

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 *Superintendent* [Executive Director for Finance and Operations] to [make] *approve* 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 *budget* 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(1)
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 [The investment policy applies to all monies and other financial resources available for the investment on behalf of the Board of Education]. *This investment policy applies to all monies and other financial resources available for investment on behalf of the West Babylon UFSD (the District) or on behalf of any other entity or individual which has entrusted its funds to the District.*

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 *and petty cash payments*, in accordance with law.

These claims will be audited as soon as possible after payment.

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 Executive Director for Finance and Operations 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 that four (4) times annually] with the Board *at least annually or more frequently as the Board may direct*, 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.
 - 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.

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- 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.
 - 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.

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- **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:

- 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.

WEST BABYLON

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]20,000 and public work contracts involving an expenditure of more than \$35,000 will be awarded only after responsible bids have been received in response to a public advertisement soliciting formal bids. Similar procurements to be made in a fiscal year will be grouped together for the purpose of determining whether a particular item must be bid.

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.

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;

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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 an 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.

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.

WEST BABYLON
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]20,000 and public work contracts involving an expenditure of more than \$35,000 will be awarded only after responsible bids have been received in response to a public advertisement soliciting formal bids. Similar procurements to be made in a fiscal year will be grouped together for the purpose of determining whether a particular item must be bid.

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

1. The district will first determine if the proposed procurement is a purchase contract or a contract for public work.
2. If the procurement is either a purchase contract or a contract for public work, the district will then determine whether the amount of the 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

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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.

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

6700-R (cont'd)

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.

IV. 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]20,000 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.

V. Quotes When Competitive Bidding Not Required

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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] 1,000 – When not feasible to purchase as per paragraph “a” above, no quotations shall be required.

For purchases between \$[500] 1,000 and \$[1,000] 2,000 – 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] 2,000 and \$[10]20,000 – 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]20,000 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

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school year will exceed \$[500] 1,000, 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] *five* 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

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 _____

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

WEST BABYLON

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

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:

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:

**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] Statements of Residents re: other district items (15 minutes - limited to 3 minutes per speaker)
- 19] 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 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 BDDB

Adopted: 12/08/2009
Revised: 6/28/11

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:

WEST BABYLON

UNSAFE SCHOOL TRANSFER CHOICE

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

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

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

Notification of Transfer Rights

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

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

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

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

Procedures for Transfer

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

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

WEST BABYLON

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

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.

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:

IDLING PROHIBITION 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*

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:

FACILITIES DEVELOPMENT GOALS

In meeting its goals of high quality education and fiscal responsibility, the Board of Education will strive to develop district facilities in a manner that addresses economic concerns, quality education needs, safety, durability, maintenance, insurance and flexibility.

Accordingly, the Board establishes the following broad goals for facilities development:

- 1. Integrate facilities planning with other aspects of district planning in a comprehensive program designed to support the Board's educational philosophy and instructional goals.*
- 2. Address state learning standards and student educational needs in developing educational specifications for school buildings.*
- 3. Design facilities for sufficient flexibility to permit program modification or the introduction of new programs.*
- 4. Involve the community, district staff and experts in facilities development.*
- 5. Design economically feasible facilities that will lend themselves to low maintenance costs and the conservation of energy and that meet student educational and disability needs.*
- 6. Seek all possible mechanisms for financing school facilities.*
- 7. Provide adequate school space to accommodate future improvements in educational programs and services.*
- 8. Consider the adaptability of school facilities for community use.*

The Superintendent of Schools or his/her designee shall be responsible for establishing procedures to implement these goals and shall provide a status report to the board on a monthly basis.

Cross Ref: *8110, School Building Safety*

Ref: *8 NYCRR 14.1 (School Buildings and Grounds General Requirements)*
8 NYCRR 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, on the website, 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

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:

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:

ACCIDENT PREVENTION AND SAFETY PROCEDURES

The Board of Education seeks to ensure the safety of students and employees of the district while on district property.

The Board and Administrative staff, in cooperation with students and employees, will take reasonable measures to prevent accidents on the school premises, including the following:

- 1. immediately report any conditions involving equipment or buildings which may be dangerous to student or employee health or welfare;*
- 2. immediately report any unsafe practices by anyone in the building or on the grounds;*
- 3. [ride bicycles only on the roadways, not on the sidewalks] Observe New York State bicycle laws when operating a bicycle. Bicycles are to be parked in the rack provided by the school. Pleasure riding on the school grounds is prohibited during school hours; and*
- 4. observe the 15 mile per hour speed limit on school grounds.*

Formal objective investigations of all accidents are to be immediately conducted by the Building Principal and the results of the investigation are to be presented to the Superintendent of Schools in a written report. The results of selected investigations should be communicated to employees and students for the purpose of determining how the accident might have been avoided.

Eye Safety Program

State law mandates that eye safety devices be worn by all visitors, students, and teachers whenever they are participating in or observing an instructional or experimental program in a shop, laboratory, or class involving the following:

- 1] Hot solids, liquids or molten metals*
- 2] Milling, sawing, turning, shaping, cutting or stamping of any solid materials*
- 3] Heat treatment, tempering or kiln-firing of any metal or other materials*
- 4] Gas or electric arc welding*
- 5] Repair or servicing of any vehicle*
- 6] Caustic or explosive chemicals or materials*

Ref: *Education Law §§409; 409-a; 409-c; 3212-a*
Labor Law §§27; 27-a
8 NYCRR §§141.10; 155.3

Adoption date:

Replaces former policy GBB

SCHOOL SAFETY PLANS AND TEAMS

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

Taken together, the district and building plans shall provide a comprehensive approach to addressing school safety and violence prevention, and provide the structure where all individuals can fully understand their roles and responsibilities for promoting the safety of the entire school community. The plans shall be designed to prevent or minimize the effects of serious violent incidents and emergencies and to facilitate the district's coordination with local and county resources. The plans shall also address risk reduction/prevention, response and recovery with respect to a variety of emergencies and violent incidents in district schools.

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

Comprehensive district-wide school safety team and plan

The Board will appoint a district-wide school safety team that includes, but is not be limited to, a representative from the Board, student, teacher, administrator, and parent organizations, school safety personnel and other school personnel. This team shall be responsible for the development and review of a comprehensive district-wide school safety plan. The plan shall cover all district school buildings and shall address crisis intervention, emergency response and management at the district level. It shall include all those elements required by law and regulation.

A copy of the plan shall be available in the district offices for inspection by the public.

Building-level emergency response teams and plans

Each Building Principal shall be responsible for appointing a school safety team that includes representation from teachers, administrators, parent organizations, school safety personnel, other school personnel, local law enforcement officials, local ambulance and other emergency response agencies.

The school safety team shall be responsible for the development and review of a building-level emergency response plan for each district building. The plan(s) shall address communication, emergency response, and evacuation at the building level and shall include all procedures required by law and regulation.

Within each building, the school safety team shall designate:

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

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

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

Team Appointments

The members of all district and building-level teams shall be appointed on an annual basis. In appointing team members, the Board and the Building Principal will make an effort to include other persons beyond those groups identified in law and policy who can contribute to ensuring continuity among the plans.

Annual Review and Report

Each plan shall be reviewed by the appropriate school safety team by July 1st every year and updated as needed. Each team shall submit a report to the Board annually stating that it has reviewed the plans and setting forth its recommendations for revisions, if any, to the plan. In conducting the review, the building-level teams shall consider any changes in personnel, local conditions and other factors including an evaluation of the results of the annual test of the emergency response procedures which may necessitate updating of plans.

The Superintendent of Schools shall be responsible for filing the district-level school safety plan and any amendments to the plan with the Commissioner within 30 days after their adoption. Each Building Principal shall be responsible for filing the building-level safety plan for his or her building and any amendments to the plan with the appropriate local law enforcement agency and the state police within 30 days after their adoption.

Cross-Ref: 5300, Code of Conduct
 8121, Accident Prevention and Safety Procedures

Ref: *Education Law §2801-a (school safety plans)*
 Executive Law §2B (state and local natural and manmade disaster preparedness)
 8 NYCRR Part 155 (Educational Facilities)
 New York State School Safety Guide, issued jointly by the New York State Education Department, New York State Police, New York State Office of Homeland Security and New York State Emergency Management Office, September 2007

Adoption date:

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:

USE OF CREDIT CARDS

The Board of Education permits the [use] issuance of a district credit card[s] [by certain school officials and Board members] to the Superintendent to pay for actual and necessary expenses incurred in the performance of work-related duties for the district. [A list those individuals that will be issued a district credit card will be maintained in the Business Office and reported to the Board each year at its re-organizational meeting in July.] The [All] credit card[s] will be in the name of the Superintendent and the school district.

[The district shall establish a credit line not to exceed \$_____ (e.g. \$2,500) for each card issued and an aggregate credit limit of \$_____ (e.g., \$25,000) for all cards issued to the district.]

The Board shall ensure [that the credit card is secured through an RFP process and the relationship between the district and the credit card company is such] that the district preserves its right to refuse to pay any claim or portion thereof that is not expressly authorized, does not constitute a proper district charge, or supersedes any laws, rules, regulations, or policies otherwise applicable. In addition, the Board will ensure that no claim shall be paid unless an itemized voucher approved by the officer whose action gave rise or origin to the claim, shall have been presented to the Board and shall have been audited and allowed.

Credit cards may only be used for legitimate school district business expenditures. The use of credit cards is not intended to circumvent the district's policy on purchasing.

The User[s] must take proper care of the[se] credit card[s] and take all reasonable precautions against damage, loss, or theft. Any damage, loss, or theft must be reported immediately to the Business Office and to the appropriate financial institution. Failure to take proper care of credit card[s] or failure to report damage, loss or theft may subject the employee to financial liability.

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

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

[The Superintendent of Schools, in consultation with] The Executive Director for Finance and Operations shall establish regulations governing the issuance and use of the credit card[s]. The [Each] cardholder shall be apprised of the procedures governing the use of the credit card and a copy of this policy and accompanying regulations shall be given to each cardholder.

The Executive Director for Finance and Operations shall periodically, but no less than twice a year, monitor the use of [each] the credit card and report any serious problems and/or discrepancies directly to the Superintendent and the Board.

Cross-ref: 6700, Purchasing

6830, Expense Reimbursement

Ref: Education Law §§1724(1); 2524(1) (itemized, audited, and approved vouchers required)
Opns. St. Compt. No. 79-202 (use of multi-purpose credit cards by municipal employees)
Opns. St. Compt. No. 79-494, Opns. St. Compt. No. 78-897 (gas credit cards)

Adoption date:

COMPUTER RESOURCES AND DATA MANAGEMENT

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

General Provisions

The Superintendent shall be responsible for designating a Coordinator of K-12 Student Data and Instructional Technology who will oversee the use of district computer resources. The Coordinator of K-12 Student Data and Instructional Technology will prepare in-service programs for the training and development of district staff in computer skills, appropriate use of computers and for the incorporation of computer use in subject areas.

The Superintendent, working in conjunction with the designated purchasing agent for the district, and the Coordinator of K-12 Student Data and Instructional Technology, will be responsible for the purchase and distribution of computer software and hardware throughout the schools. They shall prepare and submit for the Board's approval a comprehensive multi-year technology plan which shall be revised as necessary to reflect changing technology and/or district needs.

