

WEST BABYLON UNION FREE SCHOOL DISTRICT

REGULAR MEETING - BOARD OF EDUCATION - TUESDAY – OCTOBER 25, 2011

POLICY

****Link to October 25, 2011 Policies****

- A. Board Review - Student Bullying Prevention and Intervention (Third Time Adoption) (File:0115)
- B. Board Review - Student Bullying Prevention and Intervention Regulation (Third Time Adoption) (File:0115-R)
- C. Board Review - Academic Intervention Services (Third Time Adoption) (File:4325)
- D. Board Review - Computer Use in Instruction (Third Time Adoption) (File:4526)
- E. Board Review - Computer Use in Instruction Regulation (Third Time Adoption) (File:4526-R)
- F. Board Review - Graduation Requirements (Third Time Adoption) (File:4770)
- G. Board Review - Animals in the Schools (Third Time Adoption) (File:4850)
- H. Board Review - Interscholastic Athletics (Third Time Adoption) (File:5280)
- I. Board Review - Notification of Sex Offenders (Third Time Adoption) (File:5450.1)
- J. Board Review - Child Abuse, Maltreatment or Neglect in a Domestic Setting (Third Time Adoption) (File:5460)
- K. Board Review - Child Abuse, Maltreatment or Neglect in a Domestic Setting Regulation (Third Time Adoption) (File:5460-R)
- L. Board Review - Student Records (Third Time Adoption) (File:5500)
- M. Board Review - Student Records Regulation (Third Time Adoption) (File:5500-R)
- N. Board Review - Family Educational Rights and Privacy Act (FERPA) Rights Regarding Access to Student Records and Student Information Forms (Third Time Adoption) (File 5500-E.1-3)
- O. Board Review - Student Privacy (Third Time Adoption) (File:5550)

POLICY – Continued

- P. Board Review - Violent and Disruptive Incident Reporting (Third Time Adoption) (File:5710)
- Q. Board Review - Fiscal Management Goals (Second Time Discussion) (File:6000)
- R. Board Review - Budget Planning (Second Time Discussion) (File:6110)
- S. Board Review - Budget Transfers (Second Time Discussion) (File:6150)
- T. Board Review - Investments (Second Time Discussion) (File:6240)
- U. Board Review - Investments Regulation (Second Time Discussion) (File:6240-R)
- V. Board Review - Gifts and Grants (Second Time Discussion) (File:6255)
- W. Board Review - Authorized Signatures (Second Time Discussion) (File:6410)
- X. Board Review - Fiscal Accounting and Reporting (Second Time Discussion) (File:6600)
- Y. Board Review - Inventories (Second Time Discussion) (File:6640)
- Z. Board Review - Claims Auditor (Second Time Discussion) (File:6650)
- AA. Board Review - Independent/External Audits (Second Time Discussion) (File:6660)
- BB. Board Review - Independent/External Audits Exhibit (Second Time Discussion) (File:6660-E)
- CC. Board Review - Petty Cash/Petty Cash Accounts (Second Time Discussion) (File:6670)
- DD. Board Review - Petty Cash/Petty Cash Accounts Regulation (Second Time Discussion) (File:6670-R)
- EE. Board Review - Internal Audit Function (Second Time Discussion) (File:6680)
- FF. Board Review - Medicaid Compliance (Second Time Discussion) (File:6685)
- GG. Board Review - Audit Committee (Second Time Discussion) (File:6690)

WEST BABYLON

POLICY – Continued

- HH. Board Review - Audit Committee Exhibit (Second Time Discussion) (File 6690-E)
- II. Board Review - Purchasing (Second Time Discussion) (File:6700)
- JJ. Board Review - Purchasing Regulation (Second Time Discussion) (File:6700-R)
- KK. Board Review - Purchasing Authority (Second Time Discussion) (File:6710)
- LL. Board Review - Purchasing Procedures (Second Time Discussion) (File:6740)
- MM. Board Review - Purchasing Procedures Regulation (Second Time Discussion) (File:6740-R)
- NN. Board Review - Contracting for Professional Services (Second Time Discussion) (File:6741)
- OO. Board Review - Payroll Procedures (Second Time Discussion) (File:6800)
- PP. Board Review - Expense Reimbursement (Second Time Discussion) (File:6830)
- QQ. Board Review - Expense Reimbursement Regulation (Second Time Discussion) (File:6830-R)
- RR. Board Review - Retiree Benefit Procedures (Second Time Discussion) (File:6850)
- SS. Board Review - Disposal of District Property (Second Time Discussion) (File:6900)
- TT. Board Review - Agenda Format (Second Time Discussion) (File:2350)
- UU. Board Review - Facilities Planning (First Time Reading) (File:7100)
- VV. Board Review - Support Services Goals (First Time Reading) (File:8000)
- WW. Board Review - School Building Safety (First Time Reading) (File:8110)
- XX. Board Review - Pesticides and Pest Management (First Time Reading) (File:8115)
- YY. Board Review - Unsafe School Transfer (First Time Reading) (File:8140)
- ZZ. Board Review - Buildings and Grounds Maintenance and Inspection (First Time Reading)
(File:8220)

WEST BABYLON UNION FREE SCHOOL DISTRICT

REGULAR MEETING - BOARD OF EDUCATION - TUESDAY – OCTOBER 25, 2011

POLICY – Continued

- AAA. Board Review - Authorized Use of District Owned Materials and Equipment

BBB. Board Review - Idling Prohibition for Buses and Other School Vehicles
(First Time Reading) (File:8414.6)

CCC. Board Review - Charging School Meals (First Time Reading) (File:8505)

Third Time Adoption 10/25/11

0115

STUDENT 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 harassment, hazing and bullying is detrimental to student learning and achievement. It interferes with the mission of the district to educate its students and disrupts 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 harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the district but that materially and substantially disrupt the educational process of the school environment or impinge on the rights of others.

Definitions

For purposes of this policy, the term “harassment” is defined as the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that 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; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. The harassing behavior may be based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (identity or expression).

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, 0100, Equal Opportunity and Nondiscrimination and 0110, Sexual Harassment.

For the purposes of this policy, “bullying” (which is assumed under the term “harassment”), is understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Bullying may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. Bullying is characterized by

1. **Power Imbalance** – occurs when a bully uses his/her physical or social power over a target.
2. **Intent to harm** – the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.
3. **Threat of further aggression** – the bully and the target believe the bullying will continue.
4. **Terror** – when any bullying increases, it becomes a “systematic violence or harassment used to intimidate and maintain dominance.” (Barbara Coloroso, *The Bully, The Bullied & the Bystander*, 2003)

There are at least three kinds of bullying: verbal, physical and social/relational.

- Verbal bullying includes name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, threatening electronic communications, anonymous notes, etc.

WEST BABYLON

- Physical bullying includes poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, or threatening gestures.
- Social or relational bullying includes excluding someone from a group, isolating, shunning, spreading rumors or gossiping, arranging public humiliation, undermining relationships, teasing about clothing, looks, giving dirty looks, aggressive stares, etc.

0115 (cont'd)

In the remainder of this policy and associated regulation the term “bullying” will be used to refer to harassing or hazing behaviors because that is the term most commonly used by students and parents.

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. The components of such an effort involve the following:

- Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.
- Gathering information about bullying at school directly from the students.
- Establishing clear school wide and classroom rules about bullying.
- Training adults in the school to respond sensitively and consistently to bullying.
- Providing adequate adult supervision, particularly in less structured areas such as in hallways, cafeteria and playground.
- Raising parental awareness and involvement in addressing problems.
- Providing instruction in civility, citizenship and character education that emphasizes tolerance and respect for others.

In order to implement this program the Superintendent will establish a district wide Task Force on Bullying Prevention, as well as Bullying Prevention Coordinating Committees in each school. The district-wide task force and the school level committee will assist the administration in developing and implementing specific procedures on early identification of bullying and other preventive strategies. In addition, the program will include reporting, investigating, remedying and tracking allegations of bullying.

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

Training

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent and the district

WEST BABYLON

Professional Development Team will incorporate training to support this program in the annual professional development plan, as needed. Training opportunities will be provided for all staff, including but not limited to bus drivers, cafeteria and hall monitors and all staff who have contact with students. In accordance with state law, the Superintendent shall ensure that at least one staff member is thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex.

0115 (cont'd)

Reporting and Investigation

Students who have been bullied, parents whose children have been bullied or other students who observe bullying behavior are encouraged to make a verbal and/or written complaint to a teacher, coach, bus driver, social worker, counselor, supervisor, or administrator in accordance with the training and guidelines provided. At all times, complaints will be documented, tracked and handled in accordance with regulations and procedures accompanying this policy, or, if applicable, district policy 0100, Equal Opportunity and Nondiscrimination or 0110, Sexual Harassment, and the district's Code of Conduct. Incidents will be included in the Violent and Disruptive Incident Reporting (VADIR) system, when applicable.

Disciplinary Consequences

While the focus of this policy is on prevention, bullying acts may still occur. In these cases, offenders will be given the clear message that their actions are wrong and the behavior must improve. 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.

Non-Retaliation

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

Dissemination, Monitoring and Review

This policy, or plain language summary, shall be published in student registration materials, student, parent and employee handbooks, and posted on the district's website.

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

In addition, the Board will receive the annual VADIR data report for each building and for the district as a whole, with particular attention to the trends in the incidence of bullying. 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.

Cross-Ref: 0100, Equal Opportunity and Nondiscrimination, 0110, Sexual Harassment, 5300 Code of Conduct

Ref: Dignity for All Students Act, Education Law, §10-18, Americans with Disabilities Act, 42 USC §12101 et seq.

Title VI, Civil Rights Act of 1964, 42 USC §2000d et seq., Title VII, Civil Rights Act of 1964, §2000e et seq.; 34 CFR §100 et seq.

Title IX, Education Amendments of 1972, 20 U.S.C. §1681 et seq. §504, Rehabilitation Act of 1973, 29 USC §794 Individuals with Disabilities Education Law, 20 USC §1400 et seq. Executive Law §290 et seq. (New York State Human Rights Law) Education Law §§313(3), 3201, 3201-a

WEST BABYLON

Davis v. Monroe County Board of Education, 526 US 629 ('99) Gebser v. Lago Vista Independent School District, 524 US, 274 ('98) Faragher v. City of Boca Raton, 524 US 775 ('98) Burlington Industries v. Ellerth, 524 US 742 ('98) Oncale v. Sundowner Offshore Services, Inc., 523 US 75 ('98) Franklin v. Gwinnett County Public Schools, 503 US 60 ('92) Meritor Savings Bank, FSB V. Vinson, 477 US 57 ('86)Adoption Date:

**Third Time Adoption 10/25/11
0115-R**

STUDENT BULLYING PREVENTION and INTERVENTION REGULATION

Reporting and Investigating

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims and persons with knowledge of bullying report such behavior immediately to a teacher, coach, bus driver, social worker, counselor, supervisor, or administrator as soon as possible after the incident so that it may be effectively investigated and resolved. The district will promptly investigate all complaints, formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner, although limited disclosure may be necessary to complete a thorough investigation.

In order to assist investigators, individuals should document the harassment, hazing, bullying as soon as it occurs and with as much detail as possible including: the nature of the incident(s); dates; times; places it has occurred; name of perpetrator(s); witnesses to the incident(s); and the victim's response to the incident.

If, after appropriate investigation, the district finds that a student, an employee or a third party has violated this policy, prompt corrective action will be taken in accordance with the Code of Conduct, applicable collective bargaining agreement, district policy and state law. If the reported behavior constitutes a civil rights violation, the complaint procedure associated with either policy 0100 or 0110 will be followed, as applicable.

Confidentiality

It is district policy to respect the privacy of all parties and witnesses to complaints of bullying. To the extent possible, the district will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any third parties who do not need to know such information. However, because an individual's need for confidentiality must be balanced with the district's legal obligation to provide due process to the accused, to conduct a thorough investigation, or to take necessary action to resolve the complaint, the district retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

If a complainant requests that his/her name not be revealed to the individual(s) against whom the complaint is filed, the staff member responsible for conducting the investigation shall inform the complainant that:

1. the request may limit the district's ability to respond to his/her complaint;
2. district policy and federal law prohibit retaliation against complainants and witnesses;
3. the district will attempt to prevent any retaliation; and
4. the district will take strong responsive action if retaliation occurs.

If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the

WEST BABYLON

request as long as doing so does not preclude the district from responding effectively to the bullying of other students.

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

0115-R (cont'd)

Whenever a complaint of bullying is received whether verbal or written, it will be subject to a preliminary review and investigation. Except in the case of severe or criminal conduct, the teacher, coach, bus driver, social worker, counselor, supervisor, or administrator should make all reasonable efforts to resolve complaints informally at the school level. The goal of informed procedures is to end the bullying and obtain a prompt and equitable resolution to a complaint.

As soon as possible but no later than three working days following receipt of a complaint, the teacher, coach, bus driver, social worker, counselor, supervisor, or administrator should begin an investigation of the complaint by:

- Reviewing any written documentation provided by the victim(s).
- Conducting separate interviews of the victim(s), alleged perpetrator(s), and witnesses, if any, and documenting the conversation.
- Providing the alleged perpetrator(s) a chance to respond and notify him/her that if objectionable behavior has occurred, it must cease immediately and that the individual may be subject to discipline.

Parents of student victims and accused students should be notified within one school day of allegations that are serious or involve repeated conduct.

Where appropriate, informal methods may be used to resolve the complaint, including but not limited to:

- a. discussion with the accused, informing him or her of the district's policies and indication that the behavior must stop;
- b. suggesting counseling, skill building activities and/or sensitivity training;
- c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
- d. requesting a letter of apology to the victim;
- e. writing letters of caution or reprimand; and/or
- f. separating the parties.

Appropriate disciplinary action shall be recommended and imposed in accordance with district policy, the applicable collective bargaining agreement or state law.

The teacher, coach, bus driver, social worker, counselor, supervisor, or administrator shall report back to both the victim and the accused, notifying them in writing, and also in person, as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The victim shall report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against him/her.

If a complaint contains evidence or allegations of serious or extreme bullying, the complaint shall be referred promptly to the Superintendent. In addition, where the teacher, coach, bus driver, social worker, counselor, supervisor, or administrator has a reasonable suspicion that the alleged bullying incident involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact the school attorney, appropriate child protection and law enforcement authorities.

WEST BABYLON

Any party who is not satisfied with the outcome of the initial investigation by the teacher, coach, bus driver, social worker, counselor, supervisor, or administrator may request a district-level investigation by submitting a written complaint to the Superintendent within 30 days.

B. District Level Procedure

The Superintendent or his/her designee shall promptly investigate and resolve all bullying complaints that are referred to him/her, as well as those appealed to the Superintendent following an initial investigation by a teacher, coach, bus driver, social worker, counselor, supervisor, or administrator. In the event the complaint involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall refer the complainant to an appropriate individual for investigation.

0115-R (cont'd)

The District level investigation should begin as soon as possible but not later than three working days following receipt of the complaint by the Superintendent or Board President.

In conducting the formal district level investigation, the district will endeavor to use individuals who have received formal training regarding such investigations or that have previous experience investigating such complaints.

If a district investigation results in a determination that bullying did occur, prompt corrective action will be taken to end the misbehavior.

No later than 30 days following receipt of the complaint, the Superintendent (or in case involving the Superintendent, the Board-appointed investigator) will notify the victim and alleged perpetrator, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

Retaliation Prohibited

Any act of retaliation against any person who opposes bullying behavior, or who has filed a complaint, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a bullying complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any form of harassment. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination.

Discipline/Penalties

Any individual who violates this policy by engaging in prohibited bullying will be subject to appropriate disciplinary action. Disciplinary measures available to the school authorities include, but are not limited to the following:

Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the student conduct and discipline policy and applicable law.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

Vendors: Penalties may range from a warning up to and including loss of district business.

Other Individuals: Penalties may range from a warning up to and including denial of further access to school property.

Training

All students and employees shall be informed of this policy in student and employees handbooks, on the district website and student registration materials. A poster summarizing the policy shall also be posted in a prominent location at each school.

All employees shall receive information about this policy and regulation at least once a year. Administrative employees and other staff, such as counselors or social workers, who have specific

WEST BABYLON

responsibilities for investigating and/or resolving complaints of bullying shall receive yearly training to support implementation of this policy, regulation and on related legal developments.

Principals in each school shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures for filing a complaint and the impact of bullying on the victim and bystanders.

Training needs in support of this bullying prevention and intervention program will be reflected in the district's annual professional development plan, in curriculum and will be considered in the budget process.

