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## EDUCATIONAL PHILOSOPHY

The Board of Education is dedicated to educating students to develop desired moral, ethical, and cultural values, to stimulate and expand a continual learning process and to cultivate an understanding and appreciation of the rights and responsibilities of American citizens, which will enable them to function effectively as independent individuals in a democratic society.

The educational program will provide each child with the fundamental academic skills and basic knowledge required for his/her maximum educational development, the opportunity for each child to develop his/her interests and abilities to the fullest extent according to his/her individual potential, and special services to promote the physical, mental and emotional development of each child. It is the district's goal to foster in students good work habits, integrity, self-discipline, good sportsmanship, self-confidence and a sense of purpose. Extracurricular activities will be offered when possible to enhance the academic program.

The Board encourages parents and teachers to offer their expertise in helping to develop a school environment that is academically challenging, psychologically satisfying and socially fulfilling for students at all levels. The objectives of an educational program are best realized when mutual understanding, cooperation, and effective communications exist among the home, community and school.

Adoption date: February 9, 1999

## EQUAL OPPORTUNITY AND NONDISCRIMINATION

The Board of Education, its officers and employees, shall not discriminate in its programs and activities on the basis of race, color, national origin, creed, religion, marital status, sex, age, sexual orientation, disability or predisposing genetic characteristic. The district will provide notice of this policy in accordance with federal and state law and regulation.

This policy of non-discrimination includes: access by students to educational programs, counseling services for students, course offerings and student activities, as well as recruitment and appointment of employees and employment pay, benefits, advancement and/or terminations.

The Board of Education, its officers and employees shall not discriminate against students on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex; sexual orientation, gender (including gender identity and expression), or any other status protected by applicable law.

A finding that an individual has engaged in conduct in violation of this policy may result in disciplinary action and/or filing of a report with third parties in the manner prescribed by the district code of conduct, the law or applicable contract.

Nothing in this policy shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction or activity based on a person's gender that would be permissible under the law, or to prohibit, as discrimination based on disability, actions that would be permissible under the law.

### *Annual Notification*

At the beginning of each school year, the district shall publish a notice of the established grievance procedures for resolving complaints of discrimination to parents/guardians, employees, students and the community. The public notice shall:

1. inform parents, employees, students and the community that education programs, including but not limited to vocational programs, are offered without regard to actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex; sexual orientation, or gender (including gender identity and expression);
2. provide the name, address and telephone number of the person designated to coordinate activities concerning discrimination; and
3. be included in announcements, bulletins, catalogues, and applications made available by the district.

The Administrator for Grants and Human Resources has been designated to handle inquiries regarding the district's non-discrimination policies. Contact information for the Administrator for Grants and Human Resources is available on the district's website. Complaints of sexual harassment or discrimination are covered by policy 0110.

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

The Board authorizes the Superintendent of Schools to establish such rules, regulations and procedures necessary to implement and maintain this policy.

Cross-ref: 0110, Sexual Harassment  
5030, Student Complaints and Grievances  
5300, Code of Conduct  
9140.1, Staff Complaints and Grievances

Ref: Age Discrimination in Employment Act of 1967 29 U.S.C. §621 *et seq.*  
Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*  
Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*  
(nondiscrimination based on race, color, and national origin in federally assisted programs)  
Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*  
(nondiscrimination based on race, color, and national origin in employment)  
Title IX, Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*  
(nondiscrimination based on sex)  
§504, Rehabilitation Act of 1973, 29 U.S.C. §794  
Individual with Disabilities Education Law, 20 U.S.C §§ 1400 *et seq.*  
Genetic Information Nondiscrimination Act of 2008 P.L. 110-233  
34 C.F.R. §§ 100.6, 104.8, 106.9, 110.25  
Executive Law §290 *et seq.* (New York State Human Rights Law)  
Education Law §§10-18 (The Dignity for All Students Act)  
Education Law §§313(3), 3201, 3201-a

Adoption date: September 24, 2012

## SEXUAL HARASSMENT

The Board of Education recognizes that harassment of students and staff on the basis of sex, gender and/or sexual orientation is abusive and illegal behavior that harms targets and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board further recognizes that preventing and remedying such harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn and employees can work productively.

Sex-based harassment can be comprised of two types of behavior: sexual harassment and/or gender-based harassment. Sexual harassment is unwelcome conduct of a sexual nature, which can include unwelcome sexual advances, request for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature (see regulation 0110-R for examples). Gender-based harassment includes verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes (see regulation 0110-R for examples). Sexual or gender-based harassment of a student can deny or limit the student's ability to participate in or to receive benefits, services, or opportunities from the school's program.

The Board is committed to providing an educational and working environment that promotes respect, dignity and equality and that is free from all forms of sexual harassment. To this end, the Board condemns and strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations off school premises or in another state.

Because sexual harassment can occur staff to student, staff to staff, student to student, student to staff, male to female, female to male, male to male or female to female, it shall be a violation of this policy for any student, employee or third party (school visitor, vendor, etc.) to sexually harass any student or employee.

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The district will promptly investigate all complaints of sexual harassment, either formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation. If the complainant reports that they feel unsafe at school due to the nature of the complaint, the district will determine if accommodations need to be made until the issue is resolved.

If, after appropriate investigation, the district finds that a student, an employee or a third party has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, district policy and state law.

All complainants and those who participate in the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind.

The Superintendent of Schools is directed to develop and implement regulations for reporting, investigating and remedying allegations of sexual harassment. These regulations are to be attached to this policy. In addition, training programs shall be established for students and employees to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment. Age-appropriate instructional materials will be incorporated into the curriculum to educate students so that they can recognize and reduce the incidence of sexual harassment.

This policy shall be posted in a prominent place in each district facility, on the district's website, and shall also be published in student registration materials, student, parent and employee handbooks, and other appropriate school publications.

A committee of administrators, teachers, parents, students and the school attorney shall be convened annually to review this policy's effectiveness and compliance with applicable state and federal law, and to recommend revisions to Board.

Ref: Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*  
Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 *et seq.*  
*Davis v. Monroe County Board of Education*, 526 U.S. 629, 652 (1999)  
*Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998)  
*Faragher v. City of Boca Raton*, 524 U.S. 775 (1998)  
*Burlington Industries v. Ellerth*, 524 U.S. 742 (1998)  
*Oncale v. Sundowner Offshore Services, Inc.*, 523 U.S. 75 (1998)  
*Franklin v. Gwinnett County Public Schools*, 503 U.S. 60 (1992)  
*Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57 (1986)  
Office for Civil Rights *Revised Sexual Harassment Guidance (January 19, 2001)*  
Office for Civil Rights, *Dear Colleague Letter: Sexual Harassment Issues (2006)*  
Office for Civil Rights, *Dear Colleague Letter: Bullying (October 26, 2010)*

Adoption date: September 24, 2012

## **STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION**

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

The Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events. Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, such as cyberbullying, which creates or can be reasonably expected to create a material and substantial interference with the educative process, the operation of the school, the requirements of appropriate discipline in the operation of the school or impinges on the rights of others are prohibited, and may be subject to disciplinary consequences. Violators of this policy and regulation may be subject to disciplinary consequences in accordance with legal guidelines and applicable contractual mandates.

### **Definitions**

#### **Bullying**

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

#### **Cyberbullying**

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

#### **Discrimination**

Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as enumerated in the *Definitions* section, under Harassment, below).

#### **Hazing**

Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or

creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

## **Harassment**

Harassment has been defined in various ways in federal and state law and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent misbehavior from escalating in order to promote a positive school environment and to limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

- race,
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression).
- gender identity is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.
- gender expression is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

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

In some instances, bullying or harassment may constitute a violation of an individual's civil rights. The district is mindful of its responsibilities under the law and in accordance with district Policy 0100, Equal Opportunity and Nondiscrimination, and 0110, Sexual Harassment.

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



## **Prevention**

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

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

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

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

## **Intervention**

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

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

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

### **Provisions for students who do not feel safe at school**

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

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

### **Incident Reporting and Investigation**

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

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

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

The Board will receive the annual VADIR report, as well as any other state-required report relevant to bullying and/or school climate, for each building and for the district as whole.

Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.

### **Disciplinary Consequences/Remediation**

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

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

### **Non-Retaliation**

All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind. The district strictly prohibits retaliation of any kind against a complainant or person who participates in the investigation of a complaint in conformity with state law and district policies and who has acted reasonably and in good faith.

### **Training**

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

### **Dissemination, Monitoring and Review**

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

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

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

Cross-ref: 0100, Equal Opportunity and Nondiscrimination  
0110, Sexual Harassment  
4321, Programs for Students with Disabilities  
5300, Code of Conduct  
5710, Violent and Disruptive Incident Reporting  
9700, Staff Development

Ref: Dignity for All Students Act, Education Law, §10 – 18  
Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*  
Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*  
Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*; 34 CFR §100 *et seq.*  
Title IX, Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*  
§504, Rehabilitation Act of 1973, 29 U.S.C. §794  
Individuals with Disabilities Education Law, 20 U.S.C §§1400 *et seq.*  
Executive Law §290 *et seq.* (New York State Human Rights Law)  
Education Law §§313(3), 3201, 3201-a  
8 NYCRR 100.2(c), (l), (jj), (kk); 119.6  
*Tinker v. Des Moines Independent Community School Dist.*, 393 US 503, (1969)  
*Doninger v. Niehoff*, 527 F.3d 41 (2d. Cir. 2008)  
*Pollnow v. Glennon*, 594 F.Sup. 220, 224 *aff'd* 757 F.2d. 496  
*Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999)  
*Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998)  
*Faragher v. City of Boca Raton*, 524 U.S. 775 (1998)  
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*Franklin v. Gwinnett County Public Schools*, 503 U.S. 60 (1992)  
*Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57 (1986)  
*Appeal of K.S. 43 Ed. Dept. Rep. 492*  
*Appeal of Ravick 40 Ed. Dept. Rep. 262*  
*Appeal of Orman 39 Ed. Dept. Rep. 811*

Adoption date: September 24, 2012

## SCHOOL DISTRICT GOALS AND OBJECTIVES

To further its educational philosophy, the Board of Education establishes the following goals and objectives:

1. to employ quality school staff, including both professional and support personnel;
2. to encourage the development of positive and supportive interpersonal relationships among the students, the staff and members of the community;
3. to ensure that staff, students, and parents are afforded opportunities for meaningful participation in the development and evaluation of programs and policies;
4. to strive for maximum efficiency in the use of district resources to meet the goals and objectives of the various programs and services;
5. to provide educational programs and services which fulfill the needs of the district and comply with Commissioner's Regulations;
6. to promote the development of programs and services which encourage cooperative interaction between the community-at-large and district staff and students; and
7. to annually review and reaffirm the Board and district goals.

Adoption date: February 9, 1999

## GOALS FOR INSTRUCTIONAL PROGRAM

The district instructional program will help each student to:

1. read with comprehension;
2. think critically and reason competently;
3. communicate effectively through writing, speaking, observing, and listening;
4. function creatively through cultural and literary activities;
5. develop skills for vocational success;
6. act with poise, self-confidence, and good physical coordination; and
7. use mathematical skills.

Furthermore, the instructional program will assist each person to:

1. appreciate and respect authority and the law within a democratic process;
2. assume a fuller sense of responsibility for himself/herself and others;
3. achieve satisfaction in working to accomplish worthy goals;
4. exhibit fair play and good sportsmanship; and
5. participate in family life and worthwhile leisure activities.

Adoption date: February 9, 1999

## **EVALUATION OF SCHOOL BOARD OPERATIONAL PROCEDURES**

The Board of Education shall review the effectiveness of its internal operations at least once annually. The Superintendent of Schools and others who work regularly with the Board shall be asked to participate in this review and to suggest ways by which the Board can improve its functioning as a deliberative and legislative body.

The Board shall develop the standards by which it will evaluate itself, taking into account the following:

1. the district's needs and the Board's ability to meet such needs;
2. the district's goals for its instructional programs;
3. the Board's relationship with the Superintendent and district staff;
4. the Board's relationship with its supervisory district (BOCES); and
5. the community's perception of Board members as educational leaders.

All decisions of the Board are to be supported by as much objective evidence as possible. Implied in this approach is an assumption that any school board is capable of improvement. The chances that improvement will result are enhanced if evaluation is carried out systematically in accordance with good planning, conscientious follow-through, and careful assessment of results.

Adoption date: February 9, 1999

## EVALUATION OF SUPERINTENDENT

The Board of Education recognizes that student growth, district progress, and community satisfaction are all affected by the performance of the Superintendent of Schools. The Superintendent cannot function effectively without periodic feedback about his/her performance. Therefore the Board recognizes its responsibilities to evaluate the Superintendent.

During each year of the Superintendent's appointment, the Board and the Superintendent will meet to discuss a plan of performance review and accountability for that school year.

Through this process, the Board will strive to accomplish the following:

1. clarify for the Superintendent his/her role in the district as seen by the Board;
2. clarify for all Board members the role of the Superintendent in the light of his/her job description and the immediate priorities among his/her responsibilities as agreed upon by the Board the Superintendent;
3. develop harmonious working relationships between the Board and the Superintendent; and
4. provide outstanding administrative leadership for the district.

The final plan adopted shall be at the sole discretion of the Board. Such evaluation shall occur at least annually, pursuant to the regulations of the Commissioner of Education, and will be discussed only during an executive session. The evaluation process is intended to provide the highest quality leadership for the school system.

Ref: 8 NYCRR §100.2(o)(2)

Adoption date: February 9, 1999



## EVALUATION OF PROFESSIONAL STAFF

The Board of Education believes that a determination of the efficiency and effectiveness of its teaching and administrative staffs is a critical factor in the overall operation of the district.

Principles and criteria for evaluation of the professional staff should be drawn from and reflect a philosophy that insures the continuing existence of a learning environment for the academic, vocational, physical, cultural and social growth of all students. The evaluation process should produce an outcome which is positive and emphasizes excellence in the teaching process. After each evaluation is made, a full written report will be submitted to the Superintendent of Schools.

The purposes of the performance appraisals are:

1. to improve the instructional program;
2. to assist the classroom teacher in improving and upgrading teaching performance;
3. to assist the Superintendent in properly evaluating employees; and
4. to provide a formal procedure for communication between the teacher and the administrator regarding the instructional program and student progress.

Teacher performance will be measured by clearly stated and commonly understood criteria, which provides the Superintendent with an objective basis for making staff recommendations to the Board of Education.

The procedures and guidelines for formal and informal observations and evaluations of teachers shall be those agreed to with the employee organization representing the teaching staff and set forth in the collective bargaining agreement. Such procedures shall be approved by the Board, filed in the District Office and available for review by any individual.

Formal procedures for the review of the performance of all such personnel shall include:

1. criteria by which all such personnel shall be reviewed and a description of the review procedures;
2. a description of review activities, including:
  - a. the minimum number of observations;
  - b. the frequency of observations;
  - c. provisions for a follow-up meeting for the reviewer to commend strengths of performance and discuss the need for improvement, if necessary, with the staff person being reviewed;
3. methods used to record review results; and

4. procedures used to:
  - a. ensure that all such personnel are acquainted with the performance review procedures; and
  - b. ensure that each individual who is reviewed in accordance with the provisions of this subdivision has the opportunity to provide written comment on his/or her performance.

Ref: Education Law §3031  
8 NYCRR §100.2(o)(1)

Adoption date: February 9, 1999

## EVALUATION OF CLASSIFIED STAFF

The Board of Education believes that the evaluation of classified staff is an essential component of supervision and decision-making regarding staff promotions and retention. The Board therefore directs the Superintendent of Schools to develop standards and procedures for the evaluation of all support staff.

Each support staff member will be formally evaluated at least once each year by his/her immediate supervisor or other designated person.

The purposes of support staff evaluations are:

1. to provide an objective basis for employee improvement; and
2. to ensure that employees meet performance standards.

If requested by the Civil Service Department, the district will keep and report performance ratings of civil service employees prior to making a permanent appointment. For those support staff members who are members of a collective bargaining unit, permanent appointments will be made as per their negotiated agreement.

Adoption date: February 9, 1999

## EVALUATION OF INSTRUCTIONAL PROGRAMS

The Board of Education recognizes that education is a continuous process that cannot be satisfactorily achieved without the coordination and cooperation of all components of the system. To achieve the highest quality of education on all levels, a critical appraisal of the program as it operates in each school and at each level is essential. The Superintendent of Schools shall develop standards and procedures for the evaluation of instructional programs.

The purposes of evaluating the instructional programs are to:

1. indicate instructional strengths and weaknesses;
2. provide information needed for advance planning;
3. provide data for public information;
4. show the relationship between achievement and the school system's stated goals; and
5. check on the suitability of the instructional program in terms of community requirements.

Elements of this evaluation may include, but shall not be limited to:

1. testing programs, such as nationally standardized tests in specific subject areas, and tests administered by other agencies;
2. studies of school achievement records and follow-up studies of students;
3. review by State Education Department specialists;
4. evaluation by other individuals, organizations and agencies; and
5. curriculum studies undertaken by faculty committees.

Evaluation may or may not lead to recommendations for changes, modifications and revisions of current practices, content, courses and instructional materials. The result of the evaluations, together with recommendations for changes, modifications and revisions, if any, will be presented to the Board in an appropriate summary form by the Superintendent in order that the Board may oversee the development and maintenance of the educational program.

The Board shall receive regular reports of the results of instructional program evaluations.

Ref: 8 NYCRR §100.2(m)

Adoption date: February 9, 1999

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## COMMUNITY RELATIONS GOALS

The Board of Education strives to conduct district affairs by way of a continuing, open dialogue between the community and the schools. Given district residents' high level of interest in the education of children, the Board wishes to maintain its high level of sensitivity to the needs and desires of the community and to act expeditiously to meet changing needs and conditions.

To this end, the Board establishes the following goals for community involvement:

1. to provide every possible means whereby all residents of the school district may have the opportunity to contribute their best thinking to the orderly planning of education for children in the district;
2. to keep the community accurately informed about its schools;
3. to understand community attitudes and aspirations for the schools;
4. to encourage contributions from the parent-teacher associations of the district so that school personnel and parents cooperate to advance the educational welfare of the children;
5. to handle all complaints from the public by the administrative officer in charge of the unit of the school district organization closest to the complainant. However, such complaints may be carried to the Superintendent of Schools and/or the Board if the problem is not resolved at that level;
6. to promote a spirit of cooperation among the Board, the schools, and the community;
7. to develop and maintain the confidence of the community in the Board and the school district staff;
8. to expand the public understanding of every aspect of the school system, and stimulate public interest in the school;
9. to facilitate dissemination of information to the community concerning issues and activities in the school;
10. to ascertain the community's opinions and desires with respect to the operations of the school system, and to incorporate that knowledge into its actions;
11. to develop arrangements among civic and community organizations for sharing of resources, especially in the creation of programs designed to benefit students; and
12. to develop and maintain the most effective means of communication possible with the people of the district.

Notwithstanding the above, the final decisions in these areas will rest with the Board.

The district shall make available to the public all minutes of open meetings, curricular material, and other materials and records required to be made public pursuant to Article 7 of the New York Public Officers Law, known as the Freedom of Information Law.

The Board shall take action on all official business in open meetings which the press, public and school employees are welcome to attend and at which both oral and written communications shall be received and considered. Members of the public shall be given the opportunity to address the Board at every regular meeting.

Adoption date: February 9, 1999

## ANNUAL DISTRICT ELECTION AND BUDGET VOTE

The annual district meeting shall be held on the third Tuesday in May unless otherwise changed by action of the Commissioner of Education.

The District Clerk shall publish a notice of the time and place of the annual meeting at least four times within the seven weeks prior to the meeting. The first publication of the notice shall be at least 45 days prior to the meeting in two newspapers having general circulation within the district.

At the annual meeting, the Board must present a detailed statement of the sums necessary for the various expenditures of the district for the coming year. A budget hearing may also be held no more than 30 days or less than 10 days prior to the annual meeting and vote.

Copies of the budget to be voted upon at the annual election and budget vote will be available upon request in each district school building, at the district offices, and at any public library or free association library within the district, for district residents at the time of the annual election and budget vote and the 14 days preceding (other than Saturday, Sunday and holidays), as well as on the school district's internet website. Notice of the availability of copies of the budget must be included in the notice of the annual meeting. Additionally, the announcement and introduction of candidates for the Board will be made as well as the presentation and explanation of any special propositions contained in the notice of the annual meeting. At a Board meeting held before the annual meeting, the Board shall appoint assistant clerks and election inspectors necessary for the annual meeting and election.

### *Propositions*

The Education Law provides that school Boards have the authority to adopt reasonable rules and regulations concerning the submission of petitions to the Board to place propositions on the ballot which may amend the budget. Pursuant to those provisions, the Board establishes the following guidelines:

1. Unless otherwise provided by the Education Law, petitions for the submission of a proposition must contain a minimum of 1,200 signatures of qualified voters of the district, or five percent of the number of voters at the last annual election, whichever is greater.
2. Petitions for submission of any question or proposition required by law to be stated in the published notice of any annual or special district election must be filed with the Board at least 60 days prior to the annual meeting (and not later than 20 days before the date set for a special district election at which such question or proposition is to be voted upon) to facilitate the preparation and printing of the ballots.
3. Petitions for submission of any question or proposition not required by law to be stated in the published notice of any annual or special district election must be filed with the Board not later than 30 days before the date set for said election at which such question or proposition is to be voted upon.
4. Propositions must include the specific appropriations necessary for the purposes listed.
5. Wording of a petition must comply with legal requirements. If not, it may be changed or altered by the Board, or the Board may reject a petition for failure to comply.

Propositions received in accordance with these specifications will be placed on the ballot as amendments and will be voted upon by the voters in the same manner as the proposed budget, except that the Board shall not be required to place any proposition on the ballot which is within the exclusive province of the Board, or

otherwise forbidden by law.

The Board may also, on its own motion, submit propositions.

Special district elections may be called to transact such business as the Board deems proper.

The district is divided into specific geographic areas. The specifics are available in the district clerk's office as is consistent with current Education Law.

Cross-ref: 2120, School Board Elections  
2120.1, Candidates and Campaigning

Ref: Education Law §§1703(2); 1716; 2002; 2004; 2013; 2022(2); 2035(2); 2105;  
2601-a

Adoption date: January 12, 2010



## **PUBLIC INFORMATION PROGRAM**

The Board of Education shall maintain a continuing public information program, in order to promote widespread understanding of the school program, and to gain the support and participation of the community in the school system.

In addition to encouraging members of the community to attend and participate in public Board meetings, the Superintendent of Schools shall develop a program aimed at disseminating information about Board policies, procedures, actions and district educational programs to the public.

The Superintendent should coordinate the activities of district administrators to ensure their direct involvement in the public information program. All public information released by or on behalf of the district involving district programs, policies, performances, problems and plans shall be cleared through the office of the Superintendent. Such releases shall be the responsibility of the Superintendent or his/her designee, who shall work directly with the Building Principals of the school involved. Each school, through its faculty and staff, should participate not only in the dissemination of information to the public, but also in the planning of events and social programs aimed at getting the community involved in school district activities. Copies of all releases will be given to the Superintendent as soon as is practical.

This coordination is required and shall be followed in order to:

1. maintain a consistent public information policy;
2. provide all news media with a ready source of public information;
3. avoid duplication of material; and
4. maintain a news release and photo file for district protection.

Parents and citizens wishing to obtain information should inquire first through a Building Principal or other school administrator, then through the Superintendent, and finally through the Board.

Cross-ref: 1900, Parental Involvement

Adoption date: February 9, 1999

## SCHOOL DISTRICT RECORDS

It is the policy of the Board of Education to inform members of the public about the administration and operation of the public schools in accordance with the Freedom of Information Law of the State of New York.

The Superintendent of Schools shall develop regulations ensuring compliance with the Freedom of Information Law and governing the procedures to be followed to obtain access to district records, and submit such regulations to the Board for approval. The Superintendent shall designate, with Board approval, a Records Access and Records Management Officer, pursuant to law.

### *Retention and Destruction of Records:*

The Board hereby adopts as policy the Records Retention and Disposition Schedules as promulgated by the Commissioner of Education, setting forth the minimum length of time school district records must be retained.

Cross-ref: 5450.1, Notification of Released Sex Offenders  
5500, Student Records  
6600, Fiscal Accounting and Reporting  
8111, Reporting of Hazards

Ref: Public Officers Law §84 et seq.  
Education Law §2116  
Arts and Cultural Affairs Law §57.11  
Local Government Records Law, Article 57-A  
8 NYCRR Part 185

Adoption date: February 9, 1999

## NEWS MEDIA RELATIONS

The Board of Education invites and welcomes the active participation of all forms of mass media in promoting the cause of good education within the district and elsewhere. The Board encourages suggestions and advice from representatives of the media as to how best to facilitate the flow of information to them from the Board and others within the school system.

The Board designates the Superintendent of Schools to establish working relationships with all pertinent news media that will enhance the district's public information program.

The Board encourages the release of district information via the following channels:

1. information regarding the Board will be issued by the President of the Board or the Superintendent;
2. information about the district shall be released by the district's Public Information Office; and
3. information about individual school activities, student performances, athletic events, instructional or social programs conducted at individual schools may be released through the office of the Building Principal in charge of the school involved or through the office of the Superintendent. When appropriate, a parent or guardian of any student who is quoted directly or who is identified by photograph, name or identifying description, will be asked to sign a statement of permission authorizing such release.

Ref: Arts and Cultural Affairs Law §61.09

Adoption date: February 9, 1999

**STUDENT INVOLVEMENT IN PUBLIC INFORMATION PROGRAM**

The participation of students in interpreting the educational program of the school to the community shall be encouraged, with the understanding that:

1. students shall participate only in appropriate situations as determined by the administrators;
2. the use of students shall always be evaluated in terms of the effect on the child;
3. students shall not be exploited for the benefit of any individual or group; and
4. students shall not solicit or promote school district issues without approval of the Superintendent of Schools.

Adoption date: February 9, 1999

**SCHOOL BUDGET AND BOND REFERENDA INFORMATION**

The annual district budget shall be submitted for voter approval as required by law. Any voter-presented propositions shall be submitted in accordance with the procedure specified by law and district policy. The resubmission of any defeated budget or the submission of any propositions by the Board of Education will be done at the discretion of the Board as permitted by law.

The Superintendent of Schools shall approve all information regarding district expenditures submitted to the district voters for approval. The Superintendent shall ensure that any document, newsletter, advertisement or other communication prepared and/or distributed at district expense shall be factual in nature to the best of his/her knowledge, and shall not exhort district voters to vote to approve or disapprove any matter submitted for voter approval.

Cross-ref: 6100, Annual Budget

Ref: Education Law §1716  
*Phillips v. Maurer*, 67 NY2d 672 (1981)

Adoption date: February 9, 1999

## **RELATIONS WITH COMMUNITY AND BUSINESS ORGANIZATIONS**

The Board of Education recognizes the potential benefits of community and business partnerships with school districts. The Board and district staff shall therefore cooperate with those organizations which may provide support in improving the educational, vocational, counseling, and/or extra-curricular opportunities in the district. Board members shall seek to maintain regular interaction with community and business leadership, both on a formal and informal basis.

Partnerships with these organizations may include mentor and/or apprenticeship programs, pilot projects, grants, off-campus counseling services, and volunteer services, in addition to or as part of the district curriculum.

The Board shall appoint a community-business liaison [or liaison committee] whose duties shall include the following:

1. to investigate all opportunities which may be available to the district through an association with such organizations;
2. to coordinate these organizations' efforts in order to serve the greatest number of district students;
3. to develop guidelines for the implementation of the school-community-business partnership, and suggest curricular and extra-curricular developments as a result of such partnership;
4. to attend appropriate meetings of such organizations to inform them about educational issues and needs of the schools, and to report back to the district about issues of concern to area business and the community; and
5. to seek grants and gifts to the schools which will help improve education in the district.

The liaison [committee] will report its findings to the Board on a semi-annual basis, and the Superintendent of Schools shall regularly inform the Board of the status of community-business programs in effect in district schools.

Adoption date: February 9, 1999

## RELATIONS WITH BOOSTER ORGANIZATIONS

The Board of Education recognizes that extracurricular support groups, or "booster" organizations, provide important support to district schools, and can be a valuable means of stimulating community interest in the aims and activities of district schools. Booster organizations may be defined in two ways:

1. an organization which is created to foster community support and raise funds for a specific extracurricular activity (e.g., athletics, speech and debate, and/or musical groups); or
2. an organization which is created to foster community support and raise funds for the school's general extracurricular program.

Parents and other interested members of the community who wish to organize a booster club for the purpose of supporting a specific school program are encouraged to do so, as long as the activities of such organizations do not interfere unduly with the total educational program, or disrupt district operations in any way. To this end, booster organizations must follow these guidelines:

1. be voluntary and support a specific school activity;
2. submit an activity schedule in advance to the Superintendent of Schools or designee for prior approval (Any time the booster club uses the name of the school district, or any language suggesting that the district has endorsed, sponsored or otherwise approved of the club's activities, there must be prior approval by the Superintendent.);
3. seek advance Board approval for any use of school facilities and/or equipment, following procedures outlined in administrative regulation 1500-R, Public Use of School Facilities Regulation;
4. avoid interference with the decision-making of any student group;
5. understand and respect the authority of district employees in the administration of their duties; and
6. assume all financial responsibility for their organization, including but not limited to the provision of adequate insurance coverage, as appropriate.

If a booster organization wishes to make a contribution of money, service time, or tangible property (e.g., equipment or supplies), a representative of the organization should first meet with the Superintendent. The Superintendent must identify the district's terms and conditions of accepting such gifts, and seek the Board's official approval before accepting or publicly announcing any contribution.

Booster-proposed plans, projects and other activities must be evaluated and promoted in light of their stated contribution to the academic as well as the extra-curricular school programs. Careful consideration should be given to the total value of the contribution to all students, and not just to specific student groups.

The Board retains final responsibility and authority on all activities which have an impact on students, the schools, school programs, and/or school-owned property.

Adoption date: February 9, 1999

## **PUBLIC PARTICIPATION AT BOARD MEETINGS**

The Board of Education recognizes its responsibility to hear and respond to public comment, and therefore encourages public participation at Board meetings. There will be a specific agenda item at each Board meeting to provide an opportunity to address the Board.

The Board shall set aside time at each regular and special Board meeting during which the taxpayers, community citizens, school personnel and school students may openly express themselves directly to the Board. Persons wishing to speak must sign up to speak prior to the beginning of the meeting. Once recognized by the President, speakers will identify themselves, any organization they may be representing at the meeting and the school related topic they wish to discuss. Comments should be kept as brief as possible and related to school matters. Each speaker will be limited to three minutes.

The President is responsible for the orderly conduct of the meeting and shall rule on such matters as the time to be allowed for public discussion, the appropriateness of the subject being presented, and suitability of the time for such a presentation. The Board, as a whole, shall have the final decision in determining the appropriateness of all such rulings.

Cross-ref: 2350, Board Meeting Procedures

Adoption date: January 10, 2012



## PUBLIC COMPLAINTS

The Board of Education recognizes the right of community members to register individual or group concerns regarding instruction, district programs, materials, operations, and/or staff members. The main goal of the district is to resolve such concerns with only the parties involved, whenever possible. Public complaints about the school district will be directed to the proper administrative personnel. Complaints about specific classroom practices shall be directed to the teacher concerned. If the matter is not settled satisfactorily, the complainant shall then contact the Building Principal; if it is not resolved on this level, the Superintendent of Schools shall be contacted. The Superintendent shall refer the issue to the Board for final resolution.

All matters referred to the Superintendent and/or the Board must be in writing. Concerns registered directly to the Board as a whole or to an individual Board member shall be referred as soon as is reasonably possible to the Superintendent for investigation, report, and/or resolution.

Cross-ref: 1440, Complaints about School Personnel

Adoption date: February 9, 1999

## COMPLAINTS ABOUT CURRICULA OR INSTRUCTIONAL MATERIALS

The Board of Education recognizes its responsibility for the purchase of instructional materials. The Board encourages district teachers and administrators to select books and other materials in accord with sound educational principles and practices, and to use them effectively in the classrooms. However, the Board also recognizes the right of community members to voice concerns and/or complaints regarding the implementation of a particular curriculum and/or instructional material. The Board will not permit any individual or group to exercise censorship over instructional materials and library collections, but recognizes that at times a reevaluation of certain material may be desirable.

All complaints concerning textbooks, library books and other instructional material shall be submitted to the Superintendent of Schools. The Superintendent shall promulgate regulations subject to Board approval establishing a complaint procedure.

Cross-ref: 4511, Textbook Selection and Adoption  
4513, Library Materials Selection and Adoption

Ref: Education Law §§1709(15); 1711(5)(f)  
*Board of Educ., Island Trees UFSD v. Pico*, 457 US 853 (1982)

Adoption date: February 9, 1999

## COMPLAINTS ABOUT SCHOOL PERSONNEL

The intent of this policy is to maintain dialogue among residents, the Board of Education and the administration while, at the same time, safeguarding employees from unfair criticism.

The Board believes that complaints and grievances are best handled and resolved as close to their origin as possible and that the staff should be given every opportunity to consider issues and attempt to resolve problems prior to Board involvement. Therefore, the proper channeling of complaints will be as follows:

1. Teacher or staff member,
2. Principal,
3. Associate/Assistant Superintendent and follow the appropriate supervising chain.

Individual Board members will refer persons making complaints to the Superintendent. Board members will refrain from expressing any judgment until such complaint is submitted to the entire Board. The Superintendent shall refer complaints to other staff members when appropriate.

This policy does not alter the district's obligation to deal with complaints subject to collective bargaining.

Cross-ref: 1400, Public Complaints

Ref: Education Law §§3012; 3020-a  
Civil Service Law §75  
8 NYCRR Part 84

Adoption date: February 9, 1999

## PUBLIC USE OF SCHOOL FACILITIES

The school buildings and grounds are maintained for the education and recreation of the school children of the district, and no use shall be made of the buildings or grounds which would interfere or disrupt their most effective use for the benefit of the school children. All uses of school buildings and grounds shall be consistent with Section 414 of the Education Law.

Such use may take place during school hours only if, in the opinion of the Board of Education, the use will not be disruptive of normal school operations. Both during and after school hours, all such use should pertain to the general welfare of the school and/or community, in compliance with the Education Law. Any such use, however, shall not be deemed an endorsement of the activity or purpose for which the facilities are used.

Cross-ref: 1511, Advertising in the Schools

Ref: Education Law §414

Adoption date: February 9, 1999

## **SCHOOL RELATED FUND RAISERS**

The Board of Education believes that fund drives and/or materials drives should be conducted only when there is some educational benefit for the student.

Any fund drive must be approved by the School District.

Funds raised through school-sponsored activities must be deposited and accounted for in the extra-curricular fund. Accounting for funds raised by the school-related groups are the responsibility of such groups.

### *Soliciting Funds from Staff*

No solicitor, salesman, or agent shall come into any school building or upon any school property and solicit business other than school business, from any school employee. In the case of school business, he/she shall obtain permission from the superintendent before soliciting any school employee in any building.

Cross-ref: 1511, Advertising in the Schools  
5660, Student Gifts and Solicitations

Adoption date: April 10, 2007

## ADVERTISING IN THE SCHOOLS

School facilities, staff, and school children shall not be employed in the schools in any manner for advertising or otherwise promoting on school property any commercial, political, or non-school agency, individual, or organization, except as approved by the Superintendent of Schools. Our schools shall not be used to advertise affairs or events designed to raise money to award prizes to participants or to cause students to engage in contests. This prohibition is designed to protect students, staff members and parents against the often well-intentioned efforts of those who would use the schools to disseminate information, to distribute materials, to engage participation or to collect funds for their particular interests or purposes. The Superintendent may authorize the posting of notices or the distribution of materials if the notices and materials originate with a non-profit organization and deal with subjects of natural interest or concern to children.