The Superintendent, working with the Coordinator of K-12 Student Data and Instructional Technology, shall establish regulations governing the use and security of the district's computer resources. The security and integrity of the district computer network and data is a serious concern to the Board and the district will make every reasonable effort to maintain the security of the system. All users of the district's computer resources shall comply with this policy and regulation, as well as the district's computer use policy (4526). Failure to comply may result in disciplinary action, as well as suspension and/or revocation of computer access privileges.

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

Management of Computer Records

The Board recognizes that since district data is managed by computer, it is critical to exercise appropriate control over computer records, including financial, personnel and student information. The Superintendent, working with the Coordinator of K-12 Student Data and Instructional Technology and the district's Executive Director for Finance and Operations, shall establish procedures governing management of computer records. The procedures will address:

- *passwords,*
- *system administration,*
- *separation of duties,*
- *remote access,*
- *data back-up (including archiving of e-mail),*
- *record retention, and*
- *disaster recovery plans.*

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Review and Dissemination

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

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

Adoption date:

COMPUTER RESOURCES AND DATA MANAGEMENT REGULATION

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

I. Administration

- *The Superintendent of Schools shall designate a 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 develop and implement procedures for data back-up and storage. These procedures will facilitate the disaster recovery plan and will comply with the requirements for records retention in compliance with the district's policy on School District Records (1120).*
- *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 (including policy 4526, Computer Use in Instruction) governing use of the district's network.*
- *The Coordinator of K-12 Student Data and Instructional Technology shall take reasonable steps to protect the network from viruses or other software that would comprise the network.*
- *All student and employee agreements to abide by district policy and regulations and parental consent forms shall be kept on file in the district office.*
- *Consistent with applicable internal controls, the Superintendent in conjunction with the Executive Director for Finance and Operations and the Coordinator of K-12 Student Data and Instructional Technology, will ensure the proper segregation of duties in assigning responsibilities for computer resources and data management.*

II. Internet Access

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

- *Employees will be issued an e-mail account through the district's computer network.*
- *Employees are expected to review their e-mail daily.*
- *Communications with parents and/or students should be saved and the district will archive the e-mail records according to procedures developed by the Coordinator of K-12 Student Data and Instructional Technology.*
- *Employees may access the internet for education-related and/or work-related activities.*
- *Employees shall refrain from using computer resources for personal use.*
- *Employees are advised that they must not have an expectation of privacy in the use of the district's computers.*
- *Use of computer resources in ways that violate the acceptable use and conduct regulation, outlined below, will be subject to discipline.*

8630-R (cont'd)

III. Acceptable Use and Conduct

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

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- *Access to the district's computer network is provided solely for educational and/or research purposes and management of district operations consistent with the district's mission and goals.*
- *Use of the district's computer network is a privilege, not a right. Inappropriate use may result in the suspension or revocation of that privilege.*
- *Each individual in whose name an access account is issued is responsible at all times for its proper use.*
- *All network users will be issued a login name and password. Passwords must be changed periodically.*
- *Only those network users with permission from the principal or 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 language, vulgarities and swear words are all inappropriate.*
- *Network users identifying a security problem on the district's network must notify appropriate staff. Any network user identified as a security risk or having a history of violations of district computer use guidelines may be denied access to the district's network.*

IV. Prohibited Activity and Uses

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

- *Using the network for commercial activity, including advertising.*
 - *Infringing on any copyrights or other intellectual property rights, including copying, installing, receiving, transmitting or making available any copyrighted software on the district computer network.*
 - *Using the network to receive, transmit or make available to others obscene, offensive, or sexually explicit material.*
 - *Using the network to receive, transmit or make available to others messages that are racist, sexist, abusive or harassing to others.*
 - *Use of another's account or password.*
 - *Attempting to read, delete, copy or modify the electronic mail (e-mail) of other system users.*
 - *Forging or attempting to forge e-mail messages.*
 - *Engaging in vandalism. Vandalism is defined as any malicious attempt to harm or destroy district equipment or materials, data of another user of the district's network or of any of the entities or other networks that are connected to the Internet. This includes, but is not limited to, creating and/or placing a computer virus on the network.*
 - *Using the network to send anonymous messages or files.*
 - *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.*
- 8630-R (cont'd)**
- *Installing personal software or using personal disks on the district's computers and/or network without the permission of the appropriate district official or employee.*
 - *Using district computing resources for fraudulent purposes or financial gain.*
 - *Stealing data, equipment or intellectual property.*
 - *Gaining or seeking to gain unauthorized access to any files, resources, or computer or phone systems, or vandalize the data of another user.*
 - *Wastefully using finite district resources.*

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- *Changing or exceeding resource quotas as set by the district without the permission of the appropriate district official or employee.*
- *Using the network while your access privileges are suspended or revoked.*
- *Using the network in a fashion inconsistent with directions from teachers and other staff and generally accepted network etiquette.*

V. No Privacy Guarantee

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

VI. Sanctions

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

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

VII. District Responsibilities

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

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

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.

Adoption date:

INFORMATION SECURITY BREACH AND NOTIFICATION

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

- *Identify and/or define the types of private information that is to be kept secure. For purposes of this policy, "private information" does not include information that can lawfully be made available to the general public pursuant to federal or state law or regulation;*
- *Include procedures to identify any breaches of security that result in the release of private information; and*
- *Include procedures to notify persons affected by the security breach as required by law.*

Additionally, pursuant to Labor Law §203-d, the district will not communicate employee "personal identifying information" to the general public. This includes social security number, home address or telephone number, personal electronic email address, Internet identification name or password, parent's surname prior to marriage, or driver's license number. In addition, the district will protect employee social security numbers in that such numbers shall not: be publicly posted or displayed, be printed on any ID badge, card or time card, be placed in files with unrestricted access, or be used for occupational licensing purposes. Employees with access to such information shall be notified of these prohibitions and their obligations.

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

Ref: *State Technology Law §§201-208*
Labor Law §203-d

Replaces former policy GBLB

Adoption date:

INFORMATION SECURITY BREACH AND NOTIFICATION REGULATION**Definitions**

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

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

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

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

To successfully implement this policy, the district shall inventory its computer programs and electronic files to determine the types of personal, private information that is maintained or used by the district, and review the safeguards in effect to secure and protect that information.

Procedure for Identifying Security Breaches

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

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

Security Breaches – Procedures and Methods for Notification

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

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

The district shall consult with the New York State Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) to determine the scope of the breach and restoration measures.

2. *If the breach involved computer data maintained by the district, the district shall notify the owner or licensee of the information of the breach immediately following discovery, if the private*

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information was or is reasonably believed to have been acquired by a person without valid authorization.

8635-R (cont'd)

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

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

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

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

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

Notification of State and Other Agencies

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

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

Adoption date:

PERSONNEL GOALS

The Board of Education recognizes that the school district's central goal – the education of children – is wholly dependent on the dedication and work provided by the school district's employees. The Board seeks to develop and implement personnel policies that will allow and enhance the ability of staff to educate children.

The specific goals that will guide the Board as it develops personnel policies, within the resources available and budgetary appropriations, are:

- 1. to recruit, select and employ the best qualified personnel;*
- 2. to provide staff compensation and benefits sufficient to attract and retain qualified employees;*
- 3. to provide an in-service training program, where appropriate, for all employees, which fosters improved performance and increased rates of staff retention and promotion;*
- 4. to conduct an employee evaluation program that will contribute to the continuous improvement of staff performance;*
- 5. to assign personnel so as to ensure they are utilized as effectively as possible; and,*
- 6. to develop the quality of human relationships necessary to obtain maximum staff performance and satisfaction.*
- 7. to promote positive labor relations through collaborative problem-solving and open communication;*
- 8. to outline clear and high expectations for all;*
- 9. to ensure a safe and professional work environment that emphasizes mutual respect and maximizes employee effectiveness;*
- 10. to provide employment-related resources and information to employees with an emphasis on timely responsiveness and service.*

Although the Board is the employer of all staff in the district, the Board recognizes that the Taylor Law requires the district to negotiate in good faith with recognized or certified employee organizations over wages, hours, and all other terms and conditions of employment as defined by the Taylor Law or as interpreted by the Public Employment Relations Board. The school district will fully comply with the requirements of the Taylor Law.

All other employees in the district who are not represented by a recognized or certified employee organization will receive fair compensation and benefits for the work they provide.

In return for the compensation and benefits provided to district staff, the Board expects employees to render the quality of service that enables children to learn at the highest level possible and seek continuous improvement in the service they provide.

Ref: *Education Law §§ 1604(8), 1709(16), 2503(3), 2554(2), 3012(1)(a) (Board's authority to hire employees)*

Education Law § 3012(2) (Board's authority to grant tenure to teachers)

Civil Service Law § 204 ("Taylor Law" requires school district to negotiate with unions)

8 NYCRR § 100.2(o)(2) (school district required to evaluate teachers)

8 NYCRR § 100.2(dd)(2)(ii)(a) (school district required to provide professional development)

Cross-ref: *0100, Equal Opportunity*

Replaces in whole or in part former policy GA

WEST BABYLON

Adoption date:

CONFLICT OF INTEREST

The Board of Education is committed to avoiding any situation in which the existence of simultaneous, conflicting interests in any officer or employee may call into question the integrity of the management or operation of the school district. Therefore:

No person employed by the district shall hire, supervise, evaluate, promote, review or discipline any other employee who is a member of the same family. In the event that marriage, promotion, or reorganization results in a situation not in compliance with this policy, reassignment or transfer will be effected, in accordance with the applicable provisions of any collective bargaining agreement, to correct the situation.

No person employed by the district shall negotiate or execute any contract on behalf of the district for the purchase, sale or lease of real or personal property, services of any nature, nor for insurance without first having determined the common price for such property, services or insurance, or requesting bids from all potential providers of such property, services or insurance.

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

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

Knowing or willful violation of this policy by any employee may result in disciplinary action up to and including dismissal.

Any officer, employee or member of the public noting or suspecting a violation of this policy is encouraged to bring the matter, either in confidence or in public, to the Board or the Superintendent of Schools.

Cross-ref: 2160, School District Officer and Employee Code of Ethics

Ref: Education Law §§ 410, 3016

General Municipal Law Art. 18, §§ 801-813

Labor Law §201-d

Dykeman v. Symonds, 54 AD2d 159 (4th Dep't 1976)

Adoption date:

MEALS AND REFRESHMENTS

The Board of Education recognizes that, occasionally, it may be appropriate to provide refreshments and/or meals at district meetings or events, which are being held for a district or educational purpose. Any expenditure on such refreshments and/or meals must be approved in advance by the appropriate Building Administrator. Meal requests may be approved when:

- *officers and/or employees of the district will be prevented from taking time off for food consumption due to a pressing need to complete the business at hand;*
- *the district is faced with business of an immediate nature and meetings of district employees are essential at mealtime;*
- *the district wishes to recognize the services provided by volunteers or other unsalaried members of the district (in such cases, however, only the meals of those being recognized may be reimbursed and the cost of the meals must be reasonable).*

An example of an authorized expenditure would be refreshments and/or meals for staff assigned to participate in assessment day grading of standardized tests.