Promulgated:

**Third Time Adoption 10/25/11
4325**

ACADEMIC INTERVENTION SERVICES

The Board of Education is committed to providing academic intervention services to students at risk of not meeting the state learning standards. Such services may include additional instruction supplementing the instruction provided in the general curriculum and/or student support services such as guidance, counseling, attendance and study skills needed to support improved academic performance.

Eligibility for academic intervention services will be determined based on a student's performance on state assessment exams and/or in accordance with the uniformly applied district-developed district-adopted procedures. Eligible students will receive services consistent with law and regulations which shall commence no later than the beginning of the semester following a determination that a student is eligible for such services.

Parental Notification and Involvement

Notification on Commencement of Services. The Building Principal will notify the parents of a student determined to be in need of academic intervention services, in writing, upon the commencement of such services. Such notification will include:

- A summary of the academic intervention services to be provided;
- The reason the student needs such services; and
- Consequences of not achieving expected performance levels.

Notification on Ending of Services. The Principal will notify the parent in writing when academic intervention services are no longer needed. Such notification will include:

- The criteria for ending services; and
- The performance levels obtained on district selected assessments, if appropriate.

In addition, the district/schools will provide for ongoing communication with parents which must include opportunities to consult with teachers and other professional staff, regular reports on the student's progress and information on ways to monitor and work with educators to improve the student's performance.

All parental notifications and communications will be done in English and translated, when appropriate, into the native language or mode of communication of the parents.

Description and Review of Academic Intervention Services

The Superintendent of Schools, in consultation with each Building Principal, shall maintain a description of academic intervention and/or student support services for each school. This description will include any variations in services in schools within the district and will specifically delineate:

- the district-wide procedures used to determine the need for academic intervention services;
- the academic intervention instructional and/or support services to be provided;
- whether instructional services and/or support services are offered during the regular school day or during an extended school day or year; and

WEST BABYLON

- the criteria for ending services, including, if appropriate, performance levels that students must obtain on district-selected assessments.

Beginning July 1, 2002 and every two years thereafter, the Superintendent shall review and revise the description of academic intervention services based on student performance results and present such revised description to the Board for approval.

Ref: 8 NYCRR §§100.1(g); 100.2(r), (ee); 100.4(b)(4), (d) (Academic Intervention Services)

Replaces former policy IGBE

Adoption date:

**Third Time Adoption 10/25/11
4526**

COMPUTER USE IN INSTRUCTION

The Internet is an electronic highway connecting thousands of computers all over the world and millions of individual subscribers. The key concept underlying the Internet is interconnectivity - something that will allow administrators, teachers, and more importantly, students to access an unparalleled array of communication and information resources. With access to computers and people all over the world also comes the availability of material that may not be considered to be of educational value in the context of the school setting.

BOCES and the West Babylon School District, to the best of their ability, have taken precautions to restrict access to controversial materials. However, on a global network it is impossible to control all materials and an industrious user may discover controversial information. However, West Babylon believes information and interaction available on this worldwide network far outweighs the possibility that users may procure material that is not consistent with the educational goals of the District.

Internet access is coordinated through a complex association of government agencies, and regional and state networks. In addition, the smooth operation of the network relies upon the proper conduct of the end users who must adhere to strict guidelines. In general, this requires efficient, ethical, and legal utilization of the network resources. If a West Babylon School District user violates any of these provisions, his or her participation will be terminated and future access could possibly be denied. The signature(s) at the end of the Internet Use Agreement is (are) legally binding and indicate(s) the party (parties) who signed has (have) read the terms and conditions carefully and understand(s) their significance.

Internet - Terms and Conditions

1. Acceptable Use - The purpose of the Internet is to support research and education in and among academic institutions in the United States by providing access to unique resources and the opportunity for collaborative work. The use of the Internet must be in support of education and research and consistent with the educational objectives of the West Babylon School District. Use of another organization's network or computing resources must comply with the rules appropriate for that network or computing resources must comply with the rules appropriate for that network. Transmission of any material in violation of any U.S. or state regulation is prohibited. This includes, but is not limited to, copyrighted material, threatening or obscene material; expressions of bigotry, racism, or hate; or material protected by trade secret. Use for commercial activities is generally not acceptable. Use for product advertisement or political lobbying is also prohibited.
2. Privileges - The use of the Internet is a privilege, not a right, and inappropriate use will result in the cancellation of those privileges. Each student who receives access will be held responsible for usage. Therefore, under no circumstances should confidential information be shared with anyone

WEST BABYLON

other than classroom teachers approved to serve as access officers. Each student will learn about the proper use of the district's network system from West Babylon faculty member. The BOCES system administrators, in cooperation with the West Babylon School District Superintendent or his/her designees, will deem what is inappropriate use and their decision is final. Also, the BOCES system administrators may deny access at any time as required. The administration, faculty and staff of West Babylon School District may request the BOCES system administrator to deny, revoke or suspend specific user privileges.

3. Network Etiquette - Users are expected to abide by the generally accepted rules of network etiquette. These include, but are not limited to the following:
 - a. Be polite. Do not get abusive in your messages to others.
 - b. Use appropriate language. Do not swear, use vulgarities or any other inappropriate language. Illegal activities are strictly forbidden.

4526 (cont'd)

- c. Do not reveal your personal address or phone number or that of other students or colleagues.
- d. Note that electronic mail (e-mail) is not guaranteed to be private. People who operate the system do have access to all mail. Messages relating to or in support of illegal activities may be reported to authorities.
- e. Do not use the network in such a way that you would disrupt the use of the network by other users.
- f. All communication and information accessible via the network should be assumed to be private property.

See exhibit 4526-E-2 for the full list of user responsibilities.

4. Warranties – BOCES and/or the West Babylon School District makes no warranties of any kind, whether expressed or implied, for the service it is providing. BOCES and/or the West Babylon School District will not be responsible for any damages suffered. This includes loss of data resulting from delays, non-deliveries, miss-deliveries, or service interruptions caused by its own negligence or a user's errors or omissions. Use of any information obtained via the Internet is at the user's own risk. BOCES and/or the West Babylon School District specifically deny any responsibility for the accuracy or quality of information obtained through its services.
5. Security - Security on any computer system is a high priority, especially when the system involves many users. If a user can identify a security problem on the Internet he/she must notify a Superintendent's designee. He/she may not demonstrate the problem to other users. Attempts to log on to the Internet as a system administrator will result in cancellation of user privileges. Any user identified as a security risk or having a history of problems with other computer systems may be denied access to the network and the Internet.
6. Vandalism - Vandalism will result in cancellation of privileges. Vandalism is defined as any malicious attempt to harm or destroy data of another user, Internet, and/or any of the above listed agencies or other networks that are connected to the Internet. This includes, but is not limited to, the uploading or creation of computer viruses, or any illegal or improper use of the network, Internet or accessed equipment.

Adoption date:

COMPUTER USE IN INSTRUCTION REGULATION

The following rules and regulations govern the use of the district's computer network system and access to the internet.

I. Administration

- The Superintendent of Schools shall designate a Coordinator of K-12 Student Data and Instructional Technology to oversee the district's computer network.
- The Coordinator of K-12 Student Data and Instructional Technology shall monitor and examine all network activities, as appropriate, to ensure proper use of the system.
- The Coordinator of K-12 Student Data and Instructional Technology shall be responsible for disseminating and interpreting district policy and regulations governing use of the district's network at the building level with all network users.
- The Coordinator of K-12 Student Data and Instructional Technology shall provide employee training for proper use of the network and will ensure that staff supervising students using the district's network provide similar training to their students, including providing copies of district policy and regulations governing use of the district's network.
- The Coordinator of K-12 Student Data and Instructional Technology shall ensure that all disks and software loaded onto the computer network have been scanned for computer viruses.
- All student agreements to abide by district policy and regulations and parental consent forms shall be kept on file in the district office.

II. Internet Access

- Students will be provided Internet access: during class time only; during the day when students are not in class; before or after school hours, or only during instructional time in a controlled environment.
- Students will be provided with individual access accounts.
- Students may have internet access: for educational purposes only/for educational and recreational/personal purposes; to news sites
- Student internet access may be restricted depending on the grade level.
- All users will be prohibited from: accessing social networking sites; playing online games; purchasing or selling anything online (unless authorized for district purposes);

WEST BABYLON

personal e-mail services; and watching videos online (unless authorized for a school purpose).

- Students are (are not) to participate in chat rooms.
- Students may (may not) construct their own web pages using district computer resources.
- Students will have individual (group) e-mail addresses.

III. Acceptable Use and Conduct

- Access to the district's computer network is provided for educational purposes and research consistent with the district's mission and goals.
- Use of the district's computer network is a privilege, not a right. Inappropriate use may result in suspension or revocation of that privilege.

4526-R (Cont'd)

- Each individual in whose name an access account is issued is responsible at all times for its proper use.
- All network users will be issued a login name and password. Passwords must be changed periodically.
- Only those network users with written permission from the principal or the Coordinator of K-12 Student Data and Instructional Technology may access the district's system from off-site (e.g. from home).
- All network users are expected to abide by the generally accepted rules of network etiquette. This includes being polite and using only appropriate language. Abusive or sexual language or images, vulgarities and swear words are all inappropriate.
- Network users identifying a security problem on the district's network must notify the appropriate teacher, administrator or the Coordinator of K-12 Student Data and Instructional Technology. Under no circumstance should the user demonstrate the problem to anyone other than the Coordinator of K-12 Student Data and Instructional Technology or employee being notified.
- Any network user identified as a security risk or having a history of violations of district computer use guidelines may be denied access to the district's network.

IV Prohibited Activity and Uses

The following is a list of prohibited activity concerning use of the district's computer network. Violation of any of these prohibitions may result in discipline or other appropriate penalty, including suspension or revocation of a user's network.

- Using the network for commercial activity, including advertising.
- Infringing on any copyrights or other intellectual property rights, including copying, installing, receiving, transmitting or making available any copyrighted software on the district computer network.
- Using the network to receive, transmit, or make available to others messages that are racist, sexist, abusive or harassing to others.
- Using another user's account or password.
- Attempting to read, delete, copy or modify the electronic mail (e-mail) of other system users and deliberately interfering with the ability of other system users to send and/or receive e-mail.
- Forging or attempting to forge e-mail messages.
- Engaging in vandalism. Vandalism is defined as any malicious attempt to harm or destroy district equipment or materials, data of another user of the district's network or of

WEST BABYLON

any of the entities or other networks that are connected to the Internet. This includes, but is not limited to, creating and/or placing a computer virus on the network.

- Using the network to send anonymous messages or files.
- Using the network to receive, transmit or make available to others a message that is inconsistent with the district's Code of Conduct.
- Revealing the personal address, telephone number or other personal information of oneself or another person.
- Using the network for sending and/or receiving personal messages.
- Intentionally disrupting network traffic or crashing the network and connected systems.
- Installing personal software or using personal disks on the district's computers and/or network without permission of the appropriate district official or employee.
- Using district computing resources for commercial or financial gain or fraud.
- Stealing data, equipment or intellectual property.

4526-R (cont'd)

- Gaining or seeking to gain unauthorized access to any files, resources, or computer or phone systems, or vandalize the data of another user.
- Wastefully using finite district resources.
- Changing or exceeding resource quotas as set by the district without the permission of the appropriate district official or employee.
- Using the network while access privileges are suspended or revoked.
- Using the network in a fashion inconsistent with directions from teachers and other staff and generally accepted network etiquette.

V. No Privacy Guarantee

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

VI. Sanctions

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

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

VII. District Responsibilities

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

WEST BABYLON

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

Further, even though the district may use technical or manual means to regulate access and information, these methods do not provide a foolproof means of enforcing the provisions of the district policy and regulation.

Promulgated:

Third Time Adoption 10/25/11

4770

GRADUATION REQUIREMENTS

The Board of Education will determine the graduation requirements of the district in accordance with the Regulations of the Commissioner of Education. The Superintendent of Schools shall develop regulations setting forth the diploma requirements. Such regulations shall be approved by the Board and shall be provided to students and parents each year once a student reaches the eighth grade.

Participation in the graduation exercises will be predicated on satisfactory completion of all graduation requirements.

Replaces former policy IKF in its entirety

Adoption date:

ANIMALS IN THE SCHOOLS

The Board of Education recognizes that the study of living things is essential to effective instruction in the life sciences. The primary goals for demonstrations and investigations involving animals are to achieve an interest in and an understanding of the life processes, to demonstrate biological principles, and to teach proper care and handling of animals. Therefore, the Board requires that any such instructional activities, investigations and projects be well-planned and adequately supervised, and be conducted with a respect for life and an appreciation of the health and safety of both animals and students.

The Board also recognizes that some students have a moral or religious objection to dissection or otherwise harming or destroying animals. In accordance with state law, students shall have the right to opt out of dissection activities, provided that the student performs an alternative project approved by the student's teacher. The objection must be substantiated in writing by the student's parent/guardian.

At the start of the school year, teachers of courses that include animal dissection shall give notice to the students in those classes of their opt-out rights and responsibilities under the law and this policy. Such notice shall be shared with parents of those students, and also be available upon request and in the school office.

REF: Education Law §809(4)

Responsible use of Live Animals and Dissection in the Science Classroom, National Science teachers Association Position Statement, revised March 2008
(www.nsta.org/about/positions/animals.aspx)

Adoption Date:

INTERSCHOLASTIC ATHLETICS

Interscholastic athletics for boys and girls is an integral and desirable part of the district's secondary school educational program. Individual and team sports shall be based upon comprehensive physical education instruction and intramural activities, seeking broad participation from all eligible secondary students. Lifetime or carry-over sports are to be particularly encouraged and supported. Parity in the number and kind of sports activities for girls and boys is a clear objective of the district.

Student eligibility for participation on interscholastic teams shall include:

1. authorization by the school physician;
2. written parent or guardian consent; and
3. endorsement by the Building Principal based on established rules and various league and State Education Department regulations.

Although the district will take reasonable care to protect student athletes, students may still sustain injuries. In order to most effectively ensure student safety, open communications between students, parents and coaches about the child's medical condition is critical. Coaches, and other appropriate staff, will receive guidance and training regarding recognition of injury and removal of the student athlete from play in the event of the injury. Parents and/or students are expected to report injuries so that student health can be protected.

In order to resume participation following injury, the student needs to receive medical clearance. The Superintendent, in consultation with appropriate district staff, including the school physician, will develop regulations and procedures to guide the process of return to play.

In accordance with existing Regulations of the Commissioner of Education, the Board of Education will permit students in grades 10-12 to receive credit towards high school graduation equivalent to physical education for participation in interscholastic athletics. Such credit will, in addition to other requirements, be contingent upon proven cardiovascular and physical fitness and competency in lifetime or carry-over sports. Standards for such fitness and competency shall be developed by the administration.

Cross Ref: 5420, Student Health Services

Ref: Education Law §§1709 (8-a); 3001-b
8 NYCRR §135.4

Santa Fe Indep. Sch. Distr. V Doe, 520 U.S. 290 (2000) (constitutionality of student-led prayers at interscholastic athletic activities)

Concussion Management Support Materials, www.nysphsaa.org

Replaces former policy IGDJ

Adoption Date:

NOTIFICATION OF SEX OFFENDERS

The Board of Education acknowledges the efforts of local law enforcement to notify the district when a person with a history of sex offenses against a child is being paroled or released into the community, in accordance with the provisions of the Sex Offender Registration Act, commonly known as Megan's Law. The purpose of this notification is to protect members of the community, particularly children, by notifying them of the presence of individuals in their midst who may present a danger. Consistent with its duty to protect students under its care, the district shall cooperate with local law enforcement agencies in this endeavor.

Any information provided by local law enforcement officials pursuant to Megan's Law shall be posted in an appropriate location in all school buildings. In addition, the Superintendent of Schools shall ensure the dissemination of any such information to all staff who might come into contact with the offender in the course of doing their jobs, including Building Principals, staff who issue visitors' passes, bus drivers, custodians, playground monitors, security personnel, and coaches. All other staff members and community residents shall be informed of the posting requirement for such information established by this policy and of the availability of the information, upon request. Community residents shall also be reminded of the security measures and personal safety instruction provided at school. All staff requests for information provided by the law enforcement agencies shall directed to the Building Principal. Requests for information from community residents shall be directed to the District Clerk.

The Superintendent shall establish any necessary regulations for implementing this policy with the advice of the school attorney.

This policy shall be disseminated at least once a year to all district residents.