Canvassing, soliciting of funds or selling of any items by any outside agency shall not be permitted on the school premises. School personnel may not participate, during school hours or on school grounds, in the solicitation of orders, the distribution of advertising materials, or the collection of charges. The Superintendent is authorized to issue a list of suggested vendors to meet district-prescribed standards, e.g., for photographs or musical instruments, while allowing parents to make their own arrangements on any terms they wish, where the arrangement does not involve the use of school personnel.

A commercial photographer who is taking school photographs on school premises for a school purpose may advise students, by means of a card, brochure or other appropriate device, that copies may be purchased directly from the photographer. The solicitation of orders for and the sale of class rings on school premises is permissible if authorized by the Board of Education, if all prospective vendors are given full and equal opportunity to compete, and if students are fully involved in the promotion and sale of such rings.

The Superintendent is hereby granted the authority to approve activities, in cooperation with any individual or organization, which are of general public interest and which promote the education or other best interests of the students. Exhibitions in schools of any books, articles, apparatus, films, or other educational material shall be judged on the basis of their actual educational values.

In the case of colleges, universities, armed service agencies, corporations, businesses and public service agencies, it is the policy of the Board that access to schools shall be encouraged to bring career and occupational information to students. The Superintendent shall ensure that such activities are carefully monitored to restrict any commercial advertisement.

Contracts which purport to authorize private individuals or corporations to promote the sale of products and services through commercial advertisements aimed at public school students are expressly prohibited.

Nothing in this policy shall be construed to limit the authority of the Board under law to authorize the broadcast of high school games and other events by radio and TV stations even though the broadcast is commercially sponsored.

Cross-ref: 1500, Public Use of School Facilities  
1510, School Related Fund Raisers

Ref: New York State Constitution Article 8 §1  
Education Law §414  
8 NYCRR Part 23  
Arts and Cultural Affairs Law §61.09  
*Matter of Gary Credit Corp.*, 26 EDR 414 (1987)  
*Matter of Gary Credit Corp.*, 25 EDR 385 (1986)  
*Matter of Taftegaard*, 25 EDR 238 (1986)  
*Matter of Taftegaard*, 23 EDR 405 (1984)  
*Matter of Hoyt*, 20 EDR 316 (1980)  
*Matter of Puls*, 17 EDR 324 (1978)  
*Matter of Gordon*, 14 EDR 358 (1975)

Adoption date: February 9, 1999

## SMOKING AND OTHER TOBACCO USE ON SCHOOL PREMISES

Due to the health hazards associated with smoking, and in accordance with federal and state law, the Board of Education prohibits smoking and all other tobacco use in all school buildings, on school grounds, and in any vehicle used to transport children or personnel.

The district's smoking policy shall be prominently posted in each building, at designated outdoor locations on school premises (e.g. athletic fields) and in all district vehicles. The Board designates the Superintendent of Schools or his/her designee as agent responsible for informing individuals smoking anywhere on school premises or in district vehicles that they are in violation of Article 13 of the Public Health Law and/or Section 409 of the Education Law and/or the federal Pro-Children Acts of 1994 and 2001.

Ref: Education Law §§409(2)  
Public Health Law Article 13-E  
Public Health Law §§206; 340; 347  
The Pro-Children Act of 2001, 20 U.S.C. §§1781 *et seq.*  
The Pro-Children Act of 1994, 20 U.S.C. §§6081 *et seq.*

Adoption date: February 9, 1999

Revised: July 12, 2005



## **RELATIONS WITH LAW ENFORCEMENT AGENCIES**

District personnel shall cooperate at all times with local police and fire departments.

Infractions of the law on school property shall be reported to the police when discovered. Further, whenever such an infraction of the law involves injury or threat of injury to any person or the loss or damage to property, any responsible staff member competent to sign a formal complaint shall do so. Injury or threat of injury shall apply to self or any other persons. Also, drugs are assumed to be injurious and, therefore, anyone in possession of drugs shall be assumed to constitute a clear and present threat of injury to self or others. In all other cases of infractions of the law, the responsible staff member shall use his/her good judgement regarding the signing of complaints and shall do what a reasonable person can be expected to do under similar circumstances and conditions.

If there are incidents involving the destruction of property, theft of money, materials or equipment, or anything else that is deemed to be within the province of the police authorities, this should be reported accurately and factually to the police directly and immediately. A factual written report shall be filed with the Principal, a copy of which shall be forwarded to the Superintendent of Schools.

All fires started in areas not meant for fires shall be reported to the fire department immediately by the appropriate administrator/supervisor, who will also contact the Superintendent. If the fire is still in progress when reported, an alarm shall be sounded in the school building at once. If the fire has been extinguished before reporting it to the fire department, the facts surrounding the fire should be reported and a written report of these facts shall be filed with the Building Principal, a copy of which shall be forwarded to the Superintendent of Schools.

Adoption date: February 9, 1999

## RELATIONS WITH NONPUBLIC SCHOOLS

In recognition of the educational, cultural, and economic values which parochial and private schools provide to parents, citizens, and community taxpayers, the Board of Education shall make available required public school services to resident students who attend nonpublic schools.

The Board recognizes that section 701 of the Education Law requires all school boards to purchase and to loan, upon individual request, textbooks to all children residing in the district who are attending grades kindergarten through grade 12 in any public or nonpublic school which complies with the compulsory education law.

It is also understood that the textbooks must be "loaned free" to the children, but school boards may make reasonable rules and regulations regarding such loans.

Therefore, the following rules and regulations shall govern the loan of textbooks to residents of the district attending nonpublic schools:

1. The textbooks shall remain the property of the district.
2. The textbooks shall be returned at the end of the nonpublic school's year.
3. If lost or destroyed, the textbooks shall be paid for in the same fashion as the students attending district schools.

The Board authorizes the Superintendent of Schools to establish any and all rules, regulations and procedures necessary to implement and maintain this policy.

Adoption date: February 9, 1999

## HOME SCHOOLING

The Board of Education shall ensure that children instructed at home are taught by a competent instructor and receive an education substantially equivalent to that offered in the district's schools.

Parents/Guardians who wish to educate their children at home must submit an individual home instruction plan (IHIP) annually to the Superintendent of Schools, outlining the educational goals to be met and the course materials and syllabi to be used each year for the child's learning process. The district may accept or deny an IHIP. Parents/Guardians must submit quarterly reports and annual assessments which will provide the district with the necessary information to make determinations of substantial equivalency and competency of instruction on an ongoing basis. Attendance records must be kept and maintained.

Parents/Guardians may appeal to the Board a determination by the Superintendent or designee that an IHIP is not in compliance with the Regulations of the Commissioner of Education. Parents/Guardians shall have the right to appeal the final determination of the Board to the Commissioner of Education within 30 days of receipt of such determination.

Cross-ref: 5100, Attendance

Ref: Education Law §3202(4)  
8 NYCRR §100.10  
*Matter of Abookire*, 33 EDR 473 (1994)

Adoption date: February 9, 1999

## GIFTS FROM THE PUBLIC

All gifts made to the district shall become the property of the district. It shall be the policy of the district to accept a gift, provided it is made within the statutory authority granted to school districts and has received the approval of the Board of Education.

In granting or withholding its consent, the Board will review the following factors:

1. The terms of the gift must identify:
  - a. the subject of the gift
  - b. the purpose of the gift
  - c. the beneficiary or beneficiaries if any
  - d. all conditions or restrictions that may apply.
2. The gift must not benefit a particular or named individual or individuals.
3. If the purpose of the gift is an award to a single student, the determination of the recipient of such 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, disability, color or national origin.
4. 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.
5. No gift or trust will be accepted by the Board unless:
  - a. it is in support of and a benefit to all or to a particular public school in the district, or
  - b. it is for a purpose for which the school district could legally expend its own funds, or
  - c. it is for the purpose of awarding scholarships to students graduating from the district.

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)

Adoption date: February 9, 1999

## GIFTS TO SCHOOL PERSONNEL

No district officer or employee shall directly or indirectly receive any gift having a value of twenty-five dollars (\$25) or more, whether in the form of money, services, loans, travel, entertainment, hospitality, etc., under circumstances in which it could reasonably be inferred that the gift was intended to influence the performance of his/her duties.

Nothing herein should be construed as prohibiting the traditional exchange of holiday gifts provided discretion is used to ensure that gifts of value are not accepted by staff employees or officers. Gifts from children that are principally sentimental in nature and of insignificant financial value may be accepted in the spirit in which they are given.

Cross-ref: 2160, School Board Officer and Employee Ethics

Ref: General Municipal Law §805-a

Adoption date: February 9, 1999

**RELATIONS WITH PERSONS WITH DISABILITIES**

The Board of Education is committed to providing opportunities for participation in the services, programs and activities of the district to persons with disabilities, equal to that of other persons. The district will fulfill all the requirements of federal and state law and regulation in ensuring access to persons with disabilities.

Ref: Americans with Disabilities Act of 1990, 42 U.S.C. §§12131-12134  
Rehabilitation Act of 1973, §504 (29 USCA §794)  
Education Law §3230  
8 NYCRR §100.2(aa)  
*Rothschild v. Grottenthaler*, 907 F.2d 286 (2d Cir. 1990)

Adoption date: February 9, 1999

## INTERPRETERS FOR HEARING-IMPAIRED PARENTS

The Board of Education recognizes that those district parents with hearing impairments, which prevent a meaningful participation in their child's educational program, must be afforded an opportunity equal to that afforded other parents to participate in meetings or activities pertaining to the academic and/or disciplinary aspects of their child's education. Accordingly, and pursuant to law, the school district will provide an interpreter for hearing-impaired parents for school-initiated academic and/or disciplinary meetings or activities including, but not limited to:

- Parent/teacher conferences
- Child/study or building level team meetings
- Planning meetings with school counselors regarding educational progress
- Career planning
- Suspension hearings or other conference with school officials relating to disciplinary actions

The school district will provide an interpreter for the hearing-impaired parent if a written request for the service has been submitted to and received by the district within 5-10 working days prior to the scheduled meeting or activity. If an interpreter is unavailable, the district will then make other reasonable accommodations which are satisfactory to the parents (e.g., notetaker, transcript, decoder, or telecommunication device for the deaf). These services will be made available by the district at no cost to the parents.

The Board directs the Superintendent of Schools to maintain a list of available interpreters and to develop procedures to notify parents of the availability of interpreter services, the time limitation for requesting these services, and of the requirement to make other reasonable accommodations satisfactory to the parents should an interpreter not be available.

Hearing-impaired parents are requested to submit the attached form to request accommodations of their disability.

Ref: Americans with Disabilities Act of 1990, 42 U.S.C. §§12131-12134  
Rehabilitation Act of 1973, 29 U.S.C. §794  
Education Law §3230  
8 NYCRR §100.2(aa)  
*Rothschild v. Grottenthaler*, 907F.2d 286 (2d Cir. 1990)

Adoption date: July 12, 2005

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**SCHOOL BOARD LEGAL STATUS**

The Board of Education is a seven-member Board elected 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.

Ref: Education Law §§1701; 1702; 1703; 1804(1); 2101(2); 2105

Adoption date: February 9, 1999

## **SCHOOL BOARD POWERS AND DUTIES**

The Board of Education is the governing body of the school district. The Board is entrusted with the responsibility of developing policies under which the district is managed.

The powers and duties of the Board are as 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. The Board may also enter into contracts and agreements in conformity with state law.

Cross-ref: 2111, Board Member Authority

Ref: Education Law §§1604; 1604-a; 1701; 1708; 1709; 1710

Adoption date: February 9, 1999

**BOARD MEMBER AUTHORITY**

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.

Members of the Board are free to speak to individuals on these issues outside of Board meetings but such public expression is not to be construed as Board policy. Information from executive sessions must remain confidential at all times, unless release is appropriately authorized. 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.

Cross-ref: 2110, School Board Powers and Duties

Ref: Education Law §§1604; 1701; 1708; 1709; 1710  
*Matter of Bruno*, 4 EDR 14 (1964)

Adoption date: February 9, 1999

## SCHOOL BOARD ELECTIONS

The elections of members of the Board of Education shall be held on the third Tuesday in May. The polls shall be open for those hours designated by the district. The following items shall be voted upon:

1. the annual budget,
2. any vacancies on the Board of Education, and
3. any special propositions that have been properly presented.

The annual election shall be held at the place in each election district hereinafter designated and the hours of voting shall be fixed by the Board, provided the same consist of at least six consecutive hours after 7:00 a.m. and provided further that two of such hours shall be after 6:00 p.m.

Cross-ref: 1050, Annual District Meeting

Ref: Education Law §§2012; 2013; 2014; 2018; 2018-a; 2019-a; 2031; 2035

Adoption date: February 9, 1999

## CANDIDATES AND CAMPAIGNING

### *Nominations*

Candidates for the office of member of the Board of Education shall be nominated by petition. Such petition shall be directed to the District Clerk, shall contain the signatures and addresses of at least 25 qualified voters of the district or two percent of the voters who voted in the previous election, whichever is greater, and shall state the name and residence of the candidate. Each petition shall be filed with the District Clerk not later than 30 days preceding the Annual Meeting at which the candidates so nominated are to be elected.

The District Clerk will supervise the procedure used to establish the order of names on the ballot. The Board may reject nominations if the candidate is ineligible or has declared an unwillingness to serve. Candidates for the Board shall be nominated to run for a specific seat on the Board.

### *Electioneering*

Electioneering during the hours of any vote is prohibited within the polling place or within one hundred (100) feet of any such polling place. Displays or handout items of any political nature, except those provided by law, shall be prohibited by any individual, group or organization in any school building on those days when the polls are open for voting on school district matters, including, but not limited to, the annual school budget, candidates for the Board of Education, special propositions, etc.

Cross-ref: 1050, Annual District Meeting

Ref: Education Law §2018

Adoption date: February 9, 1999

## VOTING PROCEDURES

### *Eligibility to Vote*

A person shall be entitled to vote in any school district election and in all matters placed upon the official ballot, if such person is:

1. a citizen of the United States;
2. at least 18 years of age;
3. a resident within the school district for a period of thirty days next preceding the election at which such person desires to vote;
4. qualified to register or is registered to vote in accord with section 5-106 of the Election Law which excludes:
  - a) those convicted felons who have not been pardoned or had their rights of citizenship restored, those whose maximum sentence of imprisonment has not expired; and/or those who have not been discharged from parole;
  - b) persons adjudged mentally incompetent by a court; and
5. will be listed upon current voter registration lists maintained by the local Board of Elections or properly registered to vote within the school district. The Board of Education shall appoint a Board of Registration and shall designate the registration place and hours for district residents.

Challenges to voters believed unqualified to vote may be undertaken pursuant to Education Law provisions. As provided in section 2025 of the Education Law, each annual or special election or meeting shall have a presiding chairman appointed by the Board. Such chairman shall have the responsibility of properly handling any challenges to the qualification of any voter.

### *Voting*

The district is divided into four polling areas. Voting machines shall be used for recording the votes on all elections, budget votes, and votes on special propositions. The only exception to the use of voting machines shall be an emergency situation whereby the machines are unavailable due to a mechanical failure or state or local law prohibiting their use. If this should arise, paper ballots will be used.

Each voting machine shall have at least one clerk appointed by the Board in attendance during all voting hours. It shall be the duty of each clerk to keep a poll list containing the names, signatures, and legal residence of each person before such person is permitted to vote.

Entering a voting machine with another person is prohibited, except upon request from a voter, in which case an election inspector shall be allowed to enter the voting machine with that voter for the sole purpose of assisting that person in the actual manipulation of the voting machine. The election inspector shall not advise or induce such voter to vote on any proposition or candidate, and the election inspector shall never reveal the vote(s) recorded by the voter to any other person at any time.

Write-in ballots are permissible, when applicable, by utilizing the write-in device provided with the voting machine. If voting machines are not used, ballots containing the names of nominated candidates will be provided by the Board. On a paper ballot, one blank space will be provided under the name of the last candidate for each office so that voters may vote for candidates who have not been nominated for the offices to be filled at the election.

The writing in, with a black lead pencil, of a name in the blank space so provided, will sufficiently indicate a vote. It will not be necessary for a voter to place any other mark beside the name of a write-in candidate.

### *Absentee Ballots*

The Board permits the use of absentee ballots for voting. Such ballots shall be available for the election of members of the Board of Education, the adoption of the school district budget, and on questions and propositions submitted to the voters of the district. The District Clerk shall give notice of the availability of such absentee ballots. Such ballots, including application forms, will be sent by the District Clerk to qualified voters wishing to vote by absentee ballot, upon request, via first class or certified mail. The application must be completed and returned with the ballot, and the individual must verify therein that he/she meets all voting requirements, and explain the reason for his/her inability to appear in person to vote.

In particular, the individual must explain that he/she will be unable to appear to vote in person on the day of the school district election because:

1. he/she will be a patient in a hospital, or unable to appear personally at the polling place on such day because of illness or physical disability. A voter who claims permanent illness or physical disability may apply for an absentee ballot and the right to receive an absentee ballot for each election thereafter without further application by filing an application containing a statement setting forth the particulars of his/her permanent illness or disability with the Board of Elections;
2. his/her duties, occupation, business, or studies will require him/her to be outside of the county or city of his/her residence on such day;
3. he/she will be on vacation outside the county or city of his/her residence on such day; or
4. he/she will be detained in jail awaiting action by a grand jury; awaiting trial; or is confined in prison after conviction for an offense other than a felony.

If the ballot is to be mailed by the voter, the application must be received by the district clerk at least seven days prior to the election; if the application is to be personally delivered, the application must be received by the day before the election. Proxy votes are not allowed.

Ref: Education Law §§2012; 2014; 2018; 2018-a; 2018-b; 2018-c; 2019; 2019-a; 2020; 2025; 2032(2)(e); 2035; 2037; 2603; 2610; 2613  
 Election Law §§3-224; 5-106; 5-612; 5-400; 5-406  
*Matter of Rodriguez*, 31 EDR 471 (1992)  
*Matter of Gresty*, 31 EDR 90 (1991)  
*Matter of Ferro*, 25 EDR 175 (1985)  
*Matter of Manno and Maloney*, 23 EDR 172 (1983)  
*Matter of Yost*, 21 EDR 140 (1981)  
*Matter of Alpert and Helmer*, 20 EDR 281 (1980)  
*Matter of Reigler and Barton*, 16 EDR 256 (1977)

Adoption date: February 9, 1999



**BOARD MEMBER QUALIFICATIONS**

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

1. able to read and write;
2. a qualified voter of the district; and
3. a resident of the school district for at least one year prior to election.

No employee of the school district may be a member of the Board, except as permitted by law. Not more than one member of a family shall be a member of the Board at the same time.

Ref: Education Law §§2102; 2103; 2502(7)

Adoption date: February 9, 1999

**BOARD MEMBER OATH OF OFFICE**

Newly elected or appointed Board of Education members must take their constitutional oath of office within 30 days of the beginning of their term of office. They shall be sworn in by the School Attorney, the Board President, District Clerk or any notary public, and the oath shall be filed with the District Clerk.

Every member shall be administered the following oath of office:

“I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of New York, and that I will faithfully discharge the duties of the office of member of the Board of Education of the Smithtown Central School District according to the best of my ability.”

Ref: Public Officers Law §§10; 30

Adoption date: February 9, 1999

**BOARD MEMBER RESIGNATION**

A member of the Board of Education may resign his/her office by filing his/her resignation with the District Clerk. The effective date of the resignation must be within 30 days after the date of filing.

Ref: Public Officers Law §31(1)(h)

Adoption date: February 9, 1999

**BOARD MEMBER REMOVAL FROM OFFICE**

A member of the Board of Education may be removed from office for willful violation or neglect of duty, or for willfully disobeying any decision, order or regulation of the Commissioner of Education. Notice of the charge and an opportunity for defense shall be provided. Official misconduct may be grounds for removal by the Board after a hearing.

It shall be the duty of each member of the Board to attend all meetings of the Board as determined at the Annual Reorganizational Meeting. A vacancy on the Board may also be declared if it is clearly established that a member has failed to attend three consecutive meetings without sufficient excuse or if a member has changed his/her legal residence from that of the school district.

Ref: Education Law §§306; 1709; 2109

Adoption date: February 9, 1999

**UNEXPIRED TERM FULFILLMENT**

The Board of Education has the power to fill any vacancy, by a majority vote, which may occur on the Board by reason of death, resignation, removal from office or from the school district, or refusal to serve, of any member or officer of the Board.

The person so appointed in the place of any such member of the Board shall hold his/her office until the next annual election of Board members. However, a special election may be called by the Commissioner of Education for the purpose of electing a person to fill the vacancy for the unexpired term.

Ref: Education Law §§1709(17); 2113

Adoption date: February 9, 1999

## SCHOOL BOARD OFFICER AND EMPLOYEE ETHICS

The Board of Education recognizes that sound, ethical standards of conduct serve to increase the effectiveness of school Board members and their staff, as educational leaders in their community. Actions based on an ethical code of conduct promote public confidence and the attainment of district goals. The Board also recognizes its obligation to set forth a code of ethics under the provisions of the General Municipal Law.

The Board therefore adopts the following code of ethics, and its accompanying regulation, for the guidance of its officers and employees. Board members and their staff commit themselves to:

- **ASSURING** the opportunity for high quality education for every student and making the well-being of students the fundamental principle in all decisions and actions;
- **REPRESENTING** the entire community without fear or favor;
- **ACCEPTING** all responsibilities as a means of unselfish service, while not using their positions for personal gain;
- **ACTING** as part of an educational team with mutual respect and regard for each other's respective responsibilities and duties, recognizing that the strength of a school Board is in acting as a Board, not as individuals;
- **PRESERVING** the obligation of having all issues considered fairly and without bias;
- **UPHOLDING** the principles of due process and individual dignity, and protecting the civil and human rights of all;
- **MAINTAINING** high standards and the effectiveness of education through research and continuing professional development;
- **OBEYING** all national, state, and local laws and regulations pertaining to education and public agencies; and
- **INSTILLING** respect for community, state, and nation.

In addition, Board members shall:

- **TAKE OFFICIAL ACTIONS** only in public sessions, except where otherwise provided or required by law;
- **DELEGATE AUTHORITY** to the chief school administrator as the Board Executive and confine Board action to policy making, planning and appraisal; and
- **EMPLOY** only competent, trained personnel.

Pursuant to the provisions of Section 806 of the General Municipal Law and Board Policy 2160, the Board of Education promulgates these rules of ethical conduct for the officers and employees of the school district. These rules shall not conflict with, but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts by municipal officers and employees.

### *Definitions*

1. "Officer or Employee" means an officer or employee of the district, whether paid or unpaid, including members of the Board of Education, and their professional or nonprofessional staff and appointees.
2. "Interest" means a pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires.

### *Standards of Conduct*

Every officer and employee of the district shall be subject to and abide by the following standards of conduct:

1. *Gifts:* An officer or employee shall not directly or indirectly solicit any gift or accept or receive any gift having a value of \$25 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her in the performance of his or her official duties or was intended as a reward for any official action on his or her part. However, the Board welcomes and encourages the writing of letters or notes expressing gratitude or appreciation to staff members.  
Nothing herein should be construed as prohibiting the traditional exchange of holiday gifts provided discretion is used to ensure that gifts of value are not accepted by staff employees or officers. Gifts from children that are principally sentimental in nature and of insignificant financial value may be accepted in the spirit in which they are given.
2. *Confidential information:* An officer or employee shall not disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his or her personal interest. In addition, he/she shall not disclose information regarding any matters discussed in an executive session of the Board whether such information is deemed confidential or not.
3. *Representation before the Board:* An officer or employee shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the school district.
4. *Representation before the Board for a contingent fee:* An officer or employee shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the school district, whereby the compensation is to be dependent or contingent upon any action by the school district with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

5. *Disclosure of interest in matters before the Board:* To the extent that he or she knows thereof, a member of the Board of Education and any officer or employee of the district, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board on any matter before the Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he or she has in such matter.
6. *Investments in conflict with official duties:* An officer or employee shall not invest or hold any investment directly in any financial, business, commercial or other private transaction that creates a conflict with his or her official duties.
7. *Private employment:* An officer or employee shall not engage in, solicit, negotiate for or promise to accept private employment when that employment or service creates a conflict with or impairs the proper discharge of his or her official duties.
8. *Future employment:* An officer or employee shall not, after the termination of service or employment with the Board, appear before the Board or any panel or committee of the Board, in relation to any case, proceeding, or application in which he or she personally participated during the period of his or her service or employment or that was under his or her active consideration. This shall not bar or prevent the timely filing by a present or former officer or employee of any claim, account, demand or suit against the district on his or her own behalf or on behalf of any member of his or her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.
9. *Dual Membership:* In accord with the understanding of the component districts, a member of the Board shall be prohibited from serving concurrently as a member of the Board of Cooperative Educational Services, Third Supervisory District.

#### *Distribution of Code of Ethics*

The Superintendent of Schools shall cause a copy of the Board's Code of Ethics and this accompanying regulation to be distributed to every officer and employee of the school district. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his or her office or employment. In addition, the Superintendent shall ensure that a copy of Article 18 of the General Municipal Law shall be kept posted in each public building under the district's jurisdiction in a place conspicuous to the district's officers and employees.

#### *Penalties*

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of the Board's code of ethics and its accompanying regulation may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Cross-ref: 1810, Gifts to School Personnel  
6700, Purchasing

Ref: General Municipal Law §§806-808

Adoption date: February 9, 1999



**BOARD MEMBER CONFLICT OF INTEREST**

The members of the Board of Education shall avoid acting in circumstances where their personal interest conflicts with that of the public whose interest they have been elected to represent. The actions of the Board shall be governed by the applicable provisions of the General Municipal Law, any other applicable law and the code of ethics established pursuant to Board Policy 2160.

Cross-ref: 9120.1, Conflict of Interest

Ref: Education Law §§2103; 2502(7); 2590-c; 2590-g; 2590-j(4); 3016  
General Municipal Law §§800 et seq.  
Local Finance Law §60.10

Adoption date: February 9, 1999

## BOARD REORGANIZATIONAL MEETING

The Board of Education recognizes its obligation to hold an annual reorganizational meeting. The purpose of the reorganizational meeting shall be to elect officers of the Board and make the proper appointments and designations of other district employees for the proper management of the school district during the school year. The Board shall also perform such annual functions as are designated by law.

The annual reorganizational meeting of the Board of Education shall be held on the first Tuesday in July (unless it is a legal holiday, in which case the meeting will be held on the first Wednesday). The Board may, however, by resolution, determine that the reorganizational meeting be held at anytime during the first 15 days in the month of July.

The meeting shall be called to order by the previous Board President or his/her designee, who shall preside until the election of a new president. The order of business to be conducted at the organization meeting shall include the following items required or implied by state law and/or regulation:

### I. *Administration of Oath*

The District Clerk and/or School Attorney shall administer the oath of office to newly-elected Board members. Such oath shall conform to Article XIII-1 of the New York State Constitution, and Section 10 of the Public Officers Law; the Clerk shall countersign the oath. No new Board member shall be permitted to vote until he/she has taken the oath of office.

### II. *Election of Officers*

The Board shall elect a president and vice-president for the ensuing year, and administer the oath of office to them. A majority of all members of the Board shall be necessary for a valid election.

### III. *Appointment of Officers*

The Board shall appoint and the Board President administer the oath of office to the following officials:

District Treasurer	Clerk of the Board
Internal Claims Auditor	

### IV. *Other Appointments*

The Board shall appoint and establish the stipend (if any) for the following positions:

School Physician	School Attorney
Census Enumerator	Attendance Officer
Insurance Consultant	District Auditor
Records Access Officer	Asbestos Designee
Records Management Officer	
Title IX/Section 504 Hearing Officer(s)	
Central Treasurer, Extraclassroom Activity Account	

V. *Bonding of Personnel*

The Board may bond the following personnel handling district funds:

District Clerk	School Attorney
Internal Claims Auditor	District Treasurer
Central Treasurer of Student Activity Account	

The Board may, in each instance, specify the amount of the bond it intends to obtain.

The Board may include any of the above officers in a blanket undertaking, pursuant to law and Commissioner's Regulations, rather than bond individuals.

VI. *Designations*

The Board shall designate:

Official depositories for district funds  
Official district newspapers

The Board shall fix the day and hour for the holding of regular meetings, which shall be at least once each month while school is in session, in the rooms provided for the Board, unless otherwise ordered by the Board.

VII. *Authorizations:*

- a. of person to certify payrolls
- b. of school purchasing agent
- c. of attendance at conferences, conventions, workshops, etc., with designated expenses
- d. to establish petty cash funds (and to set amount of such funds)
- e. to designate authorized signatures on checks
- f. of Superintendent of Schools to approve budget transfers

VIII. *Other Items:*

- a. establish rate for mileage reimbursement
- b. other

The Board shall conduct general business at this meeting before it adjourns, if it so desires.

Cross-ref: 2310, Regular Meetings  
5252, Student Activities Funds Management

Ref: New York State Constitution, Article XIII, §1  
Public Officers Law §§10; 13  
Education Law §§1707; 1804(4); 2130

Adoption date: February 9, 1999

## BOARD OFFICERS

The President and Vice-President of the Board of Education shall be elected by members of the Board at the annual reorganization meeting in July.

### *Duties of the President of the Board*

The duties of the President of the Board shall be as follows:

1. to preside at all meetings;
2. to decide questions of order in accordance with Robert's Rules of Order;
3. to act as chief fiscal officer of the Board;
4. to execute all documents on behalf of the Board, including contracts, diplomas and other documents requiring his/her signature;
5. to appoint all standing and ad hoc committees;
6. to act as an ex-officio member of all committees;
7. to call special meetings he/she considers necessary or on request of one member of the Board;
8. to vote together with other members of the Board;
9. to perform the usual and ordinary duties of the office;
10. to act as temporary chair of the annual district meeting and special district meetings; and
11. to, along with the other members, offer resolutions, and discuss questions.

### *Duties of the Vice-President*

The Vice-President shall be authorized to act for the President in case of the President's absence or inability to act, within statutory limitations.

Ref: New York State Constitution, Article 13 §2  
Local Finance Law §2.00(5)(e)  
Education Law §§1709; 2105(6); 2502; 2504; 2553; 2563; 2590-b

Adoption date: February 9, 1999

**APPOINTED BOARD OFFICIALS***District Clerk*

The Board of Education shall annually appoint a District Clerk. Such appointment shall continue until the next reorganizational meeting. The salary of the District Clerk shall also be fixed annually at the reorganizational meeting. The Superintendent is directed to establish an appropriate job description.

The District Clerk shall send written notices of all regular meetings and all special meetings, where feasible, to all members of the Board and to the Superintendent at least three days before the date of such meetings, but such notice may be waived by any member by attendance at the meeting. Nothing herein contained, however, shall be construed as prohibiting the exercise by any Board member of the right to call a meeting of the Board upon 24 hours notice.

*District Treasurer*

The Board of Education shall also annually appoint a District Treasurer. Such District Treasurer shall serve until the next Reorganizational Meeting, or until a successor has been appointed. The District Treasurer shall perform such duties imposed upon the office by statute or law: i.e., shall report, at least monthly, to the Board the state of all accounts; shall act as official custodian of all district funds; shall deposit monies received in banks designated by the Board; shall give a bond in such sum as shall be required before entering on the duties of the office; shall pay out district monies on written order of duly authorized officials of the Board; shall sign all checks, including those for which facsimile signatures have been approved; and, shall perform such other duties as may be assigned to the office by the Board. The District Treasurer shall file a bond for the faithful performance of his/her duties, or be covered under a blanket undertaking pursuant to policy 2210, V.

The Board may appoint, fix the term, and fix the compensation of such other officials as may be necessary for its proper functioning.

*Internal Claims Auditor*

The Board shall also annually appoint an Internal Claims Auditor. Such Auditor shall review the warrants and claims prepared and recommended for payment by the business office and shall approve and sign the warrants directing the District Treasurer to sign and issue the checks in payment of the approved claims. Copies of approved warrants shall be submitted to the Board for its information.

Ref: Education Law §§902; 2121; 2122; 2130

Adoption date: February 9, 1999

## **BOARD-SUPERINTENDENT RELATIONSHIP**

The Board of Education believes that the development and adoption of policies is the most important function of a school board, and the execution of the policies is the function of the Superintendent of Schools.

The Superintendent shall be responsible for all matters of decision and administration which come within his/her scope as executive officer or as a professional educator and as determined by the established policies of the Board.

While the Board reserves to itself the ultimate decision in all matters concerning general policy or expenditures of funds, it will proceed in these areas after receiving recommendations from its executive officer. Delegation by the Board of its executive powers to the Superintendent provides freedom for him/her to manage the school within the Board's policies and frees the Board to devote its time to policymaking and appraisal functions.

- As its executive officer, the Superintendent is the principal contact between the Board and the staff and shall act as the spokesperson for the staff insofar as school operations are concerned.
- The Superintendent shall have the privilege of asking guidance from the Board with respect to matters of operation whenever he/she so desires. Where it may be necessary to make exceptions to an established policy, he/she shall submit such matters to the Board for advice and direction.
- The Superintendent shall assist the Board in reaching sound judgements, establishing policies and he/she shall place before the Board, when needed, helpful facts, information and reports resulting from research and investigation concerning the welfare and progress of the schools.

The Board holds the Superintendent responsible for the administration of its policies, the execution of Board decisions, the operation of the internal machinery designed to serve the educational programs and for keeping the Board informed about district operations and problems.

Adoption date: February 9, 1999

## BOARD COMMITTEES

The Board of Education may, from time to time, establish committees whose membership will consist of members of the Board. The president of the Board (along with the Superintendent of Schools) shall serve as an ex-officio member of all committees to which he/she is not appointed. Board committees shall undertake studies and make reports as charged by the Board, but shall not act on behalf of the Board.

The Board may establish standing or ad hoc committees and reserves the right to terminate any committees at any time.

Any official policy-level action shall be in the sole discretion of the Board. The Board is in no way obligated to follow committee recommendations. The Board has the right to accept, reject, or modify all or any part of a committee recommendation.

A. The following is a list of committees which may be appointed. However, the establishment of Board standing committees is not limited to those listed below:

1. Policy Committee - this committee shall have the responsibility to review, appraise and recommend to the full Board adoption or modification of policies governing operation of the school district.
2. Instructional Services Committee - this committee shall have the responsibility for providing advice and consultation on matters pertaining to the instructional services of the district and monitoring the adequacy and appropriateness of such instructional services in meeting the needs of the community.
3. Business Affairs Committee - this committee shall have the responsibility for providing advice and consultation on the operation of the various business services of the district. In addition, this committee shall assist in interpreting the annual school budget and special referenda to the public.
4. Negotiations Committee - this committee shall have the responsibility for providing advice and consultation on negotiations conducted with the various employee organizations, for establishing liaison with the negotiation team or negotiator, and for maintaining general stewardship over the negotiation team or negotiator.
5. Facilities Committee - this committee shall have the responsibility for providing advice and consultation pertaining to the facilities of the district.
6. Housing Committee - this committee shall have the responsibility for providing advice and consultation pertaining to the housing of the district's students, employees, materials and operations.
7. Public Information - this committee shall have the responsibility for reviewing the district's public relations program.

