrogations of Students

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

- A search or an arrest warrant; or
- Probable cause to believe a crime has been committed on school property or at a school function; or
- Been invited by school officials.

Before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

- They must be informed of their legal rights
- They may remain silent if they so desire
- They may request the presence of an attorney

D. Child Protective Services Investigations

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will

cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to the building principal or his or her designee. The principal or his or her designee shall set the time and place of the interview. The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

XIV. Visitors to the Schools

The board encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

- Anyone who is not a regular staff member or student of the school will be considered a visitor.
- All visitors to the school must report in and register at the reception/security desk. There they will be required to present valid photo identification and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must sign out upon leaving.
- Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
- Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the principal and classroom teacher(s), so that class disruption is kept to a minimum.
- Teachers are expected not to take class time to discuss individual matters with visitors.
- Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
- All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

XV. Public Conduct on School Property

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code,

“public” shall mean all persons when on school property or attending a school function including students, teachers and district personnel.

The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. The district recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this code is to maintain public order and prevent abuse of the rights of others.

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.

A. Prohibited Conduct

No person, either alone or with others, shall:

- Intentionally or recklessly injure any person or threaten to do so
- Intentionally or recklessly damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson
- Disrupt the orderly conduct of classes, school programs or other school activities
- Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program
- Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability
- Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed
- Obstruct the free movement of any person in any place to which this code applies
- Violate the traffic laws, parking regulations or other restrictions on vehicles
- Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function
- Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district
- Loiter on or about school property
- Gamble on school property or at school functions
- Refuse to comply with any reasonable order of identifiable school district officials performing their duties
- Willfully incite others to commit any of the acts prohibited by this code
- Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function

B. Penalties

Persons who violate this code shall be subject to the following penalties:

Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.

Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.

Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.

Staff members in the classified service of the civil service are entitled to the protection of Civil Service Law §75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.

Staff members, other than those described in the preceding paragraph and this one, shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

C. Enforcement

The building principal, or his or her designee, shall be responsible for enforcing the conduct required by this code.

When the building principal, or his or her designee, sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal, or his or her designee, shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal, or his or her designee, shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The district shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

XVI. Dissemination and Review

A. Dissemination of Code of Conduct

The board will work to ensure that the community is aware of this "Code of Conduct" by:

- Providing a copy of the "Code of Conduct" to all students at the beginning of each school year. The "Code of Conduct" will be in student handbooks, which are provided to students and parents.
- Posting the "Code of Conduct" on the "School District Website."
- Providing all current teachers and other staff members with a copy of the "Code of Conduct" and a copy of any amendments to the "Code" as soon as practicable after adoption.
- Providing all new employees with a copy of the "Code of Conduct" when they are hired.
- Making copies of the "Code of Conduct" available for review by students, parents and other community members. Copies of the "Code of Conduct" are also available upon request.

The board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct. The superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

The Board of Education will review this code of conduct every year and update it as necessary. In conducting the review, the board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

The board may appoint an advisory committee to assist in reviewing the code and the district's response to code of conduct violations. The committee will be made up of representatives of students, teachers, administrators, and parent organizations, school safety personnel and other school personnel.

Before adopting any revisions to the code, the board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

The code of conduct and any amendments to it will be filed with the commissioner no later than 30 days after adoption.

EARLY GRADUATION

Consistent with the commissioner's decision, students who seek early graduation are encouraged to do so; however, they must complete all local and state requirements as needed for graduation with the exception of the fourth year of physical education. Pursuant to Section 1000.5 (a) (3) of the Regulations of the Commissioner of Education this requirement is waived for early graduates. The minimum number of credits needed for graduation, however, remains at 24.

The Board of Education may, at its discretion, award the designation of co-valedictorian or co-salutatorian to the individual student who completed four years of instruction at the high school and scored the highest average of all those completing four years.

GRADE WEIGHTING, CLASS RANK AND VALEDICTORIAN DETERMINATION

The Mount Sinai Board of Education recognizes that some academic programs are more rigorous and challenging than others. The grade weighting protocol recognizes that reality and rewards students for taking more challenging and rigorous courses of study.

Grade Weighting: Grades will be weighted on a scale as follows:

- AP Courses will be multiplied by a factor of 1.15
- Honors and Accelerated courses will be multiplied by a factor of 1.05

The aforementioned weighting protocol establishes the relationship between all courses and those designated in the categories noted above.

Grade Point Average: Student grade point averages will be determined at the end of each semester except as noted for valedictorian and salutatorian (see below), based upon the aforementioned grade weighting protocol. Academic averages reported to colleges on student transcripts shall remain unweighted.

Valedictorian/Salutatorian: The valedictorian and salutatorian for graduating students will be calculated and rank ordered at the end of the third quarter of the year in which the class graduates. Such determination will be final and no adjustments, thereafter, shall take place.

INTERSCHOLASTIC ATHLETIC PARTICIPATION FOR PHYSICAL EDUCATION CREDIT

Students in grades 9-12 who participate in two or more Mount Sinai interscholastic athletic teams may appeal to the principal and athletic director to opt out of physical education class in the year they participate in those sports provided that one or more of the following situations exists:

- The student's request is based on the student's desire to take another course that cannot be accommodated through a change in the student's schedule.
- The student's schedule is full with no study halls in the schedule.
- The student wishes to attend a BOCES program and by taking a physical education class their enrollment would be prohibited.

If the student's request is granted, and subsequently the student does not participate in one or more of the Mount Sinai interscholastic athletic teams, the student will immediately be enrolled in a physical education class.

The principal will be authorized to rule on any procedural or conditional aspect relative to the above that has not been outline in the policy.

PRESCHOOL SPECIAL EDUCATION

The Board of Education recognizes the value of special education and its responsibility in ensuring that all resident preschool children with handicapping conditions have the opportunity to participate in special programs and services from which they may benefit. Prior to July 1, 1991, the board must ensure such opportunity only to the extent that an approved preschool program is available within a reasonable distance from the childcare location. The board authorizes the superintendent to establish administrative practices and procedures to carry out this responsibility. Such administrative practices and procedures shall include:

- Locating and identifying all preschool children with handicapping conditions who reside in the district and are eligible to attend a preschool program in accordance with the relevant provisions of the Education Law during the next year. The register of children eligible to attend a preschool program is to be maintained and revised annually by the Committee on Preschool Special Education (CPSE).
- Ensuring that the parents of preschool age children with handicapping conditions have received and understand the request for consent for evaluation of their child
- Developing an individualized education program (IEP) for each preschool age child with a handicapping condition
- Appointing and training appropriately qualified personnel including the members of a CPSE
- Maintaining lists of State Education Department approved preschool programs within the county and adjoining counties in which the district is located
- Reporting to the State Education Department the number of children with handicapping conditions that are being served, as well as those not served

The Board of Education hereby establishes the CPSE as required under the Education Law. Its responsibilities will include the evaluation and recommendation for placement in appropriate approved programs and the provision of appropriate special education programs and services for each preschool child with a handicapping condition. The CPSE shall review, at least annually, the status of each preschool child with a handicapping condition.

CONDITIONAL AND EMERGENCY CONDITIONAL APPOINTMENTS

The Administrator in charge of the program in which the conditional hire or emergency conditional hire is employed shall take such steps as are prudent and necessary to ensure the protection of children in the charge of the conditional appointee or emergency conditional appointee.

LIMITED ENGLISH PROFICIENCY INSTRUCTION

The Board of Education believes that students, who, by reason of foreign birth or ancestry, have Limited English Proficiency, will be more effective learners of both the language and the curriculum if they receive instruction in both their native language and English. The district will, therefore, make every effort to ensure that Limited English Proficient (LEP) students are provided with an appropriate program of transitional bilingual education or freestanding English as a second language program.

Pursuant to this policy and the regulations of the Commission of Education, the Superintendent is directed to develop appropriate administrative regulations to ensure that LEP students are:

- Diagnostically screened for Limited English Proficiency, in accordance with Part 117 of the Commissioner's Regulations. Those students who, according to their scores, are identified, as LEP will be annually evaluated. Included in the evaluation shall be each student's performance in content areas to measure academic progress;
- Assured of access to appropriate instructional and support services including guidance programs
- Assured of having equal opportunities to participate in all school programs and extracurricular activities as non-LEP students

The superintendent shall be responsible for ensuring that the commissioner is provided with all information required under the Commissioner's Regulation and that the district provides appropriate school-related information to the parents of LEP students in English, or when necessary, in the language they understand. In addition, the superintendent shall ensure that all teachers employed for any bilingual and/or ESL program are properly certified in accordance with the Commissioner's Regulation.

SEXUAL HARASSMENT

Mount Sinai School District is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of Mount Sinai School District's commitment to a discrimination-free work environment. Sexual harassment is against the law and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with Mount Sinai School District. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. Mount Sinai School District's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with Mount Sinai School District. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g. counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Mount Sinai School District will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of Mount Sinai School District who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or Superintendent of Schools. All employees, paid or unpaid interns or non-employees who believe

they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject Mount Sinai School District to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. Mount Sinai School District will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Mount Sinai School District will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. Mount Sinai School District will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to the Superintendent of Schools.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

What is “Sexual Harassment”?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of Sexual Harassment:

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Who can be a target of Sexual Harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can Sexual Harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Retaliation

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- Made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- Opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- Reported that another employee has been sexually harassed; or
- Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone’s responsibility. Mount Sinai School District cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager, or Superintendent of Schools. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or Superintendent of Schools.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee’s behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the Superintendent of Schools.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

Complaint and Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Mount Sinai School District will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the Superintendent of Schools will conduct an immediate review of the allegations, and take any interim actions (e.g. instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses.
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective action(s).

- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by the Mount Sinai School District but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Mount Sinai School District, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, §290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Mount Sinai School District does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal antidiscrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. s2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have a least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYS Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nys.gov/html/cchr/html/home/home/.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

MOUNT SINAI SCHOOL DISTRICT

Sexual Harassment Complaint Form

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to your supervisor or the superintendent of schools. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

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### ***COMPLAINANT INFORMATION***

Name:

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Work Address:

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Work Phone:

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Job Title:

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Email:

---

Select Preferred Communication Method:      ☐ Email      ☐ Phone      ☐ In Person

***SUPERVISORY INFORMATION***

Immediate Supervisor's Name:

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Title:

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Work Address:

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Work Phone:

---

***COMPLAINT INFORMATION***

**1. Your complaint of Sexual Harassment is made about:**

Name:

---

Title:

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Work Address:

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Work Phone:

---

Relationship to you:   ☐ Subordinate                      ☐ Co-Worker    ☐ Other

**2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper, if necessary, and attach any relevant documents or evidence.**

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**3. Date(s) sexual harassment occurred:**

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Is the sexual harassment continuing? \_\_\_\_ Yes      \_\_\_\_ No

**4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:**

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The last question is optional, but may help the investigation:

**5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?**

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**If you have retained legal counsel and would like us to work with them, please provide their contact information.**

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*Signature:* \_\_\_\_\_

*Date:* \_\_\_\_\_

### **PUBLIC'S RIGHT TO KNOW**

The Board of Education recognizes and reaffirms its responsibility to keep the public informed on matters pertaining to the education of the children of our district. It will cooperate with individuals in the district and with local community groups interested in the schools and will provide available information short of making special studies and compiling additional data.

### **PUBLIC RELATIONS GOALS AND OBJECTIVES**

The Board of Education, in an effort to ensure and enhance the possibilities for excellence in the education of our children in a free society, presents and endorses this statement of policy on school and community relations because of its conviction that:

- a. The public schools belong in every sense to the people who created them by consent, and support them by taxation.
- b. The schools are only as strong as the intelligent and informed support of the people of the community.
- c. The support of the people must be based upon their knowledge of, their understanding about, and their participation in the aims and efforts of the public schools.

The board, therefore, declares its intent and design to keep the citizens of the district regularly and thoroughly informed through all channels of communication on all the policies, programs, problems, and planning of the school system, and to carry out this policy through its own efforts and those of its superintendent.

To invite the advice and counsel of the people of the school district at all times and especially at all monthly regular meetings of the board.

To solicit the sound thinking and studied counsel of the people through advisory committees selected from the community and appointed by the Board to consider those problems which vitally affect the future of our children and our school district.

### **FREEDOM OF INFORMATION**

In compliance with the Freedom of Information Law (Chapter 578, 579, 580 of the Laws of 1974), the Board of Education has adopted the following procedures:

The Board of Education designates the district clerk, North Country Road, Mt. Sinai, New York, as Records Access Officer.

Persons desiring to inspect records of the Board of Education may secure the appropriate form and apply in person to the access officer during the usual hours of 8:15 a.m. to 3:45 p.m. of each business day, Monday through Friday.

Designated records are available for inspection by appointment at the office of the records access officer at the above address at a mutually convenient time during regular business hours.

The charge rate for requested copies of records will be the maximum amount allowed by law. For amounts \$10.00 and under, payment must be made by personal check. For amounts over

\$10.00, payment must be made by certified check or money order.

In the case of a request for records inspection being denied, an individual may appeal the decision to the Superintendent of Schools and the Board of Education.

### **FERPA (Family Rights and Privacy Act ) – Release of Student Directory Information**

For the purpose of this policy, the school district has used the following definitions of terms:

Student – Any person who attends or has attended a program of instruction sponsored by the school district.

Eligible Student – A student or former student who has reached age 18 or is attending a post-secondary school.

Parent – Either natural parent of a student unless his or her rights under the FERPA (Family Educational Rights and Privacy Act) has been removed by a court order, state statute or legally binding document relating to such matters as divorce, separation or custody that specifically revokes these rights, a guardian, or an individual acting as a parent or guardian in the absence of the student's parent or guardian.

Education Records – Any records (in handwriting, print, tape, film, microfilm, microfiche or other medium) maintained by the school district, an employee of the district or an agent of the district, which is related to a student except:

- Any personal records kept by a school staff member, which meet the following tests:
  - It was made as a personal memory aid;
  - It is in the personal possession of the individual who made it;
  - Information contained in it has never been revealed or made available to any other person except the maker's temporary substitute.
- Employment records which are used only in relation to a student's employment by the school district. (Employment for this purpose does not include activities for which a student receives a grade or credit in a course).
- Alumni records, which relate to the student after he or she no longer attends classes provided by the school district and the records do not relate to the person as a student.

Personally Identifiable Information – Any data or information that makes the subject of the records known. This includes the student's name, the student's parents or other family member's name, the student's address, the student's social security number, a list of personal characteristics or any other information which would make the student's identity known.

### **Annual Notification**

Within the first three weeks of each school year, the school district will publish in the legal section of a newspaper having general circulation in the district, a notice to parents and eligible students of their rights under the FERPA and this policy. The district also will send home (via the student handbook) with each student notification listing these rights. The handbook will be included with a packet of material provided parents or an eligible student when the student enrolls during the school year.

The notice will include the following:

- (1) The right of a student's parents and an eligible student to inspect and review the student's education records.
- (2) The intent of the school district to limit the disclosure of information contained in a student's education records except: (a) by the prior written consent of the student's parent or an eligible student, (b) as directory information, or (c) under certain limited circumstances, as permitted by the FERPA.
- (3) The right of a student's parents or an eligible student to seek to correct parts of the student's education records which he or she believes to be inaccurate, misleading or in violation of the student's rights. These rights include the right to a hearing to present evidence that the records should be changed if the district decides not to alter such records according to the parent or an eligible student's request.
- (4) The right of any person to file a complaint with the Department of Education if the school district violates the FERPA.
- (5) The procedure that a student's parents or an eligible student should follow to obtain copies of this policy and the location where copies may be obtained.

The district will arrange to provide translation of this notice to non-English speaking parents in their native language.

### **Statement of Rights**

Parents and eligible students have the following rights under the Family Educational Rights and Privacy Act and this policy:

- (1) The right to inspect and review the student's education records;
- (2) The right to exercise a limited control over other people's access to the student's education records;
- (3) The right to seek to correct the student's education records in a hearing if necessary;
- (4) The right to report violations of the FERPA to the Department of Education; and
- (5) The right to be informed about FERPA rights.

All rights and protections given parents under the FERPA and this policy transfer to the student when the student reaches age 18 or enrolls in a post-secondary school. The student then becomes an eligible student.

Under the No Child Left Behind Act of 2001, schools receiving Title I money must release names, addresses and telephone listings to military recruiters upon request. Parents have the right to request that information not be released to military recruiters without prior written consent.