Ref: 42 U.S.C. §1407(d)
Correction Law, Article 6-C (Sex Offender Registration Act)
Doe v. Pataki, 3 F.Supp.2d 456 (SDNY 1998) (current injunction)
Doe v. Pataki, 12 0 F.3d 1263 (2d. Cir. 1997), cert. denied, 522 U.S. 1122 (1998)

Replaces former policy KJ

Adoption date:

CHILD ABUSE, MALTREATMENT OR NEGLECT IN A DOMESTIC SETTING

The Board of Education recognizes that because of their sustained contact with school-aged children, employees are in an excellent position to identify abused, maltreated or neglected children and refer them for treatment and protection. The Board further recognizes the specific dictates of law which require school officials to report suspected instances of child abuse, maltreatment (which includes neglect) in a domestic setting.

The purpose of mandatory reporting is to identify suspected abused and maltreated children as soon as possible, so that such children determined to be abused or maltreated can be protected from further harm and, where appropriate, can be offered services to assist him or her and his or her family.

School officials, who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment, must immediately report this to the New York State Central Register for Child Abuse and Maltreatment (Central Register), as required by law. No conditions may be imposed which limit their responsibility to report. A school official is defined as:

- Teacher
- Guidance counselor
- Psychologist
- Nurse
- Administrator
- Any school personnel required to hold a teaching or administrative license or certificate.

The school official will also report the matter to the Building Principal.

The report shall be made by telephone or by telephone facsimile machine on a form supplied by the Commissioner of Social Services. A written report shall be made within 48 hours to the appropriate local child protective service, and to the statewide Central Register.

School employees who are not school officials, as defined above, but who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment are encouraged to report to the Central Register. However, the school employee must report the matter to the Building Principal. If the matter has not yet been reported to the Central Register, the Building Principal shall make the report, in accordance with state law. In being required to file such report, the Building Principal does not have discretion.

School employees or officials may not contact the child's family or any other person to determine the cause of the suspected abuse or maltreatment. It is not the responsibility of the school official or employee to prove that the child has been abused or maltreated.

Any school official or employee who has cause to suspect that the death of any child is a result of child abuse or maltreatment must report that fact to the appropriate medical examiner or coroner.

In accordance with the law, any school official who fails to report an instance of suspected child abuse or maltreatment may be guilty of a Class A misdemeanor and may be held liable for the damages caused by the failure to report. The law grants immunity to persons who, in good faith, report instances of child abuse from any liability.

School employees will not be subject to retaliatory action, as defined in state law, as a result of making a report when they reasonably suspect that a child has been abused or maltreated.

The Board recognizes that knowingly reporting a false claim of child abuse is a violation of state law and this policy acknowledges that it is a crime to do so. The district will make every reasonable effort to ensure the integrity of the district's child abuse reporting process and procedure.

School District Relationship with Local Social Service District

The school district will cooperate to the extent possible with authorized child protective services workers in investigations of alleged child abuse. The Superintendent, or his or her designee, will represent the district when collaborating with local social service agencies to address instances of abuse or maltreatment, and in the development of policy and procedures regarding abuse or maltreatment (including educational neglect). In addition, the Superintendent will share a copy of the district's attendance policy, 5100, with the local social service district.

The school district shall maintain an ongoing training program which will address the identification and reporting of child abuse and maltreatment, including the legal implications of reporting and not reporting. Attendance at sessions of this training program shall be required of all school officials. Attendance records shall be kept, and notations will be made in personnel files as to the dates of attendance.

The Superintendent shall develop, with input from appropriate personnel, a plan for implementation of such a training program, to be approved by the Board. In addition, the policy and regulations will be included in all employee handbooks and distributed annually to all school officials who are not covered under existing handbooks. The Superintendent will prepare and implement all regulations as are necessary to accomplish the intent of this policy

Cross-ref: Attendance, 5100

Ref: Child Protective Services Act of 1973, Social Services Law §§411 et seq.
Social Services Law §34-a, Family Court Act §1012, Family Educational Rights and Privacy Act,
20 U.S.C. §1232g, 45 CFR §99.36, Education Law §3209-a, Penal Law 240.50

Adoption date:

**CHILD ABUSE, MALTREATMENT OR NEGLECT IN A DOMESTIC SETTING
REGULATION**

New York State Law (Child Protective Service Act of 1973, as amended) provides for reporting of suspected cases of child abuse by school officials. These regulations are designed to implement this law within the district and to help protect students from the harmful effects of child abuse.

I. Definitions

Abused Child, according to Social Services Law and the Family Court Act, is a child less than 18 years of age whose parent or other person legally responsible for his or her care:

- a. inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; or
- b. creates or allows to be created a substantial risk of physical injury to such a child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ; or
- c. commits, or allows to be committed, a sex offense against such child, as defined in the penal law, provided, however, that the corroboration requirements contained therein shall not apply to proceedings under this article.

Neglected or maltreated child, according to the Family Court Act, is a child less than 18 years of age:

- a. whose physical, mental, or emotional condition has been impaired or is in danger of becoming impaired as a result of the failure of his or her parents or other person legally responsible for his care to exercise a minimum degree of care:
 - (1) in supplying the child with adequate food, clothing, shelter, or education in accordance with provisions of Part One, Article 65 of the Education Law, or medical, dental, optometrical or surgical care though financially able to do so or offered financial or other reasonable means to do so; or

In order for a report of educational neglect to be accepted, three elements need to be established:

- a. Excessive absence from school by the child
 - b. Reasonable cause to suspect that the parent is aware or should have been aware of the excessive absenteeism and the parent has contributed to the problem or is failing to take steps to effectively address the problem, and;
 - c. Reasonable cause to suspect educational impairment or harm to the child or imminent danger of such impairment or harm.
- (2) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or by using a drug or drugs; or by using alcoholic beverages to the extent that he/she loses self-control of his/her actions; or by any other acts of a similarly serious nature requiring the aid of the court; or
 - b. who has been abandoned by his/her parent(s) or other person legally responsible for his/her care.

WEST BABYLON

Person legally responsible includes the child's custodian, guardian, or any other person responsible for the child's care at the relevant time. Custodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

Impairment of emotional health and impairment of mental or emotional condition includes a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as failure to thrive, control of aggressive or self-destructive impulses, ability to think and reason, or acting out of misbehavior, including incorrigibility, ungovernability, or habitual truancy; provided, however, that such impairment must be clearly attributable to the unwillingness or inability of the parent, guardian, or custodian to exercise a minimum degree of care toward the child.

II. Reporting procedures and related information:

1. All school officials must, when they have reasonable cause to suspect that a child is abused or maltreated, report it to the New York State Central Register for Child Abuse and Maltreatment (800-342 3720). A school official, under state law, is defined as:

- Teacher
- Guidance counselor
- Psychologist
- Nurse
- Administrator
- Any school personnel required to hold a teaching or administrative license or certificate.

The school official must also report the matter to the Building Principal.

2. In the event that a school employee, who is not required to report under the law (such as a bus driver, custodian, cafeteria monitor, etc.), has reasonable cause to suspect that a child is abused or neglected, he/she is encouraged to make a report to the Central Register. The employee must, by district policy, report the matter to the Building Principal.
3. After the filing of a report, the suspected abuse and the course of additional follow-up action is generally reviewed by appropriate school team members (e.g., Building Principal, school nurse, social worker, psychologist and/or guidance counselor).
4. The Building Principal must (1) inform the Superintendent of Schools of the information received and (2) confirm that a report was made to the Central Register.
5. The Building Principal may take photographs or cause photographs to be taken of the areas of visible trauma on the child, and/or, if medically indicated, cause an examination to be performed. Such actions may be performed at public expense if they will provide appropriate documentation when filing the report. A camera and film shall be kept at the school and be available for this purpose.
6. The written report that must be filed shall include all information that the Commissioner of Social Services may require. In addition to filing this report with Child Protective Services, a copy shall be forwarded to the Executive Director for Curriculum and Student Services and the Director of Student Services.
7. If it should be necessary for Child Protective Services to interview a child at school to ascertain whether he/she has been abused or maltreated, or to obtain documentation of such acts, the interview should be conducted in the presence of a school official, unless circumstances require otherwise. The school official shall examine and verify the credentials of Child Protective Services worker(s) before allowing such worker(s) to either interview the child or to examine the

WEST BABYLON

child's records. If sexual abuse is indicated, the presence of a same-sex staff member during the interview is appropriate.

8. School employees and officials will not contact the child's family or any other person to determine the cause of the suspected abuse or maltreatment. It is not the responsibility of the school official or employee to prove that the child has been abused or maltreated.
9. The Building Principal shall request a summary report of the investigation of a case referred to Child Protective Services so the district can take appropriate next steps.
10. Only one report of any suspected abuse is required.
11. School personnel who have reasonable cause to suspect that a child has died as a result of child abuse or maltreatment shall report that fact to the appropriate medical examiner or coroner.

III. Training

1. The district shall maintain an ongoing training program which will address identification and reporting of child abuse and maltreatment. Attendance at sessions of this training program shall be required of all school officials.
2. Employee handbooks shall include a copy of these regulations and the related Board policy concerning child abuse and reporting requirements.

IV. Rights of Reporters

1. School personnel who, in good faith, make a report or take photographs of injuries and bruises have immunity from any liability, civil or criminal. The good faith of any person required to report cases of child abuse or maltreatment is presumed.
2. School personnel have the right to request that information which would identify the individual making the report be withheld if furnishing such data might prove detrimental to the safety or interest of that individual.
3. The Superintendent can request a summary report of an investigation of a case referral to Child Protective Services.
4. No retaliatory personnel action (as defined in paragraph (e) of subdivision one of section 740 of the Labor Law) against an employee because the employee believes that he or she has reasonable cause to suspect that a child is an abused or maltreated child and that employee therefore makes a report in good faith.

V. Penalties

1. Any person required to report suspected cases of child abuse or maltreatment and who fails to do so may be found guilty of a class A misdemeanor and may be held civilly liable for the damages caused by this failure.
2. Any school employee who fails to comply with this policy is subject to discipline in accordance with collective bargaining agreements and/or policy.

VI. Confidentiality and Records Retention

1. All reports and other material submitted pursuant to this policy shall be confidential and may not be re-disclosed except to law enforcement authorities involved in investigating the alleged abuse or except as expressly authorized by law or pursuant to a court-ordered subpoena. The district and all its personnel shall exercise reasonable care to prevent unauthorized disclosure.
2. Maintenance of all records will be in a manner consistent with applicable laws and regulations. Information received regarding a determination of either a founded or unfounded report, is to be communicated to the Principal, Executive Director for Curriculum and Student Services and the Director of Student Services.

WEST BABYLON

Adoption date:

STUDENT RECORDS

The Board of Education recognizes its legal responsibility to maintain the confidentiality of student records. As part of this responsibility, the Board will ensure that eligible students and parents/guardians have the right to inspect and review education records, the right to seek to amend education records and the right to have some control over the disclosure of information from the education record. The procedures for ensuring these rights shall be consistent with state and federal law, including the Family Educational Rights and Privacy Act of 1974 (FERPA) and its implementing regulations.

The Board also recognizes its responsibility to ensure the orderly retention and disposition of the district's student records in accordance with Schedule ED-1 as adopted by the Board in policy 1120.

The district will use reasonable methods to provide access to student educational records only to those authorized under the law and to authenticate the identity of the requestor.

The Superintendent of Schools shall be responsible for ensuring that all requirements under law and the Commissioner's regulations are carried out by the district.

Definitions

Education Record: means those records, in any format, directly related to the student and maintained by the district or by a party acting on behalf of the district, except:

- (a) records in the sole possession of the individual who made it and not accessible or revealed to any other person except a substitute;
- (b) records of the district's law enforcement unit;
- (c) records of treatment created or maintained by a physician, psychiatrist, psychologist or other professional/paraprofessional acting that capacity.

Eligible student: a student who has reached the age of 18 or is attending postsecondary school.

Legitimate educational interest: a school official has a legitimate educational interest if they need to review a student's record in order to fulfill his or her professional responsibilities.

Personally identifiable information: is information that would allow a reasonable person in the school or its community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. Such data might include social security number, student identification number, parents' name and/or address, a biometric record, etc.

School official: a person who has a legitimate education interest in a student record who is employed by the district as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a member of the Board of Education; a person or company with whom the district has contracted to perform a special task (such as attorney, auditor, medical consultant or therapist); or a parent or student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official performing his or her tasks.

Annual Notification

At the beginning of each school year, the district will publish a notification that informs parents, guardians and eligible students currently in attendance of their rights under FERPA and the procedures for exercising those rights. This notice may be published in a newspaper, handbook or other school bulletin or publication. This notice will also be provided to parents, guardians, and eligible students who enroll during the school year.

The notice will include a statement that the parent/guardian or eligible student has a right to:

1. inspect and review the student's education records;

2. request that records be amended to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy rights;
3. consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent; and
4. file a complaint with the United States Department of Education alleging failure of the district to comply with FERPA and its regulations.

The annual notice will inform parents/guardians and eligible students:

1. that it is the district's policy to disclose personally identifiable information from student records, without consent, to other school officials within the district whom the district has determined to have legitimate educational interests.
2. that, upon request, the district will disclose education records without consent to officials of another school district in which a student seeks to or intends to enroll or is actually enrolled.
3. that, upon request, the district will disclose a high school student's name, address and telephone number to military recruiters and institutions of higher learning unless the parents or eligible student exercise their right to prohibit release of the information without prior written consent.
4. of the procedure for exercising the right to inspect, review and request amendment of student records.

The district will provide translations of this notice, where necessary, to parents, guardians and eligible students in their native language or dominant mode of communication.

In the absence of the parent or eligible student exercising their right to opt out of the release of information to the military, the district is required to, under federal law, release the information indicated in number three (3) above.

Directory Information

The district has the option under FERPA of designating certain categories of student information as "directory information." The Board directs that "directory information" include; student's name, address, telephone number, date of birth, place of birth, major course of study, participation in school activities or sports, weight and height if a member of an athletic team, dates of attendance, degrees and awards received, most recent school attended, grade level photograph, e-mail address and enrollment status.

Social security numbers, student identification numbers or other personally identifiable information will not be considered directory information.

Once the proper FERPA notification is given by the district, a parent/guardian or eligible student will have 14 days to notify the district of any objections they have to any of the "directory information" designations. If no objection is received, the district may release this information without prior approval of the parent/guardian or eligible student for the release. Once the eligible student or parent/guardian provides the "opt-out," it will remain in effect after the student is no longer enrolled in the school district.

The district may elect to provide a single notice regarding both directory information and information disclosed to military recruiters.

Cross-ref: 1120, School District Records, 4321, Programs for Students with Disabilities Under IDEA and Part 89 and 5550, Student Privacy

Ref: Family Educational Rights and Privacy Act, 20 USC 1232g; 34 CFR Part 99
No Child Left Behind Act, 20 USC §7908 10 USC §503 as amended by §544 of the National Defense Reauthorization Act for FY 2002 Education Law § 225, Public Officers Law §87(2)(a)
Arts and Cultural Affairs Law, Article 57-A (Local Government Records Law)
8 NYCRR 185.12 (Appendix I) Records Retention and Disposition, Schedule ED-1 for Use by School Districts and BOCES

WEST BABYLON

Replaces former policies JO, JOA and JOA-R

Adoption date:

STUDENT RECORDS REGULATION

It is recognized that the confidentiality of student records must be maintained. The terms used in this regulation are defined in the accompanying policy. The following necessary procedures have been adopted to protect the confidentiality of student records.

Section 1. Pursuant to the Family Educational Rights and Privacy Act (FERPA) it shall be the policy of this school district to permit parents/guardians and “eligible students” to inspect and review any and all official records, files and data directly related to that student, including all materials that are incorporated into each student's cumulative record folder.

The rights created by FERPA transfer from the parents/guardians to the student once the student attains eligible student status. However, districts can disclose information to parents of eligible students under certain circumstances, including when the student is a dependent under the IRS tax code, when the student has violated a law or the school’s rules regarding alcohol or substance abuse (and the student is under 21); when the information is needed to protect the health or safety of the student or other individuals.

Section 2. Parents/guardians or the eligible student will have an opportunity for a hearing to challenge the content of the student's school records, to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

Section 3. A letter shall be sent annually to parents/guardians of students currently in attendance and eligible students currently in attendance informing them of their rights pursuant to FERPA. See Exhibit 5500-E.1. The district shall provide translations of this notice, where necessary, to parents/guardians and eligible students in their native language or dominant mode of communication. (See Policy 5500 for further information on the notice requirements.)