All Board members may attend any committee meeting. Board members will be notified at least 24 hours prior to all committee meetings.

B. Special temporary committees of the Board may be appointed by the President or chosen by vote of the Board. The duties of special committees shall be outlined at the time of appointment and the committee shall be considered dissolved when the final report is made and acted upon by the

School Board. The President and the Superintendent shall be ex-officio members of each committee.

*Memorials Committee*

The Board recognizes the desire of the community to honor the memory of individuals who have rendered outstanding service within our school district community.

The guidelines listed below will be used by the Memorials Committee to insure an equitable review of each request:

1. The names of our schools have been selected by geographic location to perpetuate the historical traditions of our community and will not be changed.
2. No memorials will be established for living persons. Memorials will only be considered for deceased members of our school community.
3. The Board will not consider and act upon requests for memorials until at least one year after the death of the individual for whom the memorial is being sought.
4. Only one memorial will be established for any member of our school community.

Cross-ref: 2260, Citizens Advisory Committees

Adoption date: February 9, 1999



## TRIBUTES

Smithtown School District is sensitive to the nature of inquiries and to the needs of our school community in desiring a Tribute to honor or memorialize a significant person in the District. Individuals may be honored for their actions or deeds in regard to being a positive influence in students' lives or in advancing educational opportunities for students.

Tributes may be made to honor a living or deceased community member. Only one Tribute may be established for a particular person.

Please note: The names of our schools have been selected by geographic location to perpetuate the historical traditions of our community and will not be changed.

Adoption date: February 26, 2002

## CITIZENS ADVISORY COMMITTEES

The Board of Education recognizes that it can beneficially utilize the talents, resources, and interests available among district residents to assist in developing the programs needed for the maintenance of a quality educational program in the schools of the district. To that end, the Board shall, at its discretion and in accordance with state law and regulation, appoint Citizens Advisory Committees of representative residents of the district to meet with the Board to provide advice and reaction about important matters before the Board which may have special significance for the community. In addition, the Board may take into consideration the specific tasks assigned to the committee. Members of the professional staff may be appointed by the Board (upon the recommendation of the Superintendent) to the committee as members or consultants, as desirable.

Each citizens committee organized by the Board shall be appointed and discharged by official Board resolutions. Resolutions appointing such committees shall state specifically the scope of the work of the committee. The Board will instruct each advisory committee as to the length of time each member is being asked to serve and the service the Board wishes the committee to render, as well as the extent and limitations of the committee's responsibilities.

The Board shall make every effort to form a committee that is representative of the entire community.

Committees shall report all suggestions and recommendations to the Board and Superintendent of Schools prior to public release. Recommendations will be based on research and facts. Final reports shall be delivered to the Board at a meeting scheduled by the Board to receive the report.

The Board may accept, reject, or return committee recommendations for further study. Any action stemming from committee reports is the responsibility of the Board. Publicity, or the release of information, concerning committee findings shall be the responsibility and the prerogative of the Board. The Board will have the sole power to dissolve any of its advisory committees and will reserve the right to exercise this power at any time during the life of any advisory committee. Further, all by-laws of advisory committees will be subject to approval by the Board. Advisory committees shall be discontinued upon completion of their assignment(s).

Cross-ref: 2250, Board Committees  
4315.1, AIDS Instruction  
4321, Programs for Students with Disabilities  
6110, Budget Planning

Ref: Education Law §§4402; 4601  
8 NYCRR §135.3(2)

Adoption date: February 9, 1999

## **SHARED DECISION-MAKING AND SCHOOL-BASED PLANNING**

The Board of Education encourages the participation of the community in improving education in our schools. In accordance with the regulations of the Commissioner, the Board has adopted a plan for the effective participation of parents, teachers, administrators and the Board in shared decision-making at the building level. This plan specifies:

1. the educational issues which will be subject to decision sharing and cooperative planning at the school level;
2. the manner and extent of the expected involvement of all parties;
3. the means and standards by which all parties will evaluate improvement in student achievement;
4. the means by which all parties will be held accountable for the decisions made;
5. the process whereby disputes will be resolved at the local level; and
6. the manner in which all state and federal requirements for the involvement of parents in planning and decision-making will be coordinated with and met by the overall plan.

A copy of the Plan for Participation by Teachers and Parents in School-Based Planning and Shared Decision-Making shall be available at each school and at the central district office; individual copies of the plan will be provided upon request.

Every two years, the Board shall review the plan to determine its effectiveness and to recertify or amend the plan, as needed. Any amendment or recertification of the plan will be developed and adopted in accordance with section 100.11 of the Regulations of the Commissioner.

The amended or recertified plan together with a statement of the plan's success in achieving its objectives, shall be submitted to the Commissioner of Education for approval no later than February 1st of each year in which biennial review takes place. The first such review shall have been submitted to the Commissioner no later than February 1, 1996.

Adoption date: February 9, 1999

## PARENTAL INVOLVEMENT POLICY

The Board of Education believes that positive parental/guardian involvement is essential to student achievement, and thus encourages such involvement in school educational planning and operation.

To assure compliance with federal No Child Left Behind guidelines, the Board recognizes the rights of parents/guardians to be fully informed of all information relevant to their children who participate in programs and projects funded by Title I. (Title I, of the Elementary and Secondary Act of 1965 and No Child Left Behind Act of 2001, provides school districts with extra resources to help improve instruction in schools meeting Title I eligibility requirements.) The District shall ensure parental involvement in these programs and projects by:

- a) Providing such support for parental involvement activities as required by law;
- b) Convening an annual meeting to which all parents/guardians of participating children shall be invited:
- c) Providing parents/guardians with reports on their children's progress:
- d) Providing opportunities for regular meetings of parents/guardians

In addition the above, the District shall, jointly and in agreement with parents of students receiving Title I services, establish expectations for parent involvement in Title I programs in accordance with Section 1118(a) of the No Child Left Behind Act of 2001. Similarly, each Title I school within the district shall establish building level school/parent involvement policies in accordance with Section 1118(b). Such school/parent policies shall include, where applicable, school-parent compacts outlining how parents, the entire school staff, and students will share the responsibility for improved student achievement and the means by which the school and parents will build and develop a partnership to help students achieve the state's high standards.

Title I—Improving the Academic Achievement of the Disadvantaged of the No Child Left Behind Act of 2001, Education. Inter-governmental relations.  
20 USC 6301 note.

Adoption date: February 11, 2003

## SCHOOL ATTORNEY

The Board of Education will appoint a School Attorney for the district. The Attorney must be admitted to the bar of New York State. The Attorney will be the legal advisor to the Board. In that capacity, the Attorney's duties will be:

1. to advise the Board with respect to all legal matters relating to the district, including, but not limited to, interpretation of the Education Law of the State of New York, and all other statutes, rules or regulations affecting the district;
2. to be easily accessible to the Board and the Superintendent of Schools (and, at the discretion of the Superintendent, to his/her administrative staff), with respect to legal matters issuing out of the day-to-day administration of the district;
3. to review and to represent the district in the preparation of any and all contracts which the district may be obliged to execute (other than purchase orders usually issued for the purchase of goods, equipment and services);
4. to advise and assist in matters of litigation pursuant to the retainer agreement;
5. to review the legality of all rules or regulations to be adopted by the Board;
6. to prepare Board resolutions that are of a legal nature;
7. to prepare all notices and documents necessary for the annual or special meeting of the voters of the district;
8. to prepare legal notices in connection with the normal business of the district;
9. to prepare all negotiable and non-negotiable instruments, together with supplying documents required by the district for the purpose of borrowing funds on behalf of the district;
10. to attend, when requested, the Superintendent's hearings regarding the discipline of students or employees;
11. to review and advise with respect to any process served upon the district;
12. to prosecute and defend the district in actions brought on behalf of and against the district subject to the right of the Board to designate legal counsel as set forth below; and
13. to recommend the retainment of such special counsel as he or she may deem necessary in the circumstances, subject to the approval of the Board.

The district, when seeking to retain a School Attorney, will first locate prospective qualified lawyers/law firms by:

1. advertising in trade journals;
2. checking listings of lawyers/law firms; or
3. making inquiries of other districts or other appropriate sources.

The district will then prepare a well-planned, written request for a proposal which will contain critical details of the services sought and submit this request to prospective applicants.

The Board reserves the right to designate special counsel for particular matters of litigation or for specific areas of operations (e.g., labor).

*Communications with the School Attorney*

All communications between the School Attorney and district staff will be directed through the Superintendent.

All communications between the School Attorney and members of the Board will be available to all members of the Board.

Cross-ref: 2270.1, Litigation Procedures

Adoption date: February 9, 1999

## LITIGATION PROCEDURES

The Board of Education recognizes the seriousness of legal allegations against the school district and the importance of responding promptly to such allegations. The Board further acknowledges that it may be served legal documents including notice of claim and summons and complaint documents either by personal delivery or mail delivery.

The Board notes that when service is made on the district by mail it may be addressed to any school official, including Board members, the Superintendent of Schools, Clerk, Collector, Treasurer, Attendance Officer, or any person whose duties generally relate to the administration of school affairs. Because such a large class of persons may be properly served on behalf of the district, the Superintendent shall ensure that all district employees whose duties relate to school administration understand their responsibility to identify and immediately forward legal papers to the Superintendent.

If any employee is sued as a result of action taken by the employee while acting in the discharge of his/her duties within the scope of his/her employment, the district shall provide legal aid and render all necessary assistance to the employee in his/her defense, within the limitations of New York State Law. The employee shall notify the Superintendent within 10 days after the action is brought against him/her. In the event action is submitted to the Board concerning an employee, the employee shall be notified by the Superintendent within 10 days.

The Superintendent shall establish effective procedures to ensure that the district responds within the time frames prescribed by law. The procedures developed, when implemented, will help protect the district from penalties for failure or refusal to acknowledge receipt of a summons served either by mail or personal delivery.

Cross-ref: 2270, School Attorney

Ref: Education Law §21 (13); 3813  
Civil Practice Law and Rules §311; 312-a; 318

Adoption date: February 9, 1999

## **SCHOOL BOARD MEETINGS**

A Board of Education meeting is a meeting of the Board in public. These meetings are designated as regular or special meetings. The residents of the district are invited to attend all meetings of the Board and to observe the deliberations of the Board.

Board meetings will be held in order to conduct the necessary business to operate the district in an efficient and smooth manner. All meetings will adhere to the existing laws as they pertain to open and executive sessions.

Adoption date: February 9, 1999



## REGULAR MEETINGS

In order to perform its duties in an open and public manner, and in accordance with state law, the Board of Education shall hold regular business meetings twice a month.

The time, dates and place of regular Board of Education meetings shall be established at the annual reorganizational meeting. At present, regular meetings of the Board are held at 8:00 p.m. on the second Tuesday of the month at the Joseph M. Barton Building, New York Avenue, Ralph W. Floody Hall Auditorium, and at 8:00 p.m. on the fourth Tuesday of each month at an alternate school facility. In the event that the day appointed for a regular meeting falls on a legal holiday, the meeting shall be rescheduled. All regular Board meetings are open to the public, and meeting facilities shall provide access to persons with disabilities.

In addition to the members of the Board, the following individuals will regularly attend the business meetings of the Board: the Superintendent of Schools, the Assistant Superintendent, and other specified personnel as deemed necessary.

Cross-ref: 2210, Board Reorganizational Meeting

Adoption date: April 10, 2007

## SPECIAL MEETINGS

In an effort to anticipate and respond to special circumstances which may arise during district operations, any member of the Board of Education or the Superintendent of Schools may call special and/or emergency meetings of the Board. Notice of such meetings will be given at least 24 hours before the date of the meeting to every Board member. If less than a week in advance, public notice of the meeting will be given to the extent practicable.

If, in an emergency, a special meeting is held before the twenty-four hour notice can be given, each member may be asked to sign a waiver of notice. A statement regarding the time of notice and signature of such forms shall be entered in the minutes.

The Board shall transact no business at a special meeting other than that for which the meeting was called except by unanimous consent of all seven members of the Board in attendance during the meeting.

Ref: Education Law §§1606; 2504; 2563  
Open Meetings Law, Public Officers Law §§100 et seq.

Adoption date: April 10, 2007

## EXECUTIVE SESSIONS

The Board of Education reserves the right, within the constraints of state law, to meet in executive session. Such sessions can be requested by any member of the Board or the Superintendent of Schools.

A Board member must make a motion during an open meeting to convene in executive session. Upon a majority vote of its members, the Board may convene in executive session at a place which the Board President or said members may designate within the district to discuss the subjects enumerated below. Matters which may be considered in executive session are:

1. matters which will imperil the public safety if disclosed;
2. any matter which may disclose the identity of a law enforcement agent or informer;
3. information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
4. discussions regarding proposed, pending or current litigation;
5. collective negotiations pursuant to Article 14 of the Civil Service Law (the Taylor Law);
6. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
7. the preparation, grading or administration of examinations; and
8. the proposed acquisition, sale, or lease of real property or the proposed acquisition of securities, or sale or exchange of securities, but only when publicity would substantially affect the value thereof.

Matters which may *only* be considered in executive session are:

9. discussions concerning probable cause to bring disciplinary charges against a tenured teacher; and
10. discussions concerning the evaluation and/or placement of students with disabilities.

Formal action or vote on matters enumerated in paragraphs 9 and 10 above may only be taken by the Board during an executive session. No formal action or vote may be taken on any other matter. The Board shall reconvene in open session to take final action on other matters discussed, and to adjourn the meeting.

Minutes of executive sessions will reflect all actions and votes taken by the Board in executive session without personally identifying employees or students affected thereby. The name of the person who called for the executive session will also appear in the minutes of the public meeting. The Board may permit staff and other persons whose presence is deemed necessary or appropriate to attend an executive session or any part thereof.

Ref: Education Law §1708 (3)  
Public Officers Law §§100 et seq.  
Formal Opinion of Counsel No. 239, 16 EDR 457 (1976)

Adoption date: February 9, 1999

## NOTICE OF MEETINGS

The Board of Education believes that public notice of its activities is essential to ongoing, proactive cooperation between the Board and the community it serves.

To this end, and in accordance with state law, notice of meetings, including the time and place of the meetings, shall be sent to all members of the Board, Superintendent of Schools, District Treasurer, and to the newspapers of the district. Public notice shall also be given to local post offices in Smithtown, St. James, Hauppauge and Nesconset and to radio station WALK at least 72 hours prior to the meeting. The time, date and place of regular Board meetings is established at the Reorganizational Meeting.

When a meeting is scheduled less than a week in advance the Board shall provide public notice to the extent practicable. Said notice shall be conspicuously posted in one or more designated public locations.

Ref: Open Meetings Law, Public Officers Law §§100 et seq.  
Education Law §§1606; 1708; 2504; 2563

Adoption date: February 9, 1999

**AGENDA FORMAT**

The Superintendent of Schools, conferring with the President of the Board, will arrange the order of items on meeting agendas so that the Board can accomplish its business as expeditiously as possible. The particular order may vary from meeting to meeting in keeping with the business at hand.

The Board will follow the order of business established by the agenda, except as it votes to rearrange the order for the convenience of visitors, individuals appearing before the Board, or to expedite Board business.

Adoption date: February 9, 1999

## **AGENDA PREPARATION AND DISSEMINATION**

The agenda and preparation for meetings shall be the responsibility of the Superintendent of Schools, in consultation with the Board of Education President. Board members, employees of the school district, and citizens may suggest agenda items by contacting the Superintendent or Board President at least seven days prior to the meeting at which it is requested that it be considered. The person requesting the item should also forward any background information at least seven days prior to the meetings. The agenda, however, shall always allow for recognition and comments by members of the public. Items of business introduced from the floor will not be acted upon at the same meeting.

To assist Board members in preparing for a meeting, the Superintendent shall supply a complete set of materials, including a copy of the agenda (with related briefing materials, papers and proposals for the regular meeting) to each Board member and others as required.

Copies of the agenda will be available to the public at the district office on the day of the meeting.

Adoption date: February 9, 1999

## BOARD MEETING PROCEDURES

Each Board of Education meeting shall be conducted in an orderly manner which provides time for and encourages community involvement. The order of business at each regular meeting shall be as follows:

- I. Opening Ceremony - Salute to Flag and Moment of Silence
- II. Approval of Minutes
- III. Receipt of Claims Auditor's Report
- IV. Communications
- V. Unfinished Business
- VI. Committee Reports
  - A – Business Affairs
  - B – Facilities
  - C – Housing
  - D – Instructional Services
  - E – Negotiations
  - F – Policy
  - G – Public Information
  - H – Liaisons
- VII. Superintendent's Report
  - A – General
- VIII. Instructional Program
- IX. Audience (see Public Participation)
- X. Business Affairs
- XI. Personnel
  - A – Professional
  - B – Classified
  - C – Nurses
- XII. New Business
- XIII. Adjournment

The regular order of business may be changed at any meeting (and for that meeting only) by an affirmative vote of a majority and 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 session shall be considered an addition to these minutes.

*Public Participation*

The Board invites constructive questions, comments and suggestions which may help meet the education needs of the children in the district or improve operation of schools.

During the Audience portion of the meeting, the President of the Board will ask for suggestions and comments from members of the audience. Those who wish to speak on a school-related topic may be granted the floor for a period of no longer than three minutes. The following procedure must be followed by those wishing to speak:

1. A person who wishes to speak at a particular meeting must sign the sign up sheet before the meeting starts. Anyone wishing to speak must list their name and address on this sheet. The clerk will collect this sheet when the meeting starts and during the Audience portion of the meeting; those whose names appear on the sheet will be called to the microphone.
2. It shall be in order for members of the Board to ask questions of the speaker in order to clarify the discussion.
3. The President may terminate the right of any speaker to continue his/her address.

Cross-ref: 1230, Public Participating at Board Meetings

Adoption date: January 10, 2012



## QUORUM

A majority of the members of the Board of Education shall constitute a quorum for the transaction of the business of a regular meeting. Should there be fewer than four members of the Board present at a regular meeting, a time for the new meeting shall be set by the members present and such meeting shall be deemed a regular meeting. Notice of rescheduled meetings shall be given to absent members pursuant to Policy 2340, Notice of Meetings.

Final action on any resolution shall be valid only upon vote of the majority of the total membership of the Board.

Adoption date: February 9, 1999

**RULES OF ORDER**

Robert's Rules of Order, Revised shall govern all business procedures except as state law or special policies of the Board establish other procedures. The Superintendent of Schools shall advise the Board on parliamentary procedure.

Adoption date: February 9, 1999

**VOTING METHOD**

All official actions of the Board shall be taken in public, except as required by law, and any member may ask for a roll call vote.

Adoption date: February 9, 1999

## MINUTES

The Board of Education believes that open and accurate communication regarding its internal operations enhances the district's public relations program and provides a record of the district's progress towards its annual goals.

Therefore, the Board will maintain a complete and accurate set of minutes of each meeting. Such minutes shall constitute the official record of proceedings of the Board and shall be open to public inspection within one week of executive sessions and within two weeks of all other meetings. Minutes which have not been approved by the Board within this time frame shall be marked, "DRAFT." A draft of the minutes of each meeting is to be forwarded to each member of the Board not later than four days prior to the next regular meeting of the Board.

All motions, proposals, resolutions, and any other matters formally voted upon by the Board shall be recorded in Board minutes. In recording such votes, the names of the Board members shall be called in alphabetical order, and the record shall indicate the final vote of each Board member. In addition, a summary of financial reports as presented shall be recorded. Written reports of the Superintendent of Schools shall be incorporated as submitted.

If a Board member is not present at the opening of a meeting, the subsequent arrival time of such member shall be indicated in the minutes.

Ref: Open Meetings Law, Public Officers Law §§100 et seq.  
Freedom of Information Law, Public Officers Law §§84 et seq.  
Education Law §2121

Adoption date: February 9, 1999

**BROADCASTING  
AND TAPING OF BOARD MEETINGS**

The use of any tape recording device at public meetings of the Board of Education or 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 and/or the committee reserves the right to direct that a tape recording be made to ensure a reliable, accurate, and complete account of Board meetings.

The Board permits the broadcasting of public meetings of the Board or any of its committees as long as such broadcasting is done in a manner which is unobtrusive and does not interfere with the deliberative process of the body.

Ref: Open Meetings Law, Public Officers Law §§100 *et seq.*  
*Mitchell v. Board of Education of Garden City UFSD,*  
113 AD2d 924 (1985)  
*People v. Ystueta,* 99 Misc 2d 1105(1979)

Adoption date: February 9, 1999

## BOARD HEARINGS

The Board of Education shall schedule public hearings in accordance with the law and on occasions when it wishes to gather information and seek opinions on important issues affecting the school district. The Board shall take no formal action at a public hearing.

The time and place of the hearings shall be designated in the notice of the hearing. All interested persons or their representatives shall have an opportunity to present facts, views, or arguments relative to ideas or proposals under consideration. Those wishing to address the Board shall sign in prior to the beginning of the meeting.

At the beginning of each hearing the Board may present information on the topic of the hearing. Speakers shall be required to give their name and address. Non-residents do not have the privilege of speaking at public hearings except when permission is granted by the chair.

Speakers at public meetings, generally, will be limited to three minutes for their presentation. However, this time limit may be adjusted by the chair if the size of the audience or the number of requests to speak is small and an increase in the time would not unduly extend the length of the hearing. Any adjustment in time shall apply to all speakers from the audience.

Any speaker who is out of order may be cautioned by the chair. If such remarks or behavior persists, the speaker's privilege to address the Board may be terminated.

Adoption date: February 9, 1999

## FORMULATION, ADOPTION AND AMENDMENT OF POLICIES

The Board of Education is responsible to develop policies and put them in writing so that they serve as guidelines and goals for the successful and efficient functioning of the schools. The Board recognizes that the adoption of written policies constitutes the basic method by which the Board exercises its leadership in the operation of the district. Policies may be proposed for adoption, change, or repeal at any regular or special Board meeting, by any member of the school community. The Board delegates to the Superintendent of Schools the responsibility and authority to establish any and all rules, regulations, and/or procedures necessary to implement and maintain its policies.

Accordingly, the Superintendent is directed to initiate a program of Board policy revision to include the following items:

1. periodic review and evaluation of all current Board policy, pursuant to policy 2460, Policy Review and Evaluation;
2. preparation of additional policies as needed;
3. consultation with district staff and community members on an advisory basis; and
4. presentation of a proposed policy in draft form to the Board for consideration prior to action.

Since policies often affect the students, employees and/or citizens of the district, the Board shall make a continuing effort to try to involve as many relevant groups as reasonable during policy development. To assure these groups a reasonable opportunity to advise the Board of their reactions to and feelings about proposed policies, no official Board vote shall take place on a policy adoption, change, or repeal until two readings have occurred. Action will take place at the third meeting.

To adopt, change, or repeal a policy requires a majority vote of the entire Board. Rules and regulations are subject to modification by Board action at any meeting. The initiative for change normally comes from the Superintendent.

The formal adoption of policies shall be recorded in Board minutes. Only those written statements so adopted and so recorded shall be regarded as official Board policy. Every Board and staff member shall have access to the Board Policy Manual.

Cross-ref: 2460, Policy Review and Evaluation

Ref: Education Law §§1604(a); 1709(1); 1804

Adoption date: February 9, 1999

**ADMINISTRATION IN POLICY ABSENCE**

In cases in which action must be taken where the Board of Education has provided no guidelines for administrative action, the Superintendent of Schools, in consultation with the President of the Board, shall have the power to act, but his/her decisions shall be subject to review by the Board at its regular meeting. It shall be the duty of the Superintendent to inform the Board promptly of such action and of the need for policy.

Adoption date: February 9, 1999



## **POLICY DISSEMINATION**

The Board of Education recognizes the need for widespread familiarity with district policies and regulations, and therefore directs the Superintendent of Schools to implement the following:

1. maintain an updated policy manual that includes appropriate administrative regulations and takes precedence over all previous manuals, and be responsible for its presence at all Board meetings;
2. issue to each Board member, for the duration of his/her term, a complete and updated policy manual in an appropriate binder;
3. ensure that personnel are familiar with Board policies and administrative regulations which affect them, directly or indirectly. The Board requires that all employees sign a statement that they have read and understood the policy manual, or appropriate sections thereof;
4. disseminate Board policies and manuals to all concerned, as he/she deems appropriate and/or necessary; and
5. place a copy of the Board policy manual in the all school libraries, district offices, the public library and other central locations to ensure that district policies are available to the public.

Adoption date: February 9, 1999

## POLICY REVIEW AND EVALUATION

The Board of Education will evaluate the effect of its policies and the manner in which they have been implemented by the administration. In such evaluation, the Board may call upon staff, students and community participation.

The Board Policy Committee, as a standing committee of the Board, shall be responsible for the review and evaluation of policies. The Board shall review the entire manual at least once every three years to ensure that the manual is up-to-date. The Board shall note those policies which must be reviewed even more frequently (e.g., code of conduct, investments and purchasing, which must be reviewed annually).

The Board directs the Superintendent of Schools to bring to its attention any policy areas in need of revision or new development.

Each Board member shall submit his/her copy of the Board policy manual to the Superintendent for updating and revisions annually. At the Annual Reorganizational Meeting, each Board member shall be provided with an up-to-date copy for use during the following year.

Board policy may be revised as outlined in Policy 2410, Formulation, Adoption and Amendment of Policy.

Cross-ref: 2410, Formulation, Adoption and Amendment of Policies

Ref: General Municipal Law, §§39; 104-b  
8 NYCRR §100.2(1)(2)

Adoption date: February 9, 1999

## NEW BOARD MEMBER ORIENTATION

The Board of Education and the Administrative staff shall assist each new Board member-elect to become familiar with and to understand the Board's functions, policies and procedures, and the school district's operation before taking office. Each Board member-elect shall, as soon as possible,

1. be given selected materials covering the function of the Board and the school district, including (a) policy manual, (b) copies of key reports prepared during the previous year by school Board committees and/or the administration, c) the School Law Handbook prepared by the New York State School Boards Association, (d) access to agendas and minutes of Board meetings of the previous year, (e) latest financial report of the district, (f) copies of pertinent materials developed by the New York State School Boards Association, and (g) any other materials which may be deemed helpful and informative, including:
  - a. the Long Range Plan for Educational Facilities;
  - b. the Two Year Plan for the Education of Students with Disabilities;
  - c. the Comprehensive Assessment Report (CAR);
  - d. the School Community Digest;
  - e. Suicide Prevention Handbook;
  - f. Child Abuse Prevention Handbook;
  - g. Annual Preschool Screening Brochure;
  - h. Placement Directories;
  - i. packet(s) sent to Board members weekly;
  - j. the district bargaining unit contracts;\*
2. be invited to attend all Board meetings and functions, including executive sessions (unless asked to vacate the session by the consensus of the Board due to the sensitivity of the topic on advice of counsel), and to participate in discussion. The Board President will explain to each new Board member-elect the need to ensure the confidentiality of all discussions and/or actions which occur in executive session;
3. be invited to meet with the Superintendent of Schools and other administrative personnel to discuss the services that they perform for the school Board and the school district;
4. be invited to familiarize themselves with each district building;
5. be invited to all school district functions that current serving Board members are attending; and
6. be invited and encouraged to attend the New York State School Boards Association's workshop for New School Board Members.

\* The Board may wish to provide new Board members with The Sunshine Laws, an Association publication which discusses the Open Meetings Law, the Freedom of Information Law, and the Family Educational Rights and Privacy Act (FERPA--"Buckley Amendment") regarding access to student records.

Adoption date: February 9, 1999

### **SCHOOL BOARD CONFERENCES, CONVENTIONS, WORKSHOPS**

In recognition of the need for continuing inservice training and development for its members, the Board of Education encourages the participation of all members in meetings and activities of area, state, and national school Boards associations, as well as in the activities of other educational groups. Board members are encouraged to study and examine materials received from these organizations.

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

1. The Superintendent of Schools will compile, maintain, and distribute to each Board member a calendar listing school Board conferences, conventions, and workshops, to help the Board decide which meetings appear to be most promising in terms of producing direct and indirect benefits to the school district.
2. Funds for participation at such meetings will be budgeted on an annual basis.
3. The Board will reimburse conference attendees (Board members) for reasonable and necessary expenses not paid for directly by the district (travel, hotel, meals, registration).
4. When any Board member attends a conference, convention, or workshop, the member may be requested to share information, recommendations, and materials acquired at the meeting.

Adoption date: February 9, 1999

**MEMBERSHIP IN SCHOOL BOARDS ASSOCIATIONS**

The Board of Education may maintain memberships in the Nassau-Suffolk School Boards Association, the New York State School Boards Association, and other organizations established for Boards of Education or as deemed appropriate.

Board members should take the responsibility to attend association meetings for the purpose of Board development and gathering new information.

Ref: Education Law §1618  
General Municipal Law §77b

Adoption date: February 9, 1999

**BOARD MEMBER COMPENSATION AND EXPENSE**

A member of the Board of Education serves as a public servant and receives no compensation or stipend for his/her service to the community. In the discharge of the member's duty certain expenses will be incurred which will be completely reimbursable by the district. These expenses will be, but are not limited to, travel, meals, lodging, fees for registration, and cell phone usage, as well as representing Smithtown Central School District at retirement functions.

Adoption Date: February 9, 1999

Revised: July 12, 2005

**BOARD MEMBER INSURANCE**

The district shall provide the necessary insurance coverage to protect the Board of Education member from any litigation that might arise through the performance of his/her duty.

Cross-ref: 8700, Insurance

Adoption date: February 9, 1999

## SCHOOL BOARD LEGISLATIVE PROGRAM

The Board of Education, as an agent of the state, must operate within the bounds of state and federal law affecting public education. If the Board is to meet its responsibilities to the residents and students of the community, it should work vigorously for the passage of laws designed to advance the cause of good schools and for the repeal or modification of existing laws that impede this cause.

To this end:

1. the Board will initiate and support continuous study and action programs to improve state laws related to or affecting public education;
2. the Board will work for the achievement of common legislative objectives through state and national school boards associations and with other concerned groups; and
3. the Board will also seek both direct and indirect representation of its position on pending legislation with appropriate state and federal legislators and legislative committees.

Adoption date: February 9, 1999



## **BOARD-STAFF COMMUNICATIONS**

The success of any school system requires effective communication between the Board of Education and school staff. The Board recognizes the responsibility the Board members have to be informed of the programs and practices of the various schools. Effective communication is necessary for facilitating proposals for the continuing improvement of the educational program and for the proper disposition of personnel problems which may arise.

In accordance with good personnel practice, staff participation in the development of educational and personnel policies will be encouraged and facilitated. The Superintendent of Schools, as professional leader of the staff and the chief executive of the Board, will develop appropriate methods to keep staff fully informed of the Board's problems, concerns and actions, and for staff to communicate information related to district operations.

All communications and reports to the Board from staff members and staff organizations will be submitted to the Board through the Superintendent. All official communications, policies, and directives of staff interest and concern will be communicated to staff members through the Superintendent. However, this will not be construed as denying the right of any staff member to appeal any action or decision of the Superintendent to the Board.

Employees shall be encouraged to use the established chain of command and established contractual mechanisms. However, there may be times when appropriate channels have been followed and when there is a need to directly communicate appropriate opinions and concerns to the Board. Should such circumstance arise, it is understood that employees may directly contact either the President of the Board or individual Board members to convey such opinions or concerns to the entire Board.

All effective means of facilitating channels of communication between the Board and staff will be explored in order to promote close and cooperative action for the continuing improvement of the educational program and the mutual benefit of the school system and the community.

Adoption date: February 9, 1999

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## ADMINISTRATIVE GOALS

The Board of Education believes that proper administration is vital to a successful educational program. The coordination and supervision of all aspects of the operations of the district's schools, pursuant to the policies of the Board, are necessary for the development and maintenance of an effective learning environment.

Administrative duties and functions are to be assessed in terms of their contributions to the improvement of education in the district. The Superintendent of Schools, as chief executive officer of the district, is to provide the leadership necessary to support this objective.

District administration is to be organized so that all divisions and departments of the central office and all schools operate within a system guided by Board policies, which are implemented through the Superintendent. All personnel (including the Superintendent, Building Principals and all other administrators) will have the necessary authority and responsibility (clearly defined and correlated to their roles) to carry out their respective assignments within this framework. Accountability will rest with these same personnel for the effectiveness with which their duties are performed

The Board will be responsible for clearly specifying requirements and expectations of the Superintendent, then holding the Superintendent accountable by evaluating how well those requirements and expectations have been met. In turn, the Superintendent will be responsible for clearly specifying requirements and expectations for all other administrators, then for holding each accountable by evaluating how well requirements and expectations have been met.

Major goals of district administration will be:

1. to effectively manage the district's various departments, units and programs;
2. to provide professional advice and counsel to the Board and to advisory groups established by Board action. This includes the review of policy alternatives and the subsequent recommendation from among them;
3. to perform managerial duties as will best assure effective learning programs, including but not limited to:
  - a. ensuring the effective implementation of Board policy;
  - b. addressing the on-site needs of the district's schools;
  - c. providing leadership in keeping abreast of current educational developments;
  - d. arranging for effective staff development programs;
  - e. coordinating cooperative efforts at improving learning programs, facilities, equipment and materials; and
  - f. providing channels for the upward flow of information necessary and useful in the design and development of school policy.

Adoption date: February 9, 1999

**SUPERINTENDENT OF SCHOOLS**

The Board of Education shall, by a majority vote, appoint a Superintendent of Schools for a term of no less than three years and not to exceed five years. The Superintendent shall serve as the chief executive officer of the Board and as such shall carry out the policies established by the Board.

Ref: Education Law §§1711; 2508

Adoption date: February 9, 1999

## QUALIFICATIONS OF SUPERINTENDENT

The Superintendent of Schools shall be duly certified as required by the Commissioner's Regulations. To be certified, a Superintendent must hold a Baccalaureate and a Master's degree, and at least 60 hours of graduate study, including 24 hours in school administration and supervision, and an approved administrative/supervisory internship. The internship may be substituted with a one year full time experience in a school administrative or supervisory position. In addition, the Superintendent must have completed two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. The Commissioner of Education may grant special certification to an exceptionally qualified person who fails to meet all the graduate course or school teaching requirements.

The Board of Education reserves the right to set minimum requirements above those of certification for any candidate who seeks the position of Superintendent.

Cross-ref: 3111, Recruitment of the Superintendent

Ref: Education Law §3003(4)  
8 NYCRR §80.4

Adoption date: February 9, 1999

## RECRUITMENT OF THE SUPERINTENDENT

The Board of Education recognizes that the recruitment and appointment of the Superintendent of Schools is among the most important priorities and responsibilities of the Board.

Through its employment policies, the Board will attempt to attract, secure, and retain a qualified Superintendent. The selection program will be based upon finding an individual who will devote himself/herself to the education and welfare of the children attending the district's schools and the efficient and responsible administration of the school system.

The Board will establish a search committee (or hire a consultant) to recruit and interview candidates for the position of Superintendent. The responsibilities of the search committee [consultant] and the procedures to be followed will be clearly established by the Board prior to the commencement of the recruitment process. The committee, if not experienced in the recruitment of administrative personnel, will undergo training so that the process may be conducted in an efficient manner.

Recruiting procedures shall enable the district to seek qualified candidates from a variety of sources. The Board adheres to the practice of recruiting and hiring personnel without regard to religion, race, creed, color, national origin, sex, marital status, or disability. It will be the responsibility of the committee [consultant] to determine that the candidates meet certification and other requirements established by the Education Law and the Regulations of the Commissioner of Education for the position of Superintendent.