All expenses must be appropriately documented, including the date, purpose of the meeting and the group in attendance, and submitted to the district's Business office for the purposes of audit and possible reimbursement.

Ref: NY Constitution, Art. VIII, §1 (constitutional prohibition against gifts)
Education Law §2118
Ops. St. Compt. 77-667; 79-522; 82-66; 82-213 82-298; 83-57; 98-2

Adoption date:

PROBATION AND TENURE

The Board of Education recognizes the importance of giving proper attention to the process of awarding tenure. The Board establishes the following guidelines.

Tenure areas shall conform to state law and commissioner's regulations. The probationary period for each teacher shall be three years or two years for those who have held a previous tenure appointment.

A tenured teacher who is changed to another position shall retain his/her tenure in the former position until granted tenure in the new position.

Principals shall be granted tenure according to the area occupying the majority of their time.

Tenure Procedures:

The Superintendent shall submit the list of names to the Board of those who are eligible for tenure. The Superintendent shall indicate which individuals are being recommended for tenure from that list. The Board shall make tenure appointments based on the Superintendent's recommendation.

A list of all probationary teachers shall be submitted to the Board each and every year of their probationary period on Board meeting days set aside solely for the discussion of these personnel. Such meetings shall be held in May and/or October, as appropriate.

Replaces former policy GCG

Ref: *Education Law §§ 1709, 3012, 3031*

Adoption date:

DRUG-FREE WORKPLACE

The Board of Education prohibits the illegal, improper or unauthorized manufacture, distribution, dispensing, possession or use of any controlled substances in the workplace. "Workplace" shall mean any site on school grounds, at school-sponsored activities, or any place in which an employee is working within the scope of his/her employment or duties. "Controlled substances" shall include all drugs which are banned or controlled under federal or state law, including those for which a physician's prescription is required, as well as any other chemical substance which is deliberately ingested to produce psychological or physiological effects, other than accepted foods or beverages.

The Superintendent of Schools or his/her designee shall implement related regulations which outline the requirements of the federal Drug-Free Workplace Act of 1988.

Ref: *Drug-Free Workplace Act (DFWA), 41 U.S.C. §§702-707*
Controlled Substances Act, 21 U.S.C. §812
21 CFR §§1300.11-1300.15
34 CFR Part 85 (U.S. Dept. of Ed. Regulations under the DFWA)
Civil Service Law §75
Education Law §3020-a
Patchogue-Medford Congress of Teachers v. Board of Education,
70 NY2d 57 (1987)

Replaces former policy GBEDA

Adoption date:

DRUG-FREE WORKPLACE REGULATION

1. *The Superintendent of Schools shall certify to any federal agency making a direct grant to the district that the district will provide a drug-free workplace, in accordance with the Drug-Free Workplace Act of 1988.*
2. *The Superintendent or his/her designee shall establish a drug-free awareness program to inform employees about:*
 - a. *the dangers of drug abuse in the workplace;*
 - b. *the district's policy of maintaining a drug-free workplace;*
 - c. *any available drug counseling, rehabilitation, and employee assistance programs; and*
 - d. *the penalties that may be imposed upon employees for drug abuse violations.*
3. *The Superintendent or his/her designee shall publish a statement notifying district employees that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace (as defined by district policy). The statement shall specify the actions that will be taken against employees for violations of such prohibition. Each employee shall receive a copy of this statement and the Drug-Free Workplace Act of 1988.*
4. *Each employee, as a condition of employment on any direct federal grant, shall:*
 - a. *abide by the terms of the statement; and*
 - b. *notify his/her immediate supervisor, who shall notify the Superintendent, of any criminal drug statute conviction for a violation occurring in the workplace within five (5) days of such conviction.*
5. *The Superintendent shall notify the Board of Education of any such conviction(s), and shall notify the granting agency within 10 days after receiving notice of such conviction(s) from any source.*
6. *Within 30 days of such conviction(s), the district shall initiate appropriate disciplinary action against any employee so convicted in the manner provided for by law, up to and including dismissal, and/or require his/her satisfactory participation in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement or other appropriate agency.*
7. *The district shall make a "good faith effort" to continue to maintain a drug-free workplace through implementation of these regulations.*

Promulgated:

COMPENSATION AND BENEFITS REGULATION
EMPLOYMENT STATUS DETERMINATION

When making a determination as to whether an individual should be classified as an employee or an independent contractor for purposes of receiving district compensation and benefits, and specifically for reporting to the New York State Employees Retirement System and the New York State Teachers Retirement System, the district shall utilize the factors listed in the Comptroller's Regulations §315.3. Under § 315.2 of those regulations, the following definitions apply:

- a. *Employee means an individual performing services for the district for which the district has the right to control the means and methods of what work will be done and how the work will be done.*
- b. *Independent Contractor means a consultant or other individual engaged to achieve a certain result who is not subject to the direction of the district as to the means and methods of accomplishing the result.*

I. Employees

The following factors shall support a conclusion that an individual is an employee rather than an independent contractor:

- a. *The district controls, supervises or directs the individual performing the services, not only as to result but as to how assigned tasks are to be performed;*
- b. *The individual reports to a certain person or department at the beginning or during each work day;*
- c. *The individual receives instructions as to what work to perform each day;*
- d. *The individual's decisions are subject to review by the district;*
- e. *The district sets hours to be worked;*
- f. *The individual works at established and fixed hours;*
- g. *The district maintains time records for the individual;*
- h. *The district has established a formal job description;*
- i. *The Board of Education formally created the position with the approval of the local civil service commission where necessary;*
- j. *The district prepares performance evaluations;*
- k. *The district requires that the individual attend training;*
- l. *The district provides permanent workspace and facilities (including, but not limited to, office, furniture and/or utilities);*
- m. *The district provides the individual with equipment and support services (including, but not limited to, computer, telephone, supplies and/or clerical assistance);*
- n. *The individual is covered by a contract negotiated between a collective bargaining unit and the district;*
- o. *The individual is paid salary or wages through the district's payroll system;*
- p. *Tax withholding and employee benefit deductions are made from the individual's paycheck; and*
- q. *The individual is entitled to fringe benefits (including, but not limited to, vacation, sick leave, personal leave, health insurance and/or grievance procedures).*

II. Independent Contractor

The following factors shall support a conclusion that an individual is an independent contractor rather than an: employee

WEST BABYLON

- a. *The individual has a personal employment contract with the district;*

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- b. *The district pays the individual for the performance of services through the submission of a voucher;*
c. *The individual is authorized to hire others, at the expense of the individual or a third party, to assist the individual in performing work for the district;*
d. *The individual provides similar services to the public;*
e. *The individual is concurrently performing substantially the same services for other public employers; and*
f. *The individual is also employed or associated with another entity that provides services to the district by contract, retainer or other agreement.*

When an individual is providing services to the district in the capacity of attorney, physician, engineer, architect, accountant or auditor, and is also a partner, associate (including an attorney in an “of counsel” relationship), or employee of another organization or entity that has a contract, retainer or other agreement to provide professional services to the district, it shall be presumed that the individual is an independent contractor and not an employee of the district.

Adoption date:

CHILD ABUSE IN AN EDUCATIONAL SETTING

The Board of Education recognizes that children have the right to an educational setting that does not threaten their physical and emotional health and development. Child abuse by school personnel and school volunteers violates this right and therefore is strictly prohibited.

Allegations of child abuse by school personnel and school volunteers shall be reported in accordance with the requirements of Article 23-B of the Education Law.

Required Reporters

Any person holding any of the following positions shall be required to promptly report written and oral allegations of child abuse in an educational setting:

- *school administrator*
- *teacher*
- *school nurse*
- *school guidance counselor*
- *school psychologist*
- *school social worker*
- *other school personnel required to hold a teaching or administrative license or certificate*
- *school board member*

For purposes of this policy, persons holding these positions shall be referred to as “required reporters.”

All other employees should report incidents to the “required reporters”.

Definitions

“Educational setting” means the buildings and grounds of the district, the vehicles provided by the district to transport students to and from school buildings, field trips, co-curricular and extra-curricular activities both on and off school district grounds, all co-curricular and extra-curricular activity sites, and any other location where direct contact between an employee and volunteer and a child has allegedly occurred.

“Child” means a person under the age of 21 enrolled in a New York State school district, other than New York City.

“Child abuse” means any one of the following acts committed in an educational setting by an employee or volunteer against a child:

- *intentionally or recklessly inflicting physical injury, serious physical injury or death; or*
- *intentionally or recklessly engaging in conduct that creates a substantial risk of physical injury, serious physical injury or death; or*
- *any child sexual abuse as prohibited by sections 130 or 235 of the Penal Law; or*
- *the commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Article 235 of the Penal Law.*

Reporting Requirements

In any case where a written or oral allegation of child abuse by an employee or volunteer in an educational setting is made to a required reporter, the required reporter shall:

1. promptly complete the required State Education Department report form; and
 2. personally deliver it to the Principal of the school in which the child abuse allegedly occurred.
- If the allegation involves a child who was allegedly abused by an employee or a volunteer of a school in another school district, the required reporter must promptly forward the report form to the Superintendent of the district of attendance and the Superintendent of the school district where the abuse allegedly occurred (if different).*

Upon receiving a written report, the Principal shall determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. In those circumstances where the Superintendent receives the written report directly, he or she will be responsible for making the reasonable suspicion determination.

If the Principal/Superintendent determines there is reasonable suspicion to believe that an act of child abuse has occurred, he or she shall promptly notify the parent of the alleged child victim (assuming that the parent is not the person who originally reported the alleged abuse) that an allegation of child abuse in an educational setting has been made and promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Regulations of the Commissioner of Education.

If the person making the allegation of abuse is someone other than the child or the child's parent, the Principal/Superintendent shall contact the person making the report to learn the source and basis for the allegation.

The Principal shall also promptly provide a copy of the written report to the Superintendent and send a copy to the appropriate law enforcement authorities. In no event shall the Principal delay in sending the report to law enforcement because of an inability to contact the Superintendent.

The Superintendent shall send to the Commissioner of Education any written report forwarded to the local law enforcement authorities where the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by the department.

Rights of Employees and Volunteers

Any employee or volunteer against whom an allegation of child abuse has been made and against whom the district intends to take adverse action shall be entitled to receive a copy of the report and to respond to the allegations. In addition, such persons are entitled to seek disclosure of reports involving them under the Freedom of Information Law.

Confidentiality

All reports, photographs, and other written material submitted pursuant to this policy and Article 23-B of the Education Law 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 Principal and Superintendent shall exercise reasonable care to prevent unauthorized disclosure.

Willful disclosure of a written record required to be kept confidential to a person not authorized to receive or review such record is a class A misdemeanor.

Penalties

Willful failure of an employee to prepare and submit a written report of alleged child abuse required by Article 23-B of the Education Law shall be a class A misdemeanor.

Willful failure of any Principal or Superintendent to submit a written report of alleged child abuse to an appropriate law enforcement authority, as required by Article 23-B of the Education Law, shall be a class A misdemeanor. In addition, the Commissioner of Education may, following an administrative determination, impose a civil penalty of up to five thousand dollars on any administrator who fails to submit a report of child abuse to an appropriate law enforcement authority.