Section 4. To implement the rights provided for in sections 1 and 2, the following procedures are adopted:

1. A parent/guardian or an eligible student who wishes to inspect and review student records shall make a request for access to the student's school records, in writing, to the Building Principal. Upon receipt of such request, arrangements shall be made to provide access to such records within 45 days after the request has been received. If the record to which access is sought contains information on more than one student, the parent/guardian or eligible student will be allowed to inspect and review only the specific information about the student on whose behalf access is sought.
2. A parent/guardian or an eligible student who wishes to challenge the contents of the student's school records shall submit a request, in writing, to the Building Principal identifying the record or records which they believe to be inaccurate, misleading or otherwise in violation of the privacy or other rights of the student together with a statement of the reasons for their challenge to the record.
3. Upon receipt of a written challenge, the Building Principal shall provide a written response indicating either that he/she:
 - a. finds the challenged record inaccurate, misleading or otherwise in violation of the student’s rights and that the record will be corrected or deleted; or
 - b. finds no basis for correcting or deleting the record in question, but that the parent/guardian or eligible student will be given an opportunity for a hearing. The written response by the Building Principal shall be provided to the parent/guardian or eligible student within 14 days after receipt of the written

challenge. The response shall also outline the procedures to be followed with respect to a hearing regarding the request for amendment.

4. Within 14 days of receipt of the response from the Building Principal, a parent/guardian or eligible student may request, in writing, that a hearing be held to review the determination of the Building Principal.
5. The hearing shall be held within 10 days after the request for the hearing has been received. The hearing will be held by the Superintendent of Schools, unless the Superintendent has a direct interest in the outcome of the hearing, in which case the Superintendent will designate another individual who does not have a direct interest in the outcome of the hearing to hold the hearing.
6. The parent/guardian or eligible student shall be given a full and fair opportunity to present evidence at the hearing. The parent/guardian or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
7. The Superintendent or other individual designated by the Superintendent will make a decision in writing within 14 days after the hearing.
8. After the hearing, if the Superintendent or the individual designated by the Superintendent decides not to amend the record, the district will inform the parent/guardian or eligible student that they have the right to place a statement in the record commenting on the contested information or stating why he/she disagrees with the decision of the district. Any statement placed in the record will be maintained with the contested part of the student record for as long as the record is maintained. Further, the statement will be disclosed by the district whenever it discloses the portion of the record to which the statement relates.

Section 5. Except to the extent that FERPA authorizes disclosure of student records without consent, student records, and any material contained therein which is personally identifiable, are confidential and will not be released or made available to persons other than parents/guardians or eligible students without the prior written consent of the parents/guardians or eligible student.

Exceptions to FERPA's prior consent requirement include, but are not limited to disclosure:

1. To other school officials within the district who have been determined to have legitimate educational interests.
2. To officials of another school, school system or post secondary institution where the student seeks or intends to enroll.
3. To authorized representatives of the Comptroller General of the United States, the U.S. Secretary of Education, or state and local education authorities in connection with an audit or evaluation of a federal- or state-supported education program or in compliance with legal requirements related to those programs.
4. In connection with the student's application for or receipt of financial aid.
5. To state and local officials or authorities in compliance with state law that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are being released.
6. To organizations conducting studies for, or on behalf of, education agencies or institutions, in order to develop tests, administer student aid, or improve instruction.
7. To accrediting organizations to carry out their accrediting functions.

8. To parents of a dependent student, as defined by the Internal Revenue Code.
9. To comply with a judicial order or lawfully issued subpoena, including ex parte court orders under the USA Patriot Act. Prior to complying with a judicial order or subpoena, the district will make a reasonable effort to notify the parent/guardian or eligible student, unless the district has been ordered not to disclose the existence or content of the order or subpoena.
10. In connection with a health or safety emergency, the district will disclose information when, taking into account the totality of circumstances, a determination is made that there is an articulate and significant threat to the health or safety of the student or other individuals.
11. To teachers and school officials in other schools who have legitimate educational interests in the behavior or the student when the information concerns disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.
12. To provide information that the district has designated as "directory information."
13. To provide information from the school's law enforcement unit records.

The District will use reasonable methods to provide access to student educational records to only those authorized under the law and to authenticate the identity of the requestor. The district will use an array of methods to protect records, including physical controls (such as locked cabinets), technological controls (such as role-based access controls for electronic records), and administrative procedures.

Section 6. Whenever a student record or any material contained therein is to be made available to third persons, other than those covered by the exceptions authorized by FERPA, the parent/guardian or eligible student must file a written consent to such action. The written consent must specify the records to be released, the reasons for such release, and to whom. If the parent or eligible student so requests, the district will provide him or her with a copy of the records disclosed. In addition, if the parent of a student who is not an eligible student so requests, the district will provide the student with a copy of the records disclosed.

Section 7. Unless specifically exempted by FERPA, all persons requesting access to such records will be required to sign a written form which indicates the legitimate educational interest that such person has in inspecting the records. Such form will be kept with the student's file and will be maintained with the student's file as long as the file is maintained.

Retention and Disposition of Student Records

The Board has adopted the Records Retention and Disposition Schedule ED-1 issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, which contains the legal minimum retention periods for district records. The Board directs all district officials to adhere to the schedule and all other relevant laws in retaining and disposing of student records. In accordance with Article 57-A, the district will dispose of only those records described in the schedule after they have met the minimum retention periods set forth in the schedule. The district will dispose of only those records that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond the established legal minimum periods.

Adoption date:

**FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)
NOTICE REGARDING ACCESS TO STUDENT RECORDS AND STUDENT INFORMATION**

Dear Parent or Eligible Student:

This is to advise you of your rights with respect to student records pursuant to the Family Educational Rights and Privacy Act (FERPA). FERPA is a federal law designed to protect the privacy of student records. The law gives parents and students over 18 years of age (referred to in the law as “eligible students”) the following rights:

1. The right to inspect and review the student’s education records within 45 days of the day the district receives a request for access. Parents or eligible students should submit to the Building Principal a written request that identifies the records they wish to inspect. The Principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. The right to request the amendment of the student’s education records that the parent or eligible student believes are inaccurate or misleading. Parents or eligible students may ask the district to amend a record that they believe is inaccurate or misleading by writing the Principal, clearly identifying the part of the record they want changed, and specifying why it is inaccurate or misleading.

If the district decides not to amend the record as requested by the parent or eligible student, the district will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent. One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the district has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the district discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA. The Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
600 Independence Avenue SW
Washington, DC 20202-4605

NOTIFICATION OF DIRECTORY INFORMATION DESIGNATIONS

In addition to the rights outlined above, FERPA also gives the school district the option of designating certain categories of student information as “directory information.” Directory information includes a student’s name, address, telephone number, date and place of birth, major course of study, participation in school activities or sports, weight and height if a member of an athletic team, dates of attendance, degrees and awards received, most recent school attended, class schedule, photograph, e-mail address, and class roster.

You may object to the release of any or all of this “directory information.” However, you must do so in writing within 10 business days of receiving this notice. If we do not receive a written objection, we will be authorized to release this information without your consent. For your convenience, you may note your objections to the release of directory information on the enclosed form and return it to the Building Principal.

Sincerely,
{Insert Building Principal’s Name Here}

5500-E.2

SAMPLE FORM

Dear Parent or Eligible Student:

The school district has designated certain categories of student information as “directory information.” Directory information includes a student’s name, address, telephone number, date and place of birth, major course of study, participation in school activities or sports, weight and height if a member of an athletic team, dates of attendance, degrees and awards received, most recent school attended, class schedule, photograph, e-mail address, and class roster.

If you object to the release of any or all of the directory information listed above, you must do so in writing within 10 business days of receiving this notice. For your convenience, you may note your objections to the release of directory information on this form and return it to the Building Principal.

Please do not release directory information without my prior consent.

(Parent/Guardian or Eligible Student Signature)

(Date)

5500-E.3

Dear Parent or Eligible Student:

Pursuant to the No Child Left Behind Act, the school district must disclose to military recruiters and institutions of higher learning, upon request, the names, addresses and telephone numbers of high school students. The district must also notify parents of their right and the right of their child to request that the district not release such information without prior written parental consent.

Parents (or students 18 years of age or older) wishing to exercise their option to withhold their consent to the release of the above information to military recruiters and/or institutions of higher

WEST BABYLON

learning must sign and return the attached form to the Building Principal by **{Insert Date of Return Here}**

SAMPLE RETURN FORM

Reservation of Consent for the Release of Certain Student Information under the No Child Left Behind Act

_____ Please do not release the name, address and telephone number of

_____ to:

(Name of student)

_____ Military recruiters and/or
_____ Institutions of higher learning

(Parent/Guardian or Eligible Student Signature)

(Date)

STUDENT PRIVACY

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

Surveys

The Board recognizes that student surveys are a valuable tool in determining student needs for educational services. In accordance with law and Board policy, parental consent is required for minors to take part in surveys which gather any of the following information:

1. political affiliations or beliefs of the student or the student's parent;
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 beliefs of the student or the student's parent; or
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

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

Marketing

It is the policy of the Board not to collect, disclose, or use personal information gathered from students for the purpose of marketing or selling that information or providing it to others for that purpose. This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to students or educational institutions such as:

- a. College or other postsecondary education recruitment, or military recruitment;
- b. Book clubs, magazines and programs providing access to low-cost literary products;
- c. Curriculum and instructional materials used in schools;
- d. Tests and assessments used to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information for students or to generate other statistically useful data for the purpose of securing such tests and assessments, and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- e. Student recognition programs; and
- f. The sale by students of products or services to raise funds for school-related activities.

In the event that such data is collected by the district, disclosure or use of student personal information will be protected by the district pursuant to the requirements of the Family Educational Rights and Privacy act (FERPA). [For guidance regarding the disclosure of "directory information," rather than personal information, see policy 5500, Student Records.]

Inspection of Instructional Material

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

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

Invasive Physical Examinations

Prior to the administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school not necessary to protect the immediate health or safety of the student or other students and not otherwise permitted or required by state law, a student's parent/guardian will be notified and given an opportunity to opt their child out of the exam. Hearing, vision and scoliosis screenings are not subject to prior notification.

Notification

Parents/guardians and eligible students shall be notified at least annually, at the beginning of the school year, and when enrolling students for the first time in district schools of this policy. The school district shall also notify parents/guardians within a reasonable period of time after any substantive change to this policy.

Cross-ref: 5420, Student Health Services
5500, Student Records

Ref: 20 USC §1232h (No Child Left Behind Act)
34 CFR Part 98
Education Law §903

Replaces former policy JOC

Adoption date:

VIOLENT AND DISRUPTIVE INCIDENT REPORTING

The Board of Education is committed to promoting and maintaining the safety of all students, staff and visitors to schools. Consistent with this commitment and in accordance with state law and regulation, the district shall submit an annual report to the Commissioner of Education regarding violent and disruptive incidents. In addition, the Board shall use this data to assess the safety of its schools and, where appropriate, identify and take steps to improve the safety and security of its students, staff and visitors.

Reporting Requirement

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

The district is responsible for assuring that copies of the VADIR report, both individual and summary reports, are retained until the youngest person involved in the reported incident is 27 years old.

Confidentiality

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

Ref: Education Law §2802 (Uniform Violent Incident Reporting System)

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

8 NYCRR 185.11 (Appendix I) (Records Retention and Disposition Schedule ED-1)

Adoption Date:

FISCAL MANAGEMENT GOALS

In managing public funds, the Board of Education shall be guided by the following priority objectives:

- 1. To engage in thorough advanced planning with broad-based staff and community involvement in order to develop and expend budgets so as to achieve the greatest educational returns and the greatest return for dollars invested.*
- 2. To utilize the best available techniques for budget development and management.*
- 3. To establish maximum efficiency in budget procedures for accounting, reporting, business, purchasing, inventory, payroll, payment of vendors and contractors, extra-classroom account funds, and all other areas of fiscal management.*
- 4. To operate the fiscal matters of the district in strict compliance with the highest standards of ethics, and ensuring that all laws and regulations governing the use of public funds are strictly adhered to.*

The Board recognizes its responsibility to seek sufficient funds for quality education and to be vigilant in overseeing allocations and expenditures.

Replaces former policy DA

Adoption date:

BUDGET PLANNING

The Superintendent of Schools, or his/her designee, with the assistance of the Executive Director for Finance and Operations, shall develop a budget calendar that describes the various activities in the budget planning process, specifies the information needed, identifies who is responsible for which activities, and sets dates by which certain tasks must be completed.

The budget shall be designed to reflect the Board's objectives for the education of the children of the district. It shall be carefully organized and planned to provide adequate accounting for each program expenditure, understanding of the financial needs of anticipated program developments, and be within the financial limitations of the district. To assist in budget and long-range planning, ongoing studies of the district's educational programs will include estimates of the fiscal implications of each program.

The budget for the ensuing school year shall be thoroughly reviewed by the Board before its presentation to the voters for final adoption.

Cross-ref: 2260, Citizens Advisory Committees

Ref: Education Law §§1608(2)-(4); 1716(2)-(4); 1804(4); 1906(1); 2002(1); 2003(1); 2004(1); 2022(2); 2601-a
Fiscal Management (NYSSBA, 1997)

Replaces former policy DBD

Adoption date:

BUDGET TRANSFERS

The transfer of funds between and within functional unit appropriations is commonly required during the school year.

Changes in allocations of funds within the annual operating budget shall be included in the agenda of a public meeting when action to make such change is to be considered, except as otherwise provided below.

The consideration of changes in allocations of funds shall provide the following information: (1) name of fund to be debited, (2) name of fund to be credited, and (3) reason for needed change.

The Board of Education authorizes the Executive Director for Finance and Operations and Operations to make transfers, reclassifications, and/or adjusting entries of \$5,000 or less in general fund budget codes. The Superintendent of Schools is authorized to approve transfers, reclassifications, and/or adjusting entries of \$25,000 or less in general fund budget codes. Transfers over \$25,000 in the general fund budget codes shall require prior Board approval. The Superintendent will report any transfers, reclassifications, and/or adjusting entries to the Board as an information item at its next meeting.

Ref: Education Law §1718
8 NYCRR §170.2(l)
Appeal of Gargan, 40 EDR 465 (2000)
Appeal of Leman, 39 EDR 35 (1999)
Appeal of Blizzard, 35 EDR 120 (1995)

Replaces former policy DBK

Adoption date:

INVESTMENTS

Scope *This investment policy applies to all monies and other financial resources available for the investment on behalf of the Board of Education.*

Objectives

The primary objectives of the district's investment activities are, in priority order:

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

Delegation of Authority *Under the direction of the Superintendent of Schools, the Executive Director for Finance and Operations shall have primary responsibility for administering this policy. He/She shall establish written procedures for the operation of the invest program consistent with these investment guidelines. Such procedures shall include and 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 so as to provide guidance for those entrusted to carry out investment procedures.*

Prudence *All participants in the investment process shall act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the district. Investments shall be made with judgment and care, seeking competitive quotations, under circumstances then prevailing, in which persons of prudence, discretion and intelligence exercise 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 should conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

Diversification *When possible, the district shall diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.*

Internal Controls *All monies collected by any officer or employee of the district shall be transferred to the District Treasurer within two days of their receipt, or within the time period specified in law, whichever is shorter.*

The Executive Director for Finance and Operations 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.

Designation of Depositories *The banks and trust companies authorized for the deposit of monies shall be designated annually at the reorganization meeting of the Board and thereafter as circumstances require. Such authorization shall specify the limits of deposits at each banking institution.*

Collateralizing of Deposits *In accordance with the provisions of the General Municipal Law, all deposits of the 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 by a pledge of "eligible securities" with an aggregate "market value" as provided by General Municipal Law section 10, at least equal to the aggregate amount of deposits from obligations insured or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, or an agency thereof. Such eligible securities may include U.S. Treasury Strips at the appropriate percent of market value.

All securities either pledged as collateral on an investment or purchased through a repurchase agreement must additionally be approved by the District Treasurer who shall maintain said list.

Safekeeping and Collateralization Eligible securities used for collateralizing deposits shall be held by a third party bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure district deposits 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 of default which will enable the 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 Executive Director for Finance and Operations, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the 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 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 reevaluation 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 district a perfected interest in the securities.

Permitted Investments As authorized by the General Municipal Law, the District Treasurer shall invest monies 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 issued by a bank or trust company located in and authorized to do business in New York State;
- Obligations of the United States Government of America
- Obligations of or guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America.

All investment obligations shall be payable or redeemable at the option of the district within such times as the proceeds will be needed to meet expenditures for purposes for which monies 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 Executive Director for Finance and Operations within two years of the date of purchase.