Upon selecting a new Superintendent, the Board will negotiate a contract with the successful candidate.

Cross-ref: 3110, Qualifications of the Superintendent

Ref: Education Law §§1711(1), (2), (3)  
8 NYCRR §80.4

Adoption date: February 9, 1999

## DUTIES OF THE SUPERINTENDENT

The Superintendent of Schools, as chief executive officer of the Board of Education, will have the following specific powers and duties:

### *Relationship with the Board*

1. to serve as the executive officer for the Board and be charged with the responsibility for implementing the policies of the Board. He/She shall work with the Board President in planning the agenda for each meeting, shall attend all meetings and participate in all regular and special meetings of the Board and executive meetings of the Board at the Board's request. However, he/she shall not have the right to vote;
2. to develop a harmonious and close working relationship with the Board. He/She shall treat all Board members impartially and alike, refraining from criticism of individual or group members of the Board. He/She shall go to the Board when serious differences of opinion arise in an earnest effort to resolve such differences immediately;
3. to serve as a resource person and advisor to the Board. He/She shall keep the Board informed on issues, needs, and operation of the school system. He/She shall offer advice to the Board, based on thorough study and analysis, on items requiring Board action;
4. to provide a continuous appraisal of all school policies originating with the Board. He/She shall advise the Board on the need for new and/or revised policies and suggest draft policies to satisfy those needs;
5. to advise the Board on the ramifications of legislative acts, judicial decisions and Commissioner's Regulations and recommend to the Board such acts of compliance as are necessary;

### *Educational Direction and Leadership*

6. to bring a high level of general expertise to all facets of the education enterprise;
7. to develop administrative principles and procedures for implementing Board policy. He/She shall ensure the enforcement of all provisions of law, rules and regulations, and Board policy relating to the management of the schools and other educational, social and recreational activities. He/She shall interpret for the staff all Board policies and applicable laws, rules and regulations;
8. to guide the administration of the district's educational and service programs through the development of written position descriptions, operational plans and specific program intentions set forth as behavioral goals or service objectives;
9. to understand and keep informed on all aspects of the instructional program at all levels. He/She shall visit the schools as often as possible to observe all elements of the instructional program in operation. He/She shall have responsibility for the supervision of instruction and shall bring to the school, in a leadership capacity, the best in educational thought and practice. He/She shall, on a continuing basis, review and update the educational program of the school, and keep the Board informed of all changes in curriculum;
10. to recommend to the Board for its adoption all courses of study, curriculum guides and textbooks to be used in the schools;
11. to direct the administrative staff in the classification, assignment and promotion of students;

12. to encourage a positive approach to student behavior and discipline;

#### *Personnel*

13. to develop and implement sound personnel practices, consistent with law, Board policy and collective bargaining agreements, including recruitment, hiring, assignment, supervision, evaluation, promotion, and discipline of all personnel. He/She shall develop procedures for the selection of staff members. He/She shall establish standards for teacher selection, and shall provide a framework for continuing in-service training of all professional staff members;
14. to recruit qualified professional, civil service, and classified personnel. He/She may authorize the payment of part or all of the expenses of candidates for teaching positions if the candidates are asked to come to the district for visits or interviews;
15. to nominate employees for appointment, promotion, transfer or dismissal in accordance with the policies of the Board and the procedures outlined by the law. He/She shall make recommendations to the Board regarding salary and tenure of all employees. He/She may temporarily suspend any employee for cause and shall promptly report such suspension to the members of the Board. Unless otherwise determined by the Board, he/she is authorized to reemploy all employees upon the adoption by the Board of the budget for the following year;
16. to promote and oversee the creation and maintenance of a systematic program to improve the quality of teacher performance and curriculum methods and content through comprehensive inservice training, curriculum research and development, and personnel supervision;
17. to supervise and evaluate all staff members. He/She shall work for good morale and be impartial, firm and fair in dealing with staff;
18. to recommend modifications, additions or deletions in the structure and complement of the table of organization;
19. to encourage in-service education and the professional growth of staff through conferences, workshops, group discussions, committee/individual studies and use of consultants;
20. to ensure that adequate resource people in the areas of facility, equipment and material utilization, program development and structuring, and personnel development are available to facilitate necessary improvement of the district;
21. to oversee negotiations with all employees in the district;
22. to advise the Board, in conjunction with the Board-designated negotiator(s), in all collective bargaining matters;

#### *Financial Management*

23. to prepare and present to the Board a preliminary annual budget in accordance with a schedule established with the Board. He/She is responsible for ensuring that the budget, as adopted by the Board and approved at the annual meeting, is properly administered. He/She shall ensure that regular reports are made to the Board on the status of the budget, and shall submit on a monthly basis to the Board updated financial reports on district encumbrances, expenditures and receipts of the current year;
24. to establish efficient procedures to maximize income, safeguard investments and provide effective controls for all expenditures of school funds in accordance with the adopted budget. He/She shall ensure that all necessary bookkeeping and accounting records are maintained by the district;



25. to advise the Board on all aspects of the business operation and recommend such modifications in the business operation as are required to provide the most effective and efficient operation possible in each department;

#### *Facilities Management*

26. to supervise operations, maintenance, alterations and repair to buildings and grounds, insisting on competent and efficient performance;
27. to evaluate plant needs and recommend to the Board improvements, alterations and changes in the buildings and equipment of the district;

#### *Community Relations*

28. to supervise the public relations activities of the district. He/She shall keep the public informed about the policies, practices, and problems in the district's schools, and provide leadership in changing attitudes and practices for the future. He/She shall develop friendly and cooperative relationships with the news media;
29. to establish and maintain an effective working relationship with all segments of the community: parent-teacher organizations, local and state government, other school systems, institutions, agencies, civic organizations, and the general public. He/She shall solicit and give attention to problems and opinions of all groups and individuals;
30. to represent the district as its chief professional educator in its dealings with other school systems, social institutions, business firms, agencies of government, and the general public;

#### *Personal Qualities and Growth*

31. to demonstrate outstanding qualities of leadership with ability to delegate authority and responsibility effectively and to hold subordinates accountable;
32. to exhibit good judgement, common sense and perception;
33. to exhibit the ability to face controversy, remain true to convictions and to live with a high-pressure job;
34. to speak well before large and small groups, expressing ideas in a logical and forthright manner;
35. to belong and participate in professional groups that will increase his/her leadership capacity by placing him/her in contact with the best in education thought and practice. He/She shall maintain professional development by reading and course work, attending conferences, working on professional committees, visiting other districts, and meeting with other Superintendents;

#### *Management Functions*

36. to coordinate and manage the district so that the school organization operates smoothly and efficiently. He/She must be able to coordinate the processes essential to achieving a smooth operation in all areas of the school district organization:
  - Planning: determining needs, objectives and goals;
  - Organization: assigning roles, responsibilities and establishing lines of communication;

- Control: ensuring that progress is being made toward priorities, disciplining, making necessary staff reallocations and changes and evaluations;
  - Decision-making: data-collecting, analyzing data and choosing appropriately from a variety of decision-making techniques;
  - Problem-solving: sensitivity to problems, formulating problem statements, and using a variety of problem solving techniques;
  - Communication: giving and receiving information effectively both orally and in writing, facilitating the exchange of information, views and opinions;
37. to administer the schools in conformity with the adopted policies of the Board and in accordance with state and federal laws and the Regulations of the Commissioner of Education;
  38. to develop the administrative regulations necessary to carry out the intent of stated Board policy;
  39. to make such other rules and regulations as he/she deems necessary so long as they do not conflict with law, Board policy, or negotiated agreements. He/She shall have the power to decide all matters of administrative and supervisory detail in connection with the operation and maintenance of the schools;
  40. to prepare and submit to the proper authorities all records and reports required by law and the State Department of Education;
  41. to direct the administrative staff in establishing and changing, as needed, the boundaries of the school attendance area;
  42. to distribute to Building Principals an appropriate number of Policy Manuals, handbooks and directives he/she believes should be available to staff, parents and/or students. It shall be the Principal's responsibility to see that:
    - a. the appropriate people are made aware of the Policy Manual, handbooks and directives;
    - b. that the material contained therein is understood by them; and
    - c. that the related regulations are followed; and
  43. to perform such other duties as the majority of the Board may determine.

Ref: Education Law §§1604(8); 1711; 1804

Adoption date: February 9, 1999

**SUPERINTENDENT'S CONTRACT**

The Superintendent of School's initial contract may be issued by the Board of Education for a period of no less than three years and not to exceed five years. The contract shall include compensation, benefits and other terms and conditions of employment. The contract shall be in force when approved and signed by both parties.

Adoption date: February 9, 1999

## **ADMINISTRATIVE ORGANIZATION**

The Superintendent of Schools is the chief executive officer of the district. During his/her absence, the Board of Education designates the Associate and/or Assistant Superintendent to serve as Acting Superintendent.

Adoption date: February 9, 1999

**ADMINISTRATIVE COUNCILS, CABINETS, COMMITTEES**

The Board of Education authorizes the Superintendent of Schools to establish such permanent or temporary councils, cabinets and committees as deemed necessary for proper administration of Board policies and for the improvement of the total educational program.

All councils, cabinets and committees created by the Superintendent will be for the purpose of obtaining the advice and counsel of administrative and supervisory personnel of the district and to aid in district communication. Functioning in an advisory capacity, these groups may make recommendations to the Superintendent for Board consideration. However, such groups will exercise no inherent authority. Authority for establishing policy remains with the Board and authority for implementing policy remains with the Superintendent.

Adoption date: February 9, 1999

**ORGANIZATION CHART**

The Superintendent of Schools shall maintain an administrative organization chart showing the relationship among the various administrators and staff.

Adoption date: February 9, 1999

## LINE AND STAFF RELATIONS

The Superintendent of Schools will make all personnel aware of the administrative and supervisory structure of the district. Lines of direct authority will be shown on the official District Organization Chart.

All personnel are expected to keep the person to whom they are immediately responsible informed of their activities by whatever means the person in charge deems appropriate.

Lines of authority should not restrict in any way the cooperative, sensible working together of all staff members at all levels in order to develop the best possible program and services. The established lines of authority represent direction and responsibility. When the staff is working together, the lines represent avenues for a two-way flow of ideas to improve the programs and operations of the district.

The following principles shall govern the administrative operation of the school system:

1. The Superintendent of Schools shall have specific responsibility for overseeing the district educational programs.
2. Responsibility shall flow from the Board of Education, to the Superintendent, to Building Principals, to teachers.
3. Each member of the staff shall be informed as to whom he/she is responsible and for what functions.
4. Whenever possible, each member of the staff shall be made responsible to only one immediate supervisor for any one function.
5. Each staff member shall be informed as to whom he/she can appeal in case of disagreement with an immediate superior.
6. Each staff member shall be informed as to whom he/she should report to for help in carrying out his/her functions.

### *Line of Responsibility*

Each employee in the school system shall be responsible to the Board through the Superintendent.

All personnel shall refer matters requiring administrative action to the administrative officer immediately in charge of the area in which the problem arises.

Administrative officers shall refer such matters to the next higher authority when deemed necessary.

All employees shall have the right to appeal any decision made by an administrative officer to the next higher authority and through appropriate successive steps to the Board.

Adoption date: February 9, 1999

## POLICY IMPLEMENTATION

The execution, administration and enforcement of all policies of the district is the responsibility of the Superintendent of Schools. The policies developed by the Board and the regulations developed to implement policy will be designed to promote an effective and efficient district. Consequently, it is expected that all district employees and students will carry them out.

The Board delegates to the Superintendent the function of specifying required actions and designing the detailed arrangements under which the schools will be operated. These specifications will constitute the regulations governing the schools. They must be consistent with the policies adopted by the Board.

District-wide regulations will be appropriately coded and will be available to staff at the district offices and in each school building.

In the absence of policy, the Superintendent shall have the authority to issue a directive to resolve the situation at hand.

There are many activities that are common to all schools but procedures for conducting them may vary from school to school. School Principals will establish procedures for conducting activities in their individual schools. Such procedures shall be consistent with district regulations, Board policies and state law.

The Superintendent shall report to and be accountable to the Board of Education and not any officer, committee or individual member of the Board, in fulfilling this responsibility.

Adoption date: February 9, 1999



## DEVELOPMENT OF REGULATIONS

The Superintendent of Schools shall be responsible for developing regulations consistent with policies of the Board of Education. In developing such regulations, the Superintendent shall, whenever feasible, seek the advice and opinions of any staff member who will be affected by the proposed regulations, and establish procedures to ensure that such advice and opinions are received.

The Superintendent shall give due weight to the opinions of staff, especially those offered by representatives of any bargaining units. The Superintendent shall inform the Board of any advice or opinions given by staff in presenting reports of administrative action or when presenting recommendations for action by the Board.

Ref: Education Law §§1709; 1711

Adoption date: February 9, 1999

**PROGRAM CONSULTANTS**

In the event that the Superintendent of Schools believes that it is necessary, he/she may recommend to the Board of Education for approval, the employment of a program consultant(s) to improve the educational or administrative function of the district.

Adoption date: February 9, 1999

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## SCHOOL CALENDAR

The school calendar for the ensuing year will be developed by the Superintendent of Schools, after reviewing the Board of Cooperative Educational Services (BOCES) calendar and discussing implications with appropriate employee organizations. The school calendar will be presented to the Board of Education for approval in the spring of each year. The number of days scheduled for students will meet or exceed the requirements of state law.

Ref: Education Law §§3015(2); 3101(3); 3204(4); 3604(7-8)  
8 NYCRR Part 175

Adoption date: March 25, 2003

## **CURRICULUM GUIDES AND COURSE OUTLINES**

The Board of Education encourages the development of curriculum guides and course outlines at all educational levels. These materials shall be reviewed annually and recommendations made by the Superintendent of Schools or designee for revision and modification. The curriculum shall be designed to show the developmental sequence of content and skills, in accordance with the New York State Learning Standards.

It is a professional responsibility to plan in advance for the instructional program offered to students. For this purpose, planbooks should be used. Written plans should be prepared for an entire week, and planbooks should be made available to the Supervisors.

Adoption date: March 25, 2003

## CURRICULUM

Curriculum will be designed to carry out the instructional goals of the district and provide for the continuous intellectual growth of all students. The Board of Education believes that there must be close coordination between curriculum development and instructional processes, as well as continuity between educational levels, if instructional goals are to be reached.

To this end, curriculum will be developed by the Superintendent of Schools and submitted to the Board for adoption. Curriculum will be aligned with the New York State Learning Standards and address further needs of the community and student population. Curriculum will address the needs of all students, including those requiring Academic Intervention Services (A.I.S.). The Board expects administrators and staff to work together in evaluating the educational program and recommending changes or additions in courses, programs, instructional methodology, and/or staff development activities, which are necessary to implement such changes and/or additions.

New courses and programs will be recommended by the Superintendent and adopted by the Board. In addition, the Board will hear regular reports on curriculum-related matters, such as instructional programs, the work of curriculum committees, and periodic evaluation of curriculum areas. In addition, the Superintendent will also be responsible for authorizing curriculum studies as requested by the Board.

Ref: Education Law §§1709(3); 1711 (5); 801 et seq.  
8NYCRR §§100.1 et seq.

Adoption date: March 25, 2003

## AIDS INSTRUCTION

In compliance with the regulations of the Commissioner of Education, the district will provide classroom instruction concerning Acquired Immune Deficiency Syndrome (AIDS) as part of a sequential and comprehensive health program for all students, K-12. Instruction must be offered during regularly scheduled classes. Such instruction will be age-appropriate, and include the following information:

1. the nature of the disease;
2. methods of transmission of the disease; and
3. methods of prevention of the disease (stressing abstinence as the most effective and appropriate protection against AIDS).

A student may be excused from that segment of AIDS instruction regarding methods of prevention of the disease if his/her parent/guardian files a request with the Superintendent of Schools. The request must give assurance that such instruction will be given at home.

The Board shall establish an advisory council, which shall be responsible for making recommendations on content, implementation, and evaluation of the AIDS instructional program. The advisory council must consist of Board members, appropriate school personnel, parents and community representatives, including representatives from religious organizations.

Cross-ref: 2260, Citizens Advisory Committees

Ref: Education Law §3204(5)  
8 NYCRR §§16.2; 135.3  
*Ware v. Valley Stream High School District*, 75 NY2d 114 (1989)  
*New York State School Boards Association v. Sobol*, 168 AD2d 188 (1991)  
*Matter of Ware*, 28 EDR 415 (1989)

Adoption date: March 25, 2003

## TEACHING ABOUT DRUGS, ALCOHOL, TOBACCO

The Board of Education views with grave concern the serious implications of alcohol, drug and tobacco use by people, specifically young people, all over the United States and especially in the school district. In keeping with its primary responsibility—the education of youth—the Board directs the professional staff of the district to develop suitable preventive measures however and whenever feasible.

The Board and the professional staff shall continue to seek ways to educate students and school staff of the district about the dangers of the illegal use of drugs and the abuse of alcohol and tobacco. Instruction will include sessions about the causes and effects of drug, alcohol and tobacco abuse, especially in young people. In addition, all high school students will receive instruction on the dangers of driving while under the influence of alcohol and/or drugs.

The following objectives must be realized if the goal of minimizing drug, tobacco and alcohol abuse is to be achieved:

1. students shall be encouraged to identify the problem and its causes and to organize to solve it;
2. they shall be encouraged to develop a set of values and behavioral insights which shall give them a deeper understanding of themselves and society;
3. they shall be encouraged to identify the variety of alternate forms of behavior, other than drug or alcohol abuse and tobacco use, which are available to satisfy their needs; and
4. they shall be encouraged to make constructive decisions concerning the use of drugs, alcohol, and tobacco.

It is in the best interest of student and staff health that a climate be created in the schools so that individuals with problems may seek to receive help without fear of reprisal.

Ref: Education Law §804  
8 NYCRR §§100.2 (c)(3)

Adoption date: March 25, 2003



## PROGRAMS FOR STUDENTS WITH DISABILITIES

The Board of Education shall provide all students with known or suspected disabilities a free appropriate public education in the least restrictive environment. In accordance with the provision of Education Law, section 4402, the Board shall appoint a Committee on Special Education (CSE) to ensure a timely evaluation of students, to determine eligibility under special education laws and recommend an educational/program placement. Subcommittees on Special Education (SCSE) shall be appointed to assist the Board and the CSE to facilitate annual and reevaluation meetings, as well as school and parent requested CSE review meetings.

Each student with a disability residing in the district shall have the opportunity to participate in all school district programs, appropriate to the needs of the student. This includes extracurricular programs and activities that are available to other students enrolled in the public school of the district.

The Board directs the Superintendent of Schools to establish administrative practices and procedures, which shall include:

1. Identifying and maintaining information about students with disabilities residing in district;
2. Written prior notice that gives the parents/guardian of a student with a disability a reasonable time before the school district recommends a change of identification, evaluation or educational placement of a student;
3. Ensuring that each student with a disability receives a comprehensive, nonbiased evaluation to determine his/her educational needs;
4. Developing an individualized education program (IEP) for each student with a disability;
5. Appointing and training appropriate qualified personnel including the member of the CSE;
6. Maintaining lists of impartial hearing officers and State Education Department approved special education programs within the county and adjoining counties in which the district is located;
7. Ensuring that adequate and appropriate space is available to meet the needs of students with disabilities;
8. Reporting to the State Education Department the number of children with disabilities that are being served, as well as those not served.

It is the responsibility of the Board to arrange for the appropriate approved services recommended by the CSE and SCSE. Should the Board disagree with the recommendations of the CSE and SCSE, the Board will refer the case back to either the CSE or establish an ad hoc CSE to reconsider and make recommendations within the time frames of New York State and Federal laws and regulations.

A special education placement, program or services may be appealed by the parent/guardian to an impartial hearing officer appointed by the Board. Mediation shall be offered to allow parties to resolve any disagreements through a mediation process that must be available when a hearing is requested.

The CSE shall submit an annual report on the status of each student with a disability and report to the Board on the adequacy of special education programs and services.

Adoption date: March 25, 2003

## SPECIAL EDUCATION PERSONNEL

The Board acknowledges its responsibility to recruit, hire, train and retain highly qualified personnel, as defined in the federal Individuals with Disabilities Education Act (IDEA) and its accompanying regulations and in Article 89 of New York State Education law and its accompanying regulations, to provide special education programs and services. In addition, the Board is committed to appointing appropriately qualified personnel to the Committee (and subcommittee) on Special Education (CSE) and Committee (and subcommittee) on Preschool Special Education (CPSE).

The Board will fulfill its obligation with regard to special education personnel by taking measurable steps including, but not limited to the following:

1. Actively recruit personnel who possess prior experience working with students with disabilities.
2. Solicit resumes from graduates of institutions of higher education that offer programs in special education.
3. Seek candidates for teaching positions who are dually certified, to the extent possible.
4. Ensure that every member of the professional staff participates in annual professional performance reviews and professional development plans.
5. Provide appropriate on-going training and professional development to CSE and CPSE members, and other special education program and service providers to ensure their continuing awareness of their obligations and responsibilities under the law.

The Superintendent is responsible for ensuring that the professional staff is appropriately certified, licensed and trained and that they meet the “highly qualified” standard established in federal and state law. In the event that highly qualified individuals are not available, despite the best efforts of the administration, the Board recognizes its responsibilities to meet the alternative standards established by the State Education Department. The Superintendent, in consultation with the Administrator for Special Education & Special Services shall prepare an annual report to the Board which provides information about the certifications and qualifications of the special education professional personnel, as well as a summary of the professional development opportunities offered.

Cross-ref: 4321, Programs for Students with Disabilities  
9240, Recruiting and Hiring  
9700, Staff Development

Ref: Individual with Disabilities Education Act, 20 USC §§ 1412(a)(14), 1413(a)(3)  
34 CFR §§ 300.156, 300.207  
Education Law §4410  
8 NYCRR § 200.2(b)(3,12)

Adoption date: January 27, 2009

## PRESCHOOL SPECIAL EDUCATION

The Board of Education recognizes the value of special education and its responsibility in ensuring that all resident preschool children with disabilities have the opportunity to participate in special programs and services from which they may benefit. The Board authorizes the Superintendent of Schools to establish administrative practices and procedures which shall include:

1. locating and identifying all preschool children with disabilities pursuant to the relevant provisions of the Education Law. The register of children eligible to attend a preschool program is to be maintained and revised annually by the Committee on Preschool Special Education (CPSE);
2. ensuring that the parent(s)/guardian(s) of preschool age children with disabilities have received and understand the request for consent for evaluation of their child;
3. developing an individualized education program (IEP) for each preschool age child with a disability;
4. appointing and training appropriately qualified personnel including the members of a CPSE;
5. maintaining lists of impartial hearing officers and of State Education Department-approved special education programs within the county and adjoining counties in which the district is located; and
6. reporting to the State Education Department the number of children with disabilities that are being served, as well as those not served.

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

It is ultimately the responsibility of the Board to arrange for the appropriate approved preschool program and services for the district children. Should the Board disagree with the CPSE's recommendations, it shall send the recommendation back to the CPSE so that they may schedule a timely meeting to review the Board's concerns and to revise the IEP as deemed appropriate.

Placement may be appealed by a parent/guardian to an impartial hearing officer, appointed by the Board. Mediation shall be offered to such parents/guardians to resolve complaints regarding the education of preschool children with disabilities at the same time notice of the availability of an impartial hearing is provided.

The CPSE shall make an annual report on the status of each preschool child with a disability and report on the adequacy of preschool special education programs and services to the Board.

## 4321.2

The Board directs the Superintendent to ensure that the district considers that adequate and appropriate space is made available for such programs and services.

The Board directs the Superintendent to develop and maintain a plan which incorporates information concerning the provision of services for preschool children with disabilities, pursuant to the Regulations of the Commissioner of Education.

Cross-ref: 4321.3, Independent Educational Evaluations

Ref: Individuals with Disabilities Education Act, 20 U.S.C. §§1400 et seq.  
34 CFR §§300.12; 300.503  
Education Law §4410  
8 NYCRR Part 200

Adoption date: March 25, 2003

## INDEPENDENT EDUCATIONAL EVALUATIONS

The Board of Education recognizes the right of parents/guardians of a student with a known or suspected disability to obtain an independent evaluation at public expense when they disagree with an evaluation obtained by the school district. The Board may ask for the parent's/guardian's reason in writing why he/she objects to the public evaluation.

The criteria under which the evaluation is obtained shall be the same criteria that the school district uses when it initiates an evaluation. The criteria include the location of the evaluation, the qualifications of the examiner, and the cost of the evaluation.

Upon request, parents or guardians will be provided with a list of public and private agencies and professional resources where independent evaluations may be obtained.

Parents or guardians should file a written request within 90 days from the date of the CSE or CPSE evaluation. The district has the right to initiate an impartial hearing to demonstrate that its evaluation is appropriate. If the hearing officer determines that the district's evaluation was appropriate, a parent or guardian is not entitled to reimbursement at public expense.

The Board directs the Superintendent of Schools to develop regulations establishing maximum allowable fees for specific tests, the geographic area in which such evaluations may take place, and minimum qualifications of the professionals who administer and interpret various tests; and a reasonable timeline for seeking reimbursement.

Cross-ref:     4321, Programs for Students with Disabilities  
                  4321.2, Preschool Special Education

Ref:     34 CFR §300.503  
           8 NYCRR §§200.1(u); 200.5(a)(l)(vi)(a); 200.5(b); 200.5(c)(6)  
           *Application of a Child with a Handicapping Condition*, SRO Dec. No. 93-26 (1993)  
           *Application of a Child with a Handicapping Condition*, 30 EDR 129 (1990)  
           *Application of a Child with a Handicapping Condition*, 30 EDR 108 (1990)  
           *Application of a Child with a Handicapping Condition*, 26 EDR 439 (1987)  
           *Appeal of a Handicapped Child*, 25 EDR 185 (1985)  
           *Matter of a Child Suspected of Having a Handicapping Condition*, 23 EDR 140 (1983)  
           *Matter of Three Handicapped Children*, 21 EDR 353 (1981)  
           Memorandum to District Superintendents *Independent Evaluations: Updating on Regulatory Requirements*. State Education Department

Adoption date: March 25, 2003

**PREFERRAL INTERVENTION STRATEGIES IN GENERAL  
EDUCATION PRIOR TO REFERRAL FOR SPECIAL EDUCATION**

The Superintendent of Schools shall establish appropriate administrative procedures for implementing schoolwide approaches and prereferral interventions in order to remediate a student's performance prior to referral for special education, and shall ensure that the appropriateness of such resources is considered prior to the development of a recommendation by the Committee on Special Education.

The provision of programs or services for students starts with implementation of instruction in the general education curriculum, with appropriate supports and/or modifications as may be necessary. In implementing prereferral intervention strategies, available through §504 of the Rehabilitation Act of 1973, Educationally Related Support Services, and Academic Intervention Services as defined in Education Law or Commissioner's Regulations.

The district will provide general education support services, instructional modifications, alternative instructional approaches, or alternative program options to address a student's performance prior to a referral to a Committee on Special Education (CSE). Child Study Teams (CST) will be formed in accordance with law and regulations as may be applicable as well as district guidelines. Administration shall ensure that appropriate opportunities exist for collaborative between general educators and special educators, and that consultation and support are available to teachers and other school personnel to assist both parents or persons in a parental relationship to students and to teachers in exploring approaches for meeting the individual needs of any students and to teachers in exploring approaches for meeting the individual needs of any student prior to a formal referral for special education.

However, should a referral be made to the CSE during the course of implementing prereferral intervention instructional support services, the CSE is obligated in accordance with law to continue its duties and functions, and must meet mandatory time lines in evaluating the student for special education services and implementation of an individualized educating program, if applicable. The CSE is also obligated to ensure that the appropriateness of the resources of the regular education program, including Educationally Related Support Services, Academic Intervention Services, and Section 504 of the Rehabilitation Act of 1973 has been considered prior to the development of its recommendation.

Ref: Commissioner's Regulations 200.2(b)(7), 200.4(d)

Adoption date: December 12, 2000

## THE ENRICHMENT PROGRAM

The Board of Education recognizes the need for enrichment programs for all students, including targeted populations. Targeted students in Grades 3-6 are identified as gifted on the basis of Renzulli's enrichment triad: above average ability, task commitment and creativity. These students must re-qualify based on testing in reading and math to be selected for this talent pool yearly. Elementary principals may also select students for "revolving door" placement in the enrichment program. The Board also recognizes that further efforts are necessary to extend both educationally, and in a cost-effective manner, the allocation of resources towards appropriate programs for students identified as gifted and talented, as well as enrichment opportunities for all students. The Superintendent of Schools, with input from Director of Curriculum K-12, and appropriate school personnel, will develop a district plan for enrichment programs. The Superintendent will submit to the Board a status report on an annual basis which will include:

1. the criteria for student participation in programs;
2. status of ongoing programs;
3. recommendations for new programs;
4. the identification and allocation of resources for all ongoing and recommended programs;
5. provisions for staff development to promote effective implementation of programs; and
6. provisions for ongoing monitoring and evaluation of students and programs.

Special education for the gifted and talented shall be viewed as an expansion of the total school curriculum so that it meets the needs of identified students. This is, the program shall emphasize the development of the students' abilities and skills in creative problem solving, analytical thinking, and the evaluation of complex concepts.

The Board also recognizes the value of community support for program success and encourages the use of community resources for special programs and periodic reporting of activities through the district website.

Ref: Education Law §§3602(23); 4451-4453  
8 NYCRR Part 142; §§117.3(c)(3),(f)

Adoption date: March 25, 2003



## REMEDIAL INSTRUCTION

The Board of Education is committed to providing appropriate remedial programs for any student identified as requiring remedial help, as mandated by the State. Additional students are also provided with remedial services according to district identification criteria. Parents or guardians of these students will be notified in writing by the Building Principal of the type of remediation that is being planned for each child.

Each identified child shall be provided with a diagnostic-prescriptive program in the identified priority area of reading, written expression or mathematics, by a remedial specialist working closely with the classroom teacher. The philosophy at all levels is to provide maximum congruence between the remedial program and the classroom program, as well as to provide a positive experience for each child recognizing individual differences and self-worth.

Ref: Education Law 103.3

Adoption date: January 12, 1988

Revised: March 28, 1995

Revised: March 25, 2003

**ENGLISH AS A SECOND LANGUAGE (ESL)  
ENGLISH LANGUAGE LEARNER (ELL) INSTRUCTION**

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

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

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

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

Ref: Education Law §3204  
Bilingual Education Act of 1974, §§701 et seq., 20 U.S.C. §§880b et seq.  
Equal Educational Opportunities Act of 1974, §§201 et seq.,  
20 U.S.C. §§1701 et seq.  
8 NYCRR §§80.9; 80.10; 117; 154 et seq.  
*Lau v Nichols*, 414 U.S. 563 (1974)  
*Rios v Read*, 480 F. Supp. 14 (1978)  
*Cintron v Brentwood UFSD*, 455 F.Supp 57 (1978)  
*Aspira of New York v Board of Educ. (City of New York)*,  
394 F. Supp. 1161 (1974)

Adoption date: March 25, 2003

## HOMEBOUND INSTRUCTION

In the event that a student may not be able to attend school for an extended period because of illness or accident, the district will provide an appropriate homebound instructional program upon the request of parents and with the approval of the family and/or school physician.

In each case the physician must certify the nature of the student's illness, that he/she will be unable to attend school for the length of time specified, and that he/she is capable of receiving home instruction.

Homebound students at the elementary level will receive a minimum of one hour per day per school week. Students at the secondary level shall receive a minimum of two hours per day per school week.

Home instruction will be given only on those days when school is in session. The Superintendent of Schools or his/her designee will approve each application before home instruction can commence.

During tutoring session, adult will be present. This adult will sign any necessary documents at the end of each session.

### *District Personnel*

Staff members serving as home instructors for district students are expected to communicate regularly with each student's regular classroom teachers. These communications can maximize the professional services of both the classroom teacher and the home instructor for the student's benefit. The interoffice mail system may be used to transmit communications between professional staff members.

To provide ease of communication, student Progress Report Forms will be obtained from any school building secretary in the district upon request. It is suggested that a monthly report be submitted to the classroom teacher.

Cross-ref: 4328, Alternative School Programs  
5100, Attendance

Ref: Education Law §§1709(24); 4401 et seq.  
8 NYCRR §175.21

Adoption date: March 25, 2003

## ALTERNATIVE SCHOOL PROGRAMS

The Board of Education acknowledges the multiple learning styles of students that may be addressed using non-traditional approaches. In order to provide a more effective educational program for these students, the Board authorized the Superintendent of Schools to develop alternative school programs to address the needs of all children. The purpose of the alternative school programs is to promote a form of education which will keep students in school, increase the retention rate, and continue to provide opportunities for students to be eligible for a high school academic diploma.

For the students who are unable to benefit from the learning experiences offered within the regular school program, the school district will offer alternative school programs that include:

1. Homebound instruction
2. Hospital instruction
3. Cooperative education programs
4. BOCES placements
5. Special education self-contained classes
6. District-wide alternative school programs
7. Introduction to occupational education programs

Alternative school programs designed to meet the individual needs of children will not be limited to the ones listed above. No student will be placed in an alternative school program as punishment for a disciplinary infraction. However, a Building Principal may recommend that a student be assigned to an alternative program, if, in the Principal's judgment, the student's conduct and behavior impacts on his/her ability to receive an education. The Superintendent of Schools shall approve all placements.

An involuntary transfer to an alternative school program may only be recommended by a Principal after a formal meeting with the parent/guardian and a subsequent report of the school's findings is forwarded to the Superintendent of Schools.

A student in an alternative school program may return to the regular program when the program staff in consultation with the building administration makes a recommendation for a return to the regular education program.

Cross-ref: 4321 Programs for Students with Disabilities  
4327 Homebound Instruction

Adoption date: March 25, 2003

**ADULT EDUCATION PROGRAMS**

The Board of Education recognizes the importance of life-long learning. As a result, it supports a program of adult education in the school district to be administered by a properly certified administrator and conforming to the Laws of New York State and the Regulations of the Commissioner of Education. Courses will be offered to meet the intellectual, social, vocational, and recreational needs of the community.

Ref: 8 NYCRR §§157.1; 157.2  
Education Law §§4602; 4604  
20 USCA §§1203 et seq.

Adoption date: March 25, 2003

## CLASS SIZE

The Board of Education is committed to maintaining class sizes which will impact student learning in a positive manner, subject to budget, personnel and housing limitations.

At the elementary level, where practicable, grades K-5 shall not exceed 25 students. Individual exceptions may be made at the recommendation of the Superintendent of Schools, with consultation and approval of the Board.

At the secondary level, the following sizes for the different class types shall be considered normal, where possible, by the opening of school:

Regular classes .....	30
Limited facility .....	20
Remedial .....	20
Electives .....	*

\* Electives will not be offered unless 20 or more students are enrolled for a given course/class, while regular class size shall be the norm. Some elective classes will run with fewer than 20 students if technology stations or space is limited. If registration drops below 18 in an elective course/class by Labor Day, it will be cancelled. Individual exceptions may be made at the recommendation of the Superintendent with consultation and approval of the Board.

Desired, but underused (i.e., class size) courses may be scheduled on an alternate year or semester basis in an attempt to reach enrollment norms.

Adoption date: June 14, 2011

## TEXTBOOK SELECTION AND ADOPTION

The Board of Education is responsible for the selection and designation of all textbooks to be used in the district schools. The Superintendent of Schools shall recommend suitable lists of textbooks to be used in the schools for the Board's consideration.