### **Location of Education Records**

| <b><u>Types</u></b>                         | <b><u>Location</u></b>     | <b><u>Custodian</u></b>                                |
|---------------------------------------------|----------------------------|--------------------------------------------------------|
| Cumulative School Records                   | Office of School Principal | School Principal (Elementary, Middle and High Schools) |
| Cumulative School Records (Former Students) | District Office            | Superintendent                                         |
| Health Records                              | Office of School Principal | School Principal (Elementary, Middle and High Schools) |



|                                                                                                                                                                                              |                                                                    |                                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| Speech Therapy Records                                                                                                                                                                       | Office of Education for the Handicapped                            | Director of PPS (Elementary, Middle and High Schools)                                         |
| School Transportation                                                                                                                                                                        | District Office                                                    | Assistant Superintendent for Business                                                         |
| Special Test Records                                                                                                                                                                         | Office of School Principal                                         | School Principal (Elementary, Middle and High Schools)                                        |
| Occasional Records (Student Education Records not identified above such as those in the superintendent's office, in the school attorney's office or in the personal possession of a teacher) | Office of School Principal or District Office as may be applicable | School Principal (Elementary, Middle and High Schools) or Superintendent as may be applicable |

### **Procedure to Inspect Education Records**

Parents of students and eligible students may inspect and review the student's education records upon request. In some circumstances, it may be mutually more convenient for the record custodian to provide copies of records. See the schedule of fees for copies.

Since a student's records may be maintained in several locations, the school principals will offer to collect copies of records or the records themselves from locations other than a student's school, so that these records may be inspected at one site. However, if parents and eligible students wish to inspect records where they are maintained, school principals will accommodate their wishes.

Parents or eligible students should submit to the student's school principal a written request, which identifies as precisely as possible the record or records he or she wishes to inspect.

The principal (or other custodian) will contact the parent of the student or the eligible student to discuss how access will be best arranged (copies, at the exact location, or records brought to a single site).

The principal (or other custodian) will make the needed arrangements as promptly as possible and notify a parent or an eligible student of the time and place where the records may be inspected. This procedure must be completed in 45 days or less from the receipt of the request for access.

If, for any valid reason such as working hours, distance between records location sites or health, a parent or an eligible student cannot personally inspect and review a student's education records, the school district will arrange for a parent or an eligible student to obtain copies of the records. See below for information regarding fees for copies of records.

When the records contain information about students other than the child or the eligible student involved, a parent or an eligible student may not inspect and review the records of other students.

### **Fees for Copies of Records**

The school district will not deny parents or eligible students any rights to copies of records because of the following published fees. Where the fee represents an unusual hardship, it may be waived in part or entirely by the record custodian. However, the district reserves the right to make a charge for copies such as transcripts it forwards to potential employers or to colleges and universities for employment or admissions purposes.

The FERPA requires a school district to provide copies of records:

- (1) When the refusal to provide copies effectively denies access to the records by a parent or an eligible student;
- (2) At the request of a parent or an eligible student when the school district has provided the records to third parties by the prior consent of the parent or an eligible student; or
- (3) At the request of a parent or an eligible student when the school district has forwarded the records to another school where the student seeks or intends to enroll.

The fee for copies provided under the FERPA may not include the costs for search and retrieval. This fee will be from no cost to 25 cents per page.

The fee for all other copies such as copies of records forwarded to third parties with prior consent or those provided to parents, as a convenience will be 25 cents per page plus postage if mailing is involved.

### **Directory Information**

The school district proposes to designate the following personally identifiable information contained in a student's education records, as directory information, and it will disclose that information without prior written consent:

- The student's name;
- The student's address;
- The student's telephone listing;
- The student's date and place of birth;
- The student's class designation and major field of study (e.g., first grade, tenth grade, and the like);
- The student's participation in officially recognized activities and sports;
- The student's degrees, achievement awards or honors;
- The student's weight and height if a member of an athletic team;
- Dates of attendance;
- The student's photograph;
- The most recent educational institution attended before the student enrolled in the school district; and
- Electronic mail address.

Within the first three weeks of each school year, the school district will publish in the legal section of a newspaper having general circulation in the district the above list, or a revised list, of the items of directory information it proposes to designate as directory information. For students enrolling after the notice is published, the list will be given to the student's parent or the eligible student at the time and place of enrollment.

After the parents or the eligible students have been notified, they will have two weeks to advise the school district in writing (a letter to the school superintendent's office) of any or all of the items they refuse to permit the district to designate as directory information about that student.

At the end of the two-week period, each student's records will be appropriately marked by the records custodians to indicate the items the district will designate as directory information about that student. This designation will remain in effect until it is modified by written direction of a student's parents or an eligible student.

The district may disclose directory information about former students without following the procedures specified in this paragraph.

## **Use of Student Education Records**

To carry out their responsibilities, school officials will have access to student education records for legitimate educational purposes. The school district will use the following criteria to determine school officials. An official is:

- A person duly elected to the school Board;
- A person certified by the State and appointed by the school Board to an administrative or supervisory position;
- A person certified by the State and under appointment to the school Board as an instructor;
- A person employed by the school Board as a temporary substitute for administrative, supervisory or instructional personnel for the period of his or her performance as a substitute; or
- A person employed by or under appointment to the school Board to perform a special task such as a secretary, a clerk, the school Board attorney or auditor for the period of that person's performance as an employee or contractor.

School officials who meet the criteria listed above will have access to student's records if they have a legitimate educational interest in doing so. A legitimate educational interest is the person's need to know in order to:

- Perform an administrative task required in the school officials position description approved by the school Board;
- Perform a supervisory or instructional task directly related to the student's education; or
- Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement or student financial aid.

The school district only will release information from or permit access to student's education records with a parent or an eligible student's prior written consent except that the school superintendent or a person designated in writing by the superintendent may permit disclosure:

- When a student seeks or intends to enroll in another school district or in a post-secondary school. The district will not further notify parents or eligible students prior to such a transfer of records. Parents and students have a right to obtain copies of records transferred under this provision.
- When certain Federal and State officials need information in order to audit or enforce conditions related to federally supported education programs in the district.
- To parties who provide or may provide financial aid to a student to:
  - (1) Establish the student's eligibility for the aid;
  - (2) Determine the amount of financial aid;
  - (3) Establish the conditions for the receipt of the financial aid;
  - (4) Enforce the agreement between the provider and the receiver of financial aid.
- If a State law adopted before November 19, 1974 required certain specific items of information to be disclosed in personally identifiable form from student records to State or local officials.
- When the school district has entered into a written agreement or contract for an organization to conduct studies on the school district's behalf to develop tests, administer student aid or improve instruction. Such study may not permit personal identifiable information of parents or students by individuals other than representatives of the organization. Such information must be destroyed when no longer needed.
- To accrediting organizations to carry out the accrediting functions.

- To parents of eligible students if the parents claim the student as a dependent as defined by the Internal Revenue Code.
- To comply with a judicial order or lawfully issued subpoena. The district will make a reasonable effort to notify the student's parents or the eligible student before making a disclosure under this provision.
- In connection with a health or safety emergency under conditions described below.
- If the disclosure is an item of directory information and the student's parents or an eligible student has not refused to allow the district to designate that item as directory information for that student.
- Disclosure to a parent of a student who is not an eligible student or the student.

The school district will permit any of its officials to make the needed disclosure from student education records in a health or safety emergency if:

- The official deems it is warranted by the seriousness of the threat to the health or safety of the student or other persons;
- The information is necessary and needed to protect the health and safety of the student or other individuals;
- The persons to whom the information is to be disclosed are qualified and in a position to deal with the emergency; and
- Time is an important and limiting factor in dealing with the emergency. (The health or safety exception shall be strictly construed)

School district officials may release information from student's education records if the student's parents or the eligible student gives his prior written consent for the disclosure. The written consent must include at least:

- A specification of the records to be released;
- The reasons for the disclosure;
- The person or the organization or the class of persons or organizations to whom the disclosure is to be made;
- A parent or an eligible student's signature; and
- The date of the consent and, if appropriate, a date when the consent is to be terminated.

The student's parents or the eligible student may obtain a copy of any records disclosed under this provision.

The school district will not release information contained in student's education records, except directory information, to any third parties except its own officials, unless those parties agree that the information will not be redisclosed without the parents or eligible student's prior written consent.

### **Records of Requests for Access and Disclosure Made From Education Records**

The school district will maintain an accurate record of all requests for it to disclose information from or to permit access to a student's education records and of information it discloses and access it permits with some exceptions listed below. These records will be kept with, but will not be a part of, each student's Cumulative School Records. It will be available only to the record custodian, the eligible student, the parents of the student or to Federal, State or local officials for the purpose of auditing or enforcing federally supported educational programs.

The records will include at least:

- The name of the person or agency that made the request;
- The interest the person or agency had in the information;
- The date the person or agency made the request; and
- Whether the request was granted and, if it was, the date access was permitted or the disclosure was made.

The district will maintain these records as long as it maintains the student's education records. Such records may be inspected by the parent or eligible student or the school official or that person's assistant responsible for the custody of the records.

These records will not include requests for access or access granted to parents of the student or to an eligible student, requests for access or access granted to officials of the school district who have a legitimate educational interest in the student, requests for, or disclosure of, information contained in the student's education records if the request is accompanied by the prior written consent of a parent of the student or an eligible student or the disclosure is authorized by such prior consent, or for requests for, or disclosures of, directory information designated for that student.

### **Procedures to Seek to Correct Education Records**

Parents of students and eligible students have a right to seek to change any part of the student's records they believe is inaccurate, misleading or in violation of the student's rights. (NOTE: Under the FERPA, the district may decline to consider a request to change the grade a teacher assigns for a course).

For the purpose of outlining the procedures to seek to correct education records, the term incorrect will be used to describe records that are inaccurate, misleading or in violation of the student's rights. The term correct will be used to describe records that are accurate, not misleading and not in violation of the student's rights. Also, in this section, the term requester will be used to describe a parent of a student or an eligible student who is asking the school district to correct the records.

To establish an orderly process to review and correct education records for a requester, the district may make a decision to comply with the request for change at several levels in the procedure.

First Level Decision - When a parent of a student or an eligible student finds an item in the student's education records which he or she believes is inaccurate, misleading or in violation of student rights, the parent immediately should ask the record custodian to correct it. If the records are incorrect because of an obvious error and it is a simple matter to make the record change at this level, the record custodian will make the correction. However, if the records are changed at this level, the method and result must satisfy the requester.

If the custodian cannot change the records to the requester's satisfaction or the records do not appear to be obviously incorrect, the custodian will:

- (1) Provide the requester a copy of the questioned records at no cost;
- (2) Ask the requester to initiate a written request for the change; and
- (3) Follow the procedure for a second level decision.

Second Level Decision - The written request to correct a student's education records through the procedure at this level should specify the correction the requester wishes the district to make. It should at least identify the item the requester believes is incorrect and state whether the requestor believes the item:

- (1) Is inaccurate and why;
- (2) Is misleading and why; or
- (3) Violates the student's rights and why.

The request will be dated and signed by the requester.

Within two weeks after the record custodian receives a written request, the custodian will:

- (1) Study the request;
- (2) Discuss it with other school officials (the person who made the records or those who may have a professional concern about the district's response to the request);
- (3) Make a decision to comply or decline to comply with the request; and
- (4) Complete the appropriate steps to notify the requester or move the request to the next level for a decision.

If, as a result of this review and discussion, the record custodian decides the records should be corrected, the custodian will effect the change and notify the requester in writing that the change has been made. Each such notice will include an invitation for the requester to inspect and review the student's education records to make certain the records are in order and the correction is satisfactory.

If the custodian decides the records are correct, the custodian will make a written summary of any discussions with other officials and of the custodian's findings in the matter. The custodian will transmit this summary and a copy of the written request to the school superintendent.

Third Level Decision - The school superintendent will review the material provided by the record custodian and, if necessary, discuss the matter with other officials such as the school attorney or the school Board (in executive session). The superintendent will then make a decision concerning the request and complete the steps at this decision level. Ordinarily, this level of the procedure should be completed within two weeks. If it will take longer, the superintendent will notify the requester in writing of the reasons for the delay and a date when the decision will be made.

If the superintendent decides the records are incorrect and should be changed, the superintendent will advise the record custodian to make the change. The record custodian will advise the requester of the change as the custodian would if the change had been made at the second level.

If the superintendent decides the records are correct, the superintendent will prepare a letter to the requester, which will include:

- (1) The school district's decision that the records are correct and the basis for the decision.
- (2) A notice to the requester that the requestor has a right to ask for a hearing to present evidence that the records are incorrect and that the district will grant such a hearing.
- (3) Instructions for the requester to contact the superintendent, or an official designated by the superintendent, to discuss acceptable hearing officers, convenient times and a satisfactory site for the hearing. (The district will not be bound by the requester's positions on these items but will, so far as possible, arrange the hearing as the requester wishes).
- (4) That the requester may be represented or assisted in the hearing by other parties, including an attorney at the requester's expense.

Fourth Level Decision - After the requester has submitted (orally or in writing) that person's wishes concerning the hearing officer and the time and place for the hearing, the superintendent will, within a week, notify the requester when and where the district will hold the hearing and whom the superintendent has designated as the hearing officer.

At the hearing, the hearing officer will provide the requester a full and reasonable opportunity to present material evidence and testimony to demonstrate that the questioned part of the student's education records are incorrect as shown in the requester's written request for a change in the records (second level).

Within two weeks after the close of the hearing, the hearing officer will submit to the school superintendent a written summary of the evidence submitted at the hearing. Along with the summary, the hearing officer will submit recommendations, based solely on the evidence presented at the hearing, that the records should be changed or remain unchanged.

The school superintendent will prepare the district's decision within three weeks of the hearing. That decision will be based on the summary of the evidence presented at the hearing and the hearing officer's recommendation. The district's decision will be based solely on the evidence presented at the hearing. The superintendent may overrule the hearing officer if the superintendent believes the hearing officer's recommendation is not consistent with the evidence presented. As a result of the district's decision, the superintendent will take one of the following actions:

- (1) If the decision is that the district will change the records, the superintendent will instruct the record custodian to correct the records. The record custodian will correct the records and notify the requester as at the second level decision.
- (2) If the decision is that the district will not change the records, the superintendent will prepare a written notice to the requester which will include:
  - (a) The school district's decision that the records are correct and will not be changed.
  - (b) A copy of the summary of the evidence presented at the hearing and a written statement of the reasons for the district's decision.
  - (c) A statement advising the requester that the requestor may place an explanatory statement which states the reasons the requestor disagrees with the school district's decision or the reasons the requestor believes the records are incorrect in the student's education records.

Final Administrative Step in the Procedure - When the school district receives an explanatory statement from a requester after a hearing, it will maintain that statement as part of the student's education records as long as it maintains the questioned part of the records. The statement will be attached to the questioned part of the records and, whenever the questioned parts of the records are disclosed, the explanatory statement also will be disclosed.

Parents have a right to file a complaint with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue S.W., Washington, DC 20202-5901 (201-260-3887).

## **NEWS MEDIA RELATIONS**

The board encourages a policy of sound relations with the press and other communication media in the community and the surrounding geographical area. The superintendent, in conjunction with the board president or appropriate designee, shall plan for periodic releases to the press and other communications media, which will provide information to the community concerning its

schools and various phases of the school program.

### **PUBLIC HEARINGS**

Interested or affected persons shall be afforded an opportunity to be heard informally before the superintendent or other delegated administrative officials. If necessary, a hearing before the Board may be granted.

The following procedures shall be followed by the board whenever a large delegation comes before it requesting a hearing regarding a critical issue being decided by the board:

- Position of the board stated: After the meeting has been officially opened, the president of the board shall briefly state the position of the board and give reasons therefore. If official action has not as yet been taken, the president may so state and may summarize briefly the arguments for and against the issue to be decided. Other members of the board may also be heard at this time.
- Speakers for and against the issue: The clerk shall secure the names of all those persons wishing to be heard before the board. Those desiring to speak shall indicate whether they are for or against the issue involved. Persons not responding to the clerk's request shall not be heard. The president may set a reasonable time limit for each speaker.
- Board to answer questions: After the speakers for and against the issue have been heard, the president shall indicate that questions pertaining directly to the issue involved may be directed to the board.
- Action by the board: Upon a ruling by the president closing the public discussion, the board may proceed with its deliberations and take whatever action it deems advisable.
- The board may, at any hearing, by a majority vote, take the issue under submission and postpone the hearing until a later date.

### **PUBLIC COMPLAINTS**

Although no member of the community shall be denied the right to petition the board for redress of a grievance, all complaints will be referred back through the proper faculty/administrative channels for solution before investigation or action by the board. Exceptions are complaints that concern board actions or board operations only.