Authorized Financial Institutions and Dealers The district shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the institutions with which the district conducts business must be credit worthy. Banks shall provide their most recent financial statement or Consolidated Report of Condition [Call Report] at the request of the

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 district's Executive Director for Finance and Operations and is responsible for evaluating the financial position of maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

Purchase of Investments The District Treasurer is authorized to contract for the purchase of investments:

1. *Directly, including through a repurchase agreement, from an authorized trading partner; or*
2. *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 Board.*

All purchased obligations, unless registered or inscribed in the name of the district, shall be purchased through, delivered to, and held in the custody of a bank or trust company chartered in the State of New York. Such obligations shall be purchased, sold or presented for redemption or authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the 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.

The custodial agreement shall provide that securities held by the bank or trust company as agent of and custodian for the 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 district a perfected interest in the securities.

Repurchase Agreements Repurchase agreements are authorized subject to the following restrictions:

- *The purchased securities shall be held by a third party custodian other than the trading partner;*
- *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 during the term of the agreement.*

Annual Review This policy shall be reviewed each year by the Board at the annual re-organizational meeting and may be amended from time to time in accordance with the provisions of section 39 of the General Municipal Law.

Ref: *Education Law §§1604-a; 1723-a; 3651; 3652
Local Finance Law §§24.00, 25.00, 165.00
General Municipal Law §§6(d), 6(j); 6 (l-n, p, r); 10; 11; 39*

*Replaces former policy DG
Adoption date:*

INVESTMENTS REGULATION

Authorized Investments

- A. *The Treasurer is authorized to invest all available district funds, including proceeds of obligations and Reserve Funds, in the following types of investment instruments:
Savings Accounts or Money Market Accounts of designated banks;
Certificates of Deposit issued by a bank or trust company located in and authorized to do business in New York State;*

Demand Deposit Accounts in a bank or trust company located in and authorized to do business in New York State; Obligations of New York State; Obligations of the United States Government (U.S. Treasury Bills and Notes);

Repurchase Agreements involving the purchase and sale of direct obligations of the United States;

- B. *All funds may be invested in Revenue Anticipation Notes or Tax Anticipation Notes of other school districts and municipalities, with the approval of the State Comptroller.*
- C. *Only Reserve Funds established by sections 6-d, 6-j, 6-l, 6-m and 6-n of General Municipal Law may be invested in obligations of the school district.*

Conditions

All investments made pursuant to this investment policy will comply with the following conditions:

A. Collateral

- 1. Savings accounts, money market accounts, time deposit accounts and certificates of deposit will be fully secured by insurance of the Federal Deposit Insurance Corporation or by obligations of New York State, the United States, New York State school districts and federal agencies whose principal and interest are guaranteed by the United States. The market value of collateral will at all times exceed the principal amount of the certificate of deposit. Collateral will be monitored no less frequently than on a weekly basis.*
- 2. Collateral will not be required with respect to the direct purchase of obligations of New York State, the United States and federal agencies, the principal and interest of which are guaranteed by the United States Government.*

B. Delivery of Securities

- 1. Payment of funds may only be made upon receipt of collateral or other acceptable form of security, or upon the delivery of government obligations whether such obligations are purchased outright, or pursuant to a repurchase agreement. Written confirmation of delivery shall be obtained from the custodial bank.*
- 2. Every Repurchase Agreement will make payment to the seller contingent upon the seller's delivery of obligations of the United States to the Custodial Bank designated by the school district, which shall not be the repurchase, or in the case of a book-entry transaction, when the obligations of the United States are credited to the Custodian's Federal Reserve account. The seller will not be entitled to substitute securities. Repurchase agreements shall be for periods of 30 days or less. The Custodial Bank shall confirm all transactions in writing to insure that the school district's ownership of the securities is properly reflected in the records of the Custodial Bank.*

C. Written Contracts

1. *Written contracts are required for certificates of deposit and custodial undertakings and Repurchase Agreements. With respect to the purchase of direct obligations of U.S., New York State, or other governmental entities in which monies may be invested, the interests of the school district will be adequately protected by conditioning payment on the physical delivery of purchased securities to the school district or custodian, or in the case of book-entry transactions, on the crediting of purchased securities to the Custodian's Federal Reserve System account. All purchases will be confirmed promptly in writing to the school district.*
2. *The following written contracts are required:*
 - a. *Written agreements will be required for the purchase of all certificates of deposit.*
 - b. *A written contract will be required with the Custodial Bank(s).*
 - c. *Written contracts shall be required for all Repurchase Agreements. Only credit-worthy banks and primary reporting dealers shall be qualified to enter into a Repurchase Agreement with the school district.*

The written contract will stipulate that only obligations of the United States may be purchased and that the school district shall make payment upon delivery of the securities or the appropriate book-entry of the purchased securities. No specific repurchase agreement will be entered into unless a master repurchase agreement has been executed between the school district and the trading partners. While the term of the master repurchase agreement may be for a reasonable length of time, a specific repurchase agreement will not exceed thirty (30) days.

D. Designation of Custodial Bank

1. *The Board will designate a commercial bank or trust company authorized to do business in the State of New York to act as Custodial Bank of the school district's investments. However, securities may not be purchased through a Repurchase Agreement with the Custodial Bank.*
2. *When purchasing eligible securities, the seller will be required to transfer the securities to the district's Custodial Bank.*

E. Selection of Financial Institutions

1. *The Treasurer will periodically monitor, to the extent practical but not less than annually, the financial strength, credit-worthiness, experience, size and any other criteria of importance to the district, of all institutions and trading partners through which the district's investments are made.*
2. *Investments in time deposits and certificates of deposit are to be made only with commercial banks or trust companies, as permitted by law.*

F. Operations, Audit, and Reporting

1. *The Treasurer or designee will authorize the purchase and sale of all securities and execute contracts for investments and deposits on behalf of the school district. Oral directions concerning the purchase or sale of securities will be confirmed in writing. The school district will pay for purchased securities upon the simultaneous delivery or book-entry thereof.*
2. *The school district will encourage the purchase and sale of securities through a competitive process involving telephone solicitation for at least three quotations.*
3. *The independent auditors will audit the investment proceeds of the school district for compliance with the provisions of this Investment Regulation.*
4. *Monthly investment reports will be furnished to the Board of Education.*

Ref: Education Law §§1604-a; 1723-a; 3651; 3652 - Local Finance Law §§24.00, 25.00, 165.00
General Municipal Law §§6(d); 6(j); 6(l-n, p, r); 10; 11; 39

Adoption date:

GIFTS AND GRANTS

The Board of Education is authorized by law to accept gifts on behalf of the district, for the use of schools or for the purpose of awarding scholarships, and to apply such gifts or interest and proceeds thereon, according to the instructions of the donor or testator.

The Board is not required to accept any gifts and does so at its own discretion. In granting or withholding consent, the Board will review the following factors:

- 1. The terms of the donation must identify the subject and purpose of the gift, the beneficiary or beneficiaries if any, and all conditions or restrictions that may apply;*
- 2. If the gift is in trust, the obligation of the investment and reinvestment of the principal shall be clearly specified and the application of the income or investment proceeds shall be clearly set forth.*
- 3. The gift or trust has been determined to be:
 - a. in support of and a benefit to all or to a particular public school in the district, or*
 - b. for a purpose for which the school district could legally expend its own funds, or*
 - c. for the purpose of awarding scholarships to students graduating from the district. The determination of the recipient of a scholarship or award shall be made on the basis that all students shall have an equal opportunity to qualify for it and shall not be denied its receipt on the basis of race, religion, sex, or disability.**

The Board reserves the right to refuse to accept any gift which does not contribute towards the achievement of the district's goals or the ownership of which would tend to deplete the resources of the district.

Any gift accepted by the Board shall become the property of the district, may not be returned without the approval of the Board, and is subject to the same controls and regulations as are other properties of the district.

The Board will attempt to honor the intent of the donor in its use of the gift, but reserves the right to use any gift it accepts in the best interest of the district's educational program.

Any gift rejected by the Board shall be returned to the donor or his/her estate within 60 days together with a statement indicating the reasons for the rejection of such gift.

Ref: Education Law §1709(12)

Replaces former policy KH

Adoption date:

AUTHORIZED SIGNATURES

The Board of Education authorizes the signature on checks issued against all accounts of the school district to be that of the Treasurer or, in his/her absence, a person approved by the Board to act as Deputy Treasurer.

The Board hereby authorizes the use of check signing machines with safeguards for the school district's protection and with facsimile signatures of the Treasurer and Deputy Treasurer. Said machines shall be maintained in the exclusive and secured possession of the Treasurer and Deputy Treasurer, respectively.

The Treasurer/Deputy Treasurer shall be present and shall control the affixing of his/her signature when checks are run. He or she should maintain a log of checks signed and should verify the sequence of check numbers that are used. The signing of blank checks is expressly forbidden.

Extra-classroom activity fund checks shall be signed by both the Student Activity Accounts Treasurer and the Central Treasurer of the extracurricular activity fund.

Contracts authorized by Board resolution shall be signed by the Board President or in his/her absence the Vice-President and the Superintendent, unless a different signatory is identified in the Board resolution. Purchase orders for goods and/or services identified in the various budget codes of the school district budget may be executed by the Executive Director for Finance and Operations responsible for the procurement of such goods and/or services.

The Board authorizes the payment in advance of audit of claims for all public utility services, postage, freight and express charges, in accordance with law.

Ref: Education Law §§1720; 1724; 2523
8 NYCRR §§170.1(c)(d); 172

Replaces former policy DGA

Adoption date:

FISCAL ACCOUNTING AND REPORTING

The Board of Education insists on clear, complete, and detailed accounting of all financial transactions for which the Board is held accountable.

Accounting and Reporting Systems

The system of accounts will conform to the Uniform System of Accounts for School Districts. The accounting system will yield information necessary for the Board to make policy decisions.

Proposed expenditures will be budgeted under and the actual expenditures will be charged to categories that most accurately describe the purpose for which monies are to be spent.

The Board directs the Treasurer to keep it informed of the financial status of the district through monthly cash reconciliation and budget status reports and annual fiscal reports. The Treasurer should highlight any deviation in actual fiscal conditions from planned fiscal conditions and offer recommendations to the Board to remedy the situation. The Business Manager will prepare and submit, through the Superintendent, to the Board and the Commissioner of Education, such reports as are prescribed by law. These shall be filed with appropriate governmental bodies as required under law or regulation. The district will cooperate with governmental agencies and research organizations as required by law for data concerning the fiscal operations of the district.

Independent/External Audits

The district shall be audited annually by an independent certified public accountant or a public accountant. The auditor's report shall be adopted by resolution and a copy shall be filed with the Commissioner of Education.

The Superintendent is hereby directed to respond to all audit findings and recommendations. Such response is to include a statement of the corrective actions taken or proposed to be taken, or if action is not taken or proposed, an explanation of reasons, as well as a statement on the status of corrective actions taken on findings or recommendations contained in any previous report of examination or external audit, or any management letter for which a response was required.

The Superintendent shall also ensure that the provisions contained in the General Municipal Law in regard to audit reports are followed.

Cross-ref: 1120, School District Records

Ref: Education Law §§1610; 1721; 2117; 2528; 2577; 2590-i
General Municipal Law §§33; 34
8 NYCRR §§155.1; 170.1; 170.2

Replaces Former Board policies, DI, DIA, and DIC

Adoption date:

INVENTORIES

The district will utilize the services of a third party Property Appraisal Program. The program will include a physical appraisal of the districts buildings and contents, and be valued in accordance with GASB-34 accounting regulations. An inventory shall be taken as of the end of each school year for each building and designated departments. Designated departments shall include the office of instructional technology, facilities, transportation, school lunch, and interscholastic athletics. It is to include textbooks, library books, and all equipment with an original value of at least \$2,000.

The third party program administrator will conduct a complete physical inventory every five(5) years and a limited on-site update service in the subsequent years .The complete physical inventory will include scanning of existing capital asset tags, applying tags and recording untagged assets(additions), and providing a listing of capital assets not located during the inspection (potential disposals). The limited on-site update service will include an on-site review of current capital projects and an on-site review of current year additions and disposals. A copy of the inventory shall be submitted to the superintendent or his/her designee (Assistant Superintendent for Finance) no later than June 30.

Our former policy DID

Adopted:

CLAIMS AUDITOR

The Board of Education will designate and appoint a claims auditor for the district. The claims auditor shall serve at the pleasure of the Board. The claims auditor shall report directly to the Board. The claims auditor may not be a member of the Board of Education; the clerk or treasurer of the Board; the Superintendent of Schools or other official of the district responsible for business management; the person designated as Executive Director for Finance and Operations ; and/or clerical or professional personnel directly involved in accounting and purchasing functions of the district.

The claims auditor is responsible for formally examining, allowing or rejecting all accounts, charges, claims or demands against the school district. The auditing process should 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*
- 5. 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 claims auditor shall provide periodic written reports as may be requested by the Board.

Cross-ref: 6680, Internal Audit Function

Ref: Education Law §§1604 (35); 1709(20-a); 1724; 2509; 2526; 2554(b)
8 NYCRR §170.2
Matter of Levy, 22 EDR 550 (1983)

Replaces former policy BCCB

Adoption date:

INDEPENDENT/EXTERNAL AUDITS

As required by law, the school district shall obtain an annual audit of its records by an independent certified public accountant or an independent public accountant. The report of such annual audit shall be presented to the Board of Education by such accountant.

The district shall, within 90 days of the receipt of such report or letter, prepare a corrective action plan in response to any findings contained in the annual external audit report or management letter, or any final audit report issued by the state comptroller. This corrective action plan shall be presented to the Board for review. To the extent practicable, implementation of such corrective action plan shall begin no later than the end of the next fiscal year.

The district shall use a competitive request for proposals (RFP) process when contracting for such annual audit. In addition, pursuant to law, no audit engagement shall be for a term longer than five consecutive years; provided, however, that the district, in its discretion, may permit an independent certified public accountant or an independent public accountant engaged under an existing contract for such services to submit a proposal in response to an RFP or to be awarded a contract to provide such services under a RFP process.

Cross-ref: 6600, Fiscal Accounting and Reporting
6690, Audit Committees

Ref: Education Law §2116-a(3) and (b)

Replaces former policy DIE

Adoption date:

EXTERNAL AUDIT GUIDANCE FOR SCHOOL DISTRICT OFFICIALS

The Five Point Plan for increasing school district financial oversight and accountability includes a provision to enhance the effectiveness of external audits by:

- *Requiring CPAs to present audit results directly to school boards.*
- *Require a formal school district response to the management letter and a corrective action plan for any reportable conditions.*
- *Provide guidance on internal controls and audit testing, including specific types of testing and suggested level of detail.*

The following list provides some specific examples of the audit guidance that will be helpful to school districts in working with their CPAs in order to enhance the effectiveness of the audit process and help assure school district officials that their annual independent audit is providing effective accountability. The list may be helpful to school board members and district officials as they participate in the annual financial audit process.

► Prudent use of taxpayer dollars

Goods and services are procured in a manner so as to assure the prudent and economical use of public moneys in the best interest of the taxpayers.

- *A comprehensive test of cash disbursements that includes sample testing of procurement for compliance with laws, rules, regulations and policies/procedures for competitive purchasing, bidding or use of state or county contracts. Controls designed to prevent purchasing from businesses owned or controlled by officers, employees or other related parties should also be reviewed and tested. Tests of transactions are expected to include verification that goods or services were properly authorized, received by the district, charged to the proper appropriation accounts and audited prior to payment. This testing should include review of requisitions, purchase orders, receiving slips, vouchers, invoices, cancelled checks, and postings to the accounting records.*
- *A review of the district's policies and procedures for procuring goods and services that are not subject to competitive bidding requirements, including sample testing of cash disbursements to ensure the district complied with its procurement policies and acquired goods and services of maximum quality at the lowest possible cost under the circumstances. This test will also help assure the district's procedures guard against favoritism, fraud and corruption.*
- *Expense reimbursements or other payments to board members, administrators and other district personnel should be tested to verify compliance with board policies, reasonableness, appropriateness of payment, and documentation of expenses.*
- *Expenditures for meals and refreshments at meetings, cell phones and purchases with credit cards should be reviewed for reasonableness.*
- *A comprehensive test of payroll disbursements that includes verification of the existence of the employee, authorization, time worked, accuracy of rates, overtime payments and distributions to appropriate expenditure categories by tracing from time records through the payroll records to the cancelled check. Testing of accounting records should also be performed such as payroll summaries and payments of taxes and other withholdings.*

► ***Sound internal control structure***

A sound internal control structure is in place and internal controls are appropriately designed and operating effectively.