The law further prohibits any Principal or Superintendent from agreeing to withhold from the appropriate law enforcement authorities, a superintendent or the Commissioner of Education, where appropriate, an allegation of child abuse in an educational setting on the part of any employee or volunteer as required by law, in return for the resignation or voluntary suspension of the alleged perpetrator. Violation of this prohibition can result in a class E felony charge and a civil penalty of up to \$20,000.

Record Retention

Any report of child abuse by an employee or volunteer that does not result in a criminal conviction shall be expunged from the records kept by the district with respect to the subject of the report after five years from the date the report was made.

Training

The Superintendent shall be responsible for establishing and implementing on an ongoing basis a training program for all current and new required reporters on the procedures required under Article 23-B. The program shall include at a minimum all the elements specified in Commissioner's regulations.

Ref: Education Law §§1125-1133

Penal Law §§130, 235, 263

8 NYCRR §100.2 (hh) (Reporting of Child Abuse in an Educational Setting)

Appeal of S.S., 42 EDR 273 (2003)

Adoption date:

**CHILD ABUSE IN AN EDUCATIONAL SETTING EXHIBIT -
CONFIDENTIAL REPORT OF ALLEGATION**

SUBJECT CHILD	PARENT OF SUBJECT CHILD
Name _____ Last First MI Address _____ _____ School _____ Grade _____ Sex (M, F, Unknown) _____ Age or Birthday (Mo/Day/Yr) _____ _____	Name _____ Address (if different) _____ _____

SOURCE OF ALLEGATION (Check as Appropriate)

Child
 Parent
 Other – Name _____ Relationship to Child (if any) _____

ALLEGED PERPETRATOR (EMPLOYEE OR VOLUNTEER)

Name _____ School District _____

School Building _____ School Position _____

SPECIFIC ALLEGATION

Use this space to provide information to describe or explain the circumstances surrounding the allegation. (attach additional sheets if necessary)

REPORTER INFORMATION

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Name _____ School District _____
 School Address _____ School Telephone _____
 Relationship to Child (if any) _____
 Teacher School Guidance Counselor School Nurse School Psychologist
 Administrator School Board Member School Social Worker
 School personnel required to hold teaching or administrator license or certification
 Date Submitted to Administrator ____/____/____/
 Signature _____

FOR ADMINISTRATOR USE ONLY	FOR SUPERINTENDENT OF SCHOOL USE ONLY
Reasonable Suspicion ____ Yes ____ No	Reasonable Suspicion ____ Yes ____ No
Date Submitted to Superintendent ____/____/____ Name/Signature _____ _____ Date Submitted to Law Enforcement ____/____/____ Name/Signature _____ _____	Date Submitted to Law Enforcement ____/____/____ Name/Signature _____ _____ Date Submitted to Commissioner ____/____/____ Name/Signature _____ _____

Child Abuse in an Educational Setting Definitions*Definitions contained in §1125 of Article 23-B, Title I of the Education Law*

1. *“Child abuse” shall mean any of the following acts committed in an educational setting by an employee or volunteer against a child:*
 - a. *intentionally or recklessly inflicting physical injury, serious physical injury or death, or*
 - b. *intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death, or*
 - c. *any child sexual abuse as defined in this section, or*
 - d. *the commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Article 235 of the Penal Law.*
2. *“Child” shall mean a person under the age of 21 years enrolled in a school district in this State, other than a school district within a city having a population of one million or more.*
3. *“Employee” shall mean any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the social services law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.*
4. *“Volunteer” shall mean any person, other than an employee, who provides services to a school or school district, which involve direct student contact.*
5. *“Educational setting” shall mean the building and grounds of a public school district, the vehicles provided by the school district for the transportation of students to and from school buildings, field trips, co-curricular and extra-curricular activities, both on and off school district grounds, all co-curricular and extra-curricular activity sites, and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.*
6. *“Administrator” or “school administrator” shall mean a principal of a public school, charter school or board of cooperative educational services, or other chief school officer.*
7. *“Law enforcement authorities” shall mean a municipal police department, sheriff’s department, the division of state police and/or any officer thereof. Notwithstanding any other provision of law, law enforcement authorities shall not include any child protective service or society for the prevention of cruelty to children as such terms are defined in section four hundred twenty-three of the social services law.*
8. *“Parent” shall mean either or both of a child’s parents or other persons legally responsible for the child.*
9. *“Child sexual abuse” shall mean conduct prohibited by article one hundred thirty or two hundred sixty-three of the penal law.*

Adoption date:

***CHILD ABUSE IN AN EDUCATIONAL SETTING EXHIBIT -
NOTICE/REPORTING REQUIREMENTS***

Duties of Employees

The law imposes reporting requirements on teachers, administrators, school nurses, school guidance counselors, school psychologists, school social workers, school board members and all other school personnel required to hold a teaching or administrative license or certificate. When these employees receive an allegation of child abuse by an employee or volunteer in an educational setting, they must take the following steps:

- a. Upon receipt of an oral or written allegation of child abuse in an educational setting, the employee must promptly complete the “Child Abuse in an Educational Setting” report form (attached).*
- b. Upon completion of the report form, the employee must personally deliver it to the school building administrator of the school in which the child abuse allegedly occurred.*
- c. If the allegation(s) involves a child who was allegedly abused by an employee or a volunteer of a school in another school district, the employee must promptly forward the report form to the superintendent of schools of the school district of attendance and the school district where the abuse allegedly occurred.*

Duties of School Building Administrators

In all cases, upon receipt of a report form, the school building administrator must review the form and determine if there is reasonable suspicion to believe that an act of child abuse, as defined by law, has occurred. If he or she finds reasonable suspicion to believe that an act of child abuse has occurred, additional steps must be taken which differ depending upon the individual who has made the allegation.

Child makes the Allegation

- a. Promptly notify the parent of the child that an allegation of child abuse in an educational setting has been made.*
- b. Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner’s regulations (8 NYCRR §100.2(hh)).*
- c. Promptly provide a copy of the completed report form to the superintendent.*
- d. Promptly forward a copy of the completed report form to the appropriate law enforcement authorities. The report to law enforcement may not be delayed by reason of inability to contact the superintendent.*

Parent Makes the Allegation

- a. Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner’s regulations (8 NYCRR §100.2(hh)).*
- b. Promptly provide a copy of the completed report form to the superintendent.*
- c. Promptly forward a copy of the completed report form to the appropriate law enforcement authorities. The report to law enforcement may not be delayed by reason of inability to contact the superintendent.*

Person other than the Parent or the Child Makes the Allegation

- a. Promptly notify the parent of the child that an allegation of child abuse in an educational setting has been made.*

9620-E.2 (cont’d)

- b. Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner’s regulations (8 NYCRR §100.2(hh)).*
- c. Ascertain from the reporting employee the source and basis for the allegation and complete that portion of the report form.*
- d. Promptly provide a copy of the completed report form to the superintendent.*

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- e. *Promptly forward a copy of the completed report form to appropriate law enforcement authorities. The report to law enforcement may not be delayed by reason of inability to contact the superintendent.*

Duties of Superintendents

In most cases, the school building administrator will receive the completed report form from an employee and make the reasonable suspicion determination. However, there are situations in which the superintendent will receive the report form directly and he or she will be responsible for making the reasonable suspicion determination such as:

- a. *Where the school building administrator receives the oral or written allegation and is required to complete the report form;*
- b. *Where it is alleged that a child was abused by an employee or volunteer of a school other than a school within the school district where the child attends.*

In addition, a superintendent may receive an oral or written allegation of child abuse in an educational setting from local law enforcement officials or from child protective services. In these cases, the superintendent would be responsible for completing the report form and, subsequently, making the reasonable suspicion determination.

If the superintendent finds reasonable suspicion to believe that an act of child abuse has occurred, as defined by law, additional steps must be taken which differ depending on the individual who has made the allegation.

Child makes the Allegation

- a. *Promptly notify the parent of the child that an allegation of child abuse in an educational setting has been made.*
- b. *Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner's regulations (8 NYCRR §100.2(hh)).*
- c. *Promptly forward a copy of the completed report form to the appropriate law enforcement authorities.*

Parent Makes the Allegation

- a. *Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner's regulations (8 NYCRR §100.2(hh)).*
- b. *Promptly forward a copy of the completed report form to the appropriate law enforcement authorities.*

Person other than the Parent or the Child Makes the Allegation

- a. *Promptly notify the parent of the child that an allegation of child abuse in an educational setting has been made.*
- b. *Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner's regulations (8 NYCRR §100.2(hh)).*
- c. *Ascertain from the reporting employee the source and basis for the allegation and complete that portion of the form.*

9620-E.2 (cont'd)

- d. *Promptly forward a copy of the completed report form to the appropriate law enforcement authorities.*
- e. *In all cases where a completed report is forwarded to the appropriate law enforcement authorities and the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by the Department, the superintendent must also refer such report to the Commissioner of Education.*

Expungement

A report that does not, after investigation, result in a criminal conviction shall be expunged from any record which may be kept by a school or school district with respect to the subject of such a report after a period of five years from the date of the making of such report or at such earlier time as such school or school district determines.

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Penalty Provisions

The requirements set forth within the law are mandatory. Willful failure of an employee to prepare and submit a report form as required by the law is a Class A misdemeanor. The law also provides that a willful failure of a school building administrator or superintendent to forward a copy of the report form to the appropriate law enforcement authority is a Class A misdemeanor. In addition, the Commissioner of Education can also fine a school building administrator or a superintendent up to \$5,000 for failure to forward a copy of the completed report form to the appropriate law enforcement authorities.

Immunity Provisions

The law provides immunity from civil liability for employees, volunteers, school building administrators and superintendents who reasonably and in good faith make a report of child abuse in an educational setting in the manner described in the law. The law also provides immunity from civil liability to school building administrators and superintendents who reasonably and in good faith forward a copy of the report form to a person or agency as required by law and in the manner described in the law.

Confidentiality of Records

In general, the only persons authorized to receive the written report form and any related materials are the school building administrator and the superintendent. The law requires that all reports, records, photographs and other material submitted remain confidential and may not be disclosed except to law enforcement authorities involved in the criminal investigation of child abuse in an educational setting or as expressly authorized by law or pursuant to a court-ordered subpoena. Willful disclosure of a written record required to be confidential, to a person not authorized to receive or review such record is a class A misdemeanor. The law requires that school building administrators and superintendents exercise reasonable care to prevent unauthorized disclosure.

Duties of District Attorneys

Where a criminal investigation is undertaken in response to a report forwarded to the appropriate law enforcement authorities, the district attorney must notify the superintendent of the school district where the acts of child abuse occurred and the superintendent of the school district where the child attends, if different, of the following:

- *an indictment;*
- *the filing of an accusatory instrument;*
- *the disposition of the criminal case; or,*
- *the suspension or termination of the investigation.*

Where a criminal conviction is obtained for a crime involving child abuse in an educational setting by a licensed or certified school employee, the district attorney is required to notify the

9620-E.2

Commissioner of Education, as well as the superintendent of the school district in which the acts of child abuse occurred and the superintendent of the school district where the child attends, if different.

Duties of the Commissioner of Education

Upon receiving notification of conviction from a district attorney, the Commissioner of Education must begin proceedings against the convicted individual pursuant to Part 83 of the Commissioner's regulations to determine whether the individual possesses good moral character. The determination may result in additional action taken against the individual related to his or her license or certification.