The board policy shall be that the proper channeling of complaints involving instruction, discipline, or learning materials is as follows:

- (1) Teacher
- (2) Principal
- (3) Superintendent of Schools
- (4) School Board

Any complaint about school personnel or procedure will be investigated by the administration before consideration and action by the board.

### **PUBLIC COMPLAINTS ABOUT CURRICULA OR INSTRUCTIONAL MATERIAL**

The Board of Education recognizes students' rights of free access to many different types of books and instructional materials and the right of teachers and administrators to recommend



books and other materials for selection by the board in accordance with current trends in education, and to make them available in the schools.

The board's aim is to provide materials that present all points of view concerning the problems and issues of our times: international, national and local. Books and other reading matter shall be chosen for values of interest and enlightenment of all students in the community. A book shall not be excluded because of the race, nationality, political or religious views of its author or its style and language. Books and other reading matter of sound factual authority shall not be precluded from nor removed from the library or classrooms because of partisan or doctrinal approval or disapproval.

### **Procedures for Handling Challenged Materials**

The superintendent shall promulgate regulations subject to board approval establishing a complaint procedure. The Instructional Material Review Committee also shall be established. The members of the committee shall be recommended by the superintendent and appointed by the board. All complaints concerning textbooks, library books and other instructional material shall be submitted to the principal of the building where the material is being challenged. The complaint procedures shall include:

1. An opportunity for an informal conference with the principal of the building where the material is being challenged
2. The submission of a formal written complaint on a prescribed form and a copy of the form sent to the superintendent along with the principal's recommendations
3. A review of the complaint and the principal's recommendations by the Instructional Review Committee, which will make recommendations to the superintendent concerning the disposition of any complaint
4. A decision by the superintendent upon review of the complaint and the recommendations of the principal and the committee
5. An appeal to the Board of Education. The decision of the board shall be final.

### **Procedures for Handling Complaints Concerning Curricula**

All complaints concerning the content of any curriculum in the district shall be referred to the superintendent. The superintendent shall promulgate regulations subject to board approval establishing a complaint procedure similar to those established for complaints about instructional material.

### **VISITORS TO THE SCHOOL**

Many visitors may normally be expected in the school building and surrounding area during the school day. Since the building principal is responsible for all such persons on the premises, visitors must proceed first to the school office, obtain clearance for their visit, sign the visitor's register and obtain and wear an I.D. pass.

Visitors may include parents of pupils, interested citizens, invited speakers, maintenance and repair people, salespersons, representatives of the news media, students not now enrolled in school and others.

### **COMMUNITY USE OF SCHOOL FACILITIES**

The property of the school district may be used for those purposes specified in Education Law §414 (1). No outside organization or group may be allowed to conduct religious services or religious instruction on school premises after school. However, the use of school premises by outside organizations or groups after school for the purpose of discussing religious material or material, which contains a religious viewpoint or for distributing such material is permissible.

Education Law §414 (1) permits the school district to use the property for certain non-educational uses for, among other things:

- a. Holding social, civic and recreational meetings and entertainments, and other uses pertaining to the welfare of the community; but such meetings, entertainment and uses shall be non-exclusive and shall be open to the general public
- b. Meetings, entertainments and occasions where admission fees are charged, when the proceeds thereof are to be expended for an educational or charitable purpose; but such use shall not be permitted if such meetings, entertainments and occasions are under the exclusive control, and the said proceeds are to be applied for the benefit of a society, association or organization of a religious sect or denomination, or of a fraternal, secret or exclusive society or organization other than organizations of veterans of the military, naval and marine service of the United States and organizations of volunteer firefighters or volunteer ambulance workers
- c. Graduation exercises held by not-for-profit elementary and secondary schools, provided that no religious service is performed

#### **USE OF UNLICENSED MOTORIZED VEHICLES ON SCHOOL PROPERTY**

Section 1709, Subdivision 9, of the Education Law of the State of New York gives the Board of Education the legal authority to take charge of all school property within the school district.

The Board of Education has determined that a clear and present danger exists to school district property by reason of the fact that certain persons are operating go-carts, motorbikes, mini-bikes, motorcycles and other unlicensed motor vehicles upon some of the school district property without the consent of the board.

It is the obligation of the Board of Education to protect school district property and to maintain it for educational purposes and for the legitimate use of community organizations.

The Board of Education hereby prohibits the operation of all of the aforementioned motor vehicles on all school district property at any time in the future.

The use of go-carts, motorbikes, mini-bikes, motorcycles and other unlicensed motor vehicles shall be prohibited on all school district property at any time in the future when such motorized vehicles are being used for racing, dragging or other illegal purposes.

The maximum speed for licensed vehicles on the school road is established at 15 MPH when school is in session.

The administration and all agents and employees of this school district are directed to notify the police authorities in order to enforce the intent of this resolution.

#### **PUBLIC GIFTS TO SCHOOLS**

Any gifts presented to the Mount Sinai School District must be accompanied by a letter from the donor for official action and recognition by the board.

To be acceptable, a gift must satisfy the following criteria:

- Have a purpose consistent with those of the school
- Offered by a donor acceptable to the board
- Will not begin a program which the board would be unable to take over when gift or grant funds are exhausted
- Would not bring undesirable or hidden costs to the school district
- Will not be inappropriate or harmful to the best education of pupils
- Will not imply endorsement of any business or product
- Will not be in conflict with any provision of the school code or policy or with public law
- All gifts, grants, and bequests shall become school district property
- Any gifts, grants, or bequests shall be acknowledged by the president of the board and/or its superintendent

### **SCHOOL-BASED ORGANIZATIONS**

It is the objective of the Board of Education to work cooperatively with school-based organizations. As a matter of policy, the board welcomes the assistance and cooperation of such organizations. The Board of Education expects all school-based groups to adhere to board policy and conduct themselves in a professional manner. Approval of the Board of Education is required.

For the purposes of this policy, a School-Based Organization shall be defined as:

1. An organization whose primary purpose includes the promotion of parental involvement in public education and the continuing improvement of the education and welfare of children in the school district.
2. The organization should be not-for-profit or operate under a charter or operate under a written set of by-laws.
3. An organization, which has officers and/or official representatives, comprised solely of Mount Sinai residents.
4. School-Based Organizations will be authorized to participate in the activities listed below:
  - a. Use of school facilities for meetings (with proper insurance and availability of space)
  - b. Use of the copy machine (with proper notification and approval of building principal)
  - c. Distribution of flyers (with prior approval of building principal)
  - d. Use of a bulletin board (with approval of building principal)
  - e. Use of a mailbox (with approval of building principal)
  - f. A membership table at "Back to School Night" and allotted time for a brief presentation to parents in attendance
  - g. Listing of meeting dates on annual school calendar (must meet district timeline)
  - h. Invitation to participate in school district committees (e.g. budget, legislative, technology) and events (e.g. Senior Citizens' Dinner)
  - i. 90% of the funds raised must be spent for programs, activities, supplies and materials, etc., for the Mount Sinai School District. Dates of events should be coordinated among all school-based organizations.
  - j. Any other activities/privileges deemed appropriate by the Superintendent (or designee)

## **COMPREHENSIVE ATTENDANCE POLICY**

### **Philosophy Statement**

To be successful, students must actively participate in learning activities. To maintain academic standards, encourage progress and ensure student participation in the school experience, the Administration with the support of the Board of Education of Mount Sinai recognizes this attendance policy for the school district (high school and accelerated middle school students). The policy will ensure that students who receive credit for a course have attended 85% of the classes and have participated in the classroom. The policy affirms that classroom activities cannot be duplicated in an extra help session or by independent remediation. Even when specific work is made up, the valuable “time-on-task” is missed. Attendance is a critically important factor contributing to success in school.

By encouraging attendance and promptness through the policy, two essential components of self-discipline and responsibility will prepare our students for the demands of the future. It affirms that students will be aware that tardiness, cutting, excessive absence and/or truancy will jeopardize their successful completion of a course of instruction and/or their graduation. This value is one that society views as essential for success.

### **Objectives**

The objectives of the Comprehensive Attendance Policy are:

1. To accurately track the attendance, absence, tardiness and early departure of students to and from the school;
2. To ensure sufficient pupil attendance of classes so that pupils may achieve State mandated education standards;
3. To track student location for safety reasons and to account to parents regarding the location of children during school hours.

### **Definitions**

Whenever used within the Comprehensive Attendance Policy, the following terms shall mean:

1. Scheduled instruction: Every period that a pupil is scheduled to attend instructional or supervised study activities during the course of a school day during the school year.
2. Absent: The pupil is not present for at least half of the pupil’s scheduled class period instruction.
3. Tardy: The pupil arrives later than the starting time of the student’s scheduled instruction.
4. Early departure: The pupil leaves prior to the end of the pupil’s scheduled instruction.
5. Excused Absences: Any absence, tardiness, or early departure may be excused if the reason is due to illness, a death in the family, impassable roads due to inclement weather, religious observance, quarantine, required court appearance, attendance at a health clinic or other medical visit, approved college visit, approved cooperative work program, military obligation, or other such reason as may be approved by the Board of Education.
6. Unexcused Absences: An absence, tardiness, or early departure is considered unexcused if the reason for lack of attendance does not fall within the aforementioned categories (as noted in point 5). Family vacation, hunting, babysitting (except in the case of emergencies within a family situation), haircut, oversleeping, shopping trips, are examples of circumstances not to be considered as excused absences.

Note: It will be the determination of the School District as to whether or not an absence is to be considered as excused or unexcused; the District will consider, inter alia, explanatory notes written by parents or guardians setting forth the reasons for absence with the District reserving to itself the prerogative to verify the circumstances/reasons for an absence or absences; such verification may include the authority of the District to require medical verification as to illness.

7. Unlawful detention: When a parent or guardian consents to a child being absent from school for a reason that is not excusable. This is an illegal absence.
8. Truant: A student is absent from school without parent or prior school approval. This is an illegal absence.

**PLEASE NOTE: The policy for the purpose of receiving course credit does not distinguish between an excused and unexcused absence.**

### **Coding System**

The following coding system shall be used to indicate the nature and reason for a pupil missing all or part of scheduled instruction:

#### **ATTENDANCE OFFICE CODES**

|                      |                        |               |
|----------------------|------------------------|---------------|
| A–Absent             | U-Unlawful Detention   | W-Waived      |
| T-Tardy              | S-Suspended            | C-Court Appt. |
| N-Truant             | H-Home Tutored         | F-Family      |
| V-Educ/College Visit | I-In-School Suspension | R-Religious   |

#### **TEACHER CODES**

|                               |                            |                        |
|-------------------------------|----------------------------|------------------------|
| A-Absent Without Known Reason | T-Tardy                    | H-Home Tutoring        |
| E-Field Trip                  | L-Music Lesson             | X-Cut Class            |
| Y-Nurse Health Office Appt.   | S-Out-of-School Suspension | I-In-School Suspension |
| G-Guidance                    | Z-Pre-Approved Absence     |                        |

\*Pre-Approved absences include:

- Field trip
- Music lesson
- Guidance appointment
- In-school suspension
- Out-of-school suspension
- Assembly/class meeting
- Co-curricular activity
- Health office appointment
- “Pull out” program

### **Strategies and Incentives**

#### **1. Minimum Attendance for Course Credit**

- A. A student must be noted as present at 85% of a course’s scheduled classes in order to earn credit for the course.

- For purposes of minimum attendance requirements, **a student shall not be counted as present for a class if the student misses more than 15 minutes of a class**, whether through tardiness or early departure.
- Students suspended from school instruction may not be marked as absent unless they fail to fulfill the scheduled alternative education on that day.

B. In order to prevent loss of credit for failure to attend, the district will take the following steps:

- When a student has been marked as absent for 10% of a course's classes, the district shall notify the student and his parent(s) or persons in parental relation that the student is approaching the limit of absences for losing course credit for failure to attend class. The notice will include the school's attendance for credit policy, the actual number of classes the student may miss before forfeiting the right to earn credit, and the actual number of classes missed to date;
- A student and his parent(s) or persons in parental relation will be advised one month before the completion of the course if the student is in jeopardy of losing credit for failure to attend. The notice will include the school's attendance for credit policy, the actual number of classes the student may miss before forfeiting the right to earn credit, and the actual number of classes missed to date.

## 2. Parental/Guardian Notification of Absences:

The pupil's parent(s) or person in parental relation shall be notified of a pupil's absence, tardiness or early departure according to the following:

Where a pupil has not been marked as present for the first period of scheduled instruction and the school has not been previously notified of the absence, the district shall attempt to contact the pupil's parent(s) or person in parental relation to learn the nature of the pupil's absence and notify the parent that the pupil has not arrived at school.

## 3. Disciplinary Consequences

Truancy, unlawful detention, class cuts, unauthorized tardiness or early departures are unexcused absences that will result in disciplinary sanctions as described in the District's Code of Conduct. Consequences may include, but not be limited to, out of school suspension, in-school suspension, detention, and denial of participation in interscholastic and extra-curricular activities. Parents/persons in parental relation will be notified by the designated District personnel at periodic intervals to discuss their child's absences, tardiness or early departures and the importance of class attendance and appropriate interventions. The principals in each building establish attendance notification procedures.

## 4. Incentives:

District teachers shall work with the Building Principal and Attendance Supervision Officer to create and implement classroom-based incentive programs for excellent attendance.

## 5. Intervention Strategy Development:

The Building Principal shall meet each marking period with the Attendance Supervision Officer and other administrators and teachers as the Principal determines necessary to review student attendance records, address identified patterns of unexcused pupil absence, tardiness and early departure, and review current intervention methods. Where the Principal determines that existing intervention policies or practices are insufficient, the Principal shall notify the Board of Education prior to its annual review of the building's attendance records, of both insufficient practices and any proposed changes needing Board approval to implement.

6. Counseling:

The District shall provide consistent counseling to students with chronic attendance problems.

### **Attendance Supervision Officer**

The Board shall designate a person as the Attendance Supervision Officer. The Attendance Supervision Officer is responsible for reviewing pupil attendance records and initiating appropriate action to address unexcused pupil absence, tardiness, and early departure consistent with the Comprehensive Attendance Policy.

### **Attendance Requirements**

1. Students must attend each class a minimum of 85% of the time.

FULL YEAR COURSE – the minimum attendance shall be 85% or 153 days per year ( $.85 \times 180 = 153$ ); therefore, a student may be absent not more than 27 times per year per class. A student will be in violation on the 28<sup>th</sup> absence.

HALF-YEAR COURSE AND PHYSICAL EDUCATION CLASS – The minimum attendance shall be 85% or 77 days ( $.85 \times 90 = 76.5$  days); thus, a student may be absent no more than 13 times per semester per class. A student will be in violation on the 14<sup>th</sup> absence.

LAB SCIENCE COURSE – The minimum attendance shall be 85% or 229 periods per year ( $.85 \times 270 = 229.5$  periods); thus, a student may be absent no more than 40 times per year per lab science class. A student will be in violation on the 41<sup>st</sup> absence.

BOCES – The district reserves the right to withdraw students from vocational courses at BOCES at any time that they fail to maintain a minimum attendance rate of 85%.

2. Three latenesses to class equal one absence. Students shall be considered absent from a class if they are absent from a class for more than 15 minutes of the class period.
3. Students attending approved alternative educational activities that include attendance at a school-sponsored activity, home instruction (whether due to illness or suspension, serving in-school suspension or out-of-school suspension) are considered to be “in attendance” and shall not be considered absent.
4. Teachers will provide make-up work ONLY for those students whose absences are excused or where said students are attending school-authorized activities such as meetings, music lessons, conferences with school personnel, field trips, out-of-district athletic trips, testing, in-school suspension and out-of-school suspension.
5. For each course, when a student reaches the maximum number of absences, the student's work will no longer be evaluated. The report card will show a CD to indicate “Credit-Denied” for all subsequent reporting periods and exams.

6. A student who does not meet the minimum attendance requirement in a course or courses will not be permitted to take class exams, tests, complete projects or papers and the like. A student eligible to take Regents exams (or RCTs), pursuant to Commissioner's Regulations, will have result(s) recorded on the student's permanent record.
7. Once a student is denied credit, he/she must attend class regularly and maintain appropriate behavior. Failure to continue to attend classes on a regular basis and maintain appropriate behavior will result in disciplinary action and may result in the student being permanently removed from the class.
8. Summer School Eligibility Requirement: Any student who fails to continue to attend classes on a regular basis will not be eligible to attend summer school. Summer school requires previous and continuous seat time.
9. The attendance requirement for course credit shall apply to all students enrolled in Mount Sinai High School in grades nine through twelve and middle school students in accelerated classes, except those students whose IEP (individualized educational plan) states otherwise. Students entering the school after the first day will have their attendance prorated. If a student enters a class after the first day, the number of days of attendance will be prorated using 85% as the minimum required.
10. The attendance record of a student making a schedule change in the same subject area will be forwarded to the new teacher. In other cases, attendance will be prorated based upon the entrance date into the new class.