- *A sufficient understanding of the school district's system of internal controls including the district's control environment, control activities, system for risk assessment, information and communication, and monitoring. This audit procedure should also include a documented understanding of controls over the school district's computer systems that are significant to audit objectives.*
- *Testing of controls deemed significant to the audit's objectives. For example: observing district personnel actually performing the control procedures in the regular course of operations; examining documents and looking for evidence of approvals, sign-offs, etc.; and replicating a control procedure to test whether it was applied correctly.*
- *Analytical procedures should be performed to identify unusual trends, activities or transactions. Revenue and expenditure trends should be reviewed over a number of years, and significant budget variances investigated. Control and detail records for budget, revenue, payroll, procurement, capital project and capital asset activities should be scanned for questionable trends or entries, and unusual items investigated.*
- *A sample of budget amendments should be checked to verify they were completed before appropriations were over-expended to verify budget control over district expenditures.*
- *Documentation of how the evaluation of the district's control structure and the results of the analytical reviews will affect the audit approach for testing of controls and tests of transactions. This documentation should include the auditor's consideration of the risk of fraud, illegal acts, abuse, or violations of contract/grant provisions, and the impact these risks will have on audit testing.*

► ***Assets are safeguarded***

School district assets are safeguarded against loss, waste and abuse.

- *Verification that a current asset inventory system is in place.*
- *Physical inspection of assets and personal property items, especially those items most susceptible to theft and abuse (e.g. computers, televisions, video equipment).*
- *Verification of adequacy of insurance coverage for assets and for employees with authorized access to those assets.*

Adopted:

PETTY CASH/PETTY CASH ACCOUNTS

Petty cash funds shall be established at each school, cafeterias, school stores, transportation office, and the district office for the purchase of materials, supplies or services under conditions requiring immediate payment.

The amount of each fund will not exceed \$100.00. The Board of Education shall appoint a custodian for each petty cash fund who shall administer and be responsible for such fund.

To ensure that these funds are properly managed, the following guidelines shall be followed:

- 1. Receipts and cash-on-hand must always total the authorized fund amount. All disbursements from such funds are to be supported by receipted bills or other evidence documenting the expenditure.*
- 2. Payments may be made from petty cash for materials, supplies, or services requiring immediate payment. Sales tax on purchases will not be paid by the school district from petty cash funds.*

The district shall reimburse uses of petty cash funds up to the extent of expenditures, with appropriate documentary support and as approved by the claims auditor. Petty cash funds provided for buildings or activities that do not operate during July/August must be closed out on June 30 and reestablished by Board of Education action at the re-organizational meeting of the Board in July.

Cross-ref: 6700, Purchasing

Ref: Education Law §§1604(26); 1709(29)
8 NYCRR §170.4

Replaces former policy DJB

Adoption date:

PETTY CASH ACCOUNTS REGULATION

The custodian appointed for each petty cash fund will be responsible for the following method of record keeping:

- 1. deposits to petty cash accounts will be made in amounts which shall not exceed payments made in cash from the fund;*
- 2. payments made from the funds will be indicated by receipts, receipted bills or other evidence of payments in form available for audit;*
- 3. disbursements will be acknowledged by the signature of the individual receiving payment;*
- 4. each disbursement will be properly budget coded prior to the disbursement of funds; and*
- 5. a request to replenish the petty cash fund will be accompanied by a summary sheet, signed by the custodian responsible for the fund, with all expenditures properly accounted.*

The custodian will disburse petty cash only for payment for materials, supplies and services, only when payment is required upon delivery.

Adoption date:

INTERNAL AUDIT FUNCTION

The Board of Education recognizes its responsibility to ensure sound fiscal management of the district. To this end, the Board establishes an internal audit function. The function shall be completed by an individual, firm or through a BOCES as designated annually by the Board. Completion of the internal audit function shall include the following activities:

- 1. Review of the district's business and personnel operations;*
- 2. Verification of strict adherence to district policies and regulations;*
- 3. Testing of all areas of the district's internal controls;*
- 4. Periodic testing of the district's administrative data processing systems, including verification of user access, view and edit authority and review of user logs;*
- 5. Review of certification of payroll and appropriate segregation of duties with respect to payroll and personnel functions;*
- 6. Review of bank reconciliations and Treasurer's Reports;*
- 7. Review of fixed assets to be certain that all assets added or deleted in the prior accounting period have been properly accounted for.*
- 8. Testing of design of internal controls to detect deficiencies.*
- 9. Any other review requested by the Superintendent and/or the Board of Education.*

Personnel or entities performing this function shall report directly to the Board. The district's audit committee shall assist in the oversight of this internal audit function.

The Internal Auditor shall meet no less than four (4) times annually with the Board to review activities and to make recommendations for improvements. In the event the Internal Auditor suspects fraud and/or theft has been committed by any district employee, he/she shall immediately notify the President of the Board, who in turn will advise the entire Board. The Board will then review the information and take appropriate action. Quarterly reports to the Board shall include no less than the following information:

- 1. Item tested;*
- 2. Discovered condition, indicating whether there is no contravention of policy or procedure, the policy or procedure is contravened occasionally or on a regular basis, or whether a new policy or procedure is recommended;*
- 3. The corrective action plan suggested to remediate the discovered condition;*
- 4. Results of any corrective action plan.*

Copies of the Internal Audit report shall be shared with the Board of Education, Superintendent of Schools, Executive Director for Finance, District Treasurer, Claims Auditor, and Independent Auditor.

Cross-ref: 6690, Audit Committee, Ref: Education Law §2116-b

Replaces former Policy DIF

Adoption date:

MEDICAID COMPLIANCE

The Board of Education recognizes its obligation to put a plan and program in place to prevent or otherwise detect fraud, waste and abuse in the Medicaid program. In general, the Board expects that its officers and employees will operate with integrity and in conformance with its adopted code of ethics (policy 2160). The Board directs the Superintendent or his/her designee and the internal auditor to ensure that the following program elements are in place and implemented effectively:

- 1. **Written Procedures:** Accompanying this policy, and the cross-referenced policies listed below, are more detailed procedures and description of how each element of the compliance program will be implemented. Written procedures will address how the district will accomplish the following:*
 - a. Keep informed regarding Medicaid coverage: The Director of Student Services will keep abreast of services that are covered by Medicaid so that the district files compliant claims. The Board expects that district staff and/or contractors and agents will avoid filing false claims which would subject the district to civil and criminal liability.*
 - b. Prohibit use of "excluded providers": Ensure that the district doesn't hire or contract with service providers who have been excluded from Medicare or the Medicaid program. The Assistant Superintendent for Human Resources will check the credential of the provider before the district engages their services. District employees will be required to sign an agreement that said employee will inform the Compliance Officer and Assistant Superintendent for Human Resources upon receipt of any notification or knowledge that the individual's license had been suspended, revoked, or lapsed, or if they have been excluded from participation in the Medicaid program. Upon notice by the employee, the district will take remedial steps as soon as possible. Contracts with outside providers will include provisions to address this requirement.*

Adoption Date:

AUDIT COMMITTEE

The nine members of the Board of Education serve as the district's Audit Committee for purposes of overseeing and carrying out the Board's audit policies and the performance of related duties and responsibilities. The district's Audit Committee shall be comprised of at least three members. At least three members shall be appointed to serve on the committee on an annual basis. Employees of the school district are prohibited from serving on the committee.

The Audit Committee shall:

- 1. Recommend internal and external audit plans to the Board, specifying the areas of District operations to be reviewed for compliance with legal and regulatory requirements, operating efficiency and effectiveness;*
- 2. Receive and review the resulting audit reports; and propose recommendations to the Board for action as may be necessary and appropriate;*
- 3. Receive and review the report of the external auditor on any findings commented on during the annual audit report, and the management response thereto, and propose recommendations to the Board for action as may be necessary and appropriate;*
- 4. Oversee the selection of the internal auditor and the external auditor, pursuant to the relevant Board policies, and make recommendations to the Board for appointment to said positions; and*
- 5. Perform any other responsibilities outlined by the Board and/or as listed in the District's Audit Committee Charter (see attached exhibit, 6690-E).*

The audit committee may conduct an executive session in accordance with law and Commissioner's regulation. Any member of the board of education who is not a member of the audit committee may be allowed to attend an executive session if authorized by a resolution of the board of education.

It is not the intent of the Board of Education that the Audit Committee participate in or be responsible for the day to day operations of the school district or in the decisions that are the responsibility of the Superintendent of Schools or Executive Director for Business, or the other district administrators.

Ref: Education Law §2116-c
8 NYCRR §170.12 (d)

Adoption date:

AUDIT COMMITTEE CHARTER TEMPLATE

Audit Committee Authority

Pursuant to resolution number [insert number of resolution], dated [insert date of resolution], the Board of Education of the West Babylon UFSD has established an audit committee to assist the Board of Education in the oversight of both the internal and external audit functions. The requirement to create an audit committee was established by Education Law §2116-c. According to §2116-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 has established an audit committee to provide independent assistance to the Board in the 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.*
- *Oversee the competitive Request for Proposal Process (RFP) used to solicit quotations for the District’s annual external audit.*
- *Review the scope, plan and coordination of the external audit.*
- *Provide a communications link between the external and internal auditors and the Board.*

Composition and Requisite Skills

The District’s Audit Committee is comprised of nine members. The committee shall include:

All nine members of the Board of Education

The Committee members collectively should possess the expertise and experience in accounting, auditing, financial reporting and school district finances needed to understand and evaluate the school district’s financial statements, the external audit of those statements and the district’s internal audit activities. Accordingly, the Audit Committee’s members should:

- *Possess the requisite skills and experience necessary to understand technical and complex financial reporting issues.*
- *Have the ability to communicate with, and offer advice and assistance to, public finance officers and auditors.*
- *Be knowledgeable about internal controls, financial statement audits and management/operational audits.*

Duties and Responsibilities

The duties and responsibilities of the District’s Audit Committee include the following:

- ***External Audit Focus***
 - o *Provide recommendations regarding the selection of the external auditor to the Board of Education.*

WEST BABYLON

- o *Meet with the external auditor prior to commencement of the audit to review the engagement letter.*
- o *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.*
- o *Review the external auditor's assessment of the district's system of internal controls.*

6690-E (cont'd)

- o *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.*
- o *Make a recommendation to the Board of Education on accepting the annual audit report.*
- o *Review every corrective action plan developed by the school district and assist the Board of Education in the implementation of such plans.*

• Internal Audit Focus

- o *Make recommendations to the Board of Education regarding the appointment of the internal auditor.*
- o *Assist in the oversight of the internal audit function.*
- o *Review the annual internal audit plan to ensure that high risk areas and key control activities are periodically evaluated and tested.*
- o *Review the results of internal audit activities and significant recommendations and findings of the internal auditor.*
- o *Monitor implementation of the internal auditor's recommendations by management.*
- o *Provide input on the performance evaluation of the internal auditor.*

• Administrative Matters

- o *Hold regularly scheduled meetings.*
- o *Administer other related duties as prescribed by the Board of Education.*
- o *Review and revise the Audit Committee Charter.*

Membership

The membership duties of the West Babylon UFSD Audit Committee includes 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 are precluded from being an Audit Committee member:*
 - o *Someone currently employed by the District*
 - o *Someone currently or previously providing goods or services to the District during the past two years.*

WEST BABYLON

- o Someone of the immediate family (spouse, spouse equivalent or dependent, whether or not related) or close family member (parent, sibling or nondependent child) of an individual who is an employee, officer or contractor providing goods or services to the district.*
- o Someone who is the owner of or has a direct and material interest in a company providing goods or services to the district.*
- 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.*

6690-E (cont'd)

Meetings and Notification

The West Babylon UFSD Audit Committee shall meet a minimum of three times each year. An agenda of each meeting should be clearly determined in advance and the Audit Committee should receive supporting documents in advance, for reasonable review and consideration. The audit committee may conduct an executive session in accordance with law and Commissioner's regulation. Any member of the board of education who is not a member of the audit committee may be allowed to attend an executive session if authorized by a resolution of the board of education.

The Audit Committee shall prepare minutes of each meeting. At a minimum, the minutes will include the following:

- Copies of the meeting agenda*
- Date, attendance and location of the meeting*
- As appropriate, brief summary of the topics discussed*
- Except as otherwise provided by law in connection with executive session, copies of materials discussed or presented at the meeting*
- A record of all actions or recommendations agreed to by the committee*

Decision-Making Process

A quorum constitutes a simple majority of the total membership and meetings will not be conducted unless a quorum is present. All decisions shall be reached by vote of a simple majority of the total membership.

Reporting Requirements

The [insert name of district] Audit Committee has the duty and responsibility to report its activities to the Board of Education. Periodic written reports of Audit Committee activities are an important communication link between the Audit Committee and the Board on key decisions and responsibilities. The Audit Committee's reporting requirements are to:

WEST BABYLON

- *Report on the scope and breadth of committee activities so that the Board of Education is kept informed of its work.*
- *Provide minutes of meetings which clearly record the actions and recommendations of the Committee.*
- *Report on their review of the District's draft annual audit report and accompanying management letter and their review of significant findings and recommendations of the internal auditor.*
- *Report on suspected fraud or abuse or material defects in the internal control systems.*
- *Report on indication of material or significant non-compliances with laws or District policies and regulations.*
- *Report on any other matters that should be disclosed to the Board of Education.*

Review of the Charter

The West Babylon UFSD Audit Committee shall assess and report to the Board of Education on the adequacy of this Charter no less than an annual basis or as necessary. Charter modifications, as recommended by the Audit Committee, should be presented to the Board of Education in writing for their review and action.

Adoption date:

PURCHASING

The Board of Education views purchasing as serving the educational program by providing necessary supplies, equipment and related services. Purchasing will be centralized in the business office under the general supervision of the Executive Director for Finance and Operations 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 \$10,000 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.

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

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

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

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

- 1. under a county contract;*
- 2. under a state contract;*
- 3. under a BOCES contract;*
- 4. of articles manufactured in state correctional institutions; or*
- 5. from agencies for the blind and severely disabled.*

WEST BABYLON

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

- 1. to effectively supply all administrative units in the school system with needed materials, supplies, and contracted services;*
- 2. to obtain materials, supplies and contracted services at the lowest prices possible consistent with the quality and standards needed as determined by the Executive Director for Finance and Operations in*

6700 (cont'd)

conformance with state law and regulation and in cooperation with the requisitioning authority. The educational and physical welfare of the students is the foremost consideration in making any purchase;

- 3. to ensure that all purchases fall within the framework of budgetary limitations and that they are consistent with the educational goals and programs of the district;*
- 4. to maintain an appropriate and comprehensive accounting and reporting system to record and document all purchasing transactions; and*
- 5. to ensure, through the use of proper internal controls, that loss and/or diversion of district property is prevented.*

Opportunities shall be provided to all responsible suppliers to do business with the school district. Suppliers whose place of business is situated within the district may be given preferential consideration only when bids or quotations on an item or service are identical as to price, quality and other factors. Purchases will be made through available cooperative BOCES bids, state contracts of the Office of General Services or county contracts 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 a bidder other than the lowest responsible dollar bidder, 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 Executive Director for Finance and Operations will not be required to secure alternative proposals or quotations for:

- 1. emergencies where time is a crucial factor;*
- 2. procurements for which there is no possibility of competition (sole source items); or*
- 3. very small procurements when solicitations of competition would not be cost-effective.*

The Superintendent of Schools, with the assistance of the Executive Director for Finance and Operations, shall be responsible for the establishment and implementation of the procedures and standard forms for use in all purchasing and related activities in the district. Such procedures 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.

WEST BABYLON

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

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

Ref: Education Law §§305(14); 409-i; 1604(29-a); 1709(4-a)(9)(14)(22); 2503(7-a); 2554(7-a)
General Municipal Law §§102; 103; 104-b; 109-a; 800 et seq.
State Finance Law 163-b

Adoption date:

PURCHASING REGULATION

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

I. Definitions

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

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

II. General Municipal Law

The General Municipal Law requires that purchase contracts for materials, equipment and supplies involving an estimated annual expenditure exceeding \$10,000 and public work contracts involving an expenditure of more than \$35,000 will be awarded only after responsible bids have been received in response to a public advertisement soliciting formal bids. Similar procurements to be made in a fiscal year will be grouped together for the purpose of determining whether a particular item must be bid.

III. Competitive Bidding Required

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

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

B. Contract Combining Professional Services and Purchase

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

C. Opening and Recording Bids; Awarding Contracts

The Executive Director for Finance and Operations will be authorized to open and record bids. Contracts will be awarded by the Board of Education to the lowest responsible bidder (as recommended by the Executive Director for Finance and Operations), who has furnished the required security after responding to an advertisement for sealed bids.

D. *Documentation of Competitive Bids*

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

Proper written documentation will also be required when a contract is not awarded to the vendor submitting the lowest quote, setting forth the reasons therefore. That vendor may be given an opportunity to defend his product and/or reputation before the Board of Education.