The Commissioner has also issued the attached form that must be used for the recording and transmission of allegations of child abuse in educational settings.

The Commissioner and the Board of Regents also promulgated §100.2(hh)(2), which sets forth the training requirements relating to child abuse in an educational setting.

Unreported Resignations or Voluntary Suspensions

WEST BABYLON

The law prohibits school building administrators or superintendents from agreeing to withhold from the appropriate law enforcement authorities, a superintendent or the Commissioner of Education, where appropriate, an allegation of child abuse in an educational setting on the part of any employee or volunteer as required by law, in return for the resignation or voluntary suspension of the alleged perpetrator. Violation of this prohibition can result in a class E felony charge and a civil penalty of up to \$20,000.

Adoption date:

DISCLOSURE OF WRONGFUL CONDUCT

The Board of Education expects officers and employees of the district to fulfill the public's trust and to conduct themselves in an honorable manner, abiding by all district policies and regulations and by all applicable state and federal laws and regulations.

However, when district officers or employees know or have reasonable cause to believe that serious instances of wrongful conduct have occurred, they should report such wrongful conduct to the Superintendent of Schools or the Board. For purposes of this policy, the term "wrongful conduct" shall be defined to include:

- *theft of district money, property, or resources;*
- *misuse of authority for personal gain or other non-district purpose;*
- *fraud;*
- *violations of applicable federal and state laws and regulations; and/or*
- *serious violations of district policy, regulation, and/or procedure.*

Disclosure and Investigation

Employees and officers who know or have reasonable cause to believe that wrongful conduct has occurred or is occurring shall report such mismanagement, fraud or abuse to the Superintendent or the Board, if the allegation involves the Superintendent. Upon receiving a report of alleged wrongful conduct, the district shall take prompt steps to conduct an investigation.

The Superintendent or other designee (e.g., School Attorney, Independent Auditor, etc.) shall maintain a written record of the allegation, conduct an investigation to ensure that the appropriate unit (e.g., auditors, forensic auditors, police, etc.) investigates the disclosure, and notify the Board when appropriate to do so.

"Whistleblower" Protections

Pursuant to section 75-b of the Civil Service Law, an employee or officer who provides disclosures of wrongful conduct that presents a substantial and specific danger to the public health or safety or which he or she reasonably believes to be true and improper on the part of the Board or the district shall have "whistleblower protection" against retaliation in the nature of adverse action affecting compensation, appointment, promotion, transfer, assignment, reassignment or evaluation of performance.

Pursuant to section 3028-d of the Education Law, an employee who has reasonable cause to suspect that the fiscal practices or actions of an officer or employee of the district violates any local, state, or federal law, rule or regulation relating to the financial practices of the district, and who, in good faith, reports such information to a district official, Office of the State Comptroller, Commissioner of Education or law enforcement authorities shall have immunity from any civil liability that may arise from the making of such report. Further, no district employee or officer may take, request, or cause a retaliatory action against any employee who makes such a report.

Any employee or officer who is concerned that retaliation for providing information regarding wrongful conduct has occurred or is occurring should report this to the Superintendent or the Board.

Dissemination and Review

This policy shall be published in employee handbooks, posted in employee lounges and given to all employees with fiscal accounting and/or money handling responsibilities on an annual basis. The Superintendent of Schools, the Auditor, the School Attorney and others involved in implementing this policy shall meet with the Board once a year to evaluate the effectiveness of this policy and to make appropriate adjustments, if any, to the policy.

Ref: *Civil Service Law §75-b
Education Law §3028-d
Labor Law §740
Garrity v. University at Albany, 301 A.D. 2d 1015 (3rd Dept. 2003)
Matter of Brey v. Bd. of Educ., 245 A.D. 2d (3rd Dept. 1997)*

Adoption date:

STAFF DEVELOPMENT

The Board of Education believes that staff training and development help ensure the success of educational programs and improve the efficiency of the district. Therefore, the district will provide development opportunities to staff to increase their effectiveness and job performance. The Superintendent of Schools shall be responsible for implementing and administering staff development programs for the district's employees.

Administrators

All administrators in the school district will receive appropriate training and professional development in accordance with law, regulation or any applicable collective bargaining agreement. The Superintendent will be responsible for providing such training and development.

Teachers

All teachers will be provided with substantial professional development opportunities directly related to student learning in accordance with any applicable collective bargaining agreement and the district's Professional Development Plan. The plan shall include:

- A needs analysis, goals, objectives, strategies, activities and evaluation standards for professional development in the district and a description of how the district will provide all teachers substantial professional development activities directly related to student learning needs identified in school report cards and other sources.*
- A description of how the professional development provided will align with New York standards and assessments, teacher capacities and student needs, including linguistic, cultural diversity and special needs. Activities must be articulated across grade levels and subject areas and show how they will be provided and measured in a continuous manner.*
- A description of how it will provide teachers holding a professional certificate with opportunities to maintain their certificate in good standing by successfully completing 175 hours of professional development every five years.*
- A mentoring program to provide support for new teachers in order to ease the transition from teacher preparation to practice, thereby increasing retention of teachers in the public schools, and to increase the skills of new teachers in order to improve student achievement.*

The Board shall [establish a Professional Development Team to] review and revise the district's Professional Development Plan annually. [The Board shall appoint members to the team at the first regular Board meeting in September].

The Professional Development Team shall meet on or before October 1. The Superintendent or his/her designee will serve as the chair of the team and will be responsible for ensuring the timely review and revision of the district's Professional Development Plan.

The Professional Development Team will submit any recommended revisions to the Professional Development Plan to the Board by April 1. The Board will consider the recommendations at its first regular meeting thereafter. The Board may accept or reject the recommendations of the team in whole or in part. The Board may also request any additional information or data needed to evaluate the success of the program in achieving its objectives.

Any further changes in the plan must be submitted to the Board by June 1. The Board will consider and act on the revised plan by June 30th. The Board reserves the right to make changes to the revised plan.

Other Professional Staff and Support Staff

The district will provide staff development activities for other professional staff and support staff within the financial constraints of the district budget and in accordance with applicable collective bargaining agreements.

Other Staff Development Opportunities

The Board recognizes that many staff development opportunities are provided through non-school district sources. Within budgetary restraints, district employees may attend conferences, workshops, study councils, in-service courses, summer study grants, school visitations, and other relevant staff development opportunities.

Released time and reimbursement for such activities will be available upon approval of the Superintendent and in accordance with applicable collective bargaining agreements. The Superintendent may establish regulations pursuant to this policy to establish the circumstances under which such released time and reimbursement may be available. Staff members who attend such activities will be required to prepare a report or summary of the activity attended.

Cross-ref: 9420, Staff Evaluation

Ref: Education Law § 3604(8) (Superintendent conference days)
8 NYCRR §100.2(dd) (Professional Development Plans)
8 NYCRR §100.2(o)(2)(iii)(b)(5) (required training on conducting staff evaluations)

Replaces former policy GCL

Adoption date:

ACCOUNTABILITY

The Board of Education acknowledges that it is directly accountable to the community it has been elected to serve, and is committed to engaging in a continuous assessment of all district conditions affecting education.

The Board recognizes that a comprehensive accountability system is necessary to improve the effectiveness of the district's schools by keeping the primary focus on student achievement and on what can and should be done to improve that achievement.

Consistent with its obligations and commitments, the Board will:

- 1. Request regular reports on student progress and needs, based on a variety of assessments to evaluate the quality and equity of education in the district, including instruction, services, and facilities.*
- 2. Evaluate the Superintendent's performance in accordance with policy 0320, Evaluation of the Superintendent.*
- 3. The Board will meet biannually for Self-Evaluation (January and June).*
- 4. Evaluate progress toward the achievement of district long- and short-term goals and ensure that board policies and resources effectively support the district vision.*
- 5. Provide appropriate staff and board training opportunities.*
- 6. Fulfill governance responsibilities as required by state and federal law.*

The Board acknowledges that publicizing the district's progress and performance is important to maintaining the community's trust and support. The Board is committed to keeping the public aware of such progress and performance on a regular basis.

Cross-ref: 0000, Mission and Vision Statements
0310, Board Self-Evaluation
0320, Evaluation of the Superintendent
1000, Community Relations Goals

Adoption date:

BOARD SELF-EVALUATION

The Board of Education is committed to the continuous improvement of the district and its own functioning. Accordingly, the members of the Board shall conduct a biannual evaluation (January and June) to determine the degree to which they are meeting their responsibilities as Board members and the needs of their educational community.

This self-evaluation shall be positive, frank and honest, and shall focus on evaluating the Board as a whole, not as individuals. The self-evaluation shall be based on the goals the Board sets for itself, not on goals it sets for the entire district. The results of the evaluation shall be used to establish priorities for action and specific goals and objectives to strengthen the operation of the Board.

Adoption date:

Replaces in whole or in part former policies AFA and BK

BOARD OPERATIONAL GOALS

The Board of Education, as a legally constituted body of elected representatives, bears the responsibility of setting policy for the school district. The Board acts in accordance with authority and responsibility vested in it by federal and state laws, rules, and regulations on behalf of the district's citizens.

In order to ensure that its educational programs provide all students with a high-quality education, the Board hereby establishes as its goals:

- 1. to work closely with the community to ensure that Board actions and performance take into consideration the concerns and aspirations of the community;*
- 2. to identify the educational and technological needs of the community and industry, and to transform such needs into programs aimed at stimulating students and preparing them for future careers;*
- 3. to employ a Superintendent of Schools capable of ensuring that the district maintains its position as an outstanding school system, and that school personnel carry out the policies of the Board with energy and dedication;*
- 4. to provide leadership in order that goals and objectives of the district, as set forth by the Board, can be effectively carried out. Board action should be confined to policy-making, planning and appraisal with the Board delegating authority to the Superintendent for the implementation of policies; and*
- 5. to evaluate the Board's performance in relation to these goals, and to establish and clarify policies based upon the results of such evaluation.*

The Board shall set annual goals in addition to the aforementioned goals.

Adoption date:

SCHOOL BOARD LEGAL STATUS

The Board of Education is a nine-member Board elected at large by district residents. Each member of the Board serves for three years. The terms of office of Board members shall not all expire in the same year. Board members are responsible for school district management and policy-making.

The legal status of the Board is that of a corporate body established pursuant to the laws of New York State. Any liability of the district is a liability of the Board of Education as a corporation and not that of the members of the Board as individuals.

Members of the Board of Education have legal authority for the conduct of the district schools only when acting as a body in a properly convened session. Board members acting as individuals have no authority over personnel or school affairs.

The Board will not be bound in any way by any individual's statement or action unless the Board, through an adopted policy or by a majority vote of Board membership, has delegated this authority to the individual member.

The Board is entrusted with the responsibility of developing policies under which the district is managed. In addition, the Board has all the powers and duties stated in the Education Law and other applicable New York State law.

Complete and final authority on all district educational matters, except as restricted by law, will be vested in the Board.