The Superintendent shall establish procedures for the selection and recommendation of textbooks and a method for selecting staff members who shall serve in the selection and recommendation process.

Cross-ref: 1420, Complaints about Curricula or Instructional Materials

Ref: Education Law §§701 et seq; 1711; 2508, 2566

Adoption date: March 25, 2003

## LIBRARY MATERIALS SELECTION

The Board of Education, as the governing body of the school district, is legally responsible for the selection of library materials, including the selection and approval of printed and non-printed materials for its use. Since the Board is primarily a policy-making body, it delegates to the following professional personnel of the district the authority for the selection of materials: teachers, principals, librarians, etc., under the leadership of the Superintendent of Schools.

In order to provide the Superintendent and his/her staff with guidance in the acquisition of instructional resource material, such as library books, references, audiovisuals, maps, etc., the Board endorses the guidelines approved by the American Library Association that such resources:

1. provide information that will enrich and support the curriculum, taking into consideration the varied interests, abilities, and maturity levels of the students served;
2. provide information that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards;
3. provide information that will enable students to make intelligent judgments in their daily lives;
4. provide information on opposing sides of controversial issues so that young citizens may develop, under guidance, the practice of critical reading and thinking;
5. provide information representative of the many religious, ethnic, and cultural groups and their contributions to our American heritage; and
6. place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive collection appropriate for the users of the library.

Initial purchase suggestions for library materials may come from all personnel, teachers, coordinators, and administrators. Students will also be encouraged to make suggestions. The librarian will be responsible for the evaluation and recommendation of all library materials to be included in the school library. Final approval and authority for distribution of funds will rest with the Principals, subject to the approval of the Superintendent.

To assist in the selection process, reputable, unbiased professionally prepared aids (such as the Horn Book, School Library Journal, etc.) shall be consulted as guides.

Gifts of library books will be accepted in keeping with this policy and in accordance with policy 1800, Gifts from the Public.



In order to respond to any complaints about, or challenges to, the selection of library materials, the district has adopted regulations (1420-R, Complaints About Curricula or Instructional Materials Regulation) establishing a complaint procedure and providing for a committee to review such complaints or challenges.

Cross-ref: 1420, Complaints about Curricula or Instruction Materials  
1800, Gifts from the Public

Ref: Education Law §§1709(15); 1711(5)(f)  
*Board of Ed. Island Trees UFSD v Pico*, 457 US 853 (1982)

Adoption date: March 25, 2003

## **ELECTRONIC ACCESS POLICY**

The Board of Education recognizes that the mission of the school district's electronic access initiative is to improve learning and teaching through interpersonal communication, student access to information research, staff development, collaboration and dissemination of successful educational practices, methods, and materials. It is the district's responsibility to instruct students about network safety, their role as a "network citizen" and the code of ethics involved with this new global community.

The Board directs the Superintendent of Schools to designate a computer coordinator to oversee the use of district computer resources. The computer coordinator will prepare inservice programs for the training and development of district staff in computer skills and for the incorporation of computer use in appropriate subject areas.

The Superintendent shall establish rules and regulations governing the use and security of the district's computer network. Failure to comply with district policy and regulations for use of the network may result in disciplinary action as well as suspension and/or revocation of computer access privileges.

Adoption date: July 11, 2000

## **FIELD TRIPS AND EXCURSIONS**

The Board of Education recognizes field trips as a valuable adjunct to the instructional program. The Superintendent of Schools or designee has final authority in determining the frequency and content of class field trips.

Factors relevant in consideration of approval of such field trips shall include the relationship to the curriculum, the distance of the trip, availability of transportation, the cost involved, weather conditions, and full use of transportation.

Provisions will be made for appropriate safety precautions, accounting of attendance, planning, and obtaining supervision for field trips. Each student must secure the permission of his/her parent or guardian before participating in such activity.

In order to make necessary transportation arrangements, all requests for field trips must be submitted to the appropriate Building Principal at least two weeks prior to the trip date. All overnight trips for students require prior approval of the Board. Only those trips which have an educational value will be authorized.

Adoption date: March 25, 2003

## GRADING SYSTEMS

The Board of Education recognizes that academic achievement and social growth and development are based on the premise that students have diverse capabilities and individual patterns of growth and learning.

Therefore, the Board believes it is important that teachers learn as much as possible about the background of each student in order to assess his/her growth and make instructional plans for him/her. To accomplish this, it is essential that information be shared among parents, teachers and students.

The elementary grades shall use a report card three times a year. One and one-half parent conference days are scheduled during the school year to discuss individual student progress.

At the middle schools and high schools, reports shall be issued four times a year. Secondary report card grades will be posted as alphabetical grades. Alpha and numerical grades will be assigned according to the following equivalency scale.

<u>Alpha Grade</u>	<u>Numerical Equivalent</u>	<u>Quality Points</u>
<u>A+</u>	<u>97 and above</u>	<u>4.4</u>
<u>A</u>	<u>93 to 96</u>	<u>4.0</u>
<u>A-</u>	<u>90 to 92</u>	<u>3.6</u>
<u>B+</u>	<u>87 to 89</u>	<u>3.3</u>
<u>B</u>	<u>83 to 86</u>	<u>3.0</u>
<u>B-</u>	<u>80 to 82</u>	<u>2.6</u>
<u>C+</u>	<u>77 to 79</u>	<u>2.3</u>
<u>C</u>	<u>73 to 76</u>	<u>2.0</u>
<u>C-</u>	<u>70 to 72</u>	<u>1.6</u>
<u>D+</u>	<u>67 to 69</u>	<u>1.3</u>
<u>D</u>	<u>65 to 66</u>	<u>1.0</u>
<u>F</u>	<u>64 or below</u>	<u>0</u>

The following grades do not carry any quality points and therefore do not affect GPA: P (pass), PHI (pass home instruction), NG (no grade), W (withdrawn), and I (incomplete).

Incomplete grades (I) become F's two weeks after the end of a marking period. F's and FHI's (fail home instruction) will carry 0.0 quality points in final average calculations.

## Final Grades for Secondary Schools

Final grades are based on established department criteria.

Further details shall be spelled out in individual school handbooks and on the district and individual school websites.

Ref: Education Law §§3202; 3205 et seq.

Matter of Nathaniel D., 32 EDR 67 (1992)  
Matter of Hegarty, 31 EDR 232 (1992)  
Matter of Shepard, 31 EDR 315 (1992)  
Matter of Handicapped Child, 32 EDR 83 (1992)  
Matter of Ackert, 30 EDR 31 (1990)  
Matter of Augustine, 30 EDR 13 (1990)  
Matter of Boylan, 24 EDR 421 (1985)  
Matter of Burns, 29 EDR 103 (1989)  
Matter of Chipman, 10 EDR 224 (1971)  
Matter of Dickershaid, 26 EDR 112 (1986)  
Matter of Fitchett-Delk, 25 EDR 178 (1985)  
Matter of Gibbons, 22 EDR 134 (1982)  
Matter of LaViolette, 24 EDR 37 (1984)  
Matter of MacWhinnie, 20 EDR 145 (1980)  
Matter of McClurkin, 28 EDR 136 (1988)  
Matter of Reid, 65 Misc 2d 718 (1971)  
Matter of Rivers, 27 EDR 73 (1987)  
Matter of Shamon, 22 EDR 428 (1983)

Adoption date: March 25, 2003

Revised & Adoption date: December 9, 2008

Effective date: September 9, 2009

## **PARENT CONFERENCES**

The Board of Education encourages parent conferences with teachers as an effective means of communication between the home and the school. These conferences provide opportunity for open communication regarding administrative procedures, instructional programs, goals and objectives, and pertinent information regarding student progress.

Teachers have a responsibility to meet with parents to discuss student problems and progress. When a parent requests a conference with a teacher, the teacher shall make every effort to arrange a mutually convenient time. Such conferences should be scheduled around the school day so as not to interfere with the instructional process. Teachers should notify the appropriate Building Principal in advance of such conferences.

Adoption date: March 25, 2003

## **HOMEWORK**

Homework is defined as any formal or informal activity which is carried on as a supplement to the classroom instructional program.

Homework is effective if it contributes to achievement and has a favorable effect on study skills and attitudes. It serves a valid purpose when it affords opportunities for independent study and enriches school experiences.

The Board of Education believes that parental involvement in students' homework is essential to making homework an integral part of the educational program. Parents are expected to encourage and monitor homework assignments and, to the extent possible, provide conditions that are conducive to their successful completion.

Adoption date: March 25, 2003

## CLASS RANKINGS

Smithtown High Schools East and West do not rank students. Alpha grades are assigned quality points which are used to compute the GPA. The primary purpose of determining a student's overall grade point average is to provide information to the student, parents, and college admission counselors. Students' overall GPA is only one of the several factors that might be considered in the college application process. Grades earned in advanced placement courses are weighted with an additional 1.0 quality point. A student must sit for the AP Exam and pass the course to receive a weighted grade. The Superintendent of Schools will develop with the Director of Guidance a Smithtown High School West and a Smithtown High School East profile which will assist colleges in accurately assessing each student's candidacy for admission.

Refer to Grading Systems Policy 4710

Adoption date: July 6, 2010



## PROMOTION AND RETENTION OF STUDENTS

It is essential that each child experience both challenge and success from school activities. Grade placement should enhance this possibility. The concept of grade placement is based on the premise that each teacher will provide appropriate experiences for children at particular stages of physical, emotional and academic growth.

District curriculum guides indicate goals for achievement by the “average” student at each grade level. However, academic growth, like physical growth, does not take place at the same pace or time for all individuals. Certain students may achieve mastery in a shorter period, while others need additional time. Promotion and retention are methods of meeting the needs of such children.

### *Elementary School*

In grades K-5, progression from grade to grade, with consideration for individual difference, should be the pattern for a great majority of children. There are some children who may benefit from acceleration or retention. Such determination will be made on an individual basis by the Building Principal, upon advice of a case study team.

### *Middle School*

At the middle school level (grades 6-8), students who are promoted to the next grade level shall be expected to pass the four major subjects (English, social studies, science and mathematics). Exceptions may be made on an individual basis after consultation with the building team/parent and other interested parties.

The final responsibility for making this determination shall rest with the Superintendent of Schools.

Ref: Education Law §§1709; 2503(4); 3202  
8 NYCRR §100.4  
*Isqwith v. Levitt*, 285 App. Div. 833; 137 N.Y.S.2d 497 (1955)  
*Matter of Eckert*, 13 EDR 270 (1979)  
Op. Counsel, 1 EDR 775 (1952)

Adoption date: March 25, 2003

**DIPLOMA REQUIREMENTS  
CLASS OF 2003 AND 2004**

**REQUIRED UNITS OF CREDIT**

<u>COURSES DIPLOMA</u>	<u>SMITHTOWN DIPLOMA</u>	<u>REGENTS</u>
English	4	4
Social Studies	4	4
Mathematics	2	2
Science	2	2
Health	.5	.5
Art or Music	1	1
Languages Other Than English	---	3(A)
Physical Education	2(B)	2(B)
Sequence Courses/Electives (LOTE, CTE, The Arts)	<u>5</u>	<u>2</u>
<b>TOTAL CREDITS: (required minimum)</b>	<b>20.5</b>	<b>20.5</b>
Regents English	Yes	Yes
Regents Math	Yes	Yes
2 <sup>nd</sup> Regents Mathematics	No	Yes
Regents Global History & Geography	Yes	Yes
Regents U.S. History & Government	Yes	Yes
Regents Science	Yes	Yes
2 <sup>nd</sup> Regents Science	No	Yes
Languages Other Than English	---	Yes

LOTE= Languages Other Than English

CTE= Business, Technology, Family and Career Sciences

**FOOTNOTES FOR DIPLOMA REQUIREMENTS CHART**

- A. Students are not required to complete three units in Languages Other Than English (LOTE) if they complete a sequence of 5 or more credits in Career and Technology Education (CTE) or the arts.
- B. Physical Education is required at the equivalent of 0.5 credit per year.

Adoption date: March 25, 2003

**DIPLOMA REQUIREMENTS  
CLASS OF 2005 AND THEREAFTER**

**REQUIRED UNITS OF CREDIT**

<u>COURSES DIPLOMA</u>	<u>SMITHTOWN DIPLOMA</u>	<u>REGENTS</u>
English	4	4
Social Studies	4	4
Mathematics	3(A)	3(A)
Science	3(A)	3(A)
Health	.5	.5
The Arts	1	1
Languages Other Than English	1	(B)
Physical Education	2	2
Sequence Courses/Electives (LOTE, CTE, The Arts)	<u>3.5</u>	<u>3.5(B)</u>
<b>TOTAL CREDITS: (required minimum)</b>	<b>22</b>	<b>22</b>
Regents English	Yes	Yes
Regents Math	Yes	Yes
2 <sup>nd</sup> Regents Mathematics	No	Yes
Regents Global History & Geography	Yes	Yes
Regents U.S. History & Government	Yes	Yes
Regents Science	Yes	Yes
2 <sup>nd</sup> Regents Science	No	Yes
Languages Other Than English	---	Yes

LOTE= Languages Other Than English

CTE= Business, Technology, Family and Career Sciences

**FOOTNOTES FOR DIPLOMA REQUIREMENTS CHART**

- A. Students may meet the learning standards in technology, either through a course in technology education or through an integrated course combining technology with mathematics and/or science. A commencement level course in technology education may be used as the third unit of credit in science or mathematics, but not both.
- B. To earn the advanced designation, the student must complete one of the following:
1. A Language Other Than English (LOTE) (total of 3 credits) and pass Regents.
  2. Career and Technology Education (CTE) (5 credits), including one credit in a Language Other Than English.
  3. The Arts (5 credits), including one credit in a Language Other Than English.
- C. Students must pass the Second Language Proficiency Examination in grade 8 or a Level 1 High School Language course in order to earn one unit of credit toward the high school diploma.

Adoption date: March 25, 2003

## EARLY GRADUATION

The Board of Education, in certain instances, shall grant students who wish to graduate from high school in less time than the ordinary four-year sequence the permission to complete graduation requirements on an alternative schedule. To this end, all normal graduation requirements must be completed for early graduation. Furthermore, a student shall not be denied an exact class rank if he/she wishes to complete the usual four-year course of studies in three years.

In regard to individual student requests, the following factors may be considered: the student's grades, performance in school, his/her future plans, and benefits that would accrue to the student if the request for early graduation were to be approved. The Building Principal shall determine whether to grant permission after consultation with the individual student's counselor, the student, parent and/or guardian and the Superintendent.

Adoption date: March 25, 2003

## INDIVIDUALIZED EDUCATION PROGRAM DIPLOMAS

The Board of Education and the district staff shall comply with all federal and state requirements concerning the education of children with disabilities. All students, including those with disabilities, shall be given the greatest opportunity to earn a Regents or local diploma. A student with a disability is eligible for a local diploma, under the Board of Regents approval of the "safety net", which grants local diplomas for all students who will be high school freshmen up to and including the class of 2004.

The Committee on Special Education (CSE) shall review the progress of all students with disabilities who will attain the age of 21 years prior to the end of the current school year and/or received 12 years of education, for whom an application for a high school Individualized Education Program (IEP) diploma has been made.

Pursuant to Section 109(b) of the Regulations of the Commissioner of Education, a Board of Education shall award a high school IEP diploma to a student with a disability, at the end of the school year in which the student attains the age of twenty-one. This is based upon a finding that the student has achieved the educational goals as specified in the student's most current IEP.

Each high school IEP diploma shall be identical in form to the diploma issued by the school district, except on the front of the IEP where a clear annotation indicates that the diploma is awarded on the basis of the student's successful satisfaction of the IEP goals.

If the student receiving a high school IEP diploma is less than 21 years of age, such diploma shall be accompanied by a written statement of assurance that the student can continue to be eligible to attend public school until the student earned an academic diploma or until the end of the school year of the student's twenty-first birthday, whichever comes first.

Adoption date: March 25, 2003

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## SEXUAL HARASSMENT OF STUDENTS

The Board of Education is committed to safeguarding the right of all students within the school district to learn in an environment that is free from all forms of sexual harassment. All individuals associated with the district, but not necessarily limited to the Board, the administration, the staff, students, and members of the public are expected to conduct themselves in a manner that provides such an environment.

Conduct is deemed to be sexual harassment when the recipient perceives such behavior as unwelcome. It is irrelevant that the harasser had no intention to sexually harass the person. The Board recognizes that sexual harassment of students can originate from a person of either sex against a person of the opposite or same sex, and from peers as well as employees, Board members or any individual who foreseeably might come in contact with students on school grounds or at school-sponsored activities. When an alleged sexual harassment occurs and the district knows about it, they shall take immediate and appropriate corrective action.

The Board, consistent with state and federal law, therefore condemns and prohibits all unwelcome behavior of a sexual nature which is either designed to extort sexual favors as a condition of academic advance, or which may have the purpose or effect of creating an intimidating, hostile, or offensive learning environment. Sexual harassment in the school, on district property, or at a school-related activity by an individual associated with the district is a serious violation for which the appropriate disciplinary action will be taken and may lead to personal, legal and financial liability.

Any student who believes that he/she has been subjected to sexual harassment shall make a complaint immediately, pursuant to regulation 5020.1-R, to the Assistant to the Superintendent for General Administration and Planning or his/her designee. Complaints will be investigated promptly and corrective action, up to and including discharge of an employee or suspension of student, will be taken where appropriate. No member of the school community will suffer retaliation or intimidation as a result of using the internal complaint procedure. Efforts will be made to maintain confidentiality of complaint and investigation. No complainant shall be discouraged from reporting an incident of alleged sexual harassment. In the absence of a victim's complaint, the Board, upon learning of, or having reason to suspect, the occurrence of any sexual misconduct, will ensure that an investigation is promptly commenced by appropriate individuals.

The Superintendent of Schools is directed to develop and implement specific procedures on reporting, investigating and remedying allegations of sexual harassment. Such procedures are to be consistent with any applicable provisions contained in the district's policy manual, collective bargaining agreements, the tenure laws as well as other federal and state laws on sexual harassment. Training programs shall be established for students and employees to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment.



A copy of this policy and its accompanying regulation are to be distributed to all personnel and students and posted in appropriate places.

Ref: Education Amendments of 1972, Title IX, 20 U.S.C. §1681  
*Franklin v. Gwinnett County Public Schools*, , 112 S. Ct. 1028 (1992)  
*Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57 (1986)  
34 CFR §§106.8; 106.9

Adoption date: March 25, 2003

## RACIAL HARASSMENT OF STUDENTS

The Board of Education is committed to safeguarding the rights of all students within the school district to learn in an environment that is free from racial\* discrimination, including racial harassment. The Board recognizes that racial harassment of students can originate from a person of the same or different race of the victim, including peers, employees, Board members or any individual who foreseeably might come in contact with students on school grounds or at school-sponsored activities.

Racial harassment of students consists of different treatment on the basis of race and is recognized in two different forms:

1. when the district's employees or agents, acting within the scope of official duties, treat a student differently than other students solely on the basis of race; or
2. when the education environment is not kept free from discrimination because the harassing conduct is so severe, pervasive or persistent that it interferes with or limits the ability of a student to participate in or benefit from the services, activities or privileges provided.

The Board also prohibits any retaliatory behavior against complainants or any witnesses.

Any student who believes that he/she has been subject to racial harassment should report the alleged misconduct immediately, pursuant to 5020.2-R, so that corrective action, up to and including discharge of an employee or suspension of a student, may be taken at once. The complainant shall not be discouraged from reporting an incident of alleged racial harassment. In the absence of a victim's complaint, the Board, upon learning of, or having reason to suspect the occurrence of any racial harassment, will ensure that an investigation is promptly commenced by appropriate individuals.

The Superintendent of Schools is directed to develop and implement specific procedures on reporting, investigating and remedying allegations of racial harassment. Such procedures are to be consistent with any applicable provisions contained in the district's policy manual, collective bargaining agreements, the tenure laws as well as other federal and state laws on racial harassment.

A copy of this policy and its accompanying regulation is to be distributed to all personnel and students and posted in appropriate places.

*\*For the sake of simplicity and clarity, the term "race" shall be used throughout this policy to refer to all forms of discrimination prohibited by Title VI – that is, race, color, and national origin.*

Adoption date: March 25, 2003

**STUDENTS WITH DISABILITIES PURSUANT TO SECTION 504**

The Board of Education shall ensure that no student is discriminated against in educational programs or activities receiving federal financial assistance. Students protected under Section 504 of the Rehabilitation Act of 1973 are defined as having a physical or mental impairment that substantially limits a major life activity (e.g. learning). Consistent with Section 504, children who do not require special education or related services (and are not classified under IDEA) are entitled to accommodations necessary to provide an appropriate level of education. Students who qualify for protection under Section 504 are: of an age during which non-disabled children are provided preschool, elementary or secondary education services; of an age during which it is mandatory under state law to provide such educational services to the disabled child; or to whom a state is required to provide a free appropriate public education (e.g., under IDEA).

The Board shall identify, evaluate, refer, place, provide adaptations for, and review all eligible students with disabilities. Students with disabilities pursuant to Section 504 shall be provided a free appropriate public education which may include, but is not limited to, providing a structured learning environment; repeating and simplifying instructions about in-class and homework assignments; supplementing verbal instructions with visual instructions; using behavioral management techniques; adjusting class schedules; modifying test delivery; using tape recorders, computer-aided instruction, and/or other audiovisual equipment; selecting modified textbooks or workbooks and tailoring homework assignments or modification of nonacademic times such as lunchroom, recess and physical education.

Ref: Rehabilitation Act of 1973, 29 USC §§794 et seq. (Section 504) 34 CFR Part 104  
Individuals with Disabilities Education Act, 20 USC §§1400 et seq. (IDEA)  
Education Law, §§4401 et seq. (Article 89) 8 NYCRR Part 200

Adoption date: March 25, 2003

## STUDENT COMPLAINTS AND GRIEVANCES

The Board of Education recognizes that students should be provided the opportunity to be heard regarding complaints they may have.

Students filing complaints regarding any matter, including alleged discrimination on the basis of disability, sex, including sexual harassment, or race, including racial harassment, shall be provided with information regarding the prompt and equitable resolution of the complaint. Furthermore, students shall have the right to present a complaint free from coercion, interference, restraint, discrimination or reprisal.

Students may discuss issues affecting the general student body with their student government representative, before appealing to the school administration.

Building Principals shall be responsible for ensuring that appeal procedures are incorporated into discipline codes, explained to all students, and provided to all parents on an annual basis. A copy of such procedures must be posted in every school.

### *Annual Notification*

At the beginning of each school year, the district shall publish a notice of the established procedures for resolving complaints, including complaints of discrimination due to sex and/or disability, to parents/guardians, employees, students and the community. The public notice shall:

1. state that the district's education programs are offered without regard to race, color, national origin, creed or religion, sex, age, marital status, or disability;
2. provide the name, address and telephone number of the person designated to coordinate activities concerning discrimination due to sex and/or disability; and
3. be included in announcements, bulletins, catalogues, and applications made available by the district.

The Superintendent of Schools shall establish procedures for the resolution of student complaints and grievances. At a minimum, such procedures shall provide that upon receipt of a formal or informal complaint, a prompt, thorough and impartial investigation of the allegations will follow. All witnesses shall be interviewed and complainants will be notified of the outcome of the investigation. The confidentiality of the complaint, as well as the complainant, shall be maintained, where appropriate.

Cross-ref: 0100 Equal Opportunity  
5300, Code of Conduct

Ref: Title IX, Education Amendments of 1972, 20 U.S.C. 1681  
34 CFR Parts 104; 106  
Rehabilitation Act of 1973, §504; 29 U.S.C. §794  
Education Law §3214

Adoption date: March 25, 2003

## ATTENDANCE

The Board of Education, in accordance with the State Education Law, requires that each minor regularly attend school full time from the first day of session in September of the school year in which the minor becomes 6 years of age through the last day of the school year in which such minor becomes 16 years of age, unless she/he has completed a four year high school course of study. He/She may attend a school other than a public school or receive home instruction, provided the instruction is equivalent to that given in the public schools.

The Board of Education recognizes that regular school attendance is a major component of academic success. Through implementation of this policy, the Board expects to reduce the current level of unexcused absences, tardiness, and early departures (referred to in this policy as "ATEDs"), encourage full attendance by all students, maintain an adequate attendance record keeping system, identify patterns of student ATEDs and develop effective intervention strategies to improve school attendance.

To be successful in this endeavor, it is imperative that all members of the school community are aware of this policy, its purpose, procedures and the consequences of non-compliance. To ensure that students, parents, teachers and administrators are notified of and understand this policy, the following procedures shall be implemented.

- A summary of the attendance policy will be included in student handbooks and will be reviewed with students at the start of the school year. Early in each school year, the policy will be presented at a school event stressing the parent's responsibility for their ensuring their children's attendance.
- Parents will receive a plain language summary of this policy by mail at the start of the school year. Parents will be asked to sign and return a statement indicating that they have read and understand the policy.
- When a student is absent, tardy, or leaves early from class or school without excuse, designated staff member(s) will notify the student's parent(s) of the specific ATED, remind them of the attendance policy, and review ATED intervention procedures with them.
- School newsletters and publications will include reminders of the components of this policy and copies of this policy will also be made available to any community member upon request.
- The district will provide a copy of the attendance policy and any amendments thereto to all faculty and staff. New staff will receive a copy as well. All staff and faculty will meet at the beginning of each school year to review the attendance policy to clarify individual roles in its implementation.

### *Excused and Unexcused Absences*

- Excused ATEDs are defined as absences, tardiness, and early departures from class or school due to personal illness, illness or death in the family, impassable roads or unsafe travel conditions, religious observance, quarantine, required court appearances, medical appointments, approved court appearances, approved cooperative work programs, military obligations, or participation in school sponsored and approved activities.
- All other ATEDs are considered unexcused absences.
- All ATEDs must be accounted for. It is the parent's responsibility to notify the school office within at least 24 hours of the ATED and to provide a written excuse upon the student's return to school.
- No student can participate in any extracurricular activity or interscholastic sporting event on a day when he or she is absent from school without the permission of the Building Principal or his/her designee.

### *Attendance/Grade Policy*

The Board recognizes an important relationship between class attendance and student performance. Consequently, each marking period, a student's final grade may be based on classroom participation as well as student's performance on homework, tests, papers, projects etc. Students are expected to attend all scheduled classes. Consistent with the importance of classroom participation, unexcused ATEDs may affect a student's class participation grade for the marking period.

Students who are absent more than five times from a class that meets daily or three times for a class that meets on alternate days shall receive an incomplete grade for that marking period. A student who is absent more than (20) times for a full year course meeting daily or (10) times for courses meeting on alternate days or a half year course meeting daily shall receive an incomplete grade for the course.

An incomplete grade can be converted to the appropriate letter grade through the completion of a departmental assignment. If the departmental assignment is satisfactorily completed, the teacher will determine the marking period or course grade based on the student's performance during the marking period/course, including appropriate make-up work. However, a teacher is not required to provide a make-up opportunity to a student who voluntarily absents himself or herself from an examination or quiz.

To ensure uniform application of the attendance policy, the department chairperson or lead teacher will consult with the student's teacher and determine the amount, nature, and time limit (not to exceed 10 school days) for the departmental assignment. The activities developed by the department for the students to complete shall reflect the subject area, grade level, and ability level of those students. If the student does not complete the assignment in the time

allocated or does not satisfactorily complete the assignment, the incomplete is to be changed to an "F".

#### *General Procedures.*

Commencing July 1, 2003, attendance will be recorded at least once daily for students in grades K-5. If students are dismissed from school during a lunch period, then attendance will be recorded a second time upon the student's scheduled return. For students in grades 6-12, attendance will be recorded during each period of instruction, (noting that it is not necessary to record attendance during each class if the student does not change classrooms.)

At the conclusion of each class period or school day, all attendance information shall be compiled and provided to the designated staff member(s) responsible for attendance. The nature of an ATED shall be coded on a student's record as follows: E = Absent-Excused; X = Tardy-Excused; T = Tardy-Unexcused; A = Absent-Unexcused; S = Sick/Illness-Excused; W = Work/Coop program-Excused; V = Visit to college-Excused; R = Religious observance-Excused; M = Medical appointment-Excused; F = Family illness or death in the family-Excused; C = Court appearance-Excused. This data shall be available to and should be reviewed by the Principal in an expeditious manner. Data will be analyzed periodically to identify patterns or trends in student absences. Continuous monitoring will be conducted to identify students who are absent, tardy or leave class or school early.

Where additional information is received that requires corrections to be made to a student's attendance records, such correction will be made immediately. Notice of such a change will be sent to appropriate school personnel subject to applicable confidentiality rules.

#### *Disciplinary Consequences*

Unexcused ATEDs may result in disciplinary action consistent with the district's code of conduct. Those penalties may include, for example, detention or in-school suspension. Students may also be denied the privilege of participating in or attending extracurricular events. In addition, designated staff member(s) will contact the student's parents and the student's guidance counselor. Such staff member(s) shall remind parents of the attendance policy, explain the ramifications of unexcused ATEDs, stress the importance of class attendance and discuss appropriate intervention strategies to correct the situation.



### *Attendance Incentives*

The district will design and implement systems to acknowledge a student's efforts to maintain or improve school attendance. For example:

- Recognition will be given to students who maintain exemplary attendance. This may include certificates, recognition events and awards.
- At the classroom levels, teachers are encouraged to reinforce positive attendance by students by implementing motivational strategies.

### *Application of Attendance Policy*

Students shall not be considered absent when they are authorized by school officials to be somewhere other than their regularly scheduled classes. This includes activities such as meetings, conferences with school personnel, field trips, music lessons, athletic contests, testing and in-school suspension. However, these excused absences are still a "missed class" and the student is responsible for making up any work missed during that time.

- Students may arrange with their teachers to make up any work missed. This also applies to any student who is absent, tardy or leaves early from school or a class due to illness or any other excused reason. All other absences from class will be counted.
- Teachers may recommend to the administrator that this policy be waived due to extenuating circumstances beyond the student's control, and if all assignments have been completed.
- Any student notified that he or she will receive an INCOMPLETE for the marking period or the course will have the right to a hearing with the appropriate administrator.
- This policy shall apply to students with a disability unless noted in their Special Education Individualized Education Program.
- Students attending classes at other facilities, such as a BOCES center, shall be subject to the attendance policies at those other facilities, except that this policy shall apply for that portion of the students' program for which they are enrolled in Smithtown schools.
- Students who transfer from one class section to another on the same level, or from one course level to another, will have their class attendance transferred to the new class.
- The school will establish and implement notification procedures to keep parents informed about the accumulation of class absences and how those absences relate to the school attendance policy.
- To ensure that parents and students are aware of the implications of this minimum attendance requirement, the teacher or other designated staff member(s) will advise the student and contact the parents by telephone and mail at appropriate intervals prior to the student reaching 10 or 20 unexcused ATEDs.

*Annual Review*

The Board shall annually review building-level student attendance records and, if such records show a decline in student attendance, the Board shall revise this comprehensive attendance policy and make any revisions to the plan it deems necessary to improve student attendance.

Ref: Education Law §§1709; 3024; 3025; 3202; 3205-3213; 3225  
8 NYCRR §§104.1; 175.6

Adoption date: June 25, 2002

## ENTRANCE AGE

Children who reach their fifth birthday on or before December 1<sup>st</sup> of the year of matriculation are entitled to attend school and may be admitted to kindergarten. Proof of age must be presented in the form of an original birth certificate, baptismal certificate, or passport.

A child who has regularly attended and satisfactorily completed a year's work in a kindergarten which is duly registered with the State Education Department, will be enrolled in the first grade.

In the event that a child, who is at least four years and nine months of age on September 1<sup>st</sup>, has successfully completed a year in a kindergarten program not meeting the criteria outlined above, he/she shall be admitted to kindergarten. Within one month of the beginning of school, the Building Principal, in consultation with members of his/her professional staff, may recommend that the child be placed in first grade if there is sufficient evidence that such placement is warranted.

The Board of Education authorizes the Superintendent of Schools to establish any and all rules, regulations, and procedures necessary to implement and maintain this policy.

Ref: Education Law §§1709; 1712; 2503; 2514; 2555; 3202; 3205; 3210

Adoption date: March 25, 2003

## SCHOOL ADMISSIONS

The district shall provide a public education to all persons between the ages of five and twenty-one who have not received a high school diploma and are entitled to attend school. If such persons reside in the district, they may attend without payment of tuition.

A student under twenty-one years of age who has received a high school diploma shall be permitted to attend school or BOCES upon payment of tuition.

Upon registration, all new students shall be required to present:

1. proof of date of birth;
2. record of immunizations and a health certificate from a licensed physician;
3. two (2) proofs of residency;
4. proof of guardianship when appropriate; and
5. divorce, separation or custody papers, if applicable.

Cross-ref: 5155, Student Withdrawal from School

Ref: Education Law §§903; 904; 3202; 3208  
Public Health Law §2164

Adoption date: March 25, 2003

## ADMISSION OF NON-RESIDENT STUDENTS

The Board of Education affirms that its primary responsibility is to provide the best possible educational opportunities for the children who are legal district residents and who are of legal age to attend school.

Non-resident students will be granted admission to the district only under certain circumstances and subject to tuition fees which are established annually in accordance with the law. Non-resident students may be admitted to district schools if, and only if, in the judgment of the Superintendent of Schools:

1. there is sufficient space to accommodate the non-resident student;
2. no increase in the size of faculty or staff will be necessary to accommodate them;
3. the non-resident student meets the district's criteria for admission; and
4. the admission of each non-resident student is and continues during the enrollment period to be in the best interests of the district.

### *Future Residents*

The children of parents or guardians who show proof of a residence under construction, a contract for the purchase of an existing residence, or who have executed a lease for premises within the district, and who intend to become residents upon availability of the structure (and can anticipate availability within 90 days of enrollment), may attend school tuition-free.

### *Former Residents*

Regularly enrolled children of parents or guardians who have moved out of the district during the school year will be permitted to complete the current semester in the district tuition-free. A senior in the school system who is a resident through the first marking period may complete the entire senior year.

### *Transportation*

Parents/guardians will be responsible for transportation of their children.

Cross-ref: 6254, Non-Resident Tuition

Ref: Education Law §3202

Adoption date: March 25, 2003

**STUDENT WITHDRAWAL FROM SCHOOL**

Before a student may be dropped from enrollment, he/she must have been absent for 20 consecutive school days and statutory procedures must be followed. It is the responsibility of the Building Principal to ensure that the procedures set forth below are followed:

1. The Building Principal and/or the Superintendent of Schools shall schedule and notify in writing both the student and his/her parents or guardians of an informal conference.
2. At such conference, the Principal and/or the Superintendent shall determine the reasons for the student's absence and ascertain whether reasonable changes in the student's educational program would encourage and facilitate his or her re-entry or continuance of study.
3. The student and his/her parents or guardians shall be informed orally and in writing of the student's right to re-enroll at any time in the school, if qualified under law.
4. If the student or his/her parents or guardians fail after reasonable notice to attend the informal conference, the student will be dropped from the rolls of the school, provided that he or she and the parents/guardians have been notified that they may re-enter at any time if qualified under the law.

Cross-ref: 5150, School Admissions

Ref: Education Law §3202(1-a)

Adoption date: March 25, 2003

**STUDENT DISMISSAL PRECAUTIONS**

No student may be released from school to anyone other than the parent, guardian or child protective services personnel and law enforcement officers, pursuant to law, unless the individual's name seeking release of the student appears on a list provided by the parent or guardian.

A student may be released to either parent, unless a custodial parent supplies the Superintendent of Schools with a certified copy of a court order or divorce decree to the contrary.