### **Notification Sequence**

Students, parents, and teachers shall be notified annually, in writing, of the attendance policy and administrative regulations.

The following refers to absences in a single course; therefore, a student may very well be notified by several different teachers for different courses. The teacher and/or Assistant Principal will send written notification of student absences to the student's parents at the following intervals:

#### Full Year Classes

First notice at 7 absences  
\*Second notice at 14 absences  
Third notice at 20 absences  
LOSS OF CREDIT at 28 absences  
DENIAL OF ELIGIBILITY FOR SUMMER SCHOOL AT 35 ABSENCES

#### Semester classes and Physical Education Classes

First notice at 7 absences  
\*Second notice at 10 absences  
LOSS OF CREDIT at 14 absences  
DENIAL OF ELIGIBILITY FOR SUMMER SCHOOL AT 18 ABSENCES

#### Lab Science Classes

First notice at 15 absences  
\*Second notice at 25 absences  
Third notice at 35 absences  
LOSS OF CREDIT at 41 absences  
DENIAL OF ELIGIBILITY FOR SUMMER SCHOOL AT 52 ABSENCES

\*guidance counselors will meet with students and contact parents to discuss strategies to improve attendance.



**Please Note:** Beginning of 3<sup>rd</sup> marking period, notification for absences will begin only when a student reaches his/her 14<sup>th</sup> absence for a full-year course (lab science classes on the 25<sup>th</sup> absence).

The prime responsibility for the student's attendance in class rests squarely with the student.

## Appeal Process

- A student who has accumulated 28 or more absences (14 in semester and physical education courses, 41 in a science lab course) and has been notified of loss of course credit due to absenteeism, has the right to appeal the decision and request a hearing before the Appeals Committee. S/he must do so in writing to the Appeals Committee Chairperson within 10 school days of the date of loss of credit notice. The student and parent(s) or guardian(s) may be asked to appear at this meeting with appropriate, verifiable documentation to present to the committee. The committee determines whether the student will continue as a regular student or be placed on a credit denied audit condition.
- The Appeals Committee will meet as needed because the review process is ongoing.
- The Appeals Committee is made up of one administrator, one guidance counselor, and two teachers.
- Guidance counselors will also become involved with students who experience chronic attendance problems.

*Note: To facilitate the appeals process and provide the committee with information that will allow them to make an appropriate determination, it is strongly advised that when medical circumstances are at the root of at least some absences, that parents request health care providers (physician, physician's assistant, nurse practitioner) detail the necessary medical explanations (in writing) to the extent that it allows the committee to make the most informed decision possible. Parents are again reminded that notes, even from health care providers (physician, physician's assistant, nurse practitioner) are **notes of explanation and not notes of excuse**. It remains the parent's choice as to what information is to be provided, but limited information without sufficient understanding will not aid in the review and appeal.*

*Second Note: When a student is absent from school for reasons of illness or medical necessity, a note of explanation (including health care provider documentation as appropriate) should be submitted to the attendance office within a short period of time, but in no instance more than three (3) weeks from the point of return to school. This is important. If, later, the student exceeds the course credit, absent limit and the student initiates an appeal for credit reinstatement, medical documentation not submitted in a timely manner as noted herein will not be accepted at the later date for explanation and appeal.*

## Absence from School

Parents should call 473-1991, Ext. 164, (High School), Ext. 221 (Middle School) in the event of their child's absence or tardiness. The attendance office in the high school opens at 7:05 a.m. and in the Middle School at 7:30 a.m. New York State Law requires that each student's attendance be verified daily. Any student who is absent from school must bring a note explaining the reason for his/her absence from his/her parents to their homeroom teacher upon his/her return to school. As described earlier and under the circumstances noted in Attendance Requirements, point 4), a student is responsible for completing any work missed. **No student may participate or attend any school or after-school activity on a day he/she is absent from school.**

## Lateness to School

Student should be in their homerooms on time. If a student is late to school, he/she should report to the attendance office for an admittance slip. Students who arrive late to school must bring a note of explanation from a parent, or guardian, on that day. The note should include a telephone number where the parent may be reached. Failure to comply with this procedure will result in detention.

**PLEASE NOTE:** No student may participate in any after school activity (athletics, clubs) on a day in which he/she signs in after 2<sup>nd</sup> period. In addition, any student leaving school for reasons other than medical, legal, or educational/school related will not be allowed to participate in any after-school activities regardless of the time that he/she returns to school. Students leaving for medical, legal, or educational/school related reasons must bring a note from their health care professional, attorney, or educational institution and submit it to the principal, upon return, in order to be permitted to participate in any after-school activity. Students who are unable to return by the end of the school day but do so prior to the start of the after school activity may participate provided they show their “note” to the coach, advisor, etc. and then give it to the principal the subsequent day.

For the purposes of this section, students will be allowed the scheduling of one driver’s test to be considered as an “educational” reason. Subsequent driver’s tests will not apply.

Oversleeping, missing the bus or arriving late to school for other reasons not noted as excused are not considered a valid excuse. Detention will be assigned when a student is late and it will be served the same or next day. Failure to serve the detention will result in either additional days of detention or assignment to in-school suspension. Participation in extra-curricular activities or a job is not considered valid reasons for missing detention. Emergencies that are verified with a parent will be taken into consideration.

### **Lateness to Class**

Students are expected to be in their assigned classed on time. Habitual lateness will result in administrative action. If students are detained, they must have a late pass from the faculty/staff member they were with.

### **IEP DISTRIBUTION POLICY**

The administration shall develop practices and procedures to ensure that each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for the implementation of a student’s individualized education program (IEP) shall be provided a paper or electronic copy of the student’s IEP prior to the implementation of such program, and that the contents of the IEP shall remain confidential and shall not be disclosed to any other person. Such practices and procedures shall require the Chairperson of the Committee on Special Education (CSE) and Committee on Preschool Special Education (CPSE) to designate, prior to the implementation of the IEP, a professional employee of the school district with knowledge of the student’s disability and education program to inform each teacher, related service provider and other individual with IEP implementation responsibility who would not be provided a copy of the student’s IEP, including but not limited to a teacher assistant, a teacher aide, and a school bus driver when special transportation is specified on the IEP, of their responsibility relating to the implementation of the IEP and the specific accommodations, modifications, and supports that must be provided to the student in accordance with the IEP.

### **PROTECTION OF PUPIL RIGHTS POLICY**

The Board of Education recognizes that student surveys are a valuable tool in determining student's needs for educational services. Parents have the right to inspect all instructional materials that will be used for a survey analysis or evaluation as part of a US Department of Education – funded program. In addition, no minor student may, without parental consent, take part in a survey analysis or evaluation funded in whole or in part by the United States Department of Education that reveals information concerning:

1. Political affiliations or beliefs of the student or the student's parents;
2. Mental or psychological problems of the student or the student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating or demeaning behavior;
5. Critical appraisals of other individuals with whom respondents have close family relationships;
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
7. Religious practices, affiliations or belief of the student or the student's parents;
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

For surveys that contain questions from one or more of the eight protected areas but are not funded in whole or in part by the United States Department of Education funds, parents will be notified, at least annually at the beginning of the school year, of the specific or approximate date during the school year when the School District will administer the survey(s) and will be provided an opportunity to review the survey and to opt their child out of participating.

Parents have the right to inspect upon their request any survey instrument or instructional material, which is used as part of the educational curriculum. Instructional material is defined by the Board of Education as instructional content that is provided to a student regardless of format including printed or representational materials, audiovisual materials, materials in electronic or digital formats (such as materials accessible through the internet). It does not include tests or academic assessments.

A parent who wishes to inspect and review instructional material shall submit a request in writing to the building principal. Upon receipt of such request, arrangements will be made by the building principal to provide the parent access to instructional materials requested within 30 calendar days after the request has been received by the principal.

It is the policy of the Board of Education not to permit the collection, disclosure or use of personal information collected from students for the purpose of marketing or selling that information or providing it to others for that purpose. This does not apply to collection, disclosure or use of personal information collected from students for the exclusive purpose of developing, evaluating or providing educational products or services.

Parents shall also have the option, upon provision of written notice to the district, to opt the student out of any non-emergency, invasive physical examination or screening of their student which is required as a condition of attendance administered by the school or school personnel. The term invasive physical examination means any medical examination that involves 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. Further, it does not include any examination necessary to protect the immediate health or safety of the student or other students.

Parent and eligible students shall be notified of the policy at least annually at the beginning of the school year and when enrolling students for the first time in school.

## **SELECTION/CLASSIFICATION FOR ATHLETIC PARTICIPATION**

WHEREAS, Section 135.4(c) (7) (ii) (a) (4) of the Regulations of the Commissioner of Education provides for a board of education to permit pupils in grades no lower than seventh grade to compete on interscholastic athletic teams organized for senior high school pupils, or senior high school pupils to compete on interscholastic athletic teams organized for pupils in the seventh and eighth grades; and

WHEREAS, these pupils are to be allowed to compete at levels that are appropriate to their physical maturity, physical fitness, and sport skills in relationship to other pupils in accordance with the standards established by the Commissioner of Education; and

WHEREAS, The State Education Department issues the competition standards for these pupils to compete under a program called the Athletic Placement Process;

THEREFORE BE IT RESOLVED that the Mount Sinai School District Board of Education shall permit pupils to compete after successfully completing the Athletic Placement Process for the requested sport and level.

## **SCHOOL WELLNESS**

It is the policy of the Board of Education, pursuant to the National School Lunch Act and the Child Nutrition Act of 1966, that:

- a) Nutrition education shall be integrated into the district's health curriculum at all academic levels consistent with the State's health education standards. The curriculum shall include the following goals:
  1. Increase students' nutritional knowledge, including, but not limited to, the benefits of healthy eating, essential nutrition, weight management, safe food preparation, handling and storage.
  2. Increase students' understanding of food labels, nutritional information and misinformation as well as commercial food advertising.
- b) The benefits of physical activity shall be integrated into the district's physical education curriculum and health curriculum at all levels and implemented within the school on a regular basis to meet the following goals:
  1. Time in the elementary school day for supervised recess.
  2. Opportunities and encouragement for students to voluntarily participate in before and after school physical activity programs.
- c) The District shall provide food to students in accordance with State and Federal nutritional guidelines and include:
  1. A food service program that employs well prepared staff who serve appealing choices of nutritious food.
  2. A clean, safe, enjoyable meal environment for students.
- d) The Food & Nutrition Services program complies with federal, state and local requirements and is accessible to all children.

- e) The Superintendent (or his/her designee) in conjunction with the building principals will annually monitor and assess compliance. As necessary, future policy recommendations from those charged with compliance will be shared with the policy committee and, subsequently, the Board of Education. Implementation guidelines will be constructed by the Superintendent (or his/her designee). The Superintendent (or his/her designee) shall draw on those resources he/she deems to be of value.

### **BREACH OF SECURITY**

The Superintendent or his designee shall notify the owner of any private information within a reasonable time frame when the District experiences a breach of the security of its computer system. Such notification may occur by either written or electronic notice.

For purposes of this policy, private information means personal information in combination with either a person's social security number, driver's license number or non-driver identification card or account number, credit card or password which would permit access to an individual's financial account.

Breach of security means unauthorized acquisition of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the District.

### **COMPUTER OPERATIONS POLICY**

In accordance with the requirements of the NYS Comptroller's Office and good business practice, the Board of Education directs the Superintendent or his designee to develop a comprehensive computer operations plan including but not limited to the following areas: disaster recovery, access to financial software and other district software, physical access to the server equipment, security monitoring of the computer system including monitoring of individual access and transactions. Such plan shall be developed within the following guidelines:

- All District employees' access to the computer systems shall be limited in accordance with the scope of the employee's job duties. Complete access as system administrator shall be limited to the Network and Systems Coordinator and/or Assistant Superintendent for Business. It shall be the responsibility of the Network and Systems Coordinator and/or Assistant Superintendent for Business to determine an employee's access to the system based upon job responsibilities.
- It shall be the responsibility of the Network and Systems Coordinator and/or Assistant Superintendent for Business to review existing passwords and account restrictions periodically and make appropriate adjustments.
- Access to the physical server shall be limited to the IT Staff only.
- The computer operations plan shall include the use of any appropriate electronic based or software based monitoring systems included in District software. An example of such monitoring system would be audit reports for transactions. Any automated or manual controls appropriate should be used to reduce the risks to the District's electronic data. The Network and Systems Coordinator, Assistant Superintendent for Business, and Internal Auditor (Internal Audit Function) shall be responsible for the administration of the monitoring system.

- The Network and Systems Coordinator shall be responsible for the development and oversight of a comprehensive data recovery plan designed to prevent the loss of computer information and assist in the recovery of data as needed.

The Superintendent or his designee shall review the computer operations plan at least annually.

## **EDUCATION OF SPECIAL EDUCATION STUDENTS**

### **Special Education Program and Related Services**

The Mount Sinai Board of Education recognizes its responsibility for providing special education and related services which are appropriate for the individual disabled student needs and allow the student to be involved and progress in the general education curriculum. In an effort to achieve this goal, the Board shall determine an appropriate special education program for each disabled student upon receiving from the Mount Sinai Committee on Special Education (CSE) recommendations for special education services. The CSE shall provide the Board with a written evaluation for each disabled student which includes:

- (a) classification of a student's disabling condition;
- (b) recommendations for a special education program and related services;
- (c) a summary of tests or reports upon which recommendations are based.

The Mount Sinai Board of Education shall also ensure adequate space is allocated in the District for special education programs.

Ref: 8 NYCRR 200.2(b)(4)  
8 NYCRR 200.2(6)(a)

### **Pre-referral Intervention Strategies and Response to Intervention**

Prior to referral to the Mount Sinai Committee on Special Education (CSE), a student suspected of having a disability must be provided with appropriate interventions to allow a reasonable opportunity for remediation of the student's performance prior to referral for special education. The Superintendent is directed to develop appropriate pre-referral interventions and develop and implement school wide approaches which may include a response to intervention process pursuant to Section 100.2(ii) of the Commissioner's Regulations.

Ref: 8 NYCRR §200.2(b)(7)

### **Appointment and Training of Appropriate Special Education Personnel**

The Mount Sinai Board of Education shall appoint and train only appropriately qualified personnel including members and chairpersons of the Committee on Special Education (CSE) and the Committee on Preschool Special Education (CPSE) as well as special education teachers and services providers to carry out functions identified in Part 200 of the Commissioner's Regulations and under § 504 of the Rehabilitation Act and IDEA. Administrative procedures shall be developed pursuant to this Policy.

Ref: 8 NYCRR 200.2(b)(3)

### **Alternative Format of Instructional Materials**

The Mount Sinai Administration shall develop practices and procedures to ensure that all instructional materials to be used in the schools of the district are available in a usable alternative format for each student with a disability, as defined by Education Law and the Rehabilitation Act of 1993, in accordance with the student's educational needs and course selection, at the same time as such instructional materials are available to non-disabled students.

The Mount Sinai Board of Education will give a preference in the purchase of instructional materials to vendors who agree to provide materials in alliterative formats.

*Ref: New York Education Law §§ 1709 (4-a), 2503 (7-a)*

#### *Significant Disproportionate Services Policy*

The Mount Sinai Board of Education hereby designates the Superintendent to establish practices and procedures consistent with IDEA, New York Education Law and their implementing regulations to ensure proportionate representation of racial and ethnic groups in the District's special education programs and services, and/or with respect to the suspension of students with disabilities. However, the Mount Sinai Board of Education recognizes its responsibility to ensure that the District publicly reports on revisions of its policies, procedures and practices upon a finding that the District has inappropriate policies, procedures or policies resulting in a significant disproportionality by race/ethnicity in the suspension, identification, classification and/or placement of student with disabilities.

*Ref: 8 NYCRR § 200.2(b)(15)*  
*IDEA §§1412(a)(24); 1418(d)*  
*34 CFR §§ 300.173; 300.646*

#### *Disabled Student Records Policies and Procedures*

Personally identifiable data, information or records pertaining to a student or a preschool child shall not be disclosed to any person other than the parent of such student or preschool child except as allowed under IDEA, Part 200 of the Commissioner's Regulations, the Family Rights and Privacy Act (FERPA), and the District's FERPA policy. Notice of the policy will be given in the same manner as the District's FERPA policy.