Replaces former policies AA & BB

Ref: *Education Law §§1604; 1604-a; 1701; 1702; 1703; 1708; 1709; 1710
1804(1); 2101(2); 2105*

Adoption date:

BOARD MEMBER QUALIFICATIONS

The qualifications of a candidate for the office of member of the Board of Education are that the candidate:

- 1. must be able to read and write;*
- 2. must be a qualified voter of the district; that is, a citizen of the United States, at least 18 years of age or older, and not adjudged to be an incompetent;
(Note: a convicted felon is barred from running for a seat on a board of education if his or her maximum prison sentence has not expired or if he or she has not been pardoned or discharged from parole)*
- 3. must be and have been a resident of the school district for at least one year prior to election;*
- 4. may not have been removed from any school district office within the preceding year;*
- 5. may not reside with another member of the same school board as a member of the same family;*
- 6. may not be a current employee of the school board; and*
- 7. may not simultaneously hold another incompatible public office.*

Replaces former policy BBBA

Ref: *Education Law §§2102; 2103; 2502(7)
Election Law §5-106(2)-(4), (6)
Rosentock v. Scaringe, 40 N.Y.2d 563 (1976)
Matter of Schoch, 21 EDR 300 (1981)*

Adoption date:

Broadcasting and Taping of Board Meetings

As a meeting of a public body, school board meetings are open to the public so that people can witness and observe the decision making process. To further reach members of the community who may not be able to attend, meetings open to the public shall be open to being photographed, broadcast and/or webcast.

The use of any photography, broadcast, recording equipment or other such device to allow for the broadcasting or recording of public meetings of the Board of Education, or a committee appointed thereby, is permissible as long as the device is unobtrusive and will not distract from the true deliberative process of the Board. The Board President or chairperson of the committee shall be informed prior to the meeting that such recordings are being made. The Board President, in turn, will inform attendees at the opening of the meeting.

The Board reserves the right to direct that an audio tape will be made to ensure a reliable, accurate, and complete account of Board meetings.

Ref: Open Meetings Law, Public Officers Law §§100 et. seq.

Committee on Open Government, Model Rules: Public Access to Meetings of Public Body,
http://dos.state.ny.us/coog/modelregs_photo_record_record_broadcast.html

113 AD2d 924 (1985)

Feldman v. Town of Bethel, 106 AD 2d 695 (1984)

People v. Ystueta, 99 Misc 2d 1105 (1979)

Adoption date:

GOALS AND OBJECTIVES FOR ADMINISTRATION

The Board of Education recognizes that proper administration is vital to a successful educational program. The Board expects the educational administration to direct, coordinate and supervise students and staff in their efforts to reach the goals and objectives adopted by the Board.

Within the guidelines of board policy, negotiated agreements and state law, the Board expects the educational administration to:

- *Provide up-to-date information and sound professional advice to the Board, as an aid to rational decision-making.*
- *Plan, organize, implement and evaluate the educational programs established by Board policy, in order to provide optimum educational opportunities to the students of the district.*
- *Provide these optimum educational opportunities at the lowest possible cost.*
- *Use efficient administrative and management procedures, in accordance with law and regulation, and developed after consultation with and among the Board, administrators and other appropriate staff members.*
- *Coordinate the resources of the community with those of the district.*

Replaces former policy CA

Ref: *Education Law §§1604; 1711; 2507; 2508*

Adoption date:

STUDENT HEALTH SERVICES

The Board of Education recognizes that good student health is vital to successful learning and acknowledges its responsibility, along with that of parent(s) or guardian(s), to protect and foster a safe and healthful environment for the students.

The school shall work closely with students' families to provide detection and preventive health services. In accordance with law, the school will provide vision, hearing, dental inspection and scoliosis screening. Problems shall be referred to the parent(s) or guardian(s) who shall be encouraged to have their family physician/dentist provide appropriate care.

In order to enroll in school a student must submit a health certificate within 30 calendar days after entering school, and upon entering second, fourth, seventh and tenth grades. The examination, which must conform to state requirements, must have been conducted no more than 12 months before the first day of the school year in question. If a student is unable to furnish the health certificate, the school will provide a physical examination by a licensed provider. A request for exemption from the physical examination, or the requirement to provide a health certificate, must be made by both the parents/guardians and the family's clergyman in writing to the school principal or designee, who may require documents supporting the request. The only basis for exemption is a claim that the physical examination is in conflict with the parent or guardian's genuine and sincere religious belief.

The Board recognizes that the State of New York may authorize and require the collection of data from health certificates in furtherance of tracking and understanding health care issues that affect children. The Board supports these efforts and expects administrators to cooperate and to observe the appropriate laws and regulations in carrying out those responsibilities, including those that relate to student privacy.

In addition, students will be asked to provide a dental health certificate when they enroll in school and in accordance with the same schedule as the health certificate.

A permanent student health record shall be part of a student's cumulative school record and should follow the student from grade to grade and school to school along with his/her academic record. This record folder shall be maintained by the school nurse.

Schools shall also provide emergency care for students in accidental or unexpected medical situations. Each school in the district will include in its emergency plan a protocol for responding to health care emergencies, including anaphylaxis.

Communicable Diseases

It is the responsibility of the Board to provide all students with a safe and healthy school environment. To meet this responsibility, it is sometimes necessary to exclude students with contagious and infectious diseases, as defined in the Public Health Law, from attendance in school. Students will be excluded during periods of contagion for time periods indicated on a chart developed by the school nurse.

It is the responsibility of the Superintendent of Schools, working through district health personnel, to enforce this policy and to contact the county or local health department when a reportable case of a communicable disease is identified in the student or staff population.

Administering Medication to Students

Neither the Board nor district staff members shall be responsible for the diagnosis or treatment of student illness. The administration of prescribed medication to a student during school hours shall be permitted only when failure to take such medicine would jeopardize the health of the student, or the student would not be able to attend school if the medicine were not made available to him/her during school hours, or where it is done pursuant to law requiring accommodation to a student's special medical needs (e.g., Section 504 of the Rehabilitation Act of 1973). "Medication" will include all medicines prescribed by a physician.

Any medication administration that is not consistent with acceptable prescribing practices will not be given by school personnel. Before any medication may be administered to or by any student during school hours, the Board requires:

1. *the written request of the parent(s) or guardian(s), which shall give permission for such administration and relieve the Board and its employees of liability for administration of medication; and*
2. *the written order of the prescribing physician, which will include the purpose of the medication, the dosage, the time at which or the special circumstances under which medication shall be administered, the period for which medication is prescribed, and the possible side effects of the medication.*

Both documents shall be kept on file in the office of the school nurse.

In addition, in accordance with Education Law 919, the district shall make a nebulizer available on-site in school buildings where nursing services are provided. Students with a patient-specific order, who require inhaled medications, shall have access to the nebulizer. The district will ensure that it is maintained in working order.

Life-Threatening Allergies and Anaphylaxis Management

The Board recognizes its role and responsibility in supporting a healthy learning environment for all students, including those who have, or develop, life-threatening allergies. The district will work cooperatively with the student, their parent/guardian and healthcare provider to allow the child to participate as fully and as safely as possible in school activities. When a student has a known life-threatening allergy reported on their health form or if the district has been informed by the parent of the presence of a life-threatening allergy, the district will assemble a team, which may include the parent, the school nurse, the child's teacher, the building principal and other appropriate personnel, which will be charged with developing an individual health care plan. The plan will be maintained by the school nurse. The plan will guide prevention and response. If the student is eligible for accommodations based upon the IDEA, Section 504 or the Americans with Disabilities Act, the appropriate procedures will be followed regarding identification, evaluation and implementation of accommodations.

Regulations

The Superintendent shall develop comprehensive regulations governing student health services. Those regulations shall include the provision of all health services required by law, procedures for the maintenance of health records, and procedures for the administering of medication to students.

Cross-ref: 4321, Programs for Students with Disabilities
5020.3, Students with Disabilities and Section 504
5420.1, Allergy/Anaphylaxis Policy
5550, Student Privacy
8130, School Safety Plans and Teams

Ref: Education Law §§310 (provisions for appeal of child denied school entrance for failure to comply with immunization requirements); 901 et seq. (medical, dental and health services, BMI reporting); 919 (provide and maintain nebulizers); 6909 (emergency treatment of anaphylaxis)
Public Health Law §§613 (annual survey); 2164 (immunization requirements)
8 NYCRR § 64.7 (administration of agents to treat anaphylaxis); Part 136 (school health services program)
Administration of Medication in the School Setting Guidelines, State Education Department, revised April 2002

WEST BABYLON

Immunization Guidelines: Vaccine Preventable Communicable Disease Control, State Education Department, revised August 2000

Making the Difference: Caring for Students with Life-Threatening Allergies, New York State Department of Health, New York State Education Department, New York Statewide School Health Service Center, June 2008

Replaces former policies JHCAA, JHCAAA, JHCB, and JHCDA

Adoption date:

STUDENT HEALTH SERVICES REGULATION**A. Immunization**

As per New York State requirements, children must receive immunizations for diphtheria, polio, measles, mumps, rubella, hepatitis B, Haemophilus Influenzae Type b (Hib), pertussis, tetanus, pneumococcal disease (for children born on or after January 2008) and varicella prior to entering or being admitted to school.

Parents must provide acceptable proof indicating required receipt of all vaccines in accordance with law and regulations. A child may be excluded from the immunization requirements based on a physician determined health reason or condition. This medical exemption must be signed by a physician licensed to practice in New York State. A child may also be excluded from the immunization requirements because the child's parent/guardian holds a genuine and sincere religious belief which is contrary to the practice of immunization.

A child will not be admitted to school or allowed to attend school for more than 14 days without an appropriate immunization certificate or acceptable evidence of immunization. This period may be extended to 30 days on a case-by-case basis by the Building Principal if the child is transferring from another state or country and can show a good faith effort to get the necessary certification or other evidence of immunization.

When a student transfers out of the district, the parent/guardian will be provided with an immunization transfer record showing the student's current immunization status which will be signed by the school nursing personnel or the school physician. A transcript or photocopy of the immunization portion of the cumulative health record will be provided to the new educational institution upon request.

B. Administering Medication to Students in School

The administration of prescribed medication to a student during school hours is permitted only when the medication is necessary to allow the student to attend school or failure to administer the medication would seriously affect the student's health. Any medication administration that is not consistent with acceptable prescribing practice will not be given by school personnel. The nurse has the right to refuse to administer medications not consistent with good care.

Parent(s) or guardian(s) must present the following information:

- 1. a note from the family doctor containing the following information: student's name, the date and name of the medicine, dosage and time to be administered, and list of possible side effects; and,*
- 2. a note from the parent(s) or guardian(s) giving the school nurse, teacher, Principal or other school staff permission to administer the medication; or*
- 3. a medication request form (which includes the family doctor and parent signatures) must be filed with the school nurse.*

The school nurse shall develop procedures for the administration of medication, which require that:

- 1. all medications will be administered by a licensed person unless the child is self-directed;*
- 2. medications shall be securely stored in the office and kept in their original labeled container, which specifies the type of medication, the amount to be given and the times of administration; the school nurse shall maintain a record of the name of the student to whom medication may be administered, the prescribing physician, the dosage and timing of medication, and a notation of each instance of administration; and*
- 3. all medications shall be brought to school by the parent(s) or guardian(s) and shall be picked up by the parent(s) or guardian(s) at the end of the school year or the end of the period of medication, whichever is earlier. If not picked up within five days of the period of medication, the medication shall be discarded.*

An adult must bring the medication to school in the original container. The administering staff member should clearly label the medication with the time to be given and dosage.