The Superintendent shall develop procedures to enable parents and guardians to amend the list of persons authorized to obtain the release of their children.

Ref: Education Law §3210(1)(c)

Adoption date: March 25, 2003

## STUDENTS WITH HIV-RELATED ILLNESS

The Board of Education recognizes the public concern over the health issues surrounding Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus Infection (HIV). The Board also recognizes, based upon the current state of medical knowledge, that the virus associated with AIDS is not easily transmitted and there is no evidence that AIDS or the HIV virus can be transmitted by casual social contact in the open school setting.

The Board acknowledges the rights of those students diagnosed as having AIDS or HIV infection to continue their education, as well as the rights of all students in the school district to learn and participate in school activities without being subjected to significant risks to their health. The Board also takes notice that under current law and regulations the disclosure of confidential AIDS and/or HIV-related information must be strictly limited.

Accordingly, it is the policy of the Board that no student shall be denied the opportunity to attend school, continue his/her education or take part in school-related activities solely on the basis of being diagnosed as having AIDS or HIV infection.

In accordance with current state law and regulations, it is also the policy of the Board to prevent any student from being subjected to adverse or discriminatory treatment or stigma because he or she has been diagnosed as having AIDS or being HIV-infected.

The Superintendent of Schools is hereby directed to develop administrative regulations in regard to the education of students diagnosed as having AIDS or being HIV-infected.

The Superintendent also shall establish and implement, and all school personnel shall comply with, guidelines and routine sanitary hygiene procedures for dealing with all spills of blood and other body fluids in or on school premises and grounds. The Superintendent should consult public health officials and/or the school physician, as appropriate, for the most current methods and information pertaining to such procedures.

In addition, the Superintendent shall develop and immediately implement inservice education and training for all school personnel concerning AIDS and HIV infection and the routine sanitary hygiene procedures to be followed in the case of all spills of blood and other body fluids.

Cross-ref: 4315.1, AIDS Instruction  
5420, Student Health Services  
5420-R, Student Health Services Regulation  
8123, Hygiene Precautions and Procedures



Ref: Public Health Law, Article 27-F  
Education Law §§4401; 4401-a  
8 NYCRR §200  
10 NYCRR §63

Adoption date: March 25, 2003

## CO-CURRICULAR AND EXTRACURRICULAR PROGRAMS

The Board of Education recognizes the educational values inherent in student participation in the extracurricular life of the school. It supports the concept and is committed to the assignment of staff for the formation of student groups for such purposes as building social relationships, developing interests in an academic area, and gaining an understanding of the elements and responsibilities of good citizenship.

Recognizing that student activities are a part of the school program, the Board has established the following criteria, which all student activity programs must meet:

1. student activities must have educational value for students;
2. student activities must be in balance with other curricular offerings in the schools; and
3. student activities must be managed in a professional manner.

The following guidelines will govern student activities programs:

1. student activities are those school activities that are voluntarily engaged in by students, have the approval of the school administration and do not carry credit toward promotion or graduation;
2. each school, under the direction of the Building Principal, will have a well-balanced and effectively administered student activity program designed to stimulate student growth and development by supplementing and enriching the curricular activities;
3. each activity should be designed to contribute directly to the educational, civic, social and ethical development of students involved;
4. the student activity program should receive the same attention in terms of philosophy, objectives, social setting, organization and evaluation that is given the regular school curriculum;
5. each school will develop definite written guidelines and procedures regulating the creation, organization, administration and dissolution of student activity programs;
6. the expenses involved in participating in any student activity and in the total program for a school year should be set so that a majority of the students may participate without financial strain;
7. activities must be open to all students, regardless of race, religion, sex, national origin, marital status, disability or other human differences;
8. activities must not place undue burdens upon students, teachers or schools;
9. activities should be held after classes are dismissed, or at an appropriate time during class time; and
10. activities at any level should be unique, not duplications of others already in operation.

Cross-ref: 5020, Equal Educational Opportunities  
5160, Student Absences and Excuses  
5210, Student Organizations

Adoption date: March 25, 2003

## STUDENT PUBLICATIONS

Students shall enjoy the right of freedom of expression. They shall have the right to express their views in speech, writing, or through any other medium or form, limited solely by those restrictions imposed on all citizens generally and those specifically applicable to children and youth in a school setting.

The Board of Education encourages student publications not only because they offer an educational activity through which students gain experience in reporting, writing, editing, and understanding responsible journalism, but also because they provide an opportunity for students to express their views and a means of communicating both within and beyond the school community.

All student publications will comply with the rules for responsible journalism. Libelous statements, unfounded charges and accusations, obscenity, false statements, materials advocating racial, sexual, ethnic, disability or religious prejudice, violence, the breaking of laws and school policies and/or regulations, or materials designed to disrupt the educational process will not be permitted. Expressions of personal opinion must be clearly identified as such, and bear the name of the author. Opportunity for the expression of opinions differing from those of the student publishers must be provided.

In addition, student newspapers and/or publications which are paid for by the school district and/or produced under the direction of a teacher as part of the school curriculum are not considered a public forum. In such cases, the Board reserves the right to edit or delete such student speech which it feels is inconsistent with the district's basic educational mission.

### *Distribution of Literature*

Students have a right to distribute literature on school grounds and in school buildings provided such distribution does not interfere with or disrupt the educational process. No literature may be distributed unless a copy is submitted in advance to the Superintendent of Schools.

The Superintendent shall establish guidelines that are in keeping with the above. Building Principals will be responsible for the review of the content of all student publications prior to their distribution.

Ref: *Hazelwood School District v. Kuhlmeier*, 484 US 260, 108 S Ct 562 (1988)  
*Bethel School District v. Fraser*, 478 US 675 (1986)  
*Tinker v. Des Moines Independent Community School Dist.*, 393 US 503, (1969)  
*Thomas v. Board of Education, Granville Central School Dist.*, 607 F 2d 1043 (1979)  
*Trachtman v. Anker, et al.*, 563 F 2d 512 (1977)  
*Eisner v. Stamford Board of Education*, 314 F Supp 832, modfd. 440 F 2d 803 (1971)  
*Frasca v. Andrew et al.*, 463 F Supp 1043 (1979)  
*Matter of Beil and Scariati*, 26 EDR 109 (1986)

Adoption date: March 25, 2003

## **STUDENT SOCIAL EVENTS**

Social events held at each school or under school auspices must be approved by the Building Principal. The scheduling of events must be approved by the Principal prior to their publication in the school calendar. A teacher or professional staff member must be present at all student activities or social events. In addition, a number of adult chaperones may be required for dances and other activities involving large numbers of students.

Adoption date: March 25, 2003

## STUDENT PERFORMANCES

Any student or group of students giving public performances as representatives of the district shall first secure the permission of a Building Principal and then the approval of the Superintendent of Schools or his/her designee.

Students shall not receive any remuneration for such performances.

Student performances shall be in keeping with the general goals and objectives of the educational program of the district.

Adoption date: March 25, 2003

## STUDENT ACTIVITIES FUNDS MANAGEMENT

The Board of Education shall have the responsibility for the protection and supervision of the financial affairs of student clubs and extracurricular activities.

Funds raised other than by taxation or through charges of the Board, for, by, or in the name of a school, student body, or any subdivision thereof, shall be known as extra classroom activity funds.

The Board shall make rules and regulations for the conduct, operation and maintenance of extra classroom activities and for the safeguarding, accounting, and audit of all monies received and derived there from. Such rules and regulations shall require at least the following procedures and devices:

1. records of receipts and expenditures shall be maintained and reports made regularly to the Board;
2. the authority to expend monies shall be distinct and separate from the custodian of those monies;
3. an independent and impartial audit of the accounts shall be made annually; and
4. Faculty advisor guidelines and business office responsibilities related to extra classroom activities can be found in the SUP manual.

The Board may direct that the monies received or derived from the conduct, operation or maintenance of any extra classroom activity be deposited with an official designated by the Board, who in such event, shall be the Treasurer of such extra classroom activity funds.

Cash being collected and held by any staff member shall be kept in a safe or some other secure place designated by the Superintendent of Schools or Building Principal. The district will not be responsible for cash that is placed in unsecured areas (e.g., desks, closets, files). Cash must be deposited in the designated depository no later than the next business day.

Cross-ref: 2210, Board Reorganizational Meeting

Ref: Education Law §207  
8 NYCRR Part 172

Adoption date: September 14, 2010

## INTERSCHOLASTIC ATHLETICS

The Smithtown Central School District will approve seventh grade participation on varsity and junior varsity teams for selected, non-contact/individual teams and those sports where no middle school program exists. Seventh graders will be eligible to tryout for the following non-contact/individual teams only:

Gymnastics  
Cross Country  
Track and Field  
Swimming  
Tennis  
Bowling  
Golf

Eighth grade students are eligible to try out for high school athletic teams.

The Selection Classification System is designed for the “exceptional” athlete. Few candidates will advance in this process. The following procedures must be followed in order to be considered.

1. A written recommendation must come from the head varsity coach of that sport. The head varsity coach will collaborate with the following in making his/her judgment:

- The athlete’s middle school coach(es)
- The athlete’s Physical Education Teacher
- School Administrator
- Guidance Counselor
- Parents/Guardian
- Doctor

2. In order for a student to be recommended, they must be deemed athletically “exceptional” by the athlete’s middle school coach(es), physical education teacher(s) and the head varsity coach. An athletically “exceptional” student refers to the following:

- The athlete has exceedingly superior skill; well above age level.
- The athlete will not have anyone of comparable skill to participate with or against on the modified level.
- Safety concerns (on the modified program level) due to the skill level, strength or size of the athlete.



3. If an athlete is deemed “exceptional” they will be offered the Selection/Classification process at the discretion of the athletic director in conjunction with the head varsity coach. The following programmatic factors will influence the decision:

- Cutting policy of that particular sport
- Availability of the middle school team in that sport
- The splitting of the high school (September 2005)
- Numbers of students trying out
- Selection/Classification Guidelines

4. If the athlete is awarded the opportunity and passes the Selection/ Classification process, the athlete is eligible to tryout but must play two levels up (if there is a modified program in that particular sport). They must be a starter or have significant playing time in order to be considered playing on a team of an older age group.

5. The Athletic Director will submit a list of eligible student athletes to the Board of Education for approval, for each athletic season.

Cross-ref: 4531-R, Field Trips and Excursions Regulation  
5160, Student Absences and Excuses  
5305, Eligibility for Extracurricular and Co-Curricular Activities

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

Adoption date: March 25, 2003

Revised: March 9, 2004

## ALCOHOL DETECTION

The Smithtown Central School District is committed to discouraging and eliminating the use of alcohol by students participating in extracurricular activities. Therefore, any student for whom there is a reasonable suspicion of the use of alcohol prior to or during an extra-curricular, inter-scholastic, or other school-related function, whether conducted on or away from school property, may be required to submit to an alcohol detection test. Parents will provide written consent to the administration of the alcohol detection test prior to the student participating in the extracurricular activity. The District official administering the alcohol detection examination will be trained in the proper use of the device and administration of the alcohol detection test.

This policy shall be implemented in accordance with administrative regulations adopted for that purpose.

It is not the purpose of this policy to conduct random testing of students. The Board of Education and administration intend to have this alcohol detection policy serve as a deterrent to alcohol consumption for students attending school functions.

Adoption date: May 22, 2012

## CODE OF CONDUCT

### I. Introduction

The Board of Education (“board”) is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents and other visitors is essential to achieving this goal.

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

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

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

### II. Definitions

For purposes of this code, the following definitions apply.

“Bullying” is a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. This code uses the term bullying (which is usually subsumed under the term “harassment”) to describe a range of misbehaviors including, but not limited to, harassment, hazing, intimidation or discrimination.

“Disability” means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term shall be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held. (N.Y. Executive Law §292.21)

“Discrimination” is the act of denying rights, benefits, justice, equitable treatment or access to an individual or to a group of people because of the group, class or category to which that person belongs.

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

“Employee” means 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. (N.Y. Education Law §1125.3)

“Gender” means actual or perceived sex, and a person’s gender identity or expression. (N.Y. Education Law §11.6)“Gender Identity and expression” means having or being perceived as having a gender identity, self-image, appearance, behavior or expression whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the sex assigned to that person at birth. (N.Y AB 5039/SB 2873 (2011) “GENDA”)

“Gender Identity and expression” means having or being perceived as having a gender identity, self-image, appearance, behavior or expression whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the sex assigned to that person at birth. (N.Y AB 5039/SB 2873 (2011) “GENDA”)

“Harassment under the Dignity Act” means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits or mental, emotional or physical well being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) or sex. (N.Y. Education Law §11.7)“Hazing” is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

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

“School Bus” means every motor vehicle a) owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other person acting in a supervisory capacity, to or from school or school activities, or, b) privately owned and operated-for-compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities. (N.Y. Vehicle and Traffic Law § 142)

“School function” means any school sponsored extracurricular event or activity. (N.Y. Education Law §11.2)

“School property” means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142. (N.Y. Education Law §11.1)

“Sexual orientation” means actual or perceived heterosexuality, homosexuality or bisexuality. (N.Y. Education Law §11.5)

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

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possesses a weapon while on school property or at a school function.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

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

### **III. Student Rights and Responsibilities**

#### **A. Student Rights**

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

1. Take part in all district activities on an equal basis regardless of actual or perceived race, weight, color, creed, national origin, ethnic group, religion, religious practice, gender or sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.

3. Access school policies, regulations, and rules and, when necessary, receive an explanation of those rules from school personnel.
4. Grow, develop, and learn in a safe school environment.

## **B. Student Responsibilities**

All district students have the responsibility to:

1. Contribute to maintaining a safe, supportive, and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to directions given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to manage their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
12. Report a threat or any potential act of violence without fear of retaliation.

## **IV. Essential Partners**

### **A. Parents**

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community and collaborate with the district to improve their child's educational opportunities.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are legal and excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them so that their children can help create a safe, supportive school environment.

8. Convey to their children a supportive and respectful attitude toward education and the district.
9. Build positive, constructive relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.

## **B. Teachers**

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Maintain confidentiality in conformity with federal and state law.
6. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan.
7. Communicate regularly with students, parents and other teachers concerning growth and achievement.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
10. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

### **C. Guidance Counselors**

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
3. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.
5. Maintain confidentiality in accordance with federal and state law.
6. Provide information to assist students with career planning.
7. Encourage students to benefit from the curriculum and extracurricular programs.
8. Make known to students and families the resources in the community that are available to meet their needs.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces.
10. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
11. Address personal biases that may prevent equal treatment of all students.

### **D. Other School Personnel**

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Be familiar with the code of conduct.
4. Help children understand the district's expectations for maintaining a safe, orderly environment.
5. Participate in school-wide efforts to provide adequate supervision in all school spaces.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students.

### **E. Principals/Administrators**

1. Promote a safe, orderly, caring, and stimulating school environment, supporting active teaching and learning for all students regardless of actual



- or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal or other building administrators, ensuring that students and staff have the opportunity to approach the principal with issues and concerns.
  3. Maintain confidentiality in accordance with federal and state law.
  4. Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
  5. Support the development of and student participation in appropriate extracurricular activities.
  6. Provide support in the development of the code of conduct, when called upon. Disseminate the code of conduct and anti-harassment policies.
  7. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
  8. Participate in school-wide efforts to provide adequate supervision in all school spaces.
  9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
  10. Address personal biases that may prevent equal treatment of all students and staff.
  11. Investigate building-level complaints of bullying and/or harassment.

**F. The Dignity Act Coordinator(s)**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Oversee and coordinate the work of the district-wide and building-level bullying prevention committees.
3. Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
4. Along with the Professional Development Committee, coordinate training in support of the bullying prevention committee.
5. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students and staff.
8. Investigate building-level complaints of bullying and/or harassment when designated by a building principal.

## **G. Superintendent**

1. Promote a safe, orderly, caring, and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Inform the Board about educational trends relating to student discipline.
3. Review with district administrators the policies of the board of education and state and federal laws relating to school operations and management.
4. Maintain confidentiality in accordance with federal and state law.
5. Work to create instructional programs that minimize incidents of misconduct and are sensitive to student and teacher needs.
6. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
7. Participate in school-wide efforts to provide adequate supervision in all school spaces.
8. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students and staff.
10. Investigate, or appoint a designee to investigate, complaints of bullying and/or harassment that are appealed to the Superintendent following an initial investigation by the building principal or the building principal's designee.

## **H. Board of Education**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
4. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
5. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
6. Lead by example by conducting board meetings in a professional, respectful, courteous manner.
7. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.

8. Address personal biases that may prevent equal treatment of all students and staff.
9. Conduct a hearing regarding a complaint of bullying and/or harassment that is appealed to the board after an investigation by the building principal or building principal's designee and the Superintendent or Superintendent's designee.

## **V. Student Dress Code**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and parents have the responsibility of being familiar with the school district's dress code and presenting the student for attendance at school in acceptable and age appropriate dress and appearance.

Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of age appropriate appearance in the school setting.

### **DRESS CODE:**

1. Clothing, jewelry and footwear should be sensible, safe and not expose any student to danger including the student him/herself. Footwear must be worn at all times for safety reasons.
2. All attire should be worn in good taste and not be distracting or disruptive to the educational process. Brief garments and transparent clothing are not proper attire for the classroom setting.
3. The wearing of clothes or any attire that depicts violence of any nature or that signifies gang affiliation is strictly prohibited. Attire that promotes or displays use of alcohol, tobacco, illegal drugs or sexual innuendo is strictly prohibited as well.
4. Any attire that is offensive in regard to race, creed, color, national origin, gender, sexual orientation or physical or mental disability is prohibited as well as attire that displays that which may be interpreted as vulgar, obscene or libelous.
5. Students are required to wear protective gear/clothing in certain classes as deemed necessary and appropriate by staff for the student's own safety and well-being (as in labs, technology classes, family and consumer science classes, physical education, etc.).

Individual building practices, consistent with the above dress code policy, shall be distributed by each school's administration in order to inform all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who

repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

## **VI. Prohibited Student Conduct**

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

The Board of Education, administration and faculty of the Smithtown Central School District believes that there are several principles that guide behavior both in school and in society. First and foremost is the belief that individuals are responsible for their own actions; they have the ability to make choices and are therefore accountable for them. Just as rewards are one end product of positive acceptable actions, unacceptable actions result in consequences. This Code of Conduct creates a safe, predictable educational environment while preparing students to be responsible members of the community. A second guiding principle of this Code of Conduct is to assure the academic, social, personal, and emotional success of all the students in our schools. Students' actions should reflect respect for themselves, their peers, those who guide them in school, their families and society in general.

To these ends students are encouraged to identify and develop their own unique attitudes, abilities, and interests within the bounds set forth in this Code of Conduct. They must learn to work with others and share with them the privileges and responsibilities of good citizenship. In order to uphold the integrity of the disciplinary process, this code is designed to maintain students' dignity while treating infractions in a consistent manner. It is impossible, however to create examples that are all-inclusive. Therefore, each situation will be evaluated thoroughly by educational staff and administrative discretion will be applied appropriately.

Students may be subject to disciplinary action, up to and including suspension from school, when they:

- A. Engage in conduct that is disorderly. Examples of disorderly conduct may include but are not limited to:
  - 1. Running in hallways.
  - 2. Making unreasonable noise.
  - 3. Using language or gestures that are profane, lewd, vulgar or abusive.
  - 4. Obstructing vehicular or pedestrian traffic.
  - 5. Engaging in any willful act which disrupts the normal operation of the school community.
  - 6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.

7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.
- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct may include but are not limited to:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect
  2. Lateness for, missing or leaving school without permission
  3. Not reporting to detention
- C. Engage in conduct that is disruptive. Examples of disruptive conduct may include but are not limited to:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
  2. Inappropriate public sexual behavior.
  3. Display or use of personal electronic devices, such as, but not limited to, cell phones, I-pods, digital cameras, in a manner that is in violation of district policy.
- D. Engage in conduct that is violent. Examples of violent conduct may include but are not limited to:
1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
  2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
  3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
  4. Displaying what appears to be a weapon.
  5. Threatening to use any weapon.
  6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
  7. Intentionally damaging or destroying school district property.

- E. Engage in any conduct that endangers the safety, physical or mental health, morals, or welfare of others. Examples of such conduct may include but are not limited to:
1. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function, to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
  2. Lying to school personnel.
  3. Stealing or attempting to steal the property of other students, school personnel or any other person lawfully on school property or attending a school function.
  4. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
  5. Discrimination, which includes using race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender (identity and expression), sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others.
  6. Harassment, or bullying includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing, demeaning or threatening. Harassment is also the creation of a hostile environment. Intimidation, which includes engaging in actions or statements that, put an individual in fear of bodily harm.
  7. Bullying, which may be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Hazing, which includes an induction, initiation or membership process involving harassment Selling, using or possessing obscene material.
  8. Using vulgar or abusive language, cursing or swearing.
  9. Smoking and/or possessing a cigarette of any kind including an electronic cigarette, cigar, pipe or using chewing or smokeless tobacco.
  10. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana (Synthetic Cannabinoids), cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."
  11. Possessing, using, and/or sharing drug paraphernalia.
  12. Inappropriately using, possessing or sharing prescription and over-the-counter drugs.
  13. Gambling.
  14. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
  15. Possessing or distributing pornographic material.

16. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
- F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.
- G. Engage in any form of academic misconduct. Examples of academic misconduct may include but are not limited to:
1. Plagiarism.
  2. Cheating.
  3. Copying.
  4. Altering records.
  5. Assisting another student in any of the above actions.
- H. Engage in off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt the education process in the school or at a school function. Examples of such misconduct include, but are not limited to:
1. Cyberbullying (i.e., inflicting willful harm through the use of any electronic and/or video means).
  2. Threatening or harassing students or school personnel over the phone or internet.
  3. Using message boards or websites to convey threats, derogatory comments or post pornographic or other inappropriate pictures of students or school personnel.
- I. Alcohol Detection Guidelines  
The Smithtown Central School District in compliance with existing BOE School Policy: Section 5290 (Alcohol Detection) and Section 5300 – 12 (Code of Conduct - Student Searches and Interrogations) is committed to discouraging and eliminating use of alcohol by students attending school functions or activities. Students for whom there is a reasonable suspicion of the use of alcohol may be required to submit to alcohol detection.

To ensure the safety and welfare of students, all school officials responsible for making such a determination are required to participate in the Drug Impairment Training for Education Professionals (DITEP). The DITEP program consists of two days of professional development provided by the Suffolk County Police Department at the request of the District. The DITEP program covers the following:

- Drugs in Society
- Policy, Procedures and Rules

- Overview of Alcohol Drug Identification; Categories, Effects and Assessment Process...
  - Eye Examinations
  - Vital Signs
  - Divided Attention Tests
  - Poly Drugs
- Contacting Parent(s)/Guardian(s)

The school officials tasked with performing alcohol detection include, but are not limited to: Principals, Assistant Principals, Nurses, Counselors, Social Workers and Security.

#### Procedure for Alcohol Detection

In the event a student or their guest(s) presents with indications of alcohol impairment as described in the DITEP program, school officials will conduct a series of assessments to confirm suspicions. These assessments include physical examinations as described in the DITEP program, and may include the use of an Alcohol Detection Device.

The determination of reasonable suspicion will be based on, but not limited to, any one or more of the following indicators:

- Flushed face
- Red, watery, glassy or bloodshot eyes
- Odor of alcohol on breath, clothing or person
- Slurred speech/unable to follow instructions
- Failure to comprehend questions
- Impaired motor skills (i.e. unsteady feet, swaying, etc.)
- Being combative, argumentative or inordinately jovial while talking
- Lack of awareness in regards to time and place
- Vomiting
- Found in possession of product containing alcohol

If a school official has reasonable suspicion that a student has consumed alcohol, based on one or more of the above indicators or other reasonable indicators, the school official shall request the student submit to a series of assessments as outlined by the DITEP training program. These assessments shall be administered privately by the trained and certified school official in the presence of a witness. Any use of an alcohol detection device must be done after a minimum of fifteen minutes has elapsed from any form of consumption including but not limited to: eating, drinking, use of mouthwash, breath sprays, and/or chewing gum.

*If an alcohol detection device is used and the test is positive, unless the student verbally admits alcohol consumption, the school official shall conduct a*



confirmation test waiting at least fifteen minutes from the first test. If the student admits consuming or the second test results are positive the school official will:

1. Notify the student's parent or guardian and request that the student be returned home under parental supervision
2. Contact emergency medical help if the student is assessed to be at risk for alcohol poisoning and/or in need of medical assistance.

Pursuant to New York State Law, disciplinary action will be taken as indicated by Board Policy 5300 (Code of Conduct), and the administrative regulations outlined in the student handbook. The district administration shall retain positive test records only during the student's enrollment in Smithtown Central School District.

*If an alcohol detection device is used and the test is negative*, the student may receive permission to resume unrestricted activity providing the school official does not suspect the use of other drugs and/or other disciplinary rules do not apply to the student's untoward behavior. If the school official suspects the use of other drugs as informed by the DITEP program or conduct himself/herself in an appropriate manner, the student will be retained for his/her safety. The school official will contact the student's parent or guardian, describe the situation and request that the student be returned home for disciplinary purposes and/or medical evaluation.

*If a student refuses to submit to an alcohol detection device test*, the student will be deemed to have tested positive and will be subject to all disciplinary measures as defined by Board Policy 5300 (Code of Conduct). The school official will notify parent(s) or guardian(s) and request that the student be returned home.

Records of students passing, failing or refusing to take an alcohol detection device test as outlined above will be maintained by the District using an Alcohol Detection Device Event Record form but will not be considered a part of the student's permanent academic record. Such records may be used by school personnel only to the extent necessary to administer this policy and the Code of Conduct for before, during and/or after the school day or at school related/sponsored activities. The records and information contained therein shall not otherwise be released to anyone.

**SMITHTOWN CENTRAL SCHOOL DISTRICT****ALCOHOL DETECTION DEVICE**  
**EVENT RECORD**

**Location of Violation:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Name:** \_\_\_\_\_ **Time:** \_\_\_\_\_

**Guest of:** \_\_\_\_\_

**School:** \_\_\_\_\_ **Grade:** \_\_\_\_\_

**Basis of Reasonable Suspicion for Consumption of Alcohol – Check All That Apply:**

Flushed Face,  Red, watery, glassy or bloodshot eyes,  Odor of alcohol on breath, clothing or person  Slurred Speech, unable to follow instructions  Failure to comprehend questions,  Impaired motor skills (i.e. unsteady on feet),  Being combative, argumentative or jovial while talking,  Lack of awareness in regards to time and place,  Vomiting

Found in possession of product containing alcohol: **Product:** \_\_\_\_\_

Student when asked if they have consumed alcohol responds:  Yes  No

Observed by: \_\_\_\_\_ Witnessed by: \_\_\_\_\_

**Alcohol Detection Device testing in accordance with BOE policy 5290**

Student voluntarily consents to testing

Student refuses to testing

Parental/Guardian contact regarding testing... Parent/Guardian Name: \_\_\_\_\_

**Alcohol Detection Device testing results**

**Initial Contact Time:** \_\_\_\_\_ (confirm no further consumption of any kind)

**1<sup>st</sup> Test Period Time:** \_\_\_\_\_ (at least 15 minutes)

**2<sup>nd</sup> Test Period Time** \_\_\_\_\_ (at least 15 minutes)

Observed by: \_\_\_\_\_ Witnessed by: \_\_\_\_\_

**Reading:** \_\_\_\_\_  positive  negative  positive by refusal to consent to test

student picked up by parent/guardian  student transported to hospital – Time: \_\_\_\_\_

**Name of Parent/Guardian:** \_\_\_\_\_ **Phone number:** \_\_\_\_\_

*If appropriate, document student explanation as to reason for positive test result on back...*

## **VII. Reporting Violations**

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the building principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee or the superintendent.

All district staff members who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff members who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the code of conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution.

The building principal or his or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical. The notification will be made by telephone to 911, followed by a written police report.

## **VIII. Disciplinary Penalties, Procedures and Referrals**

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

The Code of Conduct provides a description of a broad range of behavior considered to be student misconduct. The behaviors described should be viewed as those which most frequently cause a disruption to the educational process.

When administering discipline, district personnel should adhere to the following guidelines:

Discipline shall be administered when necessary to ensure the safety of the school, its personnel and its students.

Students shall be treated fairly and with dignity. Discipline shall be based on a careful assessment of the circumstances of each case and may include but not limited to:

1. Seriousness of the offense

2. Students' age
3. Frequency of the misconduct
4. Students' attitude
5. Potential effect of the misconduct on the social environment and
6. State & Federal Law

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

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

#### A. Penalties

Students who are found to have violated the district's code of conduct may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

1. Oral warning – any member of the district staff
2. Written warning – bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent
3. Written notification to parent –coaches, guidance counselors, teachers, principal, superintendent
4. Detention – teachers, principal, superintendent
5. Suspension from transportation – director of transportation, principal, superintendent
6. Suspension from athletic participation – coaches, principal, superintendent
7. Suspension from social or extracurricular activities – activity director, principal, superintendent
8. Suspension of other privileges – principal, superintendent
9. In-school suspension – principal, superintendent
10. Removal from classroom by teacher – teachers, principal
11. Short-term (five days or less) suspension from school – principal, superintendent, board of education
12. Long-term (more than five days) suspension from school – principal, superintendent, board of education
13. Permanent suspension from school – superintendent, board of education.

#### B. Procedures

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must

inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

Students who are to be given penalties other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

1. Detention

Teachers, principals and the superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention.

2. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem or if they become a danger to himself/herself, as well as jeopardizing the safety of themselves and others may have their riding privileges suspended by the building principal or the superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

3. Suspension from athletic participation, extra curricular activities and other privileges

A student subjected to a suspension from athletic participation, extracurricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

4. In-school suspension

The board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in “in-school suspension.” In-school suspension will be monitored by a certified teacher or teacher assistant.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student’s parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved. Any student suspended, shall be provided with assignments for the day/days the student is serving the suspension.

5. Teacher disciplinary removal of disruptive students

A student’s behavior can affect a teacher’s ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student’s behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term “time out” in an elementary classroom or in an administrator’s office; (2) sending a student into the hallway briefly; (2a) At the secondary level, the student should be directed to the appropriate administrative office. The teacher shall follow up with a referral explaining the reason for the removal from class. (3) Sending a student to the principal’s office for the remainder of the class time only; or (4) the student may be referred to the guidance counselor or department of social services for follow up. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

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

At the secondary level, the student must be sent to the appropriate administrative office. At the elementary level, the student must be sent to the principal's office.

If the student does not pose a danger or ongoing threat of disruption to the educational process, the student should be warned of the consequences regarding his/her actions. If the misconduct continues the student should be sent to the appropriate administrative office. The teacher will follow up with a referral of the incident, this should occur by the end of the day.. An informal conference with the teacher and student should be held within 24 hours of the incident.

The student's parents will be notified in writing within 24 hours that the student was removed from class. This note shall include the reason, as well as the consequence (s). The notice must also state that the parent, upon request, has the right to an informal conference with the principal or the principal's designee.

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

The principal may require the teacher who ordered the removal to attend the informal conference.

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

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

1. The charges against the student are not supported by substantial evidence.
2. The student's removal is otherwise in violation of law, including the district's code of conduct.

3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

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

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

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

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

6. Suspension from school

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

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

Any staff member may recommend to the superintendent or the principal that a student be suspended. This recommendation may be verbal, then followed by a written request. All staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.



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

- a. Short-term (5 days or less) suspension from school When the superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, overnight or registered mail, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

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

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

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal

within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the board of education with the district clerk within 10 business days of the date of the superintendents' decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

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

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

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

c. Permanent suspension

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students,

school personnel or any other person lawfully on school property or attending a school function.

### C. Minimum Periods of Suspension

#### 1. Students who bring a weapon to school

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

1. The student's age.
2. The student's grade level in school.
3. The student's prior disciplinary record.
4. The superintendent's belief that other forms of discipline may be more effective.
5. Input from parents, teachers and/or others.
6. Other extenuating circumstances.

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

#### 2. Students who commit violent acts other than bringing a weapon to school

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

#### 3. Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. For purposes of this code of

conduct, “repeatedly is substantially disruptive” means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student’s parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student’s parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

#### D. Referrals

##### 1. Counseling

The administrator should make all referrals of the student to the guidance counselor, school psychologist or social worker.

##### 2. PINS Petitions

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

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

##### 3. Juvenile Delinquents and Juvenile Offenders

The superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

- a. Any student under the age of 16 who is found to have brought a weapon to school, or

- b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).

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

## **IX. Alternative Instruction**

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative means of instruction for the student.

## **X. Discipline of Students with Disabilities**

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

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

### **A. Authorized Suspensions or Removals of Students with Disabilities**

1. For purposes of this section of the code of conduct, the following definitions apply.

A “suspension” means a suspension pursuant to Education Law § 3214.

A “removal” means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.

An “IAES” means a temporary educational placement for a period of up to 45 days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student’s current individualized education

program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitating the IAES placement that are designed to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a. The board, the district (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  - b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
  - c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
  - d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
    - 1) “Weapon” means the same as “dangerous weapon” under 18 U.S.C. § 930(g)(w) which includes “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length.”
    - 2) “Controlled substance” means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
    - 3) “Illegal drugs” means a controlled substance except for those legally possessed or used under the supervision of a

licensed healthcare professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

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

## **B. Change of Placement Rule**

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - a. For more than 10 consecutive school days; or
  - b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

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

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

1. The district's Committee on Special Education shall:
  - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in

placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

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



information supporting a claim that the district had knowledge the student was a student with a disability, the district either:

- 1) Conducted an individual evaluation and determined that the student is not a student with a disability, or
- 2) Determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

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

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

3. The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

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

4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.

6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

**D. Expedited Due Process Hearings**

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
  - a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
  - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
    - 1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
    - 2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

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

**E. Referral to law enforcement and judicial authorities**

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

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

**XI. Corporal Punishment**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee is strictly forbidden.

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

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

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

**XII. Student Searches and Interrogations**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student

may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of “Miranda” type warning before being questioned by school officials, nor are school officials required to contact a student’s parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the board authorizes the superintendent, building principals, the school nurse and district security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

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

An authorized school official may search a student or the student’s belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

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

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

**A. Student Lockers, Desks Files stored on district computers and network servers and other School Storage Places**

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

## **B. Strip Searches**

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket, socks, caps, shoes, sweatshirts. If an authorized school official believes it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the superintendent or the school attorney. The only exception to this rule requiring advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

Strip searches may only be conducted by an authorized school official of the same sex as the student being searched and in the presence of another district professional employee who is also of the same sex as the student.

In every case, the school official conducting a strip search must have probable cause – not simply reasonable cause – to believe the student is concealing evidence of a violation of law or the district code. In addition, before conducting a strip search, the school official must consider the nature of the alleged violation, the student's age, the student's record and the need for such a search.

School officials will attempt to notify the student's parent by telephone before conducting a strip search, or in writing after the fact if the parent could not be reached by telephone.

## **C. Documentation of Searches**

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

1. Name, age and grade of student searched.
2. Reasons for the search.
3. Name of any informant(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and his or her title and position.
7. Witnesses, if any, to the search.
8. Time and location of search.
9. Results of search (that is, what items(s) were found).
10. Disposition of items found.
11. Time, manner and results of parental notification.

The building principal or the principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the items is turned over to the police. The principal or his or her designee shall

be responsible for personally delivering dangerous or illegal items to police authorities.

#### **D. Police Involvement in Searches and Interrogations of Students**

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

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

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

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

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

#### **E. Child Protective Services Investigations**

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to building principal or his or her designee. The principal or his or her designee shall set the time and place of the interview. The principal or designee shall decide if it is necessary and appropriate for a school

official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

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

If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

### **XIII. Visitors to the Schools**

The Board of Education recognizes that the primary purpose of our schools is the education of its students. Since schools are a place of learning, certain limits must be set concerning visits to the schools to minimize disruption of the educational process and to ensure a safe environment for all.

Any requests for visitation must be pre-arranged with the building principal or his/her designee, and can only be allowed in a manner that minimizes disruption of the educational process. The building principal or his/her designee is responsible for all persons in the building and on the grounds.

For these reasons, the following rules apply to all visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the schools must report to the greeter (and/or security guard) upon entering the school and sign in. At that time, they will receive a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must surrender the badge and sign out upon leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings, concerts, plays, etc., are not required to register.
4. No one is permitted to bring items to a child's classroom that the child has forgotten at home, (such as lunch money, lunch, books, musical instruments, projects, etc.), so as not to disrupt classroom activities. These items should be brought to the main office/or greeter and appropriate school personnel will see that the child receives the item.

5. Class time and special school functions are not appropriate times to discuss individual matters or concerns with the teacher. All personal conference should take place at pre-arranged times.
6. Any unauthorized person(s) on school property will be reported to the principal or his/her designee and asked to leave the premises immediately. The police can and will be summoned if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

#### **XIV. Public Conduct on School Property**

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

For purposes of this section of the code, “public” shall mean all persons when on school property or attending a school function including students, teachers and district personnel.

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

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

##### **A. Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).



6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles;
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.

## **B. Penalties**

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 4 and 5. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

## **C. Enforcement**

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

When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any

immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person. The district shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

## **XV. Dissemination and Review**

### **A. Dissemination of Code of Conduct**

The board will work to ensure that the community is aware of this code of conduct by:

1. Providing copies of an age appropriate, written in plain language, summary of the code to all students at an assembly to be held at the beginning of each school year.
2. Providing a plain language summary to all parents at the beginning of the school year and thereafter on request.
3. Posting a complete code of conduct on the district's website.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the code available for review by students, parents and other community members.
7. Providing copies of an age appropriate, plain language summary of the code in student registration materials.

The board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct. The superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. On-going professional development will be included in the district's professional development plan, as needed.

**B. Review of Code of Conduct**

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

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

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

The code of conduct and any amendments to it will be filed with the Commissioner of Education, in a manner prescribed by the Commissioner, no later than 30 days after adoption.

Revised: June 26, 2012

## **ELIGIBILITY FOR EXTRACURRICULAR ACTIVITIES**

The Board of Education has the authority to establish eligibility rules to secure compliance with certain academic, personal and public behavior standards for those students voluntarily participating in extracurricular and interscholastic activities.

### Academic Standards

Participants will be expected to sustain the highest academic standard of which they are capable. Participants may be declared ineligible if their failure to meet the school academic standards is attributable to their participation in extracurricular activities.

### Personal and Public Behavior Standards

Participants shall conduct themselves properly both with respect to general citizenship and relations with students and adults. Participants shall be respectful of the personal property rights of others. Instructions of sponsors, coaches and officials must be courteously obeyed. Modesty and decorum shall characterize school representatives.

Truancy and/or suspension from school are grounds for ineligibility.

Unsportsmanlike conduct and violation of training rules are also grounds for suspension from or declaration of ineligibility for participation in extracurricular and interscholastic activities.

### Application of Eligibility Rules

A student shall be declared ineligible by the Building Principal or his/her designee upon:

1. having been found to be so deficient in meeting academic requirements and/or his/her academic standing is at great risk;
2. having been found to be truant;
3. having been given the equivalent of a full day of in-school detention on that particular day;
4. having been suspended from school;
5. having been reprimanded repeatedly by the Principal; and
6. not meeting the behavioral standards set by the school district.

In most cases, suspension from participation will be temporary but, where circumstances require it, may be permanent. The coach or sponsor and the Principal shall jointly determine cases of permanent ineligibility but, in cases where agreement cannot be reached, the Principal's decision shall prevail. Permanent suspension refers to the duration of the activity for that academic year.

### Coach or Sponsor's Responsibility for Eligibility

The coach or sponsor of each activity shall be responsible for:

1. determining that every participant is eligible and maintains his/her eligibility;
2. developing self-discipline and self-reliance in participants;
3. immediately removing ineligible students from his/her group;
4. counseling students and assisting them to overcome their deficiencies; and
5. filing a roster of participants in the activity in his/her charge with the Athletic Director's Office and adjusting this roster as the need arises.

### Interscholastic Eligibility Procedures

1. Before a student may start practice for any interscholastic or extramural athletic team, he/she must have submitted a completed school district medical examination form. If the form is completed by a doctor who has not been appointed to serve as a school physician, the form must be approved by a school physician. In addition, a written consent form signed by the student's parent or guardian must be submitted before a student may start practice. The final decision reached by the school physician must be based on two factors:
  - a. safeguarding the health of the individual student; and
  - b. assurance that the school is not exposing the student to an undue risk.

The examination and subsequent approval by the school physician shall indicate the particular group of activities in which the student may participate. Medical examinations may be scheduled at any time during the school year. The results of the examination shall be valid for a student's participation for a period of 12 continuous months.

Before participating in each sport's season, school nursing personnel must review the student's interval health history prior to the start of tryout practice sessions for each season, unless the student received a full medical examination within the preceding 30 days.

2. Students in grades 9-12 will be eligible for junior varsity and varsity interscholastic athletic teams.
3. **Selected students in grade 8 may participate on the junior varsity and varsity interscholastic athletic teams under the provisions of the selection classification program.**

4. Students must be enrolled and participating in the physical education program in order to take part in interscholastic athletics, cheerleading and kickline.
5. All students must maintain academic eligibility to participate. The Superintendent shall establish appropriate eligibility requirements for the district.

Advisors/Coaches must disseminate a copy of the expected standards of conduct to all students and parents at the start of each school year, and participating students should be individually informed of the application and scope of such standards.

Advisors/Coaches must specify minimum school attendance requirements, and the minimum grade point average (GPA) they expect student participants to maintain. Students must be enrolled in a full load of four (4) courses plus Physical Education. All such standards must be reasonable. The relationship between a student's GPA and his/her eligibility must be clearly explained to all student participants.

Behavioral standards must include a ban on consumption/use of alcoholic beverages, drugs and/or tobacco products. These standards also extend to student conduct off school grounds, including student attendance at parties off school grounds where alcohol and/or illegal drugs are present.

"Training rules" are generally accepted as a condition of participation in student athletics, and may include attendance at practices, individual training programs, etc.

Although suspension from participation in an extracurricular activity does not require a full hearing pursuant to Section 3214 of the Education Law, a student must be given the opportunity to appear informally before the disciplinarian and/or disciplinary committee, and present his/her side of the story as part of a general discussion of the conduct under review.

Ref: Education Law §§1709(3);2801  
*Bush v. Dassel-Cokato Board of Ed.*, 745 F.Supp. 562 (D.Minn.1990)  
*Mazzotte v. Moriah Central School Board*, N.Y. Supreme Court  
 (Special Term 1984)  
*Matter of O'Conner v. Bd. Of Ed.*, 65 Misc.2d40, 316 NY2d 799 (1970)  
*Matter of Wilson*, 28 EDR 254 (1988)  
*Matter of Keily*, 24 EDR 138 (1984)  
*Matter of Miller*, 23 EDR 23 (1983)  
*Matter of Moore*, 22 EDR 180 (1982)  
*Matter of Clark*, 21 EDR 542 (1982)  
*Matter of Vetter*, 20 EDR 547 (1981)

Adoption date: March 25, 2003

Revised: March 9, 2004

## WELLNESS POLICY

The Smithtown Central School District is committed to providing school environments that promote and protect children's health, well-being, and ability to learn by supporting healthy eating and physical activity. Therefore, it is the policy of the Smithtown Central School District that:

The local wellness policy, at a minimum, includes:

1. *Community involvement*, including input from parents, students, school food service, the school board, school administrators, educators, and the public in the development of the school wellness policy.
2. *Goals for nutrition education, physical activity and other school-based activities* that are designed to promote student wellness in a manner that the local education agency determines as appropriate.
3. *Nutrition guidelines* for all foods available on each school campus under the local education agency during the school day with the objectives of promoting student health and nutrient-rich meals and snacks. This includes food and beverages sold in a la carte sales, vending machines, and student stores; and food and beverages used for classroom rewards and fundraising efforts.
4. *Guidelines for reimbursable school meals* to ensure that the District offers school meals programs with menus meeting the meal patterns and nutrition standards established by the U.S. Department of Agriculture.
5. *A plan for measuring implementation* of the local wellness policy, including designation of one or more persons within the local education agency or at each school, as appropriate, charged with operational responsibility for ensuring that each school fulfills the District's local wellness policy.

### Nutrition Education

All students K-12 shall receive nutrition education that teaches the knowledge and skills needed to adopt healthy eating behaviors. Nutrition education shall be integrated into the curriculum. Nutrition information and education shall be offered throughout the school campus and based on the U.S. Dietary Guidelines for Americans. Staff who provide nutrition education shall have the appropriate training, such as in health enhancement or family and consumer sciences.

### Physical Activity Opportunities

All K-12 students of the District shall have the opportunity to participate regularly in supervised, organized or unstructured, physical activities, to maintain physical fitness, and to understand the short-and long-term benefits of a physically active and healthy lifestyle.

### Nutrition Standards

The District shall ensure that reimbursable school meals meet the program requirements and nutrition standards found in federal regulations. The District shall encourage students to make nutritious food choices through accessibility and marketing efforts of healthful foods.

The District shall monitor all food and beverages sold or served to students, including those available outside the federally regulated child nutrition programs (i.e., a la carte, vending, student stores, classroom rewards, fundraising efforts). The District shall consider nutrient density and portion size before permitting food and beverages to be sold or served to students. The Superintendent or designee shall continually evaluate vending policies and contracts. Vending contracts that do not meet the intent and purpose of this policy shall be modified accordingly or not renewed.

### Other School-Based Activities Designed to Promote Student-Wellness

The District may implement other appropriate programs that help create a school environment that conveys consistent wellness messages and is conducive to healthy eating and physical activity, such as staff wellness programs, non-food reward system and fundraising efforts.

### Maintaining Student Wellness

The Superintendent or designee shall develop and implement administrative rules consistent with this policy. Input from teachers, parents/guardians, students, school food service program, the school board, school administrators, and the public shall be considered before implementing such rules. A sustained effort is necessary to implement and enforce this policy. The Superintendent or designee shall measure how well this policy is being implemented, managed, and enforced. The Superintendent or designee shall report to the Board, as requested, on the District's programs and efforts to meet the purpose and intent of this policy.

Legal Reference: PL 108-265 The Child Nutrition and WIC  
Reauthorization Act of 2004

Adoption Date: October 24, 2006



## **STUDENT INSURANCE**

Student insurance will be provided by the school district for all students, with limits determined on an annual basis, based on cost and budget considerations. Generally, the district plan includes coverage directly to and from home and will be in excess of the parent or guardian health plan.

All school sponsored activities, as well as intramural and interscholastic athletics are covered.

Adoption date: March 25, 2003

## STUDENT HEALTH SERVICES

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

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

Schools shall also provide emergency care for students in accidental or unexpected medical situations.

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.

### *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.

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 medical diagnosis and/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.

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 health care provider, 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.

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 administration of medication to students.

Ref: Education Law §§310 (provisions for appeal of child denied school entrance for failure to comply with immunization requirements); 901 et seq. (medical and health services); 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  
Immunization Guidelines: Vaccine Preventable Communicable Disease Control, State Education Department, revised August 2000  
School Executive's Bulletin June/July 2002, Office of Elementary, Middle and Secondary Education, State Education Department

Adoption date: March 25, 2003

**ON-SITE CARDIAC AUTOMATED EXTERNAL  
DEFIBRILLATORS (AED'S)**

1. Each school district, Board of Cooperative Educational Services (BOCES), county vocational education and extension board and charter school shall provide and maintain on-site in each instructional school facility functional cardiac automated external defibrillator (AED) equipment for use during emergencies. Each such facility shall have sufficient AED equipment available to ensure ready and appropriate access for use during emergencies.
2. Whenever an instructional school facility is used for a school-sponsored or school-approved curricular or extracurricular event or activity, the public school officials and administrators responsible for such facilities shall ensure the presence of at least one staff person who is trained, pursuant to Public Health Law section 3000-b(3)(a), in the operation and use of an AED.
3. During any school-sponsored athletic contest or school-sponsored competitive athletic event held at any location, public school officials and administrators responsible for such contest or event shall ensure that AED equipment is provided on-site and that at least one staff person who is trained, pursuant to Public Health Law section 3000-b(3)(a), in its use is present during such contest or event.
4. Each AED device shall be approved by the Food and Drug Administration for adult use and/or for pediatric use, as appropriate for the population reasonably anticipated to be served by such device, and shall be used according to the manufacturer's instructions with due attention provided to operating procedures, maintenance and expiration date.

Ref: NYCRR § 136.4  
Education Law §§ 207; 917; and Chapters 60 and 61 of the Laws of 2002

Adoption date: March 25, 2003

## STUDENT BICYCLE USE

Students are permitted to ride bicycles to school. Bicycles must be parked and locked in the designated rack areas. While on school grounds, all bicycle riders should ride with caution and must comply with state law requiring that children between one (1) and 14 years of age wear a helmet meeting the safety standards of the American National Standards Institute or a comparable standard. Any student found to be endangering the safety of himself/herself or others while riding a bicycle on school grounds will have his/her bicycle privileges denied.

Bicycles shall not be brought into a school building without the permission of the administration.

Ref: Vehicle and Traffic Law §1238(5)(b)

Adoption date: March 25, 2003

## STUDENT AUTOMOBILE USE

Driving an automobile to school is considered a privilege and extended only to twelfth grade students with a senior license, and to eleventh graders who hold a senior license and are participating in a cooperative program. The Board of Education strongly advises students not to drive to school unless there are special reasons for their doing so.

Any student driving to school must register his/her vehicle and receive a sticker to be placed on it. To register a vehicle, students must:

1. produce the registration certificate for the vehicle;
2. produce a valid senior driver's license;
3. return the school registration form with his/her parent's/guardian's signature; and district registration fee;
4. obtain a numbered sticker, which will be affixed to the vehicle in a legal location.

Students who drive to school must observe all driving regulations and exercise extreme caution. Reckless driving or any other violations of proper driving habits or state and local laws pertaining to drugs or alcohol will lead to the loss of a parking permit.

Adoption date: March 25, 2003

## CHILD ABUSE IN A DOMESTIC SETTING

The Board of Education recognizes that because of their sustained contact with school-aged children, employees are in an excellent position to identify abused or maltreated children and refer them for treatment and protection.

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

Pursuant to applicable law, any school official or employee who has reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment will immediately report this to the Building Principal who will report the case to the New York State Child Abuse and Maltreatment Register, as required by law.

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

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

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

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

The district will cooperate to the extent possible with authorized child protective services workers in investigations of alleged child abuse.

The school district shall maintain an ongoing training program which will address the identification and reporting of child abuse and maltreatment. Attendance at sessions of this training program shall be required of all district employees who come in contact with students. Attendance records shall be kept, and notations will be made in personnel files as to the dates of attendance.

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

A copy of this policy, along with the administrative regulations explaining the reporting requirements, shall be distributed to all members of the professional staff.

Cross-ref: 5314, Corporal Punishment Complaints  
5430, Student Psychological Services  
5465, Child Abuse In An Educational Setting  
5500, Student Records

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

Adoption date: March 25, 2003



## 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 board member
- teacher
- school nurse
- school guidance counselor
- school psychologist
- school social worker
- school administrator
- other school personnel required to hold a teaching or administrative license or certificate
- school monitors and aides
- volunteers

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

Other district employees may, of course, report allegations of child abuse allegedly committed by district staff and volunteers and are encouraged to do so.

### *Definitions*

For purposes of this policy, “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 activity sites, and any other location where direct contact between an employee or 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” generally refers to any intentional or reckless act by an employee or a volunteer against a child which injures or kills a child or creates a risk of injury or death, or constitutes child sexual abuse, or involves the actual or attempted dissemination of indecent materials to minors. If a required reporter or any other district employee has a question as to whether alleged conduct constitutes “child abuse,” he or she shall promptly raise the question to the Principal of the building where the abuse is alleged to have occurred. The Principal shall consult Article 23-B of the Education Law or the school attorney, if necessary, to determine whether the allegations constitute child abuse.

### *Reporting Requirements*

Required reporters and any other district employee deciding to report an allegation of child abuse by district staff or volunteers, shall complete a written report as soon as practical after receiving the allegation, but in no event shall a required reporter wait more than one workday to file a report.

The required reporter shall personally file the report with the Principal of the school in which the child abuse allegedly occurred.

If the alleged abuse did not occur in a school building, the report shall be filed with the Principal of the school attended by the alleged victim.

If the alleged abuser is an employee or volunteer of another district, the report shall be sent to the Superintendent of the district where the alleged child victim attends school and to the Superintendent of the district where the abuse allegedly occurred (if different). The report shall be prepared on a standard form supplied by the district. Each Building Principal shall keep a supply of the forms available in his or her office.

Upon receiving a written report, the Principal shall determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. If the person making the allegation of abuse is someone other than the child or the child’s parent, the Principal shall contact the person making the report to learn the source and basis for the allegation.

If the Principal determines there is reasonable suspicion, 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). The notice shall be given by telephone (if possible) and in writing, sent via overnight mail to the parent.

The notice shall inform the parent of his or her rights and responsibilities related to the allegations of abuse.

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 certificate or license issued by the department.

#### *Rights of Employees and Volunteers*

Employees. Pending resolution of the allegations, no employee against whom an allegation of child abuse has been made shall be permitted to have unsupervised contact with any district student. Any employee 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.

Volunteers. Pending resolution of the allegations, no volunteer against whom an allegation of child abuse shall be permitted to render volunteer services to the district. Any volunteer against whom an allegation of child abuse has been made and against whom the district decides to take adverse action shall be entitled to receive a copy of the report and to respond to the allegations.

#### Confidentiality

All reports and other written material submitted pursuant to this policy and Article 23-B of the Education Law shall be confidential and may not be redisclosed 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.

#### *Penalties*

Required Reporters. Any required reporter who willfully fails to make a written report of alleged child abuse required by Article 23-B of the Education Law shall be subject to criminal penalties provided for in law, as well as disciplinary sanctions imposed in accordance with law and any applicable collective bargaining agreement.

Administrators. Any administrator who (1) willfully fails 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, or (2) makes any agreement to withhold from law enforcement authorities, the Superintendent or the

Commissioner, the fact that an allegation of child abuse in an educational setting on the part of any employee or volunteer has been made in return for the employee's or volunteer's resignation or voluntary suspension from his or her position, or (3) willfully discloses a confidential record shall be subject to criminal penalties provided for in law, as well as disciplinary sanctions imposed in accordance with law and any applicable collective bargaining agreement. 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.

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

Adoption date: March 25, 2003

## STUDENT RECORDS

The Board of Education recognizes its legal responsibility to maintain the confidentiality of student records. The procedures for the confidentiality of student records shall be consistent with federal statutes, including the Family Educational Rights and Privacy Act of 1974 (FERPA) and its implementing regulations, and the Commissioner's Regulations.

The Board also recognizes its responsibility under the Local Government Records Law to ensure the orderly retention and disposition of the district's student records.

The Superintendent of Schools shall be responsible for ensuring that all requirements under federal statutes and Commissioner's Regulations shall be carried out by the district.

### *Annual Notification*

At the beginning of each school year, the district shall publish in a local newspaper or district calendar; website or other suitable publication, a notice to parent(s) or guardian(s) and students 18 years of age or older ("eligible students") currently in attendance of their rights under FERPA and the procedures for pursuing them.

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

1. inspect and review the student's education records;
2. a specification of the intent of the school district to limit the disclosure of personally identifiable information contained in a student's education records except:
  - a. by prior written consent of the student's parent(s) or guardian(s) or the eligible student;
  - b. as directory information; or
  - c. under certain limited circumstances, as permitted by FERPA.
3. request that records be amended to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
4. file a complaint with the U.S. Department of Education alleging failure of the district to comply with FERPA and its regulations; and
5. the procedure for exercising the right to inspect, review, and request amendment of student records.

The policy applicable to the release of student directory information (see 2.b above) applies equally to military recruiters, the media, colleges and universities, and prospective employers. Directory information includes, but is not limited to, the following: the student's name, parents'/guardians' names, address, date and place of birth, participation in school activities or sports, weight and height if a member of an athletic team, dates of attendance, degrees and awards received, and most recent educational institution attended. Parents/guardians or eligible students may choose not to allow the district to release directory information.

Parents/guardians or eligible students will have two weeks from the beginning of the school year or date a student enrolls to advise the school district, in writing, of any and all items they refuse to permit the district to designate as directory information for the balance of the school year.

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

Cross-ref: 1120, School District Records  
4321, Programs for Students with Disabilities  
5460, Suspected Child Abuse and Maltreatment

Ref: Family Educational Rights & Privacy Act 20 USC 1232-g; 34 CFR Part 99  
Education Law §§2(13); 225; 301  
Public Officers Law §87(2)(a)  
Arts and Cultural Affairs Law, Article 57-A  
Civil Practice Law and Rules §§2303; 2307  
*Matter of Board of Education of City of New York v. Regan*, 131 Misc. 2d 514 (1986)  
8 NYCRR Part 185  
Records Retention and Disposition Schedules for Use by School Districts, Schedule ED-1 (1991)

Adoption date: March 25, 2003

Revised & Adoption date: July 7, 2009

## PREGNANT STUDENTS

The Board of Education recognizes the opportunity to receive an education as a prerequisite to leading a full and productive life. Therefore, pregnant students will be encouraged to continue participation in the public school program.

As soon as pregnancy is medically confirmed, the Board recommends that the student and her parent(s) or guardian(s) consult with the Building Principal and other appropriate staff to plan an appropriate education program.

A minor under 16 must continue her education. During pregnancy and the period of pregnancy-related disability which follows childbirth, a student shall be entitled to home instruction, upon the request and submission of a physician's note recommending homebound instruction. Every effort will be made to see that the educational program of the student is disrupted as little as possible; that available student health and counseling services, as well as instruction, are provided; that the student is encouraged to return to high school after delivery; and that every opportunity is given to complete high school. A pregnant student who desires to attend regularly scheduled classes prior to the time of childbirth may do so to the extent that her physician approves of such attendance. A minor under 16 must return to school after the period of disability that follows childbirth.

Ref: *Ordway v. Hargraves*, 323 F Supp 1155 (1971)  
*Perry v. Grenada Municipal Separate School District*, 300 F Supp 748 (1969)  
*Matter of Murphy*, 11 EDR 180 (1972)

Adoption date: March 25, 2003

## STUDENT GIFTS AND SOLICITATIONS

Only those organizations granted approval by the Board of Education shall have permission to solicit donations and contributions from students. All fund-raising activities must be voluntary and in accord with the Rules of the Regents and the State Education Department's "Guidelines Relating to Solicitation of Charitable Donations from Children".

The following constitute permissible indirect forms of solicitation, and the Board has the authority to determine which, if any, forms it will allow:

1. the sale of tickets to a social, musical, or athletic event where a portion of the funds go to a charitable purpose;
2. the recruitment of students during school hours to participate in fund-raising activities to be conducted off school premises and/or when school is not in session. School personnel are permitted to hang posters or distribute flyers notifying students of these activities. However, school personnel may not act as a conduit and collect funds from students on behalf of a charity for which they recruited; and
3. the placement of a bin or collection box in a hallway or other common area for the voluntary donation of food, clothing or money.

Cross-ref: 1510, School Related Fund Raisers

Ref: NYS Constitution, Article 8 §1  
Education Law §414  
Rules of the Board of Regents §19.6  
Guidelines Relating to Solicitation of Charitable Donations from School Children,  
SED, January 1994  
*Matter of Schanbarger*, 11 EDR 70

Adoption date: March 25, 2003



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## FISCAL MANAGEMENT GOALS

The Board of Education recognizes that effective fiscal management provides a strong foundational support for the instructional program. To make that support as effective as possible, the Board requires:

1. advance planning through the best possible budget procedures;
2. exploration of all practical sources of revenue;
3. proper and reasonable expenditure of funds so as to extract the greatest educational returns;
4. quality accounting and reporting procedures; and
5. the maintenance of a level of expenditures that will provide quality education.

As trustees of the community, when state and federal funds are allocated for use in local education, the Board has the responsibility to protect the funds and use them wisely.

Adoption date: March 26, 2002

## ANNUAL BUDGET

The school budget is the legal basis for the establishment of the tax levy. It is the official document that describes the programs to be conducted during a given period of time. It is the operational plan, stated in financial terms, for the conduct of all programs in the school system.

The annual school budget process is important to school district operations and serves as a means to improve communications within the school organization and with the residents of the school community.

The budget will be presented to the public in three components (to be voted upon as one proposition):

1. *a program component*, which includes all program expenditures of the district, including the salaries and benefits of teachers and any school administrators or supervisors who spend a majority of their time performing teaching duties, and all transportation operating expenses;
2. *a capital component*, which includes all transportation capital, debt service and lease expenditures; costs resulting from court judgments, administrative orders or settled or compromised claims; and all facilities costs of the district, including facilities lease expenditures, annual debt service and total debt for all facilities financed by bonds and notes of the district, and costs of construction, acquisition, reconstruction, rehabilitation or improvement of school buildings, provided that the budget shall include a rental, operations and maintenance section that includes base rent costs, total rent costs, operation and maintenance charges, cost per square foot for each facility leased by the district, and all expenditures associated with custodial salaries and benefits, service contracts, supplies, utilities, and maintenance and repair of school facilities;
3. *an administrative component*, which includes office and central administrative expenses, traveling expenses, and all compensation, salaries and benefits of all school administrators and supervisors, all expenditures associated with the operation of the school board, the office of the Superintendent of Schools, general administration, the school business office, any consulting costs not directly related to direct student services and programs, planning, and all other administrative activities.

In addition, each component must be separately delineated in accordance with Regulations of the Commissioner. The budget will categorize revenues, property tax refunds, expenditures, budget transfers and fund balance information, and will be formatted to show changes in the data as compared with the previous year. Finally, the budget will be written in plain language and organized in a manner which best promotes the public's understanding of its contents.

The budget will be completed at least seven days before the public hearing at which the Board will present the budget to the voters. Copies of the budget will be made available upon request to residents within the district (not just district taxpayers) during the 14 days preceding the date of the annual election and budget vote at each school building in the district, at the school district offices, and at any public library or free association library within the district, between the hours of 9:00 a.m. and 5:00 p.m. on each day other than Saturday, Sunday or holidays, as well as on the school district's internet website. In addition, at least once during the school year, the Board will include in a district-wide mailing, notice of the availability of copies of the budget.

The following documents will be attached to the budget:

- a detailed statement of the total compensation to be paid to the Superintendent of Schools, and any assistant or associate superintendent in the coming school year, including a delineation of the salary, annualized cost of benefits and any in-kind or other form of remuneration;
- a list of all other school administrators and supervisors, if any, whose annual salary will be at or above the amount designated by the State Education Department in the coming year, along with their title and annual salary;
- a school district report card detailing the academic and fiscal performance of the district; and
- a property tax report card prepared pursuant to the Regulations of the Commissioner of Education.

The Board may not submit the proposed budget or a related proposition to the voters more than twice. If the voters fail to approve the proposed budget or budget proposition after the second submission, or if the Board elects not to put the proposed budget to a public vote a second time, the Board must adopt a contingency budget.

The Board may use district monies to present educational and informational material about the annual budget and related information to the voters. It shall not, however, use these funds to urge voters to cast their ballots in a particular fashion.

Ref: Education Law §§1608; 1716; 1804(4); 1906(1); 2008(2); 2021; 2002(1); 2022(2); 2035(2); 2601-a  
General Municipal Law §36  
*Phillips v. Maurer*, 67 NY2d 672 (1986)  
*Fiscal Management* (NYSSBA, 1997)  
Hartman, William T., "Participatory Budgeting in High School", *Planning and Changing*, Spring 1989, vol. 20, no. 1.

Adoption date: January 12, 2010

## BUDGET PLANNING

The Superintendent of Schools shall have the overall responsibility for budget development and the annual development of a budget calendar. This calendar shall provide for an appropriate number of meetings of the district's business affairs committee, the Board of Education, and the citizens advisory budget review committee.\*

### *Tentative Budget*

The tentative budget shall be designed to reflect the Board's objectives and district goals for the education of the district's children. The tentative budget will include necessary information to insure an adequate understanding of the financial needs of the district's programs and services, both short term and long term.

In developing the tentative budget, the Superintendent shall confer with staff members at appropriate levels to obtain their input into the budget document.

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

\*At its discretion, the Board of Education may establish a citizens advisory budget review committee on an annual basis. The purpose of establishing such a committee is to provide a means of explaining the district's financial needs to the community and in order to solicit community input or ideas in an organized way during budget deliberations.

Cross-ref: 2260, Citizens Advisory Committees

Ref: State Education Department Handbook No. 3 on Budget  
*Phillips v. Maurer*, 67 NY2d 672 (1986)  
*Appeal of Waitkins*, 26 EDR 263 (1986)  
*Matter of Greenville Taxpayer's Association*, 26 EDR 22 (1986)

Adoption date: March 26, 2002

## DETERMINATION OF BUDGET PRIORITIES

After receiving guidance from the Board of Education, the Superintendent of Schools, with other district administrators, shall prepare proposed budget priorities for the school district which strike a balance between an ideal educational program and the district's fiscal resources. In setting budget priorities, the following factors shall be considered:

1. The health and safety of students and employees;
2. Items directly related to the educational needs and goals of the district. All segments of the district's programs are to be treated equitably within the available resources;
3. Adequate staffing of programs and the salaries of employees;
4. Maintenance of capital investment, equipment and facilities;
5. Improvements in noninstructional items;
6. State and/or federal legal requirements for the funding of programs;
7. Requirements and regulations of the State Education Department and the Commissioner of Education as well as other state agencies; and
8. Fiscal and nonfiscal resources available.

Adoption date: March 26, 2002

**BUDGET TRANSFERS**

The Superintendent of Schools, or the Assistant Superintendent for Finance and Operations, in accordance with the Regulations of the Commissioner of Education, is delegated the authority to approve transfers in amounts of \$5,000 or less. The Superintendent will submit reports of these transfers to the Board of Education. These reports shall itemize transfers since the last report and the accumulated transfers made since the beginning of the fiscal year. Budget transfers in excess of \$5,000 may be made by the Superintendent with the approval of the Board.

Ref: Education Law §1718  
8 NYCRR §170.2(1)

Adoption date: September 13, 2011

## FUND BALANCE

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

### **Fund Balance Classifications (pursuant to GASB Statement 54)**

Fund Balance classifications will be reported by the District in accordance with accounting standards issued by the GASB.

### **General Policy**

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

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

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

In circumstances where an expenditure is incurred for a purpose for which amounts are available in multiple fund balance classifications (e.g., expenditures related to reserves), the expenditure is to be spent first from the restricted fund balance to the extent appropriated by either budget vote or board approved budget revision and then from the unrestricted fund balance. Expenditures incurred in the unrestricted fund balances shall be applied first to the assigned fund balance to the extent that there is an assignment and then to the unassigned fund balance.

Adoption date: September 13, 2011



**FEDERAL FUNDS**

The Superintendent of Schools is designated as the authorized representative for federal aid and the authorized signatory for federal funds. The Board of Education charges the Superintendent with the responsibility to evaluate federally funded programs, including their possible benefits to the children and youth in the district. The Superintendent shall apprise the Board of the worth of each. A separate federal aid fund shall be maintained to record all financial transactions in federally aided programs and projects. A separate checking account, distinct from all other district accounts, shall be maintained for federal funds.

Ref: 8 NYCRR Parts 114; 167; 200

Adoption date: March 26, 2002

## INVESTMENTS

The objectives of the district's investment policy are to safeguard district funds, to minimize risk, to ensure that investments mature when cash is required to finance operations and to ensure a competitive rate of return.

This investment policy applies to all moneys and other financial resources available for investment on behalf of the Smithtown Central School District and the Board of Education.

### *Objectives*

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

- Conform to all applicable federal, state and other legal requirements (legal).
- Adequately safeguard principal (safety).
- Provide sufficient liquidity to meet all operating requirements (liquidity).
- Obtain a reasonable rate of return (yield).

### *Delegation of Authority*

The Board of Education delegates responsibility for administration of the investment program to the Superintendent and his/her designee.

### *Internal Controls*

The Assistant Superintendent for Finance and Operations shall establish and maintain an internal control structure to provide reasonable 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. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a database or records incorporating the description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

All moneys collected by any officer or employee of the district shall transfer those funds to the Treasurer within two days of deposit, or within the time period specified in law, whichever is shorter.

*Prudence*

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

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

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

*Diversification*

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

*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 amount of investments which can be made with each financial institution or dealer. All financial institutions with which the district conducts business must be credit worthy. Banks shall provide their most recent Annual and/or Quarterly 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 Assistant Superintendent for Finance is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listings shall be evaluated as least annually.

*Designation of Depositories*

The banks and trust companies authorized for the deposit of monies up to the maximum amounts are to be designated annually at the Board of Education Reorganizational Meeting.

### *Collateralizing of Deposits*

In accordance with section 10 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” equal to the aggregate amount of deposits from obligations issued 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 Treasurer of the district who shall maintain the list.

### *Safekeeping and Collateralization*

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

The security agreement shall provide that eligible securities are being pledged to secure school district deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the school district to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the district, 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 school district, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of re-evaluation 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 section 11 of the General Municipal Law, the district authorizes the Assistant Superintendent for Finance or his/her designee to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments.

- Special time deposit accounts;
- Certificates of deposit;
- Obligations of the United States of America;
- Obligations 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 Smithtown Central School District within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds or bonds or notes, shall be payable or redeemable at the option of the Smithtown Central School District within two years of the date of purchase.

*Purchase of Investments*

The Assistant Superintendent for Finance or his/her designee is authorized to contract for the purchase of investments:

- directly, including through a repurchase agreement, from an authorized trading partner;
- 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 Comptroller Opinion No. 88-46, and the specific program has been authorized by the Board of Education.

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. Such obligations shall be purchased, sold or presented for written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Smithtown Central School District by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in section 10 of the General Municipal Law.

The custodial agreement shall provide the 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.

#### *Annual Review*

This policy will be reviewed annually by the Board 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; 3651; 3652  
Local Finance Law §165.00  
General Municipal Law §§6-c-6-e; 6-j-6-n; 10; 11; 39

Adoption date: March 26, 2002

## NONRESIDENT TUITION

The Board of Education will establish a tuition rate for nonresident students each year, using the formula provided by the State Education Department in calculating the tuition rates. For school attendance by a nonresident child for a period longer than 90 calendar days, tuition is payable in advance for each succeeding 30 calendar days, or on a prorated basis.