*Ref: 8 NYCRR 200.2(b)(6)*

#### *Mount Sinai Committee on Preschool Special Education*

The Mount Sinai Board of Education shall provide all preschool children with disabling conditions the opportunity to participate in special education programs and services for which they may be eligible. The Board authorizes the Superintendent of Schools to establish administrative practices and procedures to carry out this responsibility. Included within the administrative practices and procedures are the following:

1. Procedures for locating and identifying all preschool children with disabling conditions who reside in the Mount Sinai Union Free School District and are eligible to attend a preschool program in accordance with the relevant provisions of the Education Law. The register of children eligible to attend a preschool program is to be maintained and revised annually by the Committee on Preschool Special Education (CPSE);
2. Procedures to ensure that parents of preschool children with disabling conditions have received and understand the request for consent for evaluation of their child;
3. Procedures for developing an individualized education program (IEP) for each eligible preschool age child with a disabling condition;

4. Appointing and training appropriately qualified personnel including the members of the CPSE;
5. Maintaining lists of State Education Department approved preschool programs within the county and adjoining counties in which the District is located; and
6. Procedures for reporting to the State Education Department the number of preschool children with disabling conditions that are being served as well as those not served.

*Ref: 8 NYCRR 200.2(b) and (e)*  
*9 NYCRR 200.3*  
*Education Law §4402*

#### *Declassification of Disabled Students*

The Mount Sinai Board of Education directs the Superintendent or the Superintendent's designee to establish appropriate administrative procedures for declassification of students with disabilities who no longer require special education services. Those procedures must include: factors for declassifying students where appropriate, process for reevaluating the student prior to declassification, and procedures for provision of educational and support services to the student upon declassification.

*Ref: 8 NYCRR 100.1(q)*  
*8 NYCRR 200.2(b) (8)*  
*8 NYCRR 200.4(b) and (c)*

#### *Impartial Hearing Officer*

In the event of a hearing called pursuant to Part 200 and 201 of the Commissioner's Regulations pertaining to a disabled child, an Impartial Hearing Officer shall be appointed by the Mount Sinai Board of Education in a manner consistent with Commissioner's Regulations § 200.5 (i) and (j).

The Impartial Hearing Officer may not be a person who is an employee of this District or who may have a personal or professional interest which would conflict with his or her objectivity in the hearing.

*Ref: 8 NYCRR §200.2(b)(9)*  
*8 NYCRR §200.5(i) and (j)*  
*New York Education Law §4404(1)*

#### *Distribution of IEP's*

The Mount Sinai Administration shall develop practices and procedures to ensure that each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for the implementation of a student's individualized education program (IEP) shall be provided a paper or electronic copy of the student's IEP prior to the implementation of such program, and that the contents of the IEP shall remain confidential and shall not be redisclosed to any other person. Such practices and procedures shall require the Chairperson of the Committee on Special Education (CSE) and Committee on Preschool Special Education (CPSE) to designate, prior to the implementation of the IEP, a professional employee of the Mount Sinai Union Free School District with knowledge of the student's disability and education program to inform each teacher, related service provider and other individual with IEP implementation responsibility who would not be provided a copy of the student's IEP, including but not limited to a teacher assistant, a teacher aide, and a school bus driver when special transportation is specified on the IEP, of their responsibility relating to the implementation of the



IEP and the specific accommodations, modifications, and supports that must be provided to the student in accordance with the IEP.

Mount Sinai District-wide Assessment Policy

It is the policy of the Mount Sinai Board of Education that students with disabilities receive appropriate accommodations necessary to measure the academic achievement and functional performance of the disabled student in the administration of District-wide assessments. To the extent feasible, the universal design principles will be utilized in developing and administering any District-wide assessment programs.

In designing and administering District-wide assessment programs, it is the responsibility of the Superintendent or his designee to:

1. appropriately train all staff participating in developing District-wide assessments in the principles of universal design. Those principles include, but are not limited to:
  - (a) development of instructional and assessment materials that are varied and diverse.
  - (b) development of tests that do more than accommodate physical, sensory, or cognitive disabilities.
  - (c) development of tests that are flexible and promote alternatives.
  - (d) development of tests that are inclusive.
2. ensure that the Committee on Special Education routinely considers each individual student with disabilities particular access issues in developing an individualized education plan.
3. create a classroom environment that respects and values diversity.
4. employ a variety of curriculum delivery methods.
5. make information accessible by all students so as to allow each student to fully participate in the District's curriculum.
6. encourage different methods of communication from students to teachers and students to students so each student may fully participate in the District's curriculum.
7. provide multiple ways for students to demonstrate learned knowledge by fully including disabled students in the District-wide assessment program in respect to both access and scoring.

The Mount Sinai Board of Education directs the Superintendent or his designee to provide an annual report to the Board of Education regarding the success in implementing universal design principles in the District's District-wide assessment program.

*Ref: 8 NYCRR §200.2(b)(13-14)*  
*8 NYCRR §200.4(d)(2)(vi-vii)*  
*New York Education Law §§ 1604(29-a); 1709 (4-a); 2503(7-a); 2504(7-a)*  
*34 CFR §300.44*  
*20 USC §1401(35)*  
*20 USC §1412(a)(16)(E)*

Section 504 Annual Notice

In accordance with the Rehabilitation Act of 1973, commonly known as Section 504, the Mount Sinai Union Free School District hereby notifies disabled children and their parents of the School District duty under the Regulations to Section 504.

The School District shall provide a free appropriate public education to each qualified disabled child who resides in the Mount Sinai Union Free School District regardless of the nature or severity of the disability. The School District shall educate each qualified disabled child with children who are not disabled to the maximum extent appropriate to the needs of the disabled child, and shall also ensure that disabled children participate with non-disabled children in nonacademic and extra-curricular activities to the maximum extent appropriate. A disabled child shall be afforded an equal opportunity for participation in such services and activities.

The School District shall provide disabled children an equal opportunity for participation in physical education courses, interscholastic, club or intramural athletics.

The School District shall conduct pre-placement evaluations, and shall establish standards and procedures consistent with Section 104.35 for the evaluation and placement of children who need or are believed to need special education or related services. Periodic reevaluation shall be conducted of children who have been provided special education or related services.

Placement decisions shall draw upon information from a variety of sources and shall be made by a group of persons knowledgeable about the child, the meaning of the evaluation data, and the placement options. The School District shall establish and implement a system of procedural safeguards that includes notice, an opportunity for the parent to examine relevant records, an impartial hearing with the opportunity for participation by the parent and representation by counsel, and a review procedure.

*Ref: 34 CFR 104.36-37*

#### Limited English Proficiency Instruction

The Mount Sinai Board of Education believes that students who, by reason of foreign birth or ancestry, have limited English proficiency will be more effective learners of both the language and curriculum if they receive instruction in both their native language and English. The District will make effort to ensure that limited English proficiency (LEP) students are provided with an appropriate program of transitional bilingual education or free-standing English as a second language program.

Pursuant to this policy and Regulations of the Commissioner of Education, the Superintendent is directed to develop appropriate administrative regulations to ensure that LEP students are:

1. Diagnostically screened for limited English proficiency, in accordance with Part 117 of the Commissioner's Regulations. Those students who according to their scores are identified as LEP will be annually evaluated. Included in the evaluations shall be each student's performance in content areas to measure academic progress;
2. Assured of access to appropriate instructional and support services, including guidance programs; and
3. Assured of having equal opportunities to participate in all school programs and extracurricular activities as non-LEP students.

The Superintendent shall be responsible for ensuring that the Commissioner is provided with all information required under the Commissioner's Regulations and that the District provides

appropriate school-related information to the parents of LEP students in English or when necessary, in the language they understand. In addition, the Superintendent shall ensure that all teachers employed for any bilingual or ESL program are properly certified in accordance with New York State Law and Regulation.

*Disabled Students Participating in Mount Sinai School District Programs*

All students with disabling conditions residing in the Mount Sinai Union Free School District shall have the opportunity to participate in School District programs including extracurricular programs and activities which are available to all other pupils enrolled in the public schools of the District. The Board directs the CSE Chairperson to develop procedures implementing 8 NYCRR § 200.6 (a) in the District. *Ref: 8 NYCRR 200.2(b)(1)*

**MEDICAID CONFIDENTIAL DISCLOSURE POLICY**

The Board of Education recognizes the importance of detecting and preventing Medicaid fraud, waste, and abuse. The purpose of this policy is to set forth the procedures that will be used by the School District to respond to reports by employees and others of activity which might violate applicable Medicaid laws or regulations, which includes, but is not limited to, submitting and/or receiving claims in a manner which does not meet the Medicaid program requirements, as applicable.

***Policy/Procedure***

Each employee must act in an ethical manner and adhere to applicable legal requirements in the course of performing their duties on behalf of the School District.

Any employee of the School District who has knowledge of activities that he or she believes may violate a law, rule, or regulation has an obligation to promptly report this matter to the designated Compliance Officer and/or his or her immediate supervisor. Reports may be made anonymously and employees will not be penalized for reports made in good faith. Failure to report known violations, failure to detect violations due to negligence or reckless conduct and intentionally making false reports shall be grounds for disciplinary action, including termination. The appropriate form of discipline will be case-specific and in accordance with applicable law and/or existing collective bargaining agreements.

Necessary steps will be taken to communicate appropriate standards and procedures to all employees by disseminating information that explains what is required. This shall include the posting of this policy.

In order to detect and prevent fraud, the Board of Education authorizes the utilization of monitoring and auditing systems that are reasonably designed to detect misconduct by its employees, contractors, and/or agents.

Once a suspected violation has been reported, the Board of Education, acting upon the recommendation of the Superintendent of Schools and the Compliance Office, will take reasonable steps to respond appropriately and to prevent further violations, which shall include, any necessary modifications to its program designed to prevent and detect violations of applicable law.

All contractors and agents who furnish or authorize the furnishing of Medicaid services on behalf of the School District, or perform billing or coding functions are required to communicate these policies and procedures to their employees and are responsible for ensuring that such communication occurs.

### ***Appointment of Compliance Officer***

The Superintendent of Schools hereby appoints the Assistant Superintendent for Business as the District's Compliance Officer, who shall have the authority to:

1. Oversee and monitor the implementation of the School District's compliance policy;
2. Consult outside counsel as legally necessary;
3. Conduct internal investigations and audits relating to compliance issues;
4. Review all documents and other information relevant to Medicaid compliance activities;  
and
5. Maintain direct access to the Superintendent of Schools, and when appropriate, the Board of Education.

### ***Training and Education***

The Compliance Officer shall implement a training program to help employees identify, prevent, and report noncompliance with applicable law. The Board of Education expects all employees to participate in general compliance training upon initial hire or periodically thereafter and must acknowledge attendance at each session. Documentation of attendance will be maintained by the Compliance Officer. Conversely, specialized training will be provided to employees, whose actions directly affect submission and reimbursement of claims, including those involved in dispensing, billing and reimbursement of Medicaid claims.

### ***Investigation***

Through the Compliance Officer, the School District shall promptly respond to and take appropriate action for detected offenses.

#### **A. Internal Investigation**

The Compliance Officer will conduct a timely and reasonable investigation of all credible reports of suspected noncompliance. A reasonable inquiry includes a preliminary investigation by the Compliance Officer or other compliance personnel.

If an internal investigation results in the discovery of misconduct that may violate applicable laws or regulations, the Compliance Officer must notify the Superintendent of Schools and Board of Education.

#### **B. Government Investigation**

If a government investigation arises, the School District aims to be forthright and cooperative with the investigation.

### ***Distribution***

This policy will be made available on the School District's website. In addition, hard copies will be made available to new employees during the orientation process and current employees in those departments submitting and/or receiving claims.

### **DIGNITY FOR ALL STUDENTS ACT**

The Board of Education recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including

but not limited to bullying, taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, the District will strive to create an environment free of discrimination and harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission.

The District condemns and prohibits all forms of discrimination and harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property and at school-sponsored activities and events that take place at locations off school property. In addition, any act of discrimination or harassment, outside of school sponsored events, which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline.

#### Dignity Act Coordinator

At least one (1) employee at every school shall be designated as the Dignity Act Coordinator(s). The Dignity Act Coordinator(s) will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) and sex. The Board of Education shall appoint the Dignity Act Coordinator(s) and share the name(s) and contact information with all school personnel, students, and parents/person in parental relation.

If a Dignity Act Coordinator vacates his/her position, another school employee shall immediately be designated for an interim appointment as Coordinator, pending approval from the Board of Education, within thirty (30) days of the date the position was vacated. In the event a Coordinator is unable to perform the duties of the position for an extended period of time, another school employee shall immediately be designated for an interim appointment as Coordinator, pending return of the previous Coordinator to the position.

#### Training

Training will be provided each school year for all District employees in conjunction with existing professional development training to raise staff awareness and sensitivity of harassment and discrimination directed at students that are committed by students or school employees on school property or at a school function. Training will include ways to promote a supportive school environment that is free from discrimination and harassment, emphasize positive relationships, and demonstrate prevention and intervention techniques to assist employees in recognizing and responding to harassment and discrimination, as well as ensuring the safety of the victims.

Instruction in grades kindergarten through six shall include a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. For the purposes of this policy, "tolerance," "respect for others" and "dignity" shall include awareness and sensitivity to discrimination or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders and sexes.

Rules against discrimination and harassment will be included in the Code of Conduct, publicized District-wide and disseminated to all staff and parents. An age-appropriate

summary shall be distributed to all students at a school assembly at the beginning of each school year.

#### Reports and Investigation of Discrimination and Harassment

The District will investigate all complaints of harassment and discrimination, either formal or informal, and take prompt corrective measures, as necessary. Complaints will be investigated in accordance with applicable policies and regulations. If, after an appropriate investigation, the District finds that this policy has been violated, corrective action will be taken in accordance with District policies and regulations, the Code of Conduct, and all appropriate federal or state laws.

The District will annually report material incidents of discrimination and harassment to the State Education Department as part of the Uniform Violent and Disruptive Incident Reporting System (VADIR).

#### Prohibition of Retaliatory Behavior (Commonly Known as “Whistle-Blower” Protection)

Any person who has reasonable cause to suspect that a student has been subjected to discrimination or harassment by an employee or student, on school grounds or at a school function, who acts reasonably and in good faith and reports such information to school officials or law enforcement authorities, shall have immunity from any civil liability that may arise from making such report. The Board prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or any other individuals who participated in the investigation of a complaint of discrimination or harassment.

### **DIGNITY FOR ALL STUDENTS ACT – CYBERBULLYING**

The Board is committed to providing a school environment that is free from harassment, bullying and discrimination. Harassment, discrimination, intimidation or bullying and acts of cyberbullying, as defined by New York Education Law Article Two and the Regulations of the Commissioner section 100.2 by students, staff or visitors toward students are strictly prohibited. Therefore, in accordance with such laws and regulations, conduct of this nature is subject to discipline in accordance with the District’s Code of Conduct and the Internet Safety and Acceptable Use Policies.

Reports of harassment, bullying and discrimination shall be made to the Building Principal, Superintendent or the Principal’s or Superintendent’s designee. Students and parents/guardians may make an oral or written report of harassment, bullying or discrimination to District teachers or administrators.

District employees who witness harassment, bullying or discrimination, or who receive an oral or written report of harassment, bullying or discrimination, shall promptly orally notify the Building Principal, Superintendent or the Principal’s or Superintendent’s designee not later than one school day after such employee witnesses or receives a report of harassment, bullying or discrimination. After oral notification, the District employee shall file a written report with the Building Principal, Superintendent or the Principal’s or Superintendent’s designee not later than two school days after making the oral report.

The Building Principal, Superintendent or the Principal’s or Superintendent’s designee shall lead or supervise a thorough investigation of all reports of harassment, bullying or discrimination, and ensure that said investigation is completed promptly after receipt of any written reports made.

In the event an investigation verifies harassment, bullying or discrimination, the District shall take prompt actions reasonably calculated to end the harassment, bullying or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure that safety of the student or students against whom such harassment, bullying or discrimination was directed. Retaliation against any individual who, in good faith, reports or assists in the investigation of harassment, bullying or discrimination, is strictly prohibited.

Individuals whose behavior is found to be in violation of this policy will be subject to discipline or removal from the premises in accordance with school policy, including the Code of Conduct. If appropriate, individuals may also be referred to law enforcement officials.

The Building Principal shall make a regular report on data and trends related to harassment, bullying and discrimination to the Superintendent.

The Superintendent shall establish procedures and guidelines that will include, but not be limited to, staff training and professional development, the method of reporting an incident believed to be in violation of this policy, the procedure for investigation and the prohibition of retaliation for reporting an incident. The District shall also provide required instruction supporting development of a school environment free of harassment, bullying and discrimination having an emphasis on discouraging acts of harassment, bullying (including cyberbullying) and discrimination and including instruction in the safe, responsible use of the Internet and electronic communications.

The Board will review this policy from time to time, but no less than annually, and will make any necessary modifications as required by the applicable laws and regulations.

This policy and any amendments or addendums shall be published in the student handbook and on the District website. At least once each school year, the District shall provide all school employees, students and parents or persons in parental relation with a written or electronic copy of this policy and any other policy created by the District in compliance with the Dignity for All Students Act.

If the Superintendent or Principal designates a staff member to receive oral or written reports of harassment, bullying, or discrimination, then the Superintendent or Principal shall publish the name and title of the designee to the school community as an addendum to this policy.

### **STUDENT ABUSE OF SOCIAL MEDIA/CYBERBULLYING, HARASSMENT AND BULLYING PREVENTION AND INTERVENTION**

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

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

## **Definitions**

### **Bullying**

Bullying, under the amended Dignity for All Students Act, has the same meaning as harassment (see below). The accompanying regulation provides more guidance regarding the definition and characteristics of bullying to help the school community recognize the behavior.

### **Cyberbullying**

Cyberbullying is defined as harassment (see below) through any form of electronic communication.

### **Discrimination**

Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as enumerated in the definitions section, under Harassment, below).

### **Hazing**

Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

### **Sexual Harassment**

Sexual harassment means bullying, harassment or discrimination of a sexual nature, as defined by the District's sexual harassment policy.

### **Sexting**

Sexting means taking nude or semi-nude photos or videos of self or others and forwarding them electronically.

### **Harassment**

Harassment has been defined in various ways in federal and state law and regulation. The Board recognizes that these definitions are important standards but the board's goal is to prevent misbehavior from escalating in order to promote a positive school environment and to limit liability. The Dignity for All Students Act (ss10-18 of education Law) defines harassment as the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. The harassing behavior may be based on any characteristic including but not limited to a person's actual or perceived:



- Race
- Color
- Weight
- National origin
- Ethnic group
- Religion
- Religious practice
- Disability
- Sex
- Sexual orientation, or
- Gender (including gender identity and expression).

For the purpose of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

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

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

### **Prevention**

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

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

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

### **Intervention**

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

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

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

### **Provisions for Students Who Do Not Feel Safe at School**

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

The district recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually. The student, parent/guardian and school administrator will collaborate to establish safety provisions that best meet the needs of the targeted student.

Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

### **Incident Reporting and Investigation**

Although it can be difficult to step forward, the district can't effectively address bullying if incidents are not reported. Students who have been bullied, parents whose children have been bullied or other students or staff who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided. Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to make an oral report to the Building DAC. Appeals shall be forwarded to the DAC at Mount Sinai School District, 118 North Country Road, Mount Sinai, New York 11766 within one school day and to fill out the district reporting form within two school days. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with his/her supervisor. A district employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident, whether or not the target complains.

At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, or, if applicable, 0100 Equal Opportunity and Nondiscrimination, or 0110, Sexual Harassment and the district's Code of Conduct. The Dignity Act Coordinator (DAC) will prepare a report for the Superintendent based on complaints filed. Incidents will be included in the Violent and Disruptive Incident Reporting (VADIR) system when applicable.

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

The Board has access to the annual VADIR report, as well as any other state required report relevant to bullying and/or school climate, for each building and for the district as a whole.

Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.

### **Training**

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

### **Disciplinary Consequences/Remediation**

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

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

### **Non-Retaliation**

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

## **SUICIDE PREVENTION POLICY**

**I.** Report any potential suicidal student to the school administrator first, then to a psychologist, guidance counselor, nurse, and/or social worker.

A. Each building principal will appoint a Crisis Response Team which will include a building administrator, school psychologist, guidance counselor, social worker, and/or school nurse. Upon receiving a report of a potential suicidal student, the Director of Pupil Personnel Services or his/her designee will appoint a member of the Crisis Response Team to intervene directly with the student. The appointed team member should:

1. Question the student about any feelings of hopelessness and length of time of such feelings.
2. Question the student about any thoughts about killing himself/herself and how persistent and strong the thoughts are.
3. Question the student whether any plans have been made, how detailed the plans are, and whether any preliminary actions have been taken.

NOTE:

If suicidal behavior is suspected, do not mince words, but directly question the student about his/her thoughts, intent, and/or plans.

B. The building Crisis Response Chair will convene the team immediately.

**II.** The Crisis Response Team shall review the presenting circumstances, assess the seriousness or imminence of the threat, and implement the suggested procedures included herein.

NOTE:

The student and reporting staff member involved must understand that the issue of confidentiality will not prevent the reporting of suspected suicide risk, relevant information, and reports in accordance with the procedures outlined herein.

A. After gathering the information, the Crisis Response Team should determine the level of the risk of the situation and select a case coordinator who will oversee the implementation of the following procedures for the particular case.

1. If it is determined that it is a High Risk\*:

- a. The student should not be let out of the sight of the reporting staff member.
- b. The parent must be notified immediately.
- c. The student may only be released to a parent or parent designee.
- d. A referral to the Emergency Room for assessment will be made immediately.
- e. There shall be follow-up to be sure that a psychiatric evaluation has been conducted. A written report will be requested from the psychiatric stating that the student is no longer at high risk and is able to attend school. This report is to be submitted before the student is allowed to return to school and must be reviewed with the Crisis Response Team.
- f. The parent must be provided with a list of referrals if the student requires ongoing treatment.
- g. If student is already in outside therapy, contact should be made with the therapist for strategy planning.
- h. Notification should be made to student's guidance counselor, teacher(s), coach, and nurse.

\*High Risk Indicators (one or more present)

A detailed suicide plan, feeling of hopelessness, written suicide statement, history of a previous suicide attempt, chronically self-destructive lifestyle combined with severe loss (parent, relative, close friend, etc.) or threat of loss, anniversary of a loss, inability to accept help, unavailability of resources, and/or means to carry out suicide is available.

2. If it is determined that the situation is a Medium Risk\*:

- a. The student should be escorted to the psychologist's, social worker's, and/or guidance counselor's office.
- b. The parent must be notified.
- c. Supportive assistance must be given on a regular basis.
- d. The parent must be provided with a list of referrals.
- e. If student is already in outside therapy, contact should be made with the therapist for strategy planning.
- f. Student and parent must be made aware of available assistance in an emergency.
- g. Notification should be made to student's guidance counselor, teacher(s), coach, and nurse.
- h. Follow-up must be made to ensure that contact for assistance has been made.
- i. If contact for assistance has not been made, supportive help must be provided.

\*Medium Risk Indicators (one or more present):

Some threat of committing suicide through explicit statement but without a concrete plan; does not have the means of completing an attempt; probably lacking any support from a professional or significant others, and/or has exhibited any radical changes in behavior.

3. If it is determined that the situation is a Low Risk\*:

- a. A contract should be signed with the student by which the student agrees not to do anything while the staff member is working with him/her.
- b. Notification should be made to student's guidance counselor, teacher(s), coach, and nurse.
- c. Careful monitoring of the student with frequent contacts with the student and with staff members who are involved with the student should be provided.
- d. The parent must be notified.
- e. Supportive counseling should be provided and the student and parents referred to an outside source.
- f. If student is already in outside therapy, contact should be made with the therapist for strategy planning.

\*Low Risk Indicators (one or more present):

Frequent or prolonged vague feelings of hopelessness, no suicidal plans, no explicit written or verbal threat, supportive help available.

**III.** A report of an identified suicide risk shall be completed by the appointed member of the Crisis Response Team and submitted to the Director of Pupil Personnel Services. The report shall be kept on file in the Office of Pupil Personnel Services. **No copies are to be kept in the buildings as this report would then be considered part of a student's record.**

**IV.** The Crisis Response Team member will maintain contact with the student and his/her parents on a regular basis.

## **MANAGEMENT OF SUICIDE IN THE SCHOOLS**

If a suicide by a student or staff member occurs, the Superintendent of Schools and the Director of Pupil Personnel Services will be notified immediately.

### **A. Communication**

1. In accordance with the District's Crisis Response Plan, all requests for information will be directed to the principal.
2. The principal will assemble administrative staff and follow procedures as outlined in the District's Crisis Response Plan.

### **B. Action Plan**

1. Assemble faculties prior to the opening of school to provide accurate information and to present the plans for the school day.
2. A crisis team of pupil personnel staff members will be assigned by the Director or Pupil Personnel Services to the building affected by the incident in order to assist the staff and students in dealing with the general school situation and any individual problems which may arise. Members of the team will assist the building staff in developing and implementing the Crisis Response Plan within the building.

3. The Crisis Team should identify those students who have the greatest potential for suicide and/or reaction to this incident and provide the closest monitoring for these students.
4. The Crisis Response Plan should include provisions for group discussions as well as individual sessions with students and staff.

#### C. Students

Following a suicide, the atmosphere in school can be a critical factor in preventing additional suicides. Some students will be affected more than others, and the impact might surface in different ways. Students should be allowed to discuss their feelings of loss without embarrassment but should not be forced to participate in such discussions. Any discussions of a suicide should be tailored to the age, maturity, and needs of the student(s) involved.

### **STAFF PROFESSIONAL DEVELOPMENT**

All staff will receive annual professional development on risk factors, warning signs, protective factors, response procedures, referrals, post event intervention, and resources regarding youth suicide prevention.

### **YOUTH SUICIDE PREVENTION PROGRAMMING**

Developmentally-appropriate, student-centered education materials will be integrated into the curriculum of all K-12 health classes. The content of these age-appropriate materials will include:

1. the importance of safe and healthy choices and coping strategies
2. how to recognize risk factors and warning signs of mental disorders and suicide in oneself and others
3. help-seeking strategies for oneself or others, including how to engage school resources and refer friends for help.

### **MEAL PAYMENT AND CHARGE POLICY**

The provisions of this policy pertain to regularly priced school breakfast, lunch meals only.

#### **COST OF SCHOOL MEALS:**

|                       |                                                                                                                                                                |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Free Meal Benefit:    | Free eligible students will be allowed to receive a free breakfast and lunch each day. A la carte purchases must be paid or prepaid.                           |
| Reduced Meal Benefit: | Reduced eligible students will be allowed to receive a breakfast and lunch at the established reduced meal rate. A la carte purchases must be paid or prepaid. |
| Full Pay Students:    | Students will pay meals at the school's published paid meal rate each day.                                                                                     |

**WHERE MEALS ARE NOT PAID FOR AT THE POINT OF SALE, THE FOLLOWING RULES APPLY:**

- All students upon the student's request, regardless of whether their parent or legal guardian has unpaid charges for school meals and regardless of their ability to pay at the register, shall be provided with a school meal of the student's choice from the available reimbursable meal choices for that school day.
- The District shall only be required to provide access to reimbursable meals, not a la carte items, adult meals, or other items.
- Charging of items outside of the reimbursable meals (a la carte items, adult meals, etc.) is expressly prohibited. All such items must be paid or prepaid.
- The student's parent or guardian may provide written permission to the District to withhold a meal.
- There will be no adult charging (employees, volunteers, or visitors) of school meals.

**TRAINING:**

All staff responsible for serving student meals or collecting money for such meals will be trained to ensure that the District's procedures are carried out correctly. Such training shall include receipt and review of this plan at the time of the employee's hire, with retraining as needed. Training shall also include communication strategies to minimize stigma or embarrassment to students denied a la carte items.

**MONEY OWED FOR UNPAID MEALS:**

- A. Parents/guardians are responsible for meal payment to the food service program. Discreet notices of low or deficit balances will be sent to parents/guardians at regular intervals during the school year. Parents will be given notice of the negative balance on their student's account with weekly communications regarding the unpaid balance, which may include auto-calls or letters.
- B. The District will work with families, including developing a repayment schedule, where families are unable to pay the entire amount of any unpaid balance in a single payment.
- C. If a student is without meal money on a consistent basis, the administration will investigate the situation more closely and take further action as needed. If financial hardship exists, parents and families are encouraged to apply for free or reduced price lunches for their child, if applicable.
- D. When a student owes money for five or more meals, the District shall:
  - 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.
- E. The District will not 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;

- require a student who cannot pay for a meal or who owes a meal debt to do chores of other work to pay for meals;
- 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;
- take any action directed at a pupil to collect unpaid school meal fees. The District will attempt to collect unpaid school meal fees from a parent or guardian, but shall not use a debt collector as defined in section eight hundred three of the Federal Consumer Credit Protection Act, 15 U.S.C. Sec. 1692a; or
- discuss any outstanding meal debt in the presence of other students.

F. Nothing in this plan is intended to allow for the unlimited accrual of debt.

#### **PREPAID MEAL ACCOUNTS:**

- Students/parent/guardians may pay for meals in advance via my school bucks or with a check payable to Mt. Sinai Schools. Further details are available on our website at [www.mtsinai.k12.ny.us](http://www.mtsinai.k12.ny.us). Funds should be maintained in accounts to minimize the possibility that a student may be without meal money on any given day. Any remaining funds for a particular student may/will be carried over to the next school year.
- Surplus balances will be rolled over for the student's benefit for the following school year.
- Regarding refunds for withdrawn and graduated students, a written or e-mailed request for a refund of any money remaining in their account must be submitted. Full-pay students who are graduating at the end of the year will be given the option to transfer any balance to a sibling's account with a written request. Reduced eligible students will have surplus money returned.
- Unclaimed funds must be requested within one school year. Unclaimed funds will then become the property of the Food Service Program.
- Collection of owed balances will follow the above procedures for unpaid meals.

#### **ENROLLMENT IN THE FREE AND REDUCED PRICE LUNCH:**

- At the beginning of each school year, the District shall provide a free, printed meal application in every school enrollment packet, or 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;
- The District will provide assistance to families on request in completing an application for enrollment;
- Where the District becomes aware that a student who has not submitted a meal application is eligible for free or reduced-fee meals, the District shall complete and file an application for the student pursuant to Title 7, §245.6 (d) of the Code of Federal Regulations; and



- The District's School Liaison 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.

#### **ANNUAL NOTIFICATION:**

The District will provide notice to all parents or guardians on an annual basis, prior to the opening day of school, outlining the requirements of this policy. This policy shall also be published in an appropriate school-based publication, and posted on the District's website.

#### **GENDER NEUTRAL BATHROOM FACILITIES POLICY**

The Mount Sinai UFSD Board of Education under the authority of Education Law Section 409-m directs that the Superintendent of Schools and/or his designee provide for the designation and the appropriate signage indicating the status of all single-occupancy bathroom facilities District-wide to be gender neutral and to be utilized by no more than one occupant at a time or for family or assisted use.

The Board of Education recognizes and supports the public policy inherent within the subject statute in seeking to accommodate constituencies which do not identify with a binary gender designation; but rather, which identify with a chosen non-binary gender identification; and further, to assure that families and those requiring physical assistance are enabled to utilize facilities that will no longer be earmarked for use by a sole, specific gender. It is determined that gender-segregated lavatory facilities do not serve a useful purpose in accommodating the interests of those present on District premises.

It is recognized that in consideration of the comfort and safety of individuals who do not identify with the male or female gender and those families and those requiring physical assistance necessitating mixed genders utilizing lavatory facilities that the District will be affording a greater opportunity to those who would otherwise be relegated to having to avoid the use of a designated male and female single occupancy bathroom facilities. It is the intent of the Board of Education to afford accommodations that do respect diversity and non-binary gender selections as well as families and those requiring physical assistance in utilizing bathroom facilities in District buildings.

This policy is to be implemented no later than March 23, 2021 as such is the effective date of the subject Section 409-m of the New York Education Law; the policy is being generated under the auspices of the subject statute and within the discretion of the Board of Education to manage, oversee and supervise facilities of the District.

#### **FEDERAL UNIFORM GRANT GUIDANCE POLICY**

See attached policy

#### **BOARD MEETING PARTICIPATION BY STUDENTS POLICY**

The Mount Sinai High School Student Council shall elect, by a majority vote, one student to serve as the Student Representative to the Mount Sinai Union Free School District Board of Education and one student to serve, in the absence of the Student Representative, as the

Alternate Student Representative to the Mount Sinai Union Free School District Board of Education.

The Student Representative will attend all regular and special meetings for the Board.

The Student Representative will receive a copy of the general session agenda prior to the meeting.