Administering medication on field trips and at after-school activities

Taking medication on field trips and at after-school activities is permitted if a student is self-directed in administering their own medication. On field trips or at other after-school activities, teachers or other school staff may carry the medication so that the self-directed student can take it at the proper time.

If a student is going on a field trip but is not self-directed (i.e., fully aware and capable of understanding the need and assuming responsibility for taking medicine), then the district may:

- *permit the parent or guardian to attend the activity and administer the medication.*
- *permit the parent to personally request another adult who is not employed by the school to voluntarily administer the medication on the field trip or activity and inform the school district in writing of such request.*
- *allow the student's health care provider to be consulted and, if he/she permits, order the medication time to be adjusted or the dose eliminated.*

If no other alternative can be found, a school nurse or licensed person must administer the medication.

Administering epi-pen in emergency situations

The administration of epinephrine by epi-pen has become an accepted and extremely beneficial practice in protecting individuals subject to serious allergic reactions (e.g., individual has an anaphylactic reaction to a wasp sting or the ingestion of peanut butter).

Pursuant to Commissioner's regulations, registered professional nurses may carry and administer agents used in non-patient specific emergency treatment of anaphylaxis.

In addition, pursuant to SED guidelines, school nurses may provide training to unlicensed school staff in administering epi-pens, prescribed by a licensed prescriber, to a child who has been diagnosed with the potential for a severe reaction, in the event of the onset of a serious allergic reaction when a nurse is not available.

C. *Student Medical Exams*

In accordance with Sections 903 and 904 of the state Education Law, each student shall have a physical exam given by the school doctor or family physician (including a physician, physician assistant or nurse practitioner) upon entrance to school and at grades pre-kindergarten or kindergarten, two, four, seven and ten. Findings are to be kept on record at the school on forms that can be obtained from the school nurse. In addition, the school will request a dental health certificate according to the same schedule.

A student may be excluded from the medical examination requirements because the child's parent/guardian holds a genuine and sincere religious belief which is contrary to medical examinations. The request for exemption must be made by both the parents/guardians and the family's clergyman in writing.

In the event that the student's medical history reveals that they have a known life-threatening allergy, the school nurse, in conjunction with the family, student, child's teacher, and other appropriate staff, will develop and implement an individual health care plan which will guide prevention and response.

The district will work with students in the self-management of their life-threatening allergy, or other chronic health conditions, by:

1. *Adequately training staff involved in the care of the child.*
2. *Assuring the availability of the necessary equipment and/or medications.*

3. *Providing appropriately licensed and trained persons on school premises, as required by law.*
4. *Providing ongoing staff and student education.*

D. *Illness in School*

If a student becomes ill in school:

1. *The nurse will determine if the student should remain in the dispensary or return to class.*
2. *The nurse will call the parent, guardian or substitute parent if he/she feels the student should go home. In general, a parent or guardian will pick up the student from school.*
3. *The nurse will contact the Building Principal if he/she feels the child should be transported by bus to the home.*
4. *If there is to be a change in bus routing in order to carry the student to his/her home, that decision will be made by the administrator and the transportation supervisor.*
5. *If the route is to be changed, the transportation supervisor shall inform the bus driver.*
6. *If no parent, guardian or substitute parent picks up the student at school, or if no parent/guardian or substitute parent will be home, the student will remain in the nurse's office until such time as a parent, guardian or substitute parent becomes available to assume responsibility for the child.*

E. *Medical Emergency Record*

All students shall have on file a medical emergency record which shall state the name and telephone numbers of the following:

1. *the student's parent(s) or guardian(s) at home and work;*
2. *the student's next of kin;*
3. *a neighbor;*
4. *the family physician;*
5. *preferred hospital;*
6. *any allergies or serious health conditions.*

Adoption date:

ALLERGY/ANAPHYLAXIS POLICY

The increased prevalence of allergies and the risk of life-threatening anaphylaxis have impacted the school environment in recent years. Many environmental factors may serve as allergens. Food, insect stings and latex are examples of common allergens. While the Board of Education cannot guarantee an allergen-free environment, the Board will endeavor to provide an environment that limits the risk for students with life-threatening allergies. The Board directs the Superintendent of Schools and/or his/her designees to take steps necessary to meet this objective.

Severe Allergies

For students with severe allergies which may result in life-threatening reactions to various environmental triggers, it is necessary for the district to work cooperatively with the parent(s), guardian(s) and the healthcare provider to:

- *Develop an Emergency Care Plan that includes all necessary treatments, medications, training and educational requirements for the students.*
- *Obtain appropriate health care provider authorization in writing that includes the frequency and conditions for any testing and/or treatment, symptoms and treatment of any conditions associated with the health problem, and directions for emergencies.*
- *Secure written parent permission and discuss parental responsibility that includes providing the health care provider's orders, providing any necessary equipment, and participation in the education and co-management of the child as he/she works toward self-management.*
- *Secure written parent permission and discuss parental responsibility that includes providing the health care provider's orders, providing any necessary equipment, and participation in the education and co-management of the child as he/she works toward self-management.*
- *If the student is eligible for accommodations based upon the Individuals with Disabilities Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act, the appropriate procedures will be followed regarding evaluation and identification.*

The Superintendent and/or designees will establish school level emergency plans to adequately deal with and treat potential anaphylactic reactions occurring in previously undiagnosed individuals, via a non-patient specific order. A non-patient specific order is a standing order or protocol issued by a physician or certified nurse practitioner, authorizing an Registered Nurse to administer anaphylactic treatment agents to a student or staff member suffering an anaphylactic reaction even if there is no known history.

The district will work toward assisting students in the self-management of their chronic health conditions based upon the student's knowledge level and skill by doing the following:

1. *adequately training all staff involved in the care of the student; and*
2. *assuring the availability of the necessary equipment and/or medications.*

The school must receive a documented diagnosis of allergies and clear, easy-to-follow written instructions from the student's physician for managing the student's allergies: avoidance measures, typical symptoms, dosing instructions for medications and emergency protocols. Parents are responsible for providing the allergic child's medication directly to the school health office in a properly labeled original container and for maintaining an adequate and up-to-date supply. Parents will provide written permission for the child's physician and school officials to consult on behalf of the child.

If the child is at risk of a lethal allergic reaction, the district strongly urges that he/she wear a medical information bracelet or necklace that identifies the specific items that may cause an anaphylactic reaction.

School officials in consultation with parents will determine which school personnel are made aware of the allergic student's condition. Appropriate school staff will receive details of the Emergency Care Plan.

Food Allergies

One of the more common forms of allergies involves food. Students may display a range of allergic responses from minor to life-threatening. In some cases, minute amounts of the food allergen, when eaten, touched or inhaled can make the allergic child very ill.

Currently, there is no cure for food allergies and avoidance is the only prevention; yet it is impossible to achieve complete avoidance of all allergic foods, as there can be hidden or accidentally introduced sources. Therefore, the child's parents and physician must prepare the school district for serious reactions that may occur despite precautions. To that end, parents are responsible (as noted above) for notifying the school of students with documented food allergies and/or anaphylaxis and for providing necessary medical information including the family physician's treatment protocol. This notification should occur at the time of enrollment or as soon after diagnosis as possible. Once the district has been notified by the parent, a conference will be held to develop an Emergency Care Plan, if necessary. The district does not have diagnostic responsibility with respect to medical conditions.

The district's goals for severe food-allergic children are to reduce the risk of exposure, identify and recognize symptoms of an adverse reaction and ensure prompt emergency treatment. In response to a specific case of food allergies, each school may place limitations on foods that may be brought into school from home or places where foods may be eaten. The district will seek cooperation from the school community. Implementation shall be consistent across the district.

When children have been identified by the parents and physicians as food-allergic/anaphylactic and have reported their medical information to the school nurse, the parents will be given a copy of the Board policy and related regulations. Each will have a tear-off sheet to be signed by the parent indicating they received, read and had the opportunity to discuss the Board policy and regulations with the school nurse and Building Principal.

Regulations

The Superintendent of Schools shall establish regulations to provide for the allergic/anaphylactic child. These regulations may include development of an Emergency Care Plan, EpiPen or other medication to be used and staff training, staff in-service, forms and letters, consents, waivers and privacy issues and sharing information.

Adoption date:

ALLERGY/ANAPHYLAXIS REGULATIONDefinitions

Allergen: A substance that triggers an allergic reaction.

Allergies: An exaggerated response to a substance or condition produced by the release of histamine or histamine-like substances in affected cells. It is characterized by an overreaction of the immune system to protein substances – either inhaled, ingested, touched or injected – that normally do not cause an overreaction in non-allergic people.

Allergic Reaction: An immune system response to a substance that itself is not harmful but that the body interprets as harmful. When an allergen is eaten, the food allergic student produces histamine. Once the histamine is released in the body it causes chemical reactions which trigger inflammatory reactions in the skin (itching, hives, rash), the respiratory system (cough, difficulty breathing, wheezing), the gastrointestinal tract (vomiting, diarrhea, stomach pain), and the cardiovascular system (lowered blood pressure, irregular heartbeat, shock). Each person with a food allergy reacts to the allergy differently. Each reaction by a food allergic student may differ in symptoms.

Anaphylaxis: A life-threatening allergic reaction that involves the entire body. It may be characterized by symptoms such as lowered blood pressure, wheezing, vomiting or diarrhea, and swelling and hives. Anaphylaxis may result in shock or death, and thus requires immediate medical attention.

Food Allergies

Parent Responsibilities: When a child's food allergies have been identified by his parents and physician, the school district requires that the parents:

- 1. inform the school of the child's allergies and condition and provide written medical documentation that is updated regularly;*
- 2. provide the school with written medical instructions from their physician;*
- 3. provide the school with EpiPens and other medication, if appropriate, as prescribed by the family physician;*
- 4. be encouraged to provide the child with a medical information bracelet or necklace to be worn at school that lists allergies;*
- 5. assist in the school's communications plan;*
- 6. participate in the development of an Emergency Care Plan;*
- 7. provide safe foods for lunches, snacks, and special occasions;*
- 8. be invited to attend field trips, if possible;*
- 9. confer with teachers regarding lessons or projects that use food;*
- 10. teach their allergic child to recognize first symptoms, to communicate these to staff, to not share snacks, lunches, drinks and utensils, and to report any teasing;*
- 11. consent to share photographs and medical information with necessary employees; and*
- 12. maintain up-to-date emergency contacts and phone numbers.*

Lunch: The food-allergic child will eat only food brought from home or approved by the parent if buying lunch. In the cafeteria, attempts will be made so that the food-allergic child will eat or touch only the foods sent in by his/her parents. The parent must make the determination as to the safety of a cafeteria lunch for their child. If a child with food allergies is going to buy a school lunch, the parent must notify the teacher and send in a written permission note indicating the date and specific lunch to be purchased.

Cafeteria: When parents and their physician inform the district/school of a child with food-allergies/high risk of anaphylaxis and request lunchroom accommodations, the school will institute lunchroom procedures to help protect the child. Most commonly, this will include children with “nut” (e.g., cashews, hazel nuts, walnuts, almonds, pine nuts, etc.) allergies. The school will designate certain cafeteria areas as “allergen controlled”. Allergen controlled areas will be supervised by cafeteria monitors. Prior to each lunch period, the designated table and seats will be cleaned with a wet soapy cleaner and wiped with disposable towels.