Cross-ref: 5152, Admission of Non-Resident Students

Ref: Education Law §3203  
8 NYCRR §174.2  
*Matter of Richards*, 25 EDR 38 (1986)  
*Matter of Hill*, 23 EDR 338 (1984)  
*Matter of Bunk*, 22 EDR 38 (1983)  
*Matter of Schumer*, 21 EDR 640 (1982)  
*Matter of Wadas*, 21 EDR 577 (1982)  
Letter to Counsel, NYS Education Department from the U.S. Dept. of Education, Office of Civil Rights, August 10, 1994

Adoption date: March 26, 2002

**AUTHORIZED SIGNATURES**

The Board of Education authorizes the signature of the District Treasurer on all district checks. The Board may, by resolution, designate others to sign checks in the absence of the Treasurer.

The Board authorizes the use of a check-signer, computer disk or other device to sign school district checks with the required signature. The check-signing device must be a recognized manufactured product with safeguards for the school district's protection. The Treasurer has the responsibility of preventing unauthorized use of the device.

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

Adoption date: March 26, 2002



**BONDED EMPLOYEES AND OFFICERS**

The District Treasurer, the Internal Claims Auditor and all certified and non-certified employees are to be bonded in amounts established by the Board of Education at its organizational meeting. The Board, in its judgment, may designate other persons to be bonded, establishing the amount and duration.

Ref: Education Law §§1709(20-a); 1720; 2130(5); 2526

Adoption date: March 26, 2002

## **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 and annual fiscal reports. The Treasurer or any relevant employee should highlight any deviation in actual fiscal conditions from planned fiscal conditions and offer recommendations to the Board to remedy the situation. The Assistant Superintendent for Finance & Operations or his/her designee 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 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 or his/her designee 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

Adoption date: July 6, 2010

## INVENTORIES

Inventories shall be kept of all district equipment as required by the New York State Department of Audit and Control. The Superintendent of Schools shall establish procedures to maintain a comprehensive inventory system.

Adoption date: March 26, 2002

## CAPITAL ASSETS ACCOUNTING

### *Accounting of Fixed Assets*

The School Business Administrator shall be responsible for accounting for general fixed assets according to the procedures outlined by the Uniform System of Accounts for School Districts. These accounts will serve to:

- a. Maintain a physical inventory of assets;
- b. Establish accountability;
- c. Provide appropriate insurance coverage.

All fixed assets carrying a minimum value of \$500 and physical characteristics which are not appreciably affected by use or consumption shall be inventoried and recorded on an annual basis. Fixed assets shall include land, building, equipment and materials.

Assets shall be recorded at initial cost, or, if not available, at estimated initial cost. Gifts of fixed assets shall be recorded at estimated fair value at the time of the gift. A property record will be maintained for each asset and will contain, where possible, the following information:

- a. Date of acquisition;
- b. Description;
- c. Cost or value;
- d. Location;
- e. Estimated useful life;
- f. Date and method of disposition.

The School Business Administrator shall arrange for the inventory of school district property, equipment and material. Any discrepancies between an inventory and the district's property records on file should be traced and explained.

Adoption date: June 14, 2011

## INTERNAL AUDIT FUNCTION

In accordance with Education Law and the Regulations of the Commissioner, the Smithtown Central School District has established an internal audit function. The function shall be completed by an individual, firm or through a BOCES as designated annually by the Board of Education. 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.

The Internal Auditor shall meet no less than two (2) times annually with the Board of Education to review activities and to make recommendations for improvement. 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 of Education, who in turn will advise the entire Board. The Board will then review the information and take appropriate action. Quarterly reports to the Board of Education are required and 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 Superintendent of Schools, Assistant Superintendent for Finance and Operations, District Treasurer, Claims Auditor, and Independent Auditor.

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

Adoption date: July 11, 2006

**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 is responsible for formally examining, allowing or rejecting all accounts, charges, claims or demands against the school district. The auditing process should determine that:

1. the proposed payment is for a valid and legal purpose;
2. the obligation was incurred by an authorized district official;
3. the items for which payment is claimed were in fact received or, in the case of services, that they were actually rendered;
4. the obligation does not exceed the available appropriation; and
5. 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.

All vouchers, bills and claims submitted for payment are to be audited, signed, and approved by the claims auditor before such payment is made.

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

Adoption date: April 10, 2007

## PETTY CASH/PETTY CASH ACCOUNTS

Petty cash funds shall be established for the District Clerk, and in each school building and central administrative office for the purchase of materials, supplies or services under conditions requiring immediate payment. The amount of each fund will be established at the reorganizational meeting of the Board of Education.

The Board, upon the recommendation of the Superintendent of Schools, shall appoint a clerk 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.
2. All disbursements from such funds are to be supported by receipted bills, paid-out slips or other evidence documenting the expenditure.
3. Payments may be made from petty cash for materials, supplies, or services only when payment is required on delivery. 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. Each fund will be closed at the end of the school year.

Cross-ref: 6700, Purchasing

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

Adoption date: March 26, 2002

## PURCHASING POLICY

The Board of Education views purchasing as serving the educational program by providing necessary supplies, equipment and related services. Purchasing will be centralized in the Business Office under the general supervision of the Purchasing Agent designated by the Board of Education.

It is goal of the Board to purchase competitively, without prejudice or favoritism, and to seek the maximum educational value for every dollar expended. Competitive bids or quotations shall be solicited in connection with purchases pursuant to law. The General Municipal Law requires that purchase contracts for materials, equipment and supplies involving an estimated annual expenditure exceeding \$20,000 and public works 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.

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. of articles manufactured in State correctional institutions; or
4. from agencies for the blind and severely disabled.
5. BOCES Cooperative purchasing contracts.
6. under a Federal contract (where allowed by law)

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

1. to effectively supply all administrative units in the school system with needed materials, supplies, and contracted services;
2. to obtain materials, supplies and contracted services at the lowest prices possible consistent with the quality and standards needed as determined by the Purchasing Agent in cooperation with the requisitioning authority. The educational 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 offerer other than the lowest responsible dollar offerer, setting forth the reasons why such award is in the best interests of the District and otherwise furthers the purposes of section 104-b of the General Municipal Law.

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

1. emergencies where time is a crucial factor;
2. procurements for which there is no possibility of competition (sole source items);
3. procurements of professional services, which, because of the confidential nature of the services, do not lend themselves to procurement through solicitation; or
4. very small procurements when solicitations of competition would not be cost-effective.

The Superintendent of Schools, with the assistance of the Purchasing Agent, 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.

All purchase orders must obtain the prior written approval/signature of the district's appointed purchasing agent prior to being sent, faxed, or telecommunicated to a vendor or contractor. In the event of an emergency, the

verbal approval of the district's purchasing agent must be obtained, along with a valid purchase order number available only from the district's purchasing office. "confirmation" purchase orders are treated in the same manner as emergency purchase orders.

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 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 or give rise to a cause of action against the District or any officer or employee of the District.

Ref: Education Law §§305(14); 1709(9)(14)(22)  
General Municipal Law §§102; 103; 104-b; 109-a; 800 et seq.

Adoption date: January 10, 2012

## PURCHASING AUTHORITY

The Board of Education shall annually appoint a Purchasing Agent for the school district. Under the general supervision of the Superintendent of Schools and the Assistant Superintendent for Finance and Operations, the Purchasing Agent will be responsible for developing and administering the purchasing program. He/She will ensure the quality and quantity of purchases made by the district in accordance with state law and good purchasing practices.

All purchases shall be made through the Business Office by the Purchasing Agent, Beth Woods.

The Purchasing Agent is authorized to issue purchase orders without prior approval of the Board when formal bidding procedures are not required by law and budget appropriations are adequate to cover such obligations except in the case of equipment exceeding \$20,000.

The Purchasing Agent shall be responsible for preparing all bid specifications and a statement of general bidding conditions to be included in every notice or invitation to bid. If there are questions concerning specifications, the Purchasing Agent will consult with the requisitioner to clarify the matter so as to ensure that the appropriate goods or services are obtained.

Cross-ref : 6700R, Purchasing Procedures

Ref: Education Law §1709(20-a)

Adoption date: January 10, 2012

## COOPERATIVE PURCHASING

The Board of Education endorses the concept of cooperative purchasing when such method is in the best interest of the school district. The Purchasing Agent designated by the Board is authorized to explore the possible participation by the school district in cooperative purchasing ventures with other school districts and municipalities. All proposals and contracts for cooperative purchasing ventures shall be submitted to the Board for consideration and approval.

Ref: Education Law §1950  
General Municipal Law §119-o

Adoption date: March 26, 2002

## 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 in his/her absence, the Assistant Superintendent for Finance and Operations. It shall be the responsibility of the Assistant Superintendent of 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 Claims Auditor. The test shall confirm that individuals listed on the payroll are currently employed by the district. These tests shall be done on a building by building basis. They will consist of having employees sign for each paycheck or payroll stub. The names of those employees whose checks or stubs have not been signed for will be confirmed by the Building Principal as employees of the building. A sample of each building's payroll will be taken by the Claims Auditor who will confirm the hours paid agree with the timecard hours or the contract hours. The Superintendent or his/her designee will evaluate the results of the tests and determine if improvements need to be paid.

The Board of Education will approve the hiring and initial salary of all personnel in the district. The initial payroll amount for a new hire will be done by the Personnel Office and will match the amount stated in the Board minutes for each person hired. That amount will be confirmed by the Payroll Office when the payroll is prepared. All actions of the Board which affect the payroll amount of an employee will be completed by Personnel and confirmed by Payroll.

Both Personnel and Payroll will check to see that a hire is appropriately classified according to the IRS regulations as an employee or an independent contractor. The minutes of the Board of Education meeting will reflect the correct classification.

Payroll procedures will also be reviewed periodically by the internal auditor. 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.

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

Adoption date: January 12, 2010

## **EXPENSE REIMBURSEMENT**

The policy will apply to all district officials and employees for attendance at workshops, seminars and conferences.

1. Reimbursement for expenses will be made if prior approval of expenditures has been given by the Superintendent of Schools and his/her designee. Upon submission of a properly completed and approved voucher and original receipts, reimbursement will be made.
2. Expenses will be approved and reimbursed consistent with district guidelines and contract agreements.
3. Allowable expenses will include:
  - a. transportation, including air fare, train fare and/or gas mileage;
  - b. lodging (actual hotel receipts must be submitted);
  - c. meals (as per district guidelines);
  - d. conference registration.

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

Adoption date: March 26, 2002

## DISPOSAL OF DISTRICT PROPERTY

Building administrators and support staff supervisors are responsible for identifying obsolete or surplus equipment and supplies with their area(s) of responsibility. Upon recommendation of the Superintendent of Schools, the Board shall declare surplus supplies, equipment, and materials which are obsolete and cannot be salvaged or used 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 Assistant Superintendent for Finance and Operations 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.

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

1. offer to sell the items to local municipalities or local non-profit organizations;
2. sell items at a public sale. In the event of a public sale, notice of availability of such equipment, supplies and materials and requests for bids shall be disseminated through announcements in local newspapers and such other appropriate means. The general public, as well as staff members who are not Board members, officers, or involved in the purchasing function, shall be eligible to bid on the equipment, supplies and/or materials; and
3. sell remaining items as scrap for the best obtainable amount or discard in the safest, least expensive manner.

Ref: General Municipal Law §§51;800 et seq.

Adoption date: March 26, 2002

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**(Series 7000)**

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Facilities Planning.....7100



## FACILITIES PLANNING

The Board of Education is responsible for the regular operation and orderly development of its physical plant. For this reason, the Board will concern itself with both short- and long-range planning as it related to the properties of the school district.

The Superintendent of Schools will be responsible for preparing an annual facilities plan and presenting it to the Board for approval. This long-range plan will be designed to provide adequate facilities to conduct elementary and secondary education programs for all students residing in the district. The plan also will provide for adequate space which is consistently available and located in age appropriate settings in the least restrictive environment for district-sponsored special education programs, pre-school programs and programs sponsored by the Board of Cooperative Educational Services (BOCES) serving resident students with disabilities who are of school age or pre-school age. The plan will be modified to reflect changes in the curriculum, availability of construction funds, and changes in enrollments.

Enrollment projections will be prepared for a five-year period under the direction of the Superintendent and updated annually. The Board may authorize outside studies be made of population trends and school enrollment as needed.

Adoption date: March 26, 2002

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## SAFETY PROGRAM

The Board of Education shall establish a safety program to provide a high degree of safety for district students and employees. Such a program will comply with the requirements of Education Law, the Regulations of the Commissioner of Education, occupational health and safety rules and regulations and the New York State Uniform Fire Prevention and Building Code.

The Superintendent of Schools and the Assistant Superintendent for Finance and Operations and each Building Principal are responsible for maintaining safe and sanitary conditions in facilities under their jurisdiction. Principals shall also:

- Ensure that teachers instruct students in their classes in the general rules of health and safety;
- Recommend to, and request from, local officials sufficient traffic control to ensure the safety of children at cross walks; and
- Institute necessary procedures and safeguards to ensure student safety on school grounds.

All employees shall maintain safe and sanitary conditions in their teaching or work area of responsibility. Unsafe conditions observed by an employee are to be promptly reported to the administration and will be corrected immediately.

Ref: Education Law §§806; 807; 807A  
8 NYCRR §155.1 et seq

Adoption date: March 26, 2002

## 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.

Formal objective investigations of all accidents on school grounds 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.

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

Adoption date: March 26, 2002

## ACCIDENT REPORTS

Any employee who becomes aware of an accident which has taken place on school property, no matter how trivial, shall report the accident to the school nurse and subsequently to the Building Principal's Office. The employee, after reporting the accident, shall file an accident report form before school closes that day. The Principal's Office will then forward the necessary forms to the Business Office.

School district employees shall be responsible for reporting all such accidents which occur under their jurisdiction.

In the case of serious accidents, the Superintendent of Schools and the parents/guardians are to be notified at once. First aid may be necessary. Appropriate student accident forms/information are provided by the school to the parents/guardians.

### *School Bus Accident Reports*

When a bus driver files an accident report about an incident occurring on a school bus, the Principal or his/her designee shall investigate the situation and, should suspension of privileges result, he/she will notify the parents/guardians of the student.

Adoption date: March 26, 2002

## **BUILDINGS AND GROUNDS**

The Plant Facilities Supervisor shall serve as chief of the maintenance division and serve under the Superintendent of Schools. He/She shall have charge of all repairs, alterations and improvements to school buildings and grounds. He/She shall also have immediate supervision over the work of the custodial and maintenance staff.

### *Operations of Facilities*

The Superintendent is charged with the responsibility for administering plant operations in the most efficient and economical manner possible, while placing high priority on health and safety of students and conservation of natural resources

The Board of Education recognizes its responsibility to provide equipment, supplies and contractual services of high quality.

### *Maintenance of Facilities*

The Board, through the Superintendent and designated district staff, shall protect the district's investment in plant and facilities through a systematic maintenance program.

Such program shall include periodic preventive maintenance activities, long-range maintenance schedules and emergency repair procedures. It is further expected that all maintenance work will be carried out in a manner that will cause minimal interference with the district educational program.

Adoption date: March 26, 2002

## **BUILDING AND GROUNDS SECURITY**

The Board of Education shall make every effort to provide a safe and secure environment to all persons (staff, students, and/or visitors), who lawfully enter upon district property or who travel lawfully in district vehicles.

The Board directs the Superintendent of Schools to establish and implement written regulations which will:

1. identify those staff members who will be responsible for the effective administration of the regulations;
2. provide staff time and other necessary resources for the effective administration of such regulations;
3. establish a periodic written review of the activities of the staff to ensure compliance with applicable laws and regulations;
4. establish an on-going mechanism to provide effective review of safety and security concerns of staff, students and affected public; and
5. provide for periodic reports to the Board regarding the significant aspects of safety and security of the district.

Adoption date: March 26, 2002

## 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 reorganizational 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.

Adoption date: July 12, 2005



## USE OF CREDIT CARDS

The Board of Education permits the use of district credit cards by the Superintendent of Schools and the Purchasing Agent to pay for actual and necessary expenses incurred in the performance of work-related duties for the district. A list of those employees that will be issued a district credit card will be maintained in the Business Office and reported to the Board each year at its reorganizational meeting in July. All credit cards will be in the name of the school district.

The district shall establish a credit line not to exceed \$10,000 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.

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

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

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

The Superintendent of Schools, in consultation with the Assistant Superintendent of Business and the district's Purchasing Agent, shall establish regulations governing the issuance and use of credit cards. 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 Assistant Superintendent of Business shall periodically, but no less than twice a year, monitor the use of each 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: September 24, 2012

## STUDENT TRANSPORTATION

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

The district provides bus transportation for all kindergarten and elementary students without limit to how close the home is to the school, and all middle school and high school students who live more than 1 mile from school. This applies to all students whether attending public or private schools, with a maximum limit for the latter of 20 miles. Distances are measured by the shortest available public street route from home to school. Elementary bus stops may be up to .25 miles from the home.

The major objectives in the management of the student transportation program shall include the following:

1. to furnish transportation to those students deemed eligible based on distance or disabilities;
2. to operate the transportation program safely, efficiently, and economically;
3. to adapt transportation to the requirements of the instructional program within legal restrictions;
4. to promote a public understanding of the entire transportation program including safety, adequacy, efficiency, legal constrictions and standards of service.
5. To review at least once a year school bus schedules and routing plans to ensure that maximum efficiency is maintained;
6. To review at least once a year the eligibility for transportation of students residing in the district, to ensure that all entitled to the services receive them.

The responsibility for administering the transportation program rests with the Superintendent or his/her designee. The administration of the program will comply with all applicable laws, regulations and policies established by federal, state and local authorities.

Transportation requests for Private or Parochial Schools are due by April 1<sup>st</sup> preceding the school year for which transportation is being requested, whether or not the request is for the first time or a renewal. If a parent or guardian decides to change their child's school after requesting transportation, they must submit a new request form, again, before the April 1<sup>st</sup> deadline. If a family moves into the school district after the April deadline, they are provided thirty (30) days from the time they establish residence to make their request for transportation arrangements.

The Board of Education may extend the filing date for requests for transportation to private or parochial schools beyond the April 1<sup>st</sup> deadline based upon a reasonable explanation. Such reasonable explanations may include, but are not limited to, the establishment of a new school, documented late acceptance to these schools or special education determinations (by the Committee on Special Education) after April 1<sup>st</sup>.

Adoption date: March 26, 2002

**TRANSPORTATION TO BEFORE AND AFTER SCHOOL CARE  
PROGRAMS**

The Board of Education shall provide transportation to before/after school childcare locations for children attending public or non-public schools under the following circumstances:

1. The before/after school childcare facility must be located within the attendance zone of the school the child attends.
2. There shall be no additional cost to the District for providing such transportation.
3. Transportation shall be provided on a bus and bus route regularly scheduled for the child's school of attendance.
4. The bus stop utilized for such arrangements shall be an established stop on an existing/established bus route for the school of attendance.
5. For children attending public or private schools outside of the School District, the same provisions as above shall apply with the exception of reference to the child's school of attendance. In such situations, and based on the location of the child's school of attendance, minor variations to existing bus routes will be permitted.
6. Facilities included in this policy refer to all such facilities as defined in New York Education Law.
7. Transportation to before/after school childcare facilities will only be approved to any one such location per student during each school year.

Adoption date: March 26, 2002

## SCHOOL BUS SCHEDULING AND ROUTING

The District Transportation Director shall establish bus schedules and routes under the supervision of the Assistant Superintendent for Finance and Operations.

Authorized bus stops shall be located at convenient intervals in places where students may embark and disembark the buses, cross highways, and await the arrival of buses in the utmost safety allowed by road conditions.

The factors considered in determining the adequacy of a bus stop are:

1. The number of students who will be using the bus stop;
2. The age of the students;
3. The nature and amount of available space at which students may wait for their school bus;
4. The nature of the roadway on which the students must walk to reach their respective bus stop; and
5. The nature of the intersection or roadway passing by the bus stop.

These factors may be considered alone or in combination in evaluating the adequacy of a bus stop.

### *Bus Stop Responsibilities*

Parents and/or guardians, not the school district, shall be responsible to:

1. provide supervision at a bus stop used by their children; and
2. provide supervision of their children from their home to the bus stop.

The school district shall not be responsible to:

1. provide a bus stop in viewing distance of a student's home; and
2. provide a closer bus stop to a student's home due to individual or personal situations relating to that student's family circumstances (e.g., medical condition, younger children at home, etc.)

Adoption date: March 26, 2002

**FIELD TRIP AND INTERSCHOLASTIC  
ATHLETIC TEAM TRANSPORTATION**

For all travel from the school district to any site away from the school district, a planned route of travel shall be on file with the Transportation Coordinator or his/her designee, and this planned route shall be adhered to strictly.

A complete roster of all participants involved in the travel shall be filed with the Building Principal (for field trips) and Athletic Director (for interscholastic athletic travel) and will be available at all times with the chaperone(s) supervising the travel. The roster shall include names and telephone numbers of each participant's parent/guardian. Students will be accounted for by bus count when a school bus or coach is the means of travel, and attendance shall be taken before all travel begins from one location to each new destination.

All students are required to carry on their person identification as to their name, even if such identification must be prepared and distributed by the school chaperone(s) supervising the field trip.

A district contact person remaining in the district, must be available by phone at all times during the field trip; 24 hour availability if the trip is overnight.

Adoption date: March 26, 2002

## STUDENT TRANSPORTATION IN PRIVATE VEHICLES

The Board of Education recognizes that the best solution to all student transportation is to provide an approved school bus and a qualified school bus driver. If this is not possible, the value of the activity (i.e., the reason for transportation) must be weighed against the risks involved.

Informal and spur-of-the-moment decisions to transport students in private vehicles presents the greater risk of an unwanted outcome and are prohibited except in emergencies. In an emergency situation requiring a student to be transported home or for medical care, the Building Principal or his/her designee (e.g., school nurse) may provide the transportation. The Business Office shall be notified before or as soon after as possible about such transportation.

If transportation using a staff member's private vehicle is determined to be appropriate, the following steps must be taken to insure student safety:

1. permission will be sought and granted, in writing, by the Principal and each student's parent/guardian;
2. documentation shall be recorded indicating that the staff member's vehicle has a current inspection sticker, registration, and current insurance identification card (see attached form);
3. the driver's motor vehicle license will be checked to be certain it is current;
4. unless an emergency, a planned route shall be filed indicating major roads of travel. Drivers of private vehicles shall adhere to such route; and
5. all documentation will be maintained until the conclusion of the activity and transportation.

District administrators will exercise caution in authorizing transportation of students in private vehicles, since the district potentially assumes liability for any accident claim which exceeds the driver's automotive liability coverage.

Ref: Education Law §§3023; 3635

Adoption date: March 26, 2002



### **USE OF DISTRICT VEHICLES**

The Board of Education recognizes the need for some school employees to use District owned vehicles for school purposes on a regular or occasional basis. To safeguard the district, employees shall observe the following:

1. The Board specifically forbids any employee to use School District vehicles for personal use or to transport passengers who are not directly or indirectly related to School District business. Passengers shall be limited to School District employees and individuals who are directly associated with School District work activity (committee members, consultants, contractors, etc.). Family members shall not be transported in School District vehicles.
2. Employees assigned School District vehicles on a 24-hour basis shall limit their travel to and from their residence and place of work. They will be apprised of the procedures governing the use of School District vehicles and a copy of this policy and accompanying regulations shall be given to each user.
3. No employee may use a School District vehicle for travel into New York City or out of state without prior authorization from the Superintendent of Schools or Assistant Superintendent for Finance and Operations.
4. School District vehicles must have the School District seal affixed on the driver and passenger side doors, and vehicles may only be used for legitimate and authorized School District business.

Regardless of any provision in a collective bargaining agreement or past practice or policy, failure to comply with any and all provisions of this policy may result in disciplinary action up to and including removal of the School District vehicle privileges, suspension, and/or termination of employment.

The Superintendent of Schools is responsible for developing regulations, which provide necessary guidelines for ensuring adherence to this policy. All employees assigned District owned vehicles shall be provided with a copy of all such regulations and shall be responsible for complying with such regulations.

Adoption date: June 26, 2007

## USE OF PRIVATE VEHICLES ON SCHOOL BUSINESS

The Board of Education recognizes the need for some school employees to use their own automobiles for school purposes, on a regular or occasional basis. To safeguard the district, employees who transport one or more students shall observe the following:

1. To use a private vehicle for school purposes, the employee must have the permission of his/her immediate supervisor.
  - a. Standing permission may be granted for employees who use their own vehicles regularly for school purposes but not for transporting students.
  - b. However, for insurance purposes, permission must be obtained in advance from the Business Office for all special trips involving students (e.g., field trips). While such occasions are not prohibited, they are discouraged.
2. The insurance coverage is the responsibility of the owner of the private vehicle. The district shall carry liability insurance for the liability of the district and such coverage will be in excess of the owner's own insurance.
3. The Board specifically forbids any employee to transport students for school purposes without prior authorization from the Assistant Superintendent of Finance and Operations, unless in an emergency.
4. The district shall assume no responsibility for liability in case of accident unless employee has the authorization described above.
5. The same practice as above shall apply to parents/guardians of students who are to be authorized to use their private motor vehicles (e.g., chaperones).

Adoption date: March 26, 2002

## FOOD SERVICE MANAGEMENT

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

Food service management is the responsibility of the Director of Child Nutrition. He/She shall implement and enforce those procedures essential to maintain a healthy and sanitary environment for all persons working in and using cafeteria services. The Superintendent of Schools or his/her designee will oversee the development and implementation of these procedures and shall oversee the food service operation to insure that the best management procedures are employed.

All required state and federal reports and records will be maintained as required by regulations. The Board authorizes the Superintendent or his/her designee to develop other records and reports he/she deems necessary in order to properly evaluate the operation of cafeteria services.

Cross-ref: 8520, Free and Reduced Price Food Services

Ref: Education Law §305 (14)(a)

Adoption date: March 26, 2002

**FREE AND REDUCED PRICE FOOD SERVICES**

The Board of Education recognizes that the nutrition of district students is an important factor in their educational progress. The Board therefore shall participate in federally funded school lunch programs, and shall provide free or reduced price food services to qualified district students.

The Superintendent of Schools or his/her designee will establish regulations that conform with state and federal requirements for participation in such programs. These regulations will be reported to the Board as needed for approval.

Cross-ref: 8500, Food Service Management

Ref: National School Lunch Act of 1946, as amended  
(42 U.S.C. 1751-1760)  
Child Nutrition Act of 1966, Public Law 89-642,  
80 Stat. 885, as amended

Adoption date: March 26, 2002

## **COMPUTER RESOURCES AND DATA MANAGEMENT**

The Board of Education recognizes that computer and information technology networks 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 information technology as an integral part of administering and managing district resources, including the compilation of data and recordkeeping for student, personnel, finance, and inventory systems.

The security and integrity of the district's 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. Users of district computer resources shall comply with this policy. Failure to comply may result in disciplinary and/or legal action, as well as suspension and/or revocation of computer access privileges.

The Board recognizes that since district data is managed by computer, it is critical to exercise appropriate controls to maintain the integrity of the data systems. The Superintendent shall establish a Computer Controls Regulation for the purpose of designating the framework of controls governing management of computer records. This regulation will identify responsibilities of district personnel, separation of duties, system access, password, and data backup protocols.

Adoption date: July 6, 2010

## INFORMATION SECURITY BREACH AND NOTIFICATION

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

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

Any breach of the district's computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the district shall be promptly reported to the Superintendent and the Board of Education. It should be noted, however, that good faith acquisition of personal information by an office 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.

Ref: State Technology Law, §208

Adoption date: July 6, 2010

## SCHOOL DISTRICT COMPLIANCE WITH COPYRIGHT LAW

The Board of Education acknowledges the necessity of complying with federal laws governing the use of copyrighted material.

Infringement on copyrighted material, whether prose, poetry, graphic images, music, video or computer code, is a serious offense against federal law and contrary to the ethical standards required of staff and students alike.

The Board therefore requires that all reproduction of copyrighted material be conducted strictly in accordance with applicable provisions of law. Unless otherwise allowed as “fair use” under federal law, permission must be acquired from the copyright owner prior to reproduction of material in any form. Appropriate notices will be posted at work sites and on all copy machines reminding employees of the copyright law.

The Superintendent of Schools is responsible for developing a regulation which provides necessary guidelines for ensuring adherence to this policy.

Ref: 17 U.S.C. §§101; 106; 107; 117; 201; 302  
*Basic Books, Inc. v. Kinko's Graphics Corp.*, 758 F. Supp. 1522 (SDNY 1991)  
H.R. Rep. No. 94-1476, 94<sup>th</sup> Cong., 2d Sess. (1976)

Adoption date: March 26, 2002

## INSURANCE

The district shall purchase insurance coverage necessary to protect the district from loss of property and judgments and awards arising out of liability claims. Records of all insurance policies shall be kept in the Central Office safe. All actions involving the purchase of insurance shall be subject to Board approval.

The Superintendent of Schools shall have general knowledge of the provisions of all insurance policies carried by the district. At time of accident or loss, he/she shall see that action is taken necessary to protect the interests of the school district.

Premiums for such accident insurance as is deemed appropriate for students in grades pre-kindergarten through twelve, participating in interscholastic, intramural, and physical education sports activities, or while engaged in practice preparation for such games, sports, or contests, will be paid from the General Fund.

The Superintendent or his/her designee shall annually review the insurance program for the purpose of recommending to the Board adjustments in coverage resulting from, but not limited to, expansion of the district's risks, relevant new laws, and superseding conditions which make changes in coverage appropriate.

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

Adoption date: March 26, 2002



## ENERGY MANAGEMENT

The Board of Education recognizes its responsibilities to conserve in the use of fossil fuels in keeping with a nationwide awareness and effort in energy conservation. It also understands that avoiding the wasteful use of energy sources will enable funds to be better expended or directed toward the purposes of education.

While the Board desires to conserve energy consumption, it also recognizes the need for establishing reasonable and consistent guidelines for building temperatures, lighting levels, and practices. To this end, the Board will direct the Superintendent of Schools to use the State Education Department's Manual of Planning Standards for School Buildings (specifically, Table S606-2) to develop and implement both immediate and long-range plans designed to conserve district energy resources and appropriate Standard Uniform Practices.

Cross-ref: 7332, Construction Plans and Specifications  
7700, Facilities Renovations

Ref: National Energy Conservation Act of 1978 (P.L. 95-619)  
Federal Institutional Conservation Program (10 CFR Part 455)  
State Energy Law, Articles 3; 5; 8; 11; 16  
9 NYCRR Parts 7810-7816 (State Energy Conservation  
Construction Code)  
State Education Department, Manual of Planning Standards for  
School Buildings,  
Revised September 1996  
State Fire Prevention Building Code, Title 9, §1191.3(d)(3)

Adoption date: March 26, 2002

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**EQUAL EMPLOYMENT OPPORTUNITY**

It shall be the policy of the District to recruit and select for employment the best qualified applicant for each position without regard to race, color, creed, national origin, nor shall any person be denied employment solely because of age, sex or marital status.

Ref: Education Law § 1709

Adoption date: January 12, 1988

## SEXUAL HARASSMENT OF EMPLOYEES

The Board of Education is committed to safeguarding the right of all employees within the school district to a work environment that is free from all forms of sexual harassment. All individuals associated with the district, but not necessarily limited to the Board, the administration, the staff, students, and members of the public are expected to conduct themselves in a manner that provides such an environment.

Conduct is deemed to be sexual harassment when the recipient perceives such behavior as unwelcome. It is irrelevant that the harasser had no intent to sexually harass the person. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from peers as well as supervisors.

Therefore, the Board condemns all unwelcome behavior of a sexual nature which is either designed to directly extort sexual favors from an employee as a term or condition of employment, or which has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

Any employee who believes that he or she has been subjected to sexual harassment should report the alleged misconduct immediately pursuant to Regulation 9110.2-R, to his/her supervisor or to the Assistant to the Superintendent for General Administration and Planning. Complaints will be promptly investigated and corrective/disciplinary action, up to and including discharge of the offender, taken at once. No member of the school community will suffer retaliation or intimidation as a result of using the internal complaint procedure. In the absence of a victim's complaint, the Board, upon learning of, or having reason to suspect, the occurrence of any sexual misconduct, will ensure that an investigation is promptly commenced by appropriate individuals.

The Superintendent of Schools is directed to develop and implement specific procedures on reporting, investigating and remedying allegations of sexual harassment. Such procedures are to be consistent with any applicable provisions contained in the district's collective bargaining agreements and the tenure laws. A copy of this policy and its accompanying regulation are to be distributed to all supervisory and non-supervisory personnel and posted in appropriate places.

Any person who engages in sexual harassment while representing the school district will be in violation of this policy.

Ref: Civil Rights Act of 1964, Title VII, 42 U.S.C. §2000-e2(a)  
Equal Employment Opportunity Commission Policy Guidance  
(N-915.035) on Current Issues of Sexual Harassment, effective 10/15/88  
*Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57 (1986)  
Executive Law §§290 et seq.

Adoption date: March 26, 2002

## EMPLOYEES WITH HIV-RELATED ILLNESS

The Board of Education recognizes the public concern over the health issues surrounding Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus Infection (HIV). The Board also recognizes, based upon the current state of medical knowledge, that the virus associated with AIDS is not easily transmitted and there is no evidence that AIDS or the HIV virus can be transmitted by casual social contact in the open school setting.

The Board acknowledges the interests of employees diagnosed as having AIDS or HIV infection in continuing their employment, as well as the interests of all students and employees of the school district to learn and work without being subjected to significant risks to their health. The Board also takes notice that under current law and regulations the disclosure of confidential AIDS and/or HIV-related information must be strictly limited.

Accordingly, it is the policy of the Board that no district employee shall be prevented from continuing his or her employment solely on the basis of such information. Such employees are entitled to all rights, privileges, and services accorded to other employees.

In accordance with current law and regulations, it is also the policy of the Board to prevent any employee from being subjected to adverse or discriminatory treatment or stigma solely because he or she has been diagnosed as having AIDS or being HIV-infected.

The Superintendent of Schools is hereby directed to develop administrative regulations in regard to avoiding employment discrimination against individuals diagnosed as having AIDS or being HIV-infected.

The Superintendent also shall implement, and all school personnel shall comply with, guidelines and routine sanitary hygiene procedures for dealing with all spills of blood and other body fluids in or on school premises and grounds. The details of these guidelines and procedures will be put forth in the Standard Uniform Practices. The Superintendent should consult public health officials, as appropriate, for the most current methods and information pertaining to such procedures.

In addition, the Superintendent shall develop and immediately implement in-service education and training for all school personnel concerning AIDS and HIV infection and measures to prevent and manage exposures in the work place (e.g., the routine sanitary hygiene procedures to be followed in the case of all spills of blood and other body fluids).

Ref: Public Health Law, Article 27-F  
NY Executive Law §296  
US Rehabilitation Act §504  
10 NYCRR Part 63  
29 CFR §1910.1030 (proposed)  
*Arline v. School Board of Nassau County*, 692 F Supp 1286 (MD Fla., 1988)  
*School Board of Nassau County v. Arline*, 480 US 273 (1987)

Adoption date: March 26, 2002

## 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 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 Board Officer and Employee 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: March 26, 2002

## STAFF COMPLAINTS AND GRIEVANCES

Grievance procedures are designed to resolve conflicts that may arise among various members of the staff. These procedures are defined in collective bargaining agreements. Staff members have the right to present complaints and grievances in accordance with the established procedures free from coercion, interference, restraint, discrimination or reprisal.

The district shall implement a multi-stage grievance procedure and an appellate stage for the settlement of grievances pursuant to the General Municipal Law. In addition, the district shall implement procedures and regulations and designate the Administrator for Special Education and Special Services as the Compliance Officer to carry out the responsibilities under Section 504 or ADA. The