The student representative to the Board will not have voting privileges.

## **TITLE IX AND SEX DISCRIMINATION**

### **Overview**

The District is committed to establishing and maintaining education programs and activities which are free from discrimination and harassment. This policy addresses complaints of sex discrimination, including sexual harassment, made under Title IX of the Education Amendments Act of 1972 and its implementing regulations (Title IX). It will serve as a component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Title IX prohibits discrimination on the basis of sex in any education program or activity operated by an institution that receives federal financial assistance. As required by Title IX, the District does not discriminate on the basis of sex in its education programs and activities or when making employment decisions.

The District adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of sex discrimination, including sexual harassment. The District will promptly respond to reports of sex discrimination, ensure that all investigations are conducted within a reasonably prompt time frame and under a promulgated fair grievance process that

provides due process protections to complainants and respondents, and impose sanctions and implement remedies when warranted.

Inquiries concerning this policy or the application of Title IX may be directed to the District's Title IX Coordinator, the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

#### Scope and Application of Policy

This policy is limited to addressing complaints of sex discrimination, including sexual harassment, that fall within the scope of Title IX which, among other things, has a specific definition of sexual harassment and applies only to sex discrimination occurring against a person in the United States. This policy applies to any individual participating in or attempting to participate in the District's education programs or activities including students and employees; those programs or activities are to include not only those taking place in buildings located on the District's campus but also in other locations where programs and activities are taking place that are deemed to be integral to the District's operations, including remote learning platforms (such as including computer and internet networks, digital platforms, and computer hardware or software related to a District education program or activity). Any reports of sexual harassment occurring in off-District campus settings are to be considered within the embrace of this policy if it can be determined that the District exercised "substantial control" over the party alleged to have imparted the sexual harassment (considering the context within which the alleged sexual harassment occurred). For the purposes of construing what constitutes "substantial control" there is to be a fact-specific determination which considers, inter alia, whether the District funded, promoted, or sponsored the event or circumstance where the alleged harassment occurred – no single factor is to be determinative; rather a full assessment of all aspects of the District's control over the respondent and the location; and the event/activity occurring at the time of an alleged act of sexual harassment are to be weighed in determining whether the District exercised the "substantial control" necessary to cast upon it the responsibility to review and investigate reports of sexual harassment occurring within the setting under the terms of this policy.

Other District policies and documents address sex-based misconduct and may have varying definitions, standards of review, and grievance procedures. These documents must be read in conjunction with this policy as they may cover incidents of sex-based misconduct not addressed by Title IX.

If the allegations forming the basis of a formal complaint of sexual harassment, if proven, would constitute prohibited conduct under Title IX, then the grievance process outlined in this policy would be applied to the investigation and adjudication of all the allegations. Depending on the allegations, additional grievance procedures may apply.

The dismissal of a formal complaint of sexual harassment under Title IX does not preclude action under any other related District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

#### **What Constitutes Sex Discrimination Including Sexual Harassment**

Title IX prohibits various types of sex discrimination including, but not limited to: sexual harassment; the failure to provide equal gender opportunity; sex-based discrimination in a District's science, technology, engineering, and math (STEM) courses and programs; and discrimination based on pregnancy.

Under Title IX, sexual harassment includes conduct on the basis of sex that satisfies one or more of the following:

- a) An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;

- b) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;
- c) Sexual assault, meaning an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
- d) Dating violence, meaning violence committed by a person:
  - 1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - 2. Where the existence of such a relationship will be determined based on a consideration of the following factors:
    - (a) The length of the relationship;
    - (b) The type of relationship;
    - (c) The frequency of interaction between the persons involved in the relationship;
- e) Domestic violence, meaning felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or
- f) Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - 1. Fear for his or her safety or the safety of others; or
  - 2. Suffer substantial emotional distress.

### **Title IX Coordinator**

The District has designated and authorized the following District administrator to serve as its Title IX Coordinator:

Elizabeth Hine, Middle School Principal  
 116 North Country Road  
 Mount Sinai, NY 11766  
 631-870-2701  
 ehine@mtsinai.k12.ny.us

The Title IX Coordinator, who will be referred to as such, will coordinate the District's efforts to comply with its responsibilities under Title IX. However, the responsibilities of the Title IX Coordinator may be delegated to other personnel.

Where appropriate, the Title IX Coordinator may seek the assistance of the District's Civil Rights Compliance Officer (CRCO) and/or Dignity Act Coordinator(DAC) in investigating, responding to, and remediating complaints of sex discrimination, including sexual harassment.

### **Reporting Allegations of Sex Discrimination**

Any person may report sex discrimination, including sexual harassment, regardless of whether they are the alleged victim or not. Reports may be made in person, by using the contact information for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. This report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator.

Reports of sex discrimination may also be made to any other District employee including a supervisor, building principal, or the District's CRCO. All reports of sex discrimination, including sexual harassment, will be forwarded to the District's Title IX Coordinator. Reports may also be forwarded to other District employees depending on the allegations.

All District employees who witness or receive an oral or written report of sex discrimination must immediately inform the Title IX Coordinator. Failure to immediately inform the Title IX Coordinator may subject the employee to discipline up to and including termination.

Making a report of sexual harassment is not the same as filing a formal complaint of sexual harassment. A formal complaint is a document either filed by a complainant or a parent or legal guardian who has a right to act on behalf of the complainant or one signed by the Title IX Coordinator which alleges sexual harassment against a respondent and requests that the District investigate the allegations. While the District must respond to all reports it receives of sexual harassment, the Title IX grievance process is only initiated with the filing of a formal written complaint.

In addition to complying with this policy, District employees must comply with any other applicable District policy, procedure, collective bargaining agreement, or other document such as the District's Code of Conduct. This includes, but is not limited to the Dignity for All Students Act (DASA) which requires District employees to make an oral report promptly to the Superintendent or principal, their designee, or the DAC not later than one school day after witnessing or receiving an oral or written report of harassment, bullying, and/or discrimination of a student. Two days after making the oral report, DASA further requires that the District employee file a written report with the Superintendent or principal, his/her designee, or the DAC. If the Title IX Coordinator is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to the other Title IX Coordinator. If the District has not designated another Title IX Coordinator, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the Title IX Coordinator.

### **Grievance Process for Complaints of Sex Discrimination Other than Sexual Harassment**

The District will provide for the prompt and equitable resolution of reports of sex discrimination other than sexual harassment. In responding to these reports, the Title IX Coordinator will utilize, as applicable, the grievance process set forth in Policy #110 and any other applicable District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

### **Grievance Process for Formal Complaints of Sexual Harassment**

The District will respond to allegations of sexual harassment in a manner that is not deliberately indifferent whenever it has actual knowledge of sexual harassment in an education program or activity of the District. The District is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. For purposes of reports and formal complaints of sexual harassment under Title IX, education program or activity includes locations, events, or circumstances over which the District exercised substantial control over both the respondent(s) and the circumstances under which the sexual harassment occurred.

The District will follow a grievance process that complies with law and regulation before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

The District will conduct the grievance process in a timely manner designed to provide all parties with a prompt and equitable resolution. It is anticipated that, in most cases, the grievance process will be conducted within a reasonably prompt time and follow the time frames established in this policy.

### Definitions

a) "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the District's Title IX Coordinator or any official of the District who has authority to institute corrective measures on behalf of the District, or to any District employee. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the District with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the District. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator as described in this policy.

b) "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

c) "Days" means in session ("school days").

d) "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the District concerning which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or email, by using the contact information required to be provided for the Title IX Coordinator, and any additional method designated by the District. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by email or through an online portal provided for this purpose by the District) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party, and must comply with the requirements of law and regulation.

e) "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

f) "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. These measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The District must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

### **General Requirements for the Investigative and Grievance Process**

During the investigation of a formal complaint and throughout the grievance process, the District will ensure that:

- a) Complainants and respondents are treated equitably. This includes applying any provisions, rules, or practices incorporated into the District's grievance process, other than those required by law or regulation, equally to both parties.
- b) All relevant evidence is objectively evaluated, including both inculpatory and exculpatory evidence. Inculpatory evidence implicates or tends to implicate an individual in a crime or wrongdoing. Exculpatory evidence frees or tends to free an individual from blame or accusation.
- c) The Title IX Coordinator, investigator, hearing officer, appellate decision-maker involved in the grievance process, or any person designated by the District to facilitate any informal resolution process does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- d) Respondents are presumed not to be responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- e) The grievance process, including any appeals or informal resolutions, is concluded within a reasonable time frame and that the process is only temporarily delayed or extended for good cause. Good cause includes, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. When the time frame is temporarily delayed or extended, written notice will be provided to all complainants and respondents of the delay or extension and the reasons for the action.
- f) The range of possible disciplinary sanctions and remedies that may be implemented by the District following any determination regarding responsibility are described to any known party.
- g) The same standard of evidence is used to determine responsibility in all formal complaints.

- h) The procedures and permissible bases for an appeal are known to all complainants and respondents.
- i) The range of supportive measures available are known to all complainants and respondents.
- j) There is no requirement, allowance of, reliance on, or otherwise use of questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege.
- k) The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not on the parties.
- l) The Title IX Coordinator, the investigator, hearing officer, appellate decision-maker, or any other person participating on behalf the District does not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the District obtains that party's voluntary, written consent to do so for the grievance process. If the party is not an eligible student, as defined in FERPA as a student who has reached 18 years of age or is attending a postsecondary institution, the District will obtain the voluntary, written consent of a parent.
- m) The parties have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- n) Credibility determinations are not to be based on a person's status as a complainant, respondent, or witness.
- o) The ability of either party to discuss the allegations under investigation or to gather and present relevant evidence is not restricted.
- p) The parties are provided with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of an advisor for any complainant or respondent in any meeting or grievance proceeding. However, the District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
- q) Written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, is provided to any party whose participation is invited or expected with sufficient time for the party to prepare to participate.
- r) The parties are provided with equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the District does not intend to rely on in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
- s) Any document sent to a minor or legally incompetent person is also sent to the party's parent or legal guardian.



- t) Any document sent to a party is also sent to the party's advisor, if known.

#### After a Report of Sexual Harassment Has Been Made

After receiving a report of sexual harassment, the Title IX Coordinator will:

- a) Promptly contact the complainant to discuss and offer supportive measures;
- b) Inform the complainant both of the range of supportive measures available and that these measures are available regardless of whether a formal complaint is filed;
- c) Consider the complainant's wishes with respect to supportive measures; and
- d) Explain to the complainant the process for filing a formal complaint.

The Title IX Coordinator may also contact the respondent to discuss and/or impose supportive measures.

Requests for confidentiality or use of anonymous reporting may limit the manner in which the District is able to respond to a report of sexual harassment.

#### Emergency Removal and Administrative Leave

At any point after receiving a report or formal complaint of sexual harassment, the District may immediately remove a respondent from the District's education program or activity on an emergency basis, provided that the District:

- a) Undertakes an individualized safety and risk analysis;
- b) Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
- c) Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

The District must coordinate its Title IX compliance efforts with special education staff when initiating an emergency removal of a student with a disability from an education program or activity as the removal could constitute a change of placement under the IDEA or Section 504.

The District may place a non-student employee respondent on administrative leave with or without pay during the pendency of the grievance process in accordance with law and regulation and any applicable District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

#### Filing a Formal Complaint

A complainant may file a formal complaint with the Title IX Coordinator in person or by mail, email, or other method made available by the District. The complainant must be participating in or attempting to participate in the education program or activity of the District at the time of filing the complaint. The filing of a formal complaint initiates the grievance process.

A formal complaint must be signed by the complainant, the complainant's parent or legal guardian as appropriate, or the Title IX Coordinator. Where a parent or legal guardian signs the complaint, the parent or legal guardian does not become the complainant; rather the parent or legal guardian acts on behalf of the complainant. The Title IX Coordinator may sign the formal complaint, but his or her signature does not make him or her a complainant or a party to the complaint. If the formal complaint is signed by the Title IX Coordinator, the Title IX Coordinator is still obligated to comply with the grievance process outlined in this policy.

The complainant, or the complainant's parent or legal guardian, must physically or digitally sign the formal complaint, or otherwise indicate that the complainant is the person filing the formal complaint. When a formal complaint is filed, the Title IX Coordinator must send a written notice of allegations to all parties identified within the formal complaint allegedly possessing culpability.

The District will not discriminate on the basis of sex in its treatment of a complainant or a respondent in responding to a formal complaint of sexual harassment.

The formal complaint form may be obtained from the District's Title IX Coordinator or found on the District's website.

#### Consolidation of Formal Complaints

The District may consolidate formal complaints of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

#### Written Notice of Allegations

Upon receipt of a formal complaint, the District will send all known parties written notice of:

- a) The District's grievance process, including any informal resolution process; and
- b) The allegations of sexual harassment which will:
  1. Provide sufficient details known at the time and sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
  2. State that the respondent is presumed not to be responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
  3. Inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney;
  4. Inform the parties that they may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint; and
  5. Include notice of any provision in any applicable District policy, procedure, collective bargaining agreement, or other document such as the District's Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the District decides to investigate allegations about any complainant or respondent that were not included in the initial notice, the District will provide another notice of the additional allegations to the parties whose identities are known.

#### Investigation of a Formal Complaint

The Title IX Coordinator will oversee the District's investigation of all formal complaints. During the investigation of a formal complaint, the Title IX Coordinator or another District employee may serve as the District's investigator. The District may also outsource all or part of an investigation to appropriate third parties. The outsourcing of all or part of an investigation does not relieve the District from its obligation to comply with law and regulation.

It is anticipated that most investigations will be completed within sixty (60) school days after receiving a formal complaint.

During the investigation of a formal complaint, the investigator will, as appropriate:

- a) Collect, review, and preserve all evidence including, but not limited to, any relevant documents, videos, electronic communications, and phone records.
- b) Interview all relevant persons including, but not limited to, any complainants, respondents, and witnesses. Interviews of complainants and respondents will be conducted separately. If a student is involved, the District will follow any applicable District policy, procedure, or other document such as the District's *Code of Conduct* regarding the questioning of students.
- c) Create written documentation of the investigation (such as a letter, memo, or email), which contains the following:
  - 1. A list of all documents reviewed, along with a detailed summary of relevant documents;
  - 2. A list of names of those interviewed, along with a detailed summary of their statements;
  - 3. A timeline of events; and
  - 4. A summary of prior relevant incidents, reported or unreported.
- d) Keep any written documentation and associated documents in a secure and confidential location.

Prior to completion of the investigative report, the District will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties will have fifteen (15) school days to submit a written response, which the investigator will consider prior to completion of the investigative report. At the end of the investigation, an investigative report will be created that fairly summarizes all relevant evidence.

If deemed necessary by the Title IX Coordinator(s) a hearing will be conducted within thirty (30) school days of receipt of the written response by a party or the parties. Ten (10) school days prior to the hearing regarding responsibility, the investigative report will be sent to each party and the party's advisor, if any, in an electronic format or a hard copy, for their review.

#### Dismissal of a Formal Complaint

The District must investigate the allegations in a formal complaint. The District must dismiss a formal complaint under Title IX if the conduct alleged:

- a) Would not constitute sexual harassment even if proven;
- b) Did not occur in the District's education program or activity; or

- c) Did not occur against a person in the United States.

Further, the District may dismiss a formal complaint or any of its allegations under Title IX, if at any time during the investigation or hearing:

- a) A complainant notifies the Title IX Coordinator in writing that the complainant would prefer to withdraw the formal complaint or any of its allegations;
- b) The respondent is no longer enrolled or employed by the District; or
- c) Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or any of its allegations.

Upon a dismissal of a formal complaint, the District must promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties.

The dismissal of a formal complaint under Title IX does not preclude action under any other related District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

#### Informal Resolutions

Before reaching a determination regarding responsibility, but only after a formal complaint is filed, the District may offer and facilitate the use of an informal resolution process, such as mediation, that does not involve a full investigation and adjudication of the formal complaint.

It is anticipated that most informal resolutions will be completed within 15 school days.

The District will not require that parties participate in an informal resolution process. The District will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student. Further, the District will not require the waiver of the right to an investigation and adjudication of formal complaints of sexual harassment as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right.

If the District offers and facilitates the use of an informal resolution process, it will:

- a) Provide written notice to all known parties which details:
  - 1. The allegations in the formal complaint;
  - 2. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint;

3. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and
- b) Obtain the parties' voluntary, written consent to the informal resolution process.

#### Hearings and Determination Regarding Responsibility

If a hearing is deemed warranted the District will designate an individual hearing officer or a panel of hearing officers to issue a written determination regarding responsibility. A hearing officer can either be a District employee or, where appropriate, a third-party. He or she cannot be the same individual as either the Title IX Coordinator or the investigator(s).

The District's grievance process may, but is not required to, provide for a hearing. The determination as to whether a hearing will be provided will be made on a case-by-case basis. If a hearing is provided, the District will make all evidence subject to the parties' inspection and review available to provide each party equal opportunity to refer to this evidence during the hearing, including for purposes of cross-examination.

With or without a hearing, before reaching a determination regarding responsibility, the Title IX Coordinator(s), or hearing officer, or any other duly assigned individual will afford each party the opportunity to:

- a) Submit written, relevant questions that a party wants asked of any party or witness after the parties have received the investigative report;
- b) Provide each party with the answers given by any party or witness;
- c) Allow for additional, limited follow-up questions and responses from each party to occur after the parties have received responses to their initial questions.

Questions and evidence concerning a complainant's sexual predisposition or prior sexual behavior will not be considered, unless the questions regarding evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The hearing officer will explain to the party proposing the any decision to exclude a question as not relevant.

The hearing office will issue a written determination regarding responsibility to the Title IX Coordinator, the Superintendent, and all parties simultaneously within three (3) school days after all follow-up questions have been responded to or after the hearing, if one has been provided.

To reach this determination, the hearing officer will use the "clear and convincing" evidence standard which is the standard of evidence that will be applied in all formal complaints of sexual harassment. This standard is understood to mean concluding that a fact is highly probable to be true.

The written notice of the determination regarding responsibility will include:

- a) Identification of the allegations potentially constituting sexual harassment;
- b) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties,

interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

- c) Findings of fact supporting the determination;
- d) Conclusions regarding the application of any applicable District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct* to the facts;
- e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District is imposing on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and
- f) The District's procedures and permissible bases for the complainant and respondent to appeal.

#### Finality of Determination Regarding Responsibility

The determination regarding responsibility becomes final either on the date that the District provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Where a determination regarding responsibility for sexual harassment has been made against the respondent, remedies will be provided to a complainant and disciplinary sanctions may be imposed on a respondent. Remedies will be designed to restore or preserve equal access to the District's education program or activity. Remedies and disciplinary sanctions will be implemented in accordance with applicable laws and regulations, as well as any District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

The Title IX Coordinator is responsible for the effective implementation of any remedies and/or disciplinary sanctions. The Title IX Coordinator will collaborate with other individuals as necessary to effectively implement remedies and/or disciplinary sanctions.

#### Appeals

Either party may file an appeal from a determination regarding responsibility or from the District's dismissal of a formal complaint or any of its allegations. Appeals must be submitted in writing to the Title IX Coordinator within thirty (30) school days of the written notice of the determination regarding responsibility or dismissal of the formal complaint or any of its allegations.

An appeal may only be based upon one or more of the following grounds:

- a) Procedural irregularity that affected the outcome of the matter;
- b) New evidence that was not readily available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- c) The Title IX Coordinator, investigator, or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The bases on which a party is seeking an appeal must be specifically stated in the party's written appeal.

Upon receipt of an appeal, the District will:

- a) Notify the other party in writing that an appeal has been filed and implement appeal procedures equally for both parties;
- b) Ensure that any appellate decision-maker for the appeal:
  - 1. Is not the same person as any hearing officer that reached the initial determination regarding responsibility or dismissal, investigator, or Title IX Coordinator;
  - 2. Does not have any conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent;
- c) Give all parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. Parties are to submit these written statements within twenty (20) school days after the parties have been notified of the appeal;
- d) Issue a written decision describing the result of the appeal and the rationale for the result; and
- e) Provide the written decision simultaneously to the Title IX Coordinator, the Superintendent, and all parties within thirty (30) school days after receiving the party's written statements in support of, or challenging, the outcome.

**Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

The District prohibits retaliation against any individual for the purpose of interfering with his or her Title IX rights or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing under Title IX.

Charging an individual with *Code of Conduct* or other applicable violations that do not involve sex discrimination, including sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. Charging an individual with a *Code of Conduct* or other applicable violation for making a materially false statement in bad faith during a grievance proceeding does not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

All complaints alleging retaliation will be handled in a manner consistent with the District's policies and procedures regarding the investigation of discrimination and harassment complaints, including Policy #0100 --. Non-Discrimination and Equal Opportunity.

If the Title IX Coordinator is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to the other Title IX Coordinator, if the District has designated another individual to serve in that capacity. If the District has not designated another Title IX Coordinator, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the Title IX Coordinator.

**Confidentiality**

Except where disclosure may be permitted or required by law or regulation, the District will keep confidential the identity of any:

- a) Individual who has made a report or complaint of sex discrimination;
- b) Individual who has made a report or filed a formal complaint of sexual harassment;
- c) Complainant;
- d) Individual who has been reported to be the perpetrator of sex discrimination;
- e) Respondent; and
- f) Witness.

### **Training**

The District will ensure that:

- a) All Title IX Coordinators, investigators, hearing officer, appellate decision-makers, or persons who facilitate an informal resolution process receive training on:
  - 1. The definition of sexual harassment as defined in Title IX;
  - 2. The scope of the District's education program or activity;
  - 3. How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable; and
  - 4. How to serve impartially, including by avoiding prejudgment of the facts issue, conflicts of interest, and bias.
- b) All hearing officers are to receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence concerning a complainant's sexual predisposition or prior sexual behavior are not relevant.
- c) All investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
- d) All District employees receive training on mandatory reporting obligations and any other responsibilities that they may have relative to Title IX.

Materials used to train Title IX Coordinators, investigators, hearing officer, appellate decision-makers, and any person who facilitates an informal resolution process will not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual harassment. Training materials will be made publicly available on the District's website.

### **Notification**

The District will notify students, parents or legal guardians of students, employees, applicants for employment, and all unions or professional organizations holding collective bargaining or professional agreements with the District of this policy.



Further, the District will prominently publish this policy and the contact information for the Title IX Coordinator(s) on its website and in other publications, including in each handbook or catalog that it makes available to the individuals and entities referenced above.

### **Recordkeeping**

For a period of seven years, the District will retain the following:

- a) Records of each sexual harassment investigation including any:
  - 1. Determination regarding responsibility;
  - 2. Audio or audiovisual recording or transcript required under law or regulation;
  - 3. Disciplinary sanctions imposed on the respondent; and
  - 4. Remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity.
- b) Any appeal and its result.
- c) Any informal resolution and its result.
- d) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.
- e) For each response to sexual harassment where the District had actual knowledge of sexual harassment in its education program or activity against a person in the United States, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the District must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity. If a District does not provide a complainant with supportive measures, then the District must document the reasons why such a measure was not clearly unreasonable in light of the known circumstances.

The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

### **INTERNET PROTECTION POLICY**

Internet access will be afforded to students and staff in accordance with the terms and conditions of this policy. Internet access from school computers is reserved solely for educational purposes. Use by outside groups is prohibited. Use by student clubs and organizations is limited to those times when the Internet access points are not in use for instruction, and shall be limited to educational purposes and governed by this policy. Access to the Internet will be under the direction and supervision of the staff assigned to the particular Internet access area or computer.

The school district reserves the right to monitor all Internet activity; and all such activity is to be expressly subject to the district's access thereto.

The following rules and regulations implement the Internet Safety Policy adopted by the Board of Education to make safe for children the use of district computers for access to the Internet and World Wide Web.

### I. Definitions

In accordance with the Children's Internet Protection Act:

- Child pornography refers to any visual depiction, including any photograph, film, video, picture or computer or computer generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where (a) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; (b) such visual depiction that is indistinguishable from that of a minor actually engaging in sexually explicit conduct; or (c) such visual depiction that has been created, adapted or modified to appear that an identifiable minor is engaging in sexually explicit conduct.
- Harmful to minors means any picture, image, graphic image file, or other visual depiction that (a) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; (b) depicts, describes or represents, in an offensive manner with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and (c) taken as a whole, lacks literary, artistic, political, or scientific value as to minors.

### II. Blocking and Filtering Measures

- The Director of Information Technology shall secure information regarding, and ensure the purchase or provision of, a technology protection measure that blocks access from all district computers to visual depictions on the internet and World Wide Web that may be considered as obscene, child pornography or harmful to minors.
- The Director of Information Technology shall be responsible for ensuring the installation and proper use of any Internet blocking and filtering technology protection measure obtained by the district.
- The Director of Information Technology may disable or relax the district's Internet blocking and filtering technology measure only for adult staff members conducting research related to the discharge of their official responsibilities.
- The Director of Information Technology shall monitor the online activities of adult staff members for whom the blocking and filtering technology measure has been disabled or relaxed to ensure that there is not access to visual depictions that are obscene or child pornography.
- Any site (ex. Social media, shopping sites, entertainment sites, etc.) that cannot comply with the district's filter to remove inappropriate and/or harmful material will be blocked.

### III. Monitoring of Online Activities

- The Director of Information Technology shall be responsible for monitoring to ensure that the online activities of staff and students are compliant with the District's Internet Safety

Policy and this regulation. He or she may inspect, copy, review, and store at any time, and without prior notice, any and all usage of the District's computer network for accessing the Internet and World Wide Web and direct electronic communications, as well as any and all information transmitted or received during such use. All users of the District's computer network shall have no expectation of privacy regarding any such materials.

- Except as otherwise authorized under the District's Computer Network or Acceptable Use Policy, students may use the district's computer network to access the Internet and World Wide Web only during supervised class time, study periods or at the school library, and exclusively for research related to their course work.
- Staff supervising students using district computers shall assist in monitoring student online activities to ensure appropriate student access to the Internet and World Wide Web, and/or participate in authorized forms of direct electronic communications in accordance with the District's Internet Safety Policy and this regulation.
- The Director of Information Technology shall monitor student online activities to ensure students are not engaging in other unlawful activities.

#### IV. Training

The Director of Information Technology or designee shall provide for the training of staff and students on the requirements of the Internet Safety Policy and this regulation at the beginning of each school year.

- Age appropriate training for students will include education regarding: safety on the Internet, appropriate behavior while online, including interacting with other individuals on social networks or platforms, and in chat rooms; and cyberbullying awareness and response.
- The training of staff and students shall highlight the various activities prohibited by this Internet Safety Policy, and the responsibility of staff to monitor student online activities to ensure compliance therewith.
- Students shall be directed to consult with their classroom teachers if they are unsure whether their contemplated activities in accessing the Internet or World Wide Web are directly related to their course work.
- Staff and students will be advised to not disclose, use or disseminate personal information regarding students when accessing the Internet or engaging in authorized forms of direct electronic communications.
- Staff and students will also be informed of the range of possible consequences attendant to a violation of the Internet Safety Policy and this regulation.

#### V. Prohibited Conduct

No student or staff while using a computer or other device connected to the Internet shall:

1. Access, transmit or retransmit material that promotes violence or advocates destruction of property, including information concerning the manufacture of destructive devices, such as explosives, fireworks, smoke bombs, incendiary devices or the like.
2. Access, transmit or retransmit any information that is harmful to minors as that phrase is defined in this policy.

3. Access, transmit or retransmit material that advocates or promotes violence or hatred against particular individuals or groups of individuals or advocates or promotes the superiority of one racial, ethnic or religious group over another.
4. Use or possess bootleg software. Bootleg software means any software that has been downloaded or is otherwise in the user's possession without the appropriate registration of the software, including the payment of any fees owed to the owner of the software.
5. Use or possess gaming software. Gaming from the Internet is restricted by the Internet filter. Students shall not bypass this restriction by directly loading games on the network.
6. Use encryption software from any access point within the school district.
7. Transmit credit card or other personal identification information, including home addresses or telephone numbers from any school district computer.
8. Transmit e-mail through an anonymous remailer.
9. Access the Internet from a school district computer using a non-school district Internet account.
10. Use an instant messenger service or program, Internet Relay Chat or other forms of direct electronic communication, or enter a chat room without the express permission of the staff member supervising the computer resource.
11. Commit or attempt to commit any willful act involving the use of the network, which disrupts the operation of the network within the school district or any network connected to the Internet, including the use or attempted use or possession of computer viruses or so-called hacking or other unlawful activities on line.
12. Disable or attempt to disable filtering software. This includes using redirection, proxy, or other means to access sites that are directly blocked by the filtering software. However, such filtering software may be disabled for bona fide research or other lawful purposes, when the building principal of the building in which such research or other lawful activity will be conducted has given written permission to disable the filtering software.

In addition to those penalties set forth in the student discipline code, a violation of this Internet policy may also result in loss of Internet privileges.

Opinions, advice, services, and all other information expressed online are those of the online authors and not of the school district. The Internet contains information pertaining to a variety of subjects. Not all of this information is accurate or reliable, particularly where the advice of medical, legal, accounting, or other professionals would be appropriate. Users are advised not to rely on advice found on the Internet. The District is not responsible for such advice.

- The District does not warrant or imply that access to the Internet will always be available when students seek access or that the software provided by the District will always produce the intended result. The District is not responsible for failures in the operation or technical functioning of the Internet or the computers or software used to access the Internet. Although the District has put filters in place to prevent access to inappropriate material, such filters may not effect the intended result.

## VI. Reporting of Violations

- Violations of the Internet Safety Policy and/or this regulation by students and staff shall be reported to the Director of Information Technology and/or the Building Principal.
- The Director of Information Technology shall take appropriate corrective action in accordance with the authorized disciplinary procedures.
- Penalties may include, but are not limited to, the revocation of computer access privileges, as well as school suspension in the case of students and disciplinary charges in the case of district employees.

## **USE OF EMERGENCY INTERVENTIONS POLICY**

The Board of Education recognizes and acknowledges that students with disabilities may exhibit inappropriate behaviors that impede learning or present unsafe circumstances for themselves and others. As a result, students with disabilities may require emergency interventions so that they, and others, can be safe and continue to benefit from their educational programs.

Staff will adhere to federal and state statutes and regulations in the administration of these measures.

**For the purpose of this policy, the term “parent” refers to parents, guardians, and persons in parental relation, as defined in Education Law- §2.**

### ***Emergency Interventions***

For the purpose of this policy, a non-aversive physical intervention is to be defined as a safe, nonharmful, and last resort response to a person in crisis displaying risk behavior posing a threat to self or others. These interventions are to include disengagement and/or holding skills that are reasonable and proportionate to the level of risk the behavior presented generates.

Staff will not utilize physical interventions as a substitute for systematic and purposeful interventions to modify inappropriate behaviors. Staff who may be called upon to physically intervene with a student will be trained in safe and effective ways to do so; the emergency intervention will be used as a last resort in effecting necessary behavior modification.

Physical interventions may be used in circumstances when no other approach could be reasonably considered effective in controlling the student’s behavior and therefore avoiding harm to himself or herself or to other students, staff or property. A physical intervention will be used as a last resort in controlling a behavior.

The immediate intervention by staff in employing the use of physical interventions may be necessary, either to protect students, staff and property from injury or damage, or to remove students whose behaviors are interfering with the orderly functioning of the school. Physical interventions may be used if a student has refused to comply with a request to refrain from further disruptive acts and has not been susceptible to non-

physical means in effecting behavior modifications. Physical interventions will be used as a last resort along the continuum of behavior modification.

The District will document the use of physical interventions in each event. The record will include the student's name and date of birth, the setting and location of the incident, the staff member(s) involved, other persons involved, a description of the incident, the intervention used, the duration of the incident, a statement as to whether the student possessed a current Behavioral Intervention Plan (BIP), and details of any injuries sustained by either the student or others as a result of the incident. Documentation of physical interventions will be reviewed by school supervisory personnel and, as necessary, the school nurse or other medical personnel. Parents will be notified of each incident of physical interventions as outlined in the "Parent Notification" section below.

### ***Parent Notification***

Pursuant to Education Law §4402(9), the Board is required to develop procedures for "same-day" parent notifications of the use of physical interventions. Whenever a student needs to a physical intervention, the Building Principal or designee will notify the parent on the day that such occurs, via means reasonably intended to reach parents (e.g., email, text, phone, apps, etc.).

Building Principals are responsible for establishing any building-level protocols necessary to implement the notification requirement of this policy. If the parent cannot be contacted (including if the District does not receive a response) after reasonable attempts are made, the Principal will record and report such attempts to the Committee on Special Education.

### ***Training***

Training for staff on the policies and procedures related to the use of physical interventions and related behavioral management practices, will be provided annually or as needed.

The Director of Special Education is responsible for the implementation and oversight of this policy.

Ref: 8 NYCRR §**200.22**