In these designated areas, students will be told that there will be no sharing or trading of food, utensils, or containers and no touching of the allergic-child’s food. The children at these tables should not put food directly on the table but rather on disposable trays or napkins. Children with “safe lunches” may sit at the allergen controlled areas. The child with severe food allergies should not dispose of food in the garbage pail to avoid accidental contact with wrappers, etc. that might have allergens. These children should not be seated near a garbage can or food service line.

A letter will be sent home to all families in the school seeking voluntary support for limiting food allergens brought in from home. A letter will also be sent home to classmates of children with food allergies explaining cafeteria and classroom rules. The classroom teacher will also inform the class about the rules and explain the seriousness in an age appropriate way.

Food Service: When a food-allergic child has been identified by his/her parents and physician, a form with his/her name, picture, and food allergies will be shared with the food service staff.

The cafeteria program will use disposable trays and utensils.

The School Lunch Director will continue to check ingredient labels for food products used in the School Lunch Program, including vending machine products. The Director will make a list of known technical, scientific and alternate names for common food allergens to be shared with each school.

Elementary Classrooms, Snacks, and Parties: At the elementary level, when the parent and family physician have informed the school of a child with a serious food allergy, a letter will be sent home to the class asking them not to bring in snacks or party foods that contain the food allergens. The child may be identified by name only with the written permission of the parents. A follow-up reminder will be provided at Meet the Teacher Night.

Food-allergic children will eat only foods brought in from their home. They will not be permitted to eat or touch food brought in by others for snacks or special events unless approved by the child’s parents. A parent of a food-allergic child may choose to send to their own foods for occasions such as these.

The teacher will educate children, in an age appropriate manner, about the seriousness of food allergies and the importance of enforcing the rule never to share or trade snack or party food with a food-allergic classmate. Teasing of any kind is unacceptable and will not be tolerated.

Field Trips: When a child identified with a “serious medical condition”, such as food allergies/anaphylaxis, has a field trip his parent will be requested and encouraged to accompany the child on the trips. Teachers will give these parents lead time on upcoming special events so that they have time to plan ahead to attend. If it is part of their doctor’s treatment protocol, parents must provide an EpiPen for field trips. If a parent will not attend, a designated person trained in their use will take the EpiPen and keep the child in their group. Staff and chaperones will be briefed on the identity of the child, the specific allergies, and the symptoms to be aware of. On every field trip there will be access to a telephone, cell phone, or radio communication in case of emergency.

If the children bring their own lunches on a field trip, all parents will be asked to carefully avoid certain allergens. If the class will be eating at a restaurant, the child with food allergies must bring his/her own food or signed permission from the parent to eat out and what the child may eat. Children will be reminded not to share or trade any food.

School Buses: Unless required by a medical condition, there will be no eating of food on school buses going to and from school. All food is to remain in backpacks. Eating on the bus presents both a choking hazard and an allergy danger. The bus driver will be informed about any child with severe food allergies along with a description of the signs and symptoms of an allergic response and anaphylaxis.

A list of students with allergies will be on each school bus. There will be designated seats up front, particularly for young children. Parents may arrange for a friend to sit with their child. These designated seats will be cleaned with wet soapy cleaner and wiped with disposable towels. All buses will be equipped with a reliable communication device, a radio and/or cell phone.

If possible, when there is a substitute bus driver, prior to the first run he will speak to the dispatcher and be briefed on the list of the children with allergies.

In-Service Training: Staff who interact with a child with food allergies – teachers, psychologists, cafeteria workers, monitors, and other appropriate staff – will be advised how to protect the child from exposure, about cross-contamination and labeling issues, how to recognize an allergic symptom, and how to respond to emergencies. Any Emergency Care Plan will be shared with these individuals. The training may include foods which contain specific allergens, symptoms of anaphylaxis, and administration of EpiPen in the case of an emergency.

Substitute Teachers: The regular teacher will keep information about children with food allergies with the teacher's substitute plans.

Letters: When an elementary child with a severe food allergy anaphylaxis has been identified to the school by his parent and family physician, a general letter will be sent to the entire elementary school explaining the presence and the seriousness of the condition and requesting cooperation in reducing risk to the child.

When a student is identified with a severe food allergy and is at high risk for anaphylaxis, a letter will also be sent to the parents of the child's class asking for assistance in making the classroom safer. Letters will be sent home prior to the start of the school year or when the school is notified. The allergic child will be identified in the letter only with written permission of the parents.

Privacy Issues and Sharing Information: Parents must consent in writing to the release of personal medical information to the school staff. The following guidelines should be implemented to protect the privacy of the child while educating students, staff and parents:

- 1. Identify the child and medical condition to teaching and non-teaching staff either individually or at a staff meeting before the start of the school year.*
- 2. Put the Allergy Policy and Regulations in the faculty handbook and on the website.*
- 3. At the beginning of the school year, each of the child's teachers will be given an allergy alert form with a photo, description, treatment, etc.*
- 4. With permission of the parents, other students/families may be told and cooperation enlisted, in age appropriate ways. At the secondary level, identification to peers should be done only after consultation with the student, in addition to permission of the parents.*
- 5. Books and videos will be available to inform adults and staff and students about allergies and anaphylaxis.*
- 6. Food allergies/anaphylaxis may be explained in health classes.*
- 7. PTA's are encouraged to have an annual presentation for parents and members about food allergies/anaphylaxis. Parents of children with food allergies should be offered the opportunity to share information.*
- 8. Informational articles about food allergies/anaphylaxis may be written in school publications.*

Emergency Care Plan

When parents and their physician identify a food-allergic/anaphylactic child to the school, the parents will consult with the school nurse. The parent will participate in the completion of an Emergency Care Plan form each year that provides up-to-date medical information and the treatment protocol from the family's physician. Parents will immediately inform the district of any change in the status of this information. Parents will supply medicines and EpiPens to schools as prescribed by their physician.

The Emergency Care Plan form should include information from the physician as to symptoms of the child's allergy, recognizing warning signs of reactions, administering medical and emergency treatment for the child, and any other pertinent information. The Emergency Care Plan will be shared with teachers, nurses, administrators, food service workers, cafeteria monitors, bus drivers coaches and others responsible for the student. It will be provided to emergency responders if necessary. The Plan will go with the child on all field trips.

The Emergency Care Plan will also include phone numbers: child's home, parents' work and cell phone numbers, emergency contact numbers (relatives, friends, neighbors) and the child's doctor. Every Emergency Care Plan will also include the name of the local Emergency Services and the direct phone number to dial for an anaphylactic emergency.

If exposure to an allergen occurs despite avoidance efforts, the school will follow the prescribing doctor's protocol to which the parents have given consent. Parents will be notified if any medicine has been administered. The school will tend to the child and administer the EpiPen if that is the treatment protocol. The Fire Department/Rescue Squad will be called specifying the need for a response to an allergic reaction/anaphylaxis.

Any child given an EpiPen injection will be transported immediately to a hospital even if symptoms resolve. An adult will be sent to accompany the child in the ambulance, and to stay with the child until a parent arrives. After the call to the local Emergency Services, the parents and/or emergency contacts, and then the doctor will be called.

EpiPens

EpiPens are auto-injectors designed for the administration of epinephrine in acute allergic emergencies (anaphylaxis). Anaphylaxis may occur in individuals with previously identified allergies or in individuals with no known history of allergic reaction. Anaphylaxis is known to be caused most commonly by insect stings, food allergies, medication and latex -- although other allergens may trigger it.

A school nurse may administer an EpiPen to a student or staff member who has the appropriate medical documentation and physician's order. Additionally, the district's school physician shall provide a non-patient specific standing order, which authorizes school nurses to administer an EpiPen injection as an emergency first aid response to any individual experiencing anaphylaxis. In all cases, the anaphylaxis emergency response procedure is as follows:

- Any suspicion that someone is experiencing an allergic reaction must be reported to the school nurse immediately.*
- The school nurse assesses for signs and symptoms of anaphylaxis.*
- If the individual is experiencing anaphylaxis, the school nurse administers the EpiPen in a manner consistent with the best medical practice.*
- Enlist the assistance of others to (1) call 911 for ambulance transport to a hospital emergency room, and (2) notify parents (if a student).*
- Monitor vital signs and individual's response to medication.*
- After the emergency has resolved, complete the Anaphylaxis Report Form.*
- Appropriately dispose of EpiPen.*

Athletic and Extracurricular Activities

The Emergency Care Plan for all children with severe food allergies/risk of anaphylaxis who are involved in athletic and extracurricular activities will be provided to the coach or supervisor. The coach or supervisor will be trained to respond administer an EpiPen. Parents may be asked to provide an additional EpiPen for these activities.

Before and After School Child Care

These programs (including SAFE) are not under the auspices of the West Babylon School District. Parents are encouraged to speak with program officials directly.

Outside Organizations that use District Facilities

The district is not responsible for the practices regarding allergies of outside organizations that use district facilities.

Adoption date:

ALLERGY POLICY SAMPLE LETTERS EXHIBIT

Letter 1: For classes that have students with severe nut allergies and high risk of anaphylaxis

September

Dear Parents or Guardian:

There is a student in your child's classroom that has a severe, life-threatening allergy to nuts, in particular peanuts. In addition, this child cannot tolerate tree nuts (such as walnuts, pecan, hazelnuts, etc.). To ensure a safe classroom environment, we will implement a few very important considerations for this child.

If this child were to accidentally eat, touch or inhale the "peanut/nut dust" from peanuts/nuts, he/she could have a life-threatening reaction: anaphylaxis. Because of this risk, we strongly suggest peanut-free and nut-free snacks for the entire class, including those provided for parties and celebrations. Please choose other healthy snacks that are peanut/nut-free and do not contain peanut/nut byproducts. Please check the food ingredients of the snacks you may pack for school.

Home baked goods and other foods prepared at home should not be sent into the classroom of a food-allergic child. Foods brought in for special events in the classroom should be purchased in stores, commercially prepared, and contain complete ingredient lists with no nuts or nut products.

It is difficult at the best of times to get children to eat healthy snacks; however, I hope you will appreciate the seriousness of this condition and that you will assist us in our efforts to create as safe an environment as possible. With your cooperation, we can minimize the risk of a serious allergic reaction.

Anyone wishing further information about peanut/nut allergies may contact the school nurse.

Sincerely,

Principal

Letter 2: For schools that have students with severe nut allergies

September

Dear Parents or Guardians:

There are currently students in our school with severe, medically documented allergy to peanuts and/or tree nuts. In a severely allergic child, exposure to these products can cause anaphylaxis, a life threatening reaction. The safety of our students is of the utmost importance. Therefore, we are asking for your cooperation regarding this matter.

To assist us in providing the safest, healthiest school environment for all students, we are encouraging all parents to send peanut-free and nut-free lunches, snacks and party food to school.

Thank you for your cooperation in our combined efforts at keeping our students healthy and safe at school.

Anyone wishing further information about peanut/tree nut allergies may contact the school nurse.

Sincerely,

Principal