6700-R (cont'd)

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.

E. *Purchase of Instructional Materials*

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

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

F. *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.

G. *Environmentally-Sensitive Cleaning and Maintenance Products*

The district will purchase and utilize environmentally sensitive cleaning and maintenance products whenever feasible. The Executive Director for Finance and Operations will consult with the Green Guidelines provided by the Office of General Services.

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

IV. Exceptions to Competitive Bidding Requirements

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

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

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

6700-R (cont'd)

Documentation: *The district will maintain records of verbal (or written) quotes;*

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

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

- 3. when the Board separately purchases eggs, livestock, fish and dairy products (other than milk), juice, grains and species of fresh fruits and vegetables directly from producers or growers. The amount expended in any fiscal year by the district may not exceed an amount equal to fifteen cents multiplied by the number of days in the school year multiplied by the total enrollment of the district.*

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

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

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

5. *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.

V. Standardization

Upon the adoption of a resolution by a vote of 3/5ths of the Board stating that, for reasons of efficiency or economy, there is a need for standardization, purchase contracts for a particular type or kind of equipment, material or supplies of more than \$10,000 may be awarded to the lowest responsible bidder furnishing the required security after advertisement for sealed bids. The resolution must contain a full explanation of the reasons for its adoption.

VI. 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.

The following procedures shall be used for public works or purchase contracts below the bid limits:

6700-R (cont'd)

- c. *State contracts, county contracts, municipal agreements, BOCES Cooperative Purchasing Agreements, Corcraft (New York Prison System), Industries for the Blind, or Industries for the Disabled may be used whenever feasible for purchases below the state bid limit.*
- d. *The district may elect to bid items even though they fall below the state bid limit.*
- e. *For all other public works or purchase contracts below the bid limits, the following procedures shall be used:*

For purchases under \$500 – *When not feasible to purchase as per paragraph “a” above, no quotations shall be required.*

For purchases between \$500 and \$1,000 – *When not feasible to purchase as per paragraph “a” above, a minimum of three (telephone, FAX, or written) quotations shall be solicited for each such purchase and attached to the purchase requisition when it is submitted to the Business Office for approval. Verbal and written quotations shall be written on the district form provided for this purpose. Quotations may be obtained by the originator of the purchase.*

For purchases between \$1,000 and \$10,000 – *When not feasible to purchase as per paragraph “a” above, a minimum of three (3) written quotations shall be solicited for each such purchase and attached to the purchase requisition when it is*

submitted to the Business Office for approval. Written quotations shall be written on the district form provided for this purpose. Written quotations shall be written on the district form provided for this purpose. Written quotations may be obtained by chairpersons, directors, building administrators, operational administrators or central office administrators.

For public works contracts between \$10,000 and \$35,000 – When not feasible to purchase as per paragraph “a” above, the Business Office shall be contacted and shall obtain at least three (3) written quotes.

f. In all instances listed above:

- *When the lowest quotation is not used, reasons must be stated on the quotation form;*
- *All quotations must include shipping and handling;*
- *A minimum of three (3) quotations must be attached to the purchase order;*
- *When three quotations cannot be obtained, reasons are to be specified on the quotation form;*
- *Any purchase incentives must be listed on the quotation form.*

g. When prior knowledge exists that the total of Purchase Contracts or Public Works Contracts for the school year will exceed the bid limit, it is the obligation of the purchaser to contact the Business Office for competitive bidding. Similarly, when the purchaser knows that the total of Purchase Contracts or Public Works Contracts for the school year will exceed \$500, it is the obligation of the purchaser to obtain verbal or written quotations in accordance with “c” above.

Replaces former policies DJ-R and DJC

Adoption date:

PURCHASING AUTHORITY

The Board of Education designates the Executive Director for Finance and Operations as the purchasing agent for the school district.

The acquisition of all services, equipment and supplies shall be centralized in the district business office, unless otherwise authorized by the Board.

The Executive Director for Finance and Operations will be responsible for developing and administering the purchasing program of the district. The Executive Director for Finance and Operations is the only individual who may commit the district for a purchase.

The Executive Director for Finance and Operations shall prepare an annual purchasing schedule and shall ensure that all purchasing activities comply with Board policy, district standard practice instructions and all applicable laws and regulations.

Ref: Education Law §1709(20-a)

Replaces former policy DJA

Adoption date:

PURCHASING PROCEDURES

Only through the use of efficient purchasing procedures can the school district ensure that needed goods and services are acquired in the most economical manner.

The Board of Education directs the Superintendent of Schools and the Executive Director for Finance and Operations to develop administrative regulations on how purchasing is to be done in the district.

The Executive Director for Finance and Operations is authorized to issue purchase orders without prior approval of the Board when formal bidding procedures are not required by law and/or when budget appropriations are adequate to cover such obligations. Purchase orders over \$2,500.00 must be signed by the Superintendent.

The Superintendent or Executive Director for Finance and Operations may authorize the placement of a verbal order, subject to subsequent confirmation by a written purchase order, only in cases where a bona fide emergency situation exists.

All purchasing is to be done by the Executive Director for Finance and Operations on an official pre-pressed, pre-numbered purchase order. Checks are always to be voided manually and retained for audit.

Cross-ref: 6700, Purchasing

Ref: Office of the State Comptroller-Financial Management Guide

Replaces former policy DJA

Adoption date:

PURCHASING PROCEDURES REGULATION

The purchasing of material, equipment, or supplies shall be governed by the following list of functions.

- | | <u>Function</u> | <u>Performed by</u> |
|----|---|---|
| A. | Requisition | Initiated by user
Sent to proper official for approval
Copy retained by school |
| B. | Specifications | Prepared in detail by Purchasing Department after consultation with the requisitioner and made available to prospective contractors or vendors. |
| C. | Bids or Quotations | Checked and tabulated by Purchasing Department and after review with the requisitioner recommendations made to Board of Education on formal bids. |
| D. | Contract or Purchase | Contracts signed by designated board officials; orders signed by Executive Director for Finance and Operations. |
| E. | Follow-Up | By Purchasing Department |
| F. | Receipt of Goods

inventory
district's third party | Person other than requisitioner signs receiving copy of Purchase Order and forwards same to Purchasing Department indicating the quantity and quality of materials or services which have been received and are satisfactory.

A copy of purchase orders for items that fall under the district's policy should be filed annually and provided to the property appraisal program administrator. |
| G. | Invoice | Checked for price and quantity by Purchasing Department. |
| H. | Invoice Approved | By officer giving rise to the claim and auditor after receipt of goods is acknowledged by requisitioner |

Adoption date:

CONTRACTING FOR PROFESSIONAL SERVICES

The Board of Education will make certain that professional services are secured in a manner that protects the integrity of the process, ensures the prudent use of taxpayer dollars and provides a high quality standard of service, in accordance with law and regulation. Professional services are defined as services requiring special skill and/or training, such as legal services, medical services, auditing services, property appraisals or insurance.

Purchasing professional services does not require competitive bidding. The Board directs the Superintendent, Executive Director for Finance and Operations and administrative personnel who are responsible for securing professional services to take measures to ensure that a highly qualified professional is secured through the prudent and economical use of public money, which may include:

1. reviewing trade journals;
2. checking professional listings; and/or
3. inquiring of other districts or other appropriate sources.

The designated district staff will prepare a comprehensive written request for proposals (RFP), which will contain critical details of the services sought. The RFP will specify that the proposal include the structure of the relationship between the district and the provider, including, if applicable, the terms of the retainer, the hourly fees and other associated costs.

In reviewing the RFPs, the district will consider, at a minimum, the following factors:

1. the suitability of the individual/firm for the district's needs;
2. the special knowledge or expertise of the individual/firm;
3. the credentials and applicable certifications of the individual/firm;
4. the quality of the service provided by the individual/firm;
5. cost;
6. the staffing available from the firm or the time available from the individual;

The district will periodically, but not less frequently than every **three years**, issue professional service RFPs and may conduct interviews as part of the RFP process. The written proposals submitted by applicants shall be maintained for at least six years.

The Superintendent, after a thorough review of the proposals, in consultation with the Assistant Superintendent for Human Resources and the Executive Director for Finance and Operations will recommend the professional service provider best suited to the district to the Board of Education for its approval.

Regardless of when during the year the professional service provider was engaged by the Board, at the annual organizational meeting the Board will appoint the attorney, physician, external auditor, or other professional, as applicable. Professional service providers selected and appointed in this manner will not be considered employees of the district.

The Superintendent is charged with developing administrative procedures to implement this policy.

Cross-ref: 2210, Board Annual Organizational Meeting - 9500, Compensation and Benefits

Ref: General Municipal Law § 104-b - 2 NYCRR §§ 315.2, 315.3 *Trane Co. v Broome County*, 76 A.D.2d 1015

Appeal of Lombardo, 38 Educ. Dept. Rep. 730 - *Opn. St. Comp.* 92-33

WEST BABYLON

Adoption date:

**The Board of Education will review the proposals and select the professional service provider best suited to the district's needs.*

PAYROLL PROCEDURES

The Board of Education recognizes the importance of the payroll function to the effective administration of the district. The Board is also aware that this is an area at risk of fraud and abuse. The Board directs the Superintendent to establish procedures to reasonably ensure the accuracy and integrity of the payroll system.

A duly certified payroll is one that has been examined and approved by the Superintendent of Schools, or his/her designee, the Executive Director for Finance. It shall be the responsibility of the Executive Director for Finance and Operations and his/her staff to prepare all payrolls.

The Superintendent will initiate a periodic test to verify the accuracy and appropriateness of the district payroll. This test shall be conducted by the Executive Director for Finance. The test shall confirm that individuals listed on the payroll are currently employed by the district, and that the title, hours worked, and wages listed are correct. The test shall also confirm that individuals listed as employees are employees and not independent contractors. (The procedure for determining employment status is outlined in policy 9500, Compensation and Benefits.) The Superintendent will evaluate the results of the test and determine if improvements need to be made.

Payroll procedures will also be reviewed periodically by the internal auditor. The Executive Director for Finance and Operations and the internal auditor will report findings and recommendations to the Board. It is the intention of the Board to take reasonable and necessary steps to safeguard the district's payroll.

Cross-ref: 6741, Contracting for Professional Services
9500, Compensation and Benefits

Ref: Education Law Article 11; §§1604; 1719; 1720; 2116-a
Retirement and Social Security Law §34
2 NYCRR §§315.2; 315.3

Replaces former policy DL

Adoption date:

EXPENSE REIMBURSEMENT

The Board of Education recognizes that it is a customary and regularly accepted practice to reimburse Board members and employees for reasonable, actual and necessary out-of-pocket expenses which are legally authorized and incurred while traveling in conjunction with district business or conference attendance.

Each Board member and employee shall make application only for expenses incurred as an individual and must receive approval prior to the commencement of conference by completing the district's conference request form. Official business and conference expenses shall be claimed and audited for payment utilizing appropriate forms devised by the Superintendent of Schools or his/her designee who will publish rules and regulations appropriate to the administration of this policy.

Travel

Only expenses necessary to the purpose of the travel shall be reimbursable. Transportation costs such as taxi cabs are allowable only for essential transportation. When official travel by personally-owned vehicle is authorized, a mileage payment shall be made at the rate established by the Board. All expenditures for official travel and conference attendance shall be made within the appropriation provided. Tax exemption certificates shall be issued and utilized as appropriate.

Accommodations

Persons traveling on district-related business are expected to secure their necessary hotel accommodations either at the government rate, the current published rate by the General Services Administration (GSA) or at a rate as close to the GSA rate as possible. In the event such persons are unable to secure the government rate or a rate below the GSA rate, they shall be required to obtain written permission from the Superintendent or his/her designee before traveling on district-related business and staying in such hotel accommodations.

Meals

The district shall pay an \$85.00 per diem rate for meals during conference attendance, subject to a reduction of the applicable value of any meals included in the conference fee. On a travel day during which there was no overnight stay, a \$40 per diem rate shall apply. Per diem breakdown: breakfast (\$15), lunch (\$25), dinner (\$45).

Reimbursement

No claim shall be paid unless a purchase order along with a copy of the approved conference request form, supported by original receipts, has been submitted, audited by the Executive Director for Finance and Operations, and approved for payment by the Board. The purchase order should include the following information:

- Registration Fee: _____
- Travel: _____ (District's mileage reimbursement form must be used)
- Lodging: _____
- Meals: _____
- Other: _____
- TOTAL: _____

WEST BABYLON

If all supporting documentation is appropriate, a check will be processed in accordance with the district's payment schedule and sent to the conference attendee.

Replaces former policy DLC

Ref: *Education Law §§1604(27); 1709(30); 1804; 2118; 3023; 3028 and General Municipal Law §77-b*

Adoption date:

EXPENSE REIMBURSEMENT REGULATION

The district shall reimburse district employees, officials and members of the Board of Education for reasonable, actual and necessary out-of-pocket expenses incurred while traveling for school-related business upon receipt of a completed voucher with itemized receipts along with approved attendance form. The following rules shall guide the reimbursement of school-related travel expenses:

Transportation

- Travel shall be by the most economical method, whether by private automobile, school vehicle or common carrier such as bus, train or plane.
- If travel is by private automobile, mileage shall be reimbursed at the level approved by the Internal Revenue Service for business travel. Parking and tolls will also be reimbursed but gasoline will not.
- Rental car expenses will be reimbursed only if authorized in advance. Receipts must be attached.
- Air travel is only allowed when determined by the Board President or the Superintendent to be in the district’s best interest. Air travel shall be reimbursed at the lowest feasible fare available and shall not exceed regular coach class fare. Travel arrangements should be made as soon as reasonably practicable so as to avoid payment of a higher fare due to a late booking.

Lodging

- Persons traveling on district-related business are expected to secure the most reasonable rate for necessary hotel accommodations. The district will reimburse for actual lodging fees up to the maximum lodging fee set by the federal government for that location.
- When the rate is pre-determined by the organization sponsoring the event, the traveler shall secure a room rate at no more than the pre-determined rate notwithstanding what the federal travel reimbursement rate is. Hotel accommodations at a rate other than the most reasonable rate or a pre-determined rate described above will be reimbursed only if approved by the Board President (for members of the board and the Superintendent) and the Superintendent (for all others) prior to the stay.

Meals

Reimbursable meal charges, including gratuities, for persons traveling for district-related business shall be as follows:

- Breakfast \$ _____ (e.g., \$10.00)
 - Lunch \$ _____ (e.g., \$15.00)
 - Dinner \$ _____ (e.g., \$40.00)
- OR
- Daily Total \$ _____ (e.g., \$55.00)

Personal Expenses

WEST BABYLON

The district does not reimburse persons traveling on district-related business for personal expenses including, but not limited to, pay television, hotel health club facilities, alcoholic beverages, theater and show tickets, and telephone calls and transportation costs unrelated to district business.

Adoption date:

RETIREE BENEFIT PROCEDURES

The Board of Education recognizes the obligation of the district to effectively and efficiently administer benefits to eligible retirees. It is important that the retirees receive the benefits to which they are entitled and it is essential that the district administer the program in a manner that is fiscally responsible. To this end, the Board requires that the Executive Director for Finance and Operations oversees the benefits program and develop procedures to minimize the risk of fraud, waste and abuse.

Procedures instituted by the business office shall include periodic monitoring of the status of all retirees and their spouses and/or dependents to verify eligibility. The district will make every effort to keep its records up to date, utilizing databases, annual canvasses/questionnaires or other resources, as appropriate, to avoid making payments that are inaccurate, or payments to or on behalf of individuals who are ineligible.

The Board further expects that the district's system of internal controls and its various audit functions will include this aspect of district operation and be included in applicable reports, as appropriate.

Cross Ref: 6650 Claims Auditor
 6680 Internal Audit Function

Adoption Date:

DISPOSAL OF DISTRICT PROPERTY

Building administrators and support staff supervisors are responsible for identifying obsolete or surplus equipment and supplies within their area(s) of responsibility. Each year, a determination shall be made of which equipment, supplies and/or materials are obsolete and cannot be salvaged or utilized effectively or economically by the school district. Such equipment, supplies, or materials shall be sold through bid procedures, if possible, for the highest possible price.

The Executive Director for Finances 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; and/or*
- 3. discard or sell as surplus those items determined to be of no further use or worthless.*

The following procedure shall be implemented once an article has been declared surplus by the Board of Education:

- Notice of the sale of surplus articles shall be published in an official newspaper of the district.*
- The notice shall contain (1) a list of all articles for sale; (2) a brief description of each article; (3) the location and time for viewing the articles; and (4) instructions for the submission of sealed bids to the Business Office.*
- The notice shall also be sent to interested parties and to other school districts, when appropriate.*
- The bids shall be opened and reviewed by the Executive Director for Finance and Operations and he/she shall make recommendations to the Board to award the sale to the highest responsible bidder.*

- In the event that no bids are received, the Executive Director for Finance and Operations shall take whatever steps necessary to dispose of the articles.*

Ref: *General Municipal Law §§51; 800 et seq.
Ross v. Wilson, 308 NY 605 (1955)
Matter of Baker, 14 EDR 5 (1974)
Op. St. Compt. 58-120*

Replaces former policy DNA

Adoption date:

*First Time Reading 10/25/11
7100*

FACILITIES PLANNING

The Board of Education is responsible for the regular operation and orderly development of the school district's physical plant. In carrying out this responsibility, the Board is concerned with both short-term and long-range planning.

The Superintendent of Schools shall be responsible for the formulation and implementation of the following plans for school building facilities:

1. *Comprehensive long-range facilities development plan. This plan shall be kept current and re-evaluated at least annually. It shall include an appraisal of the following:*
 - a. *Educational philosophy of the district, with resulting administrative organization and program requirements.*
 - b. *Present and projected pupil enrollments.*
 - c. *Space use and state rated pupil capacity of existing facilities.*
 - d. *Priority of need of maintenance, repair or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities.*
 - e. *Provision of additional facilities.*

2. *Five-year capital facilities plan. This plan will be updated annually and shall include the following:*
 - a. *A yearly breakdown of the estimated expenses for construction, additions, alterations, major repairs, system replacement and repairs and maintenance and energy consumption.*
 - b. *A district wide building inventory including the number and type of facilities; the age, capacity, use and size of each building; and each building's safety ratings, energy sources, probable useful life, major system repairs needed and asbestos reports.*

Cross-Ref: 7000, Facilities Development Goals

Ref.: 8 NYCRR Part 155 (Educational Facilities)

Adoption date:

CONSTRUCTION SAFETY

The Board of Education recognizes the district's responsibility to provide a safe school environment for students and staff during construction and maintenance projects.

The Superintendent of Schools shall be responsible for ensuring that district procedures for safeguarding the safety and health of students and staff are consistent with state law and regulation, including the Uniform Code of Public School Building Inspections, Safety Rating and Monitoring and the Uniform Safety Standards for School Construction and Maintenance Projects. Specifically, the Superintendent shall be responsible for the following items at the specified phase of the construction project:

Pre-Construction

1. *Ensure proper planning for the safety of building occupants during construction or maintenance activities.*
2. *Hire a New York State licensed architect or engineer for projects costing more than \$5,000.*
3. *Ensure safety issues are addressed for bid specifications and contract documents.*
4. *Provide notice to parents, staff and the community in advance of any construction project costing \$10,000 or more to be conducted in an occupied school building. The notice is to be given at least two months prior to date on which construction is to begin, except in the case of emergency construction projects, in which case notice will be given as soon as practical. The notice will provide information on the district's obligation to provide a safe school environment during construction projects. The notice may be given by publication in the district newsletter, direct mailings, or by holding a public hearing on the project.*
5. *Revise the district's emergency management plan, when appropriate, to accommodate the construction process including a revised emergency exit plan and emergency evacuation and relocation procedures during the construction process.*

During Construction

1. *Monitor construction and maintenance activities to check for safety violations and to ensure that certificate of occupancy requirements are continuously maintained.*
2. *Ensure that all areas to be disturbed through renovation or demolition are tested for lead and asbestos.*
3. *Investigate and respond to health and safety complaints.*
4. *Conduct fire drills during construction to familiarize students and staff with revised emergency procedures.*
5. *Ensure compliance with statutory and regulatory requirements regarding noise abatement, exits, ventilation, air quality, fire and hazard prevention, chemical fumes, gases and other contaminants, asbestos abatement and lead paint and radon testing and mitigation.*

Post Construction

1. *Conduct a walk-through inspection with the Health and Safety Committee to confirm the area is ready to be reopened for use.*

Cross-Ref.: 7100 Facilities Planning
8100, Safety Program
8110, School Building Safety
8112, Health and Safety Committee

WEST BABYLON

Ref.: Education Law §§409-d (Comprehensive Public School Building Safety Program; 409-e (Uniform Code of Public School Buildings Inspection, Safety Rating and Monitoring) 8 NYCRR Part 155.4 (Uniform Code of Public School Building Inspections, Safety Rating and Monitoring) 8 NYCRR Part 155. 5 (Uniform Safety Standards for School Construction and Maintenance Projects) 9 NYCRR Parts 600-1250 (Uniform Fire Prevention & Building Code)

Adoption date:

**First Time Reading 10/27/11
7365-E**

CONSTRUCTION SAFETY EXHIBIT

Notification of Construction

To: Faculty, Staff, Parents, Guardian, Students and other concerned parties

The West Babylon School District anticipates conducting a construction project commencing on _____. The project will be conducted at the _____ (name and address of school). The project will consist of the following:

In furtherance of the district’s commitment to safety and in accordance with regulations of the Commissioner of Education, the district will provide a safe school environment throughout this project. This will include an update of the school emergency plan to reflect any temporary exits or procedures needed as a result of the construction work at the school. Fire drills will be held to familiarize students and staff with any temporary exits. The construction area will be separated from occupied areas of the building; all kept to a minimum while the building is occupied. All applicable federal and stated rules and regulations will be strictly adhered to throughout the length of this project.

Specific questions or concerns about this project may be directed to _____ at (telephone number).

Sincerely,

Building Principal

Adoption date:

Second Time Discussion 10/25/11

**Agenda Format
2350**

The order of business at all regular meetings shall be as follows:

- 1] Call to order by presiding officer
- 2] Pledge of Allegiance to the flag
7:00 P.M. - Meeting Convenes Followed by Student
Presentation(s) and/or Executive Session
8:00 P.M. - Public Session Resumes Beginning with Item #3
- 3] Approval of the minutes of previous meeting(s)
- 4] Statement of the Board and/or Superintendent
- 5] Statement of West Babylon Teachers' Association Representative
- 6] Statement of School Administrators' Association Representative
- 7] Statement of C.S.E.A. Representatives
- 8] Statement of Student Association Representative
- 9] Statement of PTA Council Representative
- 10] Statement of Residents re: agenda items (15 minutes - limited to 3 minutes per speaker)
- 11] Report of Superintendent and/or educational presentation
- 12] Business Agenda items.
- 13] Review of policies.
- 14] Board of Education Reports
- 15] Old Business
- 16] New Business
- 17] *Follow-Up to Residents' Statements*
- 18[17] Statements of Residents re: other district items (15 minutes - limited to 3 minutes per speaker)
- 19[18] Adjournment (This should take place by 11 PM)

The regular order of business may be changed at any meeting (and for that meeting only) by an affirmative vote of a majority voting for the proposed change in the regular order of business.

Except in emergencies, the Board shall not attempt to decide upon any question under consideration before examining and evaluating relevant information. The Superintendent shall be

WEST BABYLON

given an opportunity to examine and to evaluate all such information, and to recommend action before the Board attempts to make a decision.

The Board may adjourn a regular or special meeting at any place in the agenda providing that arrangements are made to complete the items of business on the agenda at a future meeting. The minutes shall make notice of the adjournment, and the reconvened sessions shall be considered an addition to these minutes.

Replaces in whole or in part former policy BDDDB

Adopted: 12/08/2009

Revised: 6/28/11

*First Time Reading 10/25/11
8000*

SUPPORT SERVICES GOALS

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

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

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

Adoption date:

SCHOOL BUILDING SAFETY

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

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

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

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

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

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

Adoption date:

PESTICIDES AND PEST MANAGEMENT

It is the goal of the Board of Education to maintain the integrity of school buildings and grounds, protect the health and safety of students and staff and maintain a productive learning environment.

The Board recognizes that pests can pose a significant risk to health and property and there may be significant risks inherent in using chemical pesticides in the school environment. Provisions will be made for a least toxic approach to integrated pest management (IPM) for all school buildings and grounds in accordance with the Commissioner's regulations. Integrated pest management is a systematic approach to managing pests focusing on long term prevention or suppression with minimal impact on human health, the environment and non-targeted organisms.

Notification of Pesticide Application

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

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

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

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

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

Ref: Environmental Conservation Law, Art.33 (Pesticides)
Education Law § 409-h (Requirements for Notification of Pesticide Applications)
6 NYCRR Part 325 (Application of Pesticides)
8 NYCRR 155.4 (Uniform Code of Public School Building Inspections, Safety Rating and Monitoring)
Desmond Americana v. Jorling, 153 AD2d 4 (3rd Dept. 1989)
IPM Workbook for New York State Schools, Cornell Cooperative Extension Community IPM Program with support from New York State Dept. of Environmental Conservation, August 1998

Adoption date:

UNSAFE SCHOOL TRANSFER CHOICE

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

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

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

Notification of Transfer Rights

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

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

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

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

Procedures for Transfer

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

WEST BABYLON

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

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

8140 (cont'd)

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

Transportation

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

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

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

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

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

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

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

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

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

Cross-ref: 5300, Code of Conduct - 5710, Violent or Disruptive Incident Reporting

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

WEST BABYLON

Adoption date:

BUILDINGS AND GROUNDS MAINTENANCE AND INSPECTION

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

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

Comprehensive Maintenance Plan

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

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

Building Condition Surveys

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

Annual Visual Inspections

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

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

Fire Safety Inspections

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

Safety Rating System

A safety rating keyed to the structural integrity and overall safety of each occupied school building will be provided on an annual basis in consultation with the Health and Safety Committee.

Safety ratings will be based on the safety rating system developed by the Commissioner and will comply with all statutory and regulatory requirements.

8220 (cont'd)

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

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

Ref: 29 CFR 1910 et seq (OSHA Hazard Communication)
40 CFR Part 763 (Asbestos Hazard Emergency Response Act)
Education Law 409-d (Comprehensive Public School Safety Program); 409-e (Uniform Code of Public School Buildings Inspections, Safety Rating and Monitoring); 807-a (Fire Inspections)
Labor Law 875-883(toxic substances)
Public Health Law 4800-4808 (Right to Know, toxic substances)
Environmental Conservation Law 33-0725 (Pesticides)
6 NYCRR Part 325 (Pesticides)
8 NYCRR 155.1(Educational Facilities); 155.4 (Uniform Code of Public School Buildings Inspection, Safety Rating and Monitoring); 155.8 (Fire and Building Safety Inspections)
9 NYCRR Parts 600-1250 (Uniform Fire Prevention & Building Code)
12 NYCRR Part 56 (Industrial Code Rule concerning asbestos)
Appeal of Anibaldi, 33 Educ. Dep't Rep. 166 (1993) (district required to monitor student's physical symptoms when air quality caused health problems)
Guidelines for the Evaluation and Control of Lead-Based point Hazards in Housing, U.S. Department of Housing and Urban Development, Washington D.C., June 1995)
IPM Workbook for New York State Schools, Cornell Cooperative Extension Community IPM Program with support from New York State Dept. of Environmental Conservation, August 1998

Adoption date:

AUTHORIZED USE OF SCHOOL-OWNED MATERIALS AND EQUIPMENT

The Board of Education permits the use of district-owned materials and equipment (e.g., laptop computers, cell phones, audio-visual equipment, etc.) by Board members, officers, and employees of the district when such material and equipment is needed for district-related purposes.

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

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

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

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

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

Adoption date:

*First Time Reading 10/25/11
8332*

USE OF CELL PHONES

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

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

Cell phones are to be used for school district business purposes only and anything other than incidental private use is prohibited. Failure to follow these guidelines may result in revocation of the phone and discipline of the employee.

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

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

Replaces former policy EDCA and Regs. EDCA-R

Adoption date:

IDLING PROHIBITON FOR BUSES AND OTHER SCHOOL VEHICLES

West Babylon School District promotes safe schools and safe transportation. In a continuing effort to provide a safe environment for our district students, staff and residents the following regulation will be in effect under Chapter 670 of the Laws of 2007 enacted section 3637 of Education Law. The district will ensure that every driver of a school bus or other school vehicle turn off the engine while waiting for passengers to load or unload.

- 1. All district-owned and district-hired school or coach buses shall turn off their engines when students are loading or discharging or are awaiting loading or discharging, at all schools within the district or at any school or location to which West Babylon students are transported.*
- 2. Exceptions-Limited Idling may be permitted when it is necessary for the following reason:
 - a) Mechanical Work*
 - b) Maintaining an appropriate temperature for passenger comfort*
 - c) Emergency evacuation where necessary to operate wheelchair lifts**
- 3. No bus shall restart until they are ready to depart and students are clear from the rear of the bus and there is a clear path to exit the pick-up or drop-off area.*
- 4. All other school district owned vehicles shall not idle while on school property.*
- 5. All privately owned, company owned or other district buses/vehicles shall not idle on school property.*
- 6. No bus including non-diesel shall idle for more than 5 minutes in the bus yard or off school property. Under New York Law, trucks and buses with diesel engines may not idle for more than 5 consecutive minutes (3 minutes in New York City).
Exception to the law:
 - a) When the engine is powering an auxiliary function such as loading or unloading cargo, or mixing concrete;*
 - b) When running the engine is required for maintenance;*
 - c) When fire, police, utility or other vehicles are performing emergency services.**
- 7. This policy does not apply when buses are picking up or dropping off students at bus stops or if the is forced to remain motionless because of traffic conditions over which the operator thereof has no control.*

Monitoring and Review

The Transportation Supervisor shall be responsible for monitoring compliance with this policy. At least semi-annually, the district shall monitor compliance with the law and regulations summarized in this policy, and prepare a written report. Such report shall describe the actions taken to review compliance, and the degree of adherence to law and regulations. These reports shall be kept in the district's files for six years, and shall be made available upon request.

The Board shall receive a periodic report on the district's compliance with this policy.

Ref: *Vehicle and Traffic Law §142
Education Law §3637
8 NYCRR §156.3(h)
6 NYCRR Subpart 217-3*

WEST BABYLON

Replaces former policy ECDA
Adoption date:

CHARGING SCHOOL MEALS

The Board of Education recognizes that on occasion, students may forget to bring meal money to school. To ensure that students do not go hungry, but also to promote responsible student behavior and minimize the fiscal burden to the district, the Board will allow students who may forget meal money to “charge” the cost of meals to be paid back at a later date subject to the terms in this policy.

To comply with State guidelines and maintain a system for accounting for charged meals, regarding both full and reduced-price meals, for students in grades K-8 the Board shall:

- 1. allow only regular meals, meaning what is on the menu, excluding extras and snacks, to be charged;*
- 2. limit the number of charges to a maximum of \$10 per student - [five per student]; and*
- 3. [use a computer-generated point of sale system, which identifies and records all meals as well as collects repayments.] Students may charge their meals on the Meals Plus sale system at the end of the lunch line. This system will charge meals that will be counted as a meal served, the day it is consumed. When a student’s account has a low balance, the cashier will notify the student. In addition, when a student has charged \$10 or more, a notice is sent to parents by either the school lunch office or the child’s building.*
- 4. When the charge is repaid, the money is put back into the student’s account.*

[Charged meals must be counted and claimed for reimbursement on the day that the student charged (received) the meal, not the day the charge is paid back. When charges are paid, these monies are not to be considered “a la carte” transactions, as a section on the daily cash report or deposit summary reads “charges paid.”]

A student who has abused this policy can be refused a meal. Such a refusal is not considered to be a violation of any state or federal laws concerning school food programs. However before denying any student a meal, school food authorities (SFAs) shall carefully consider the negative consequences of such an action. Refusing very young children or students with disabilities is prohibited by the Board.

If SFAs suspect that a student may be abusing this policy, written notice will be provided to the parent that if he/she continues to abuse this policy, the privilege of charging meals will be refused.

On the following day after the notice has been sent home, an alternate meal selection will be given to the student (example: half a cheese sandwich and white milk). If after two days, no funds have been received, the account will be frozen and no alternate meal will be supplied

5. The school district shall send a letter home to all parents on an annual basis prior to the opening day of school, outlining the requirements of this policy. The policy shall also be published in appropriate school and district publications.

6. Meal charges will not be permitted during the last two weeks of school.

Staff

Staff members are allowed to purchase food from the district’s food services. However, all purchases must be on a cash basis. Staff members will not be allowed to charge meals to be repaid later.

Ref: 42 USC §1779 (Child Nutrition Act of 1966)
42 USC §§1758(f)(1); 1766(a) (National School Lunch Act)

Replaces former policy EFBA-R

Adoption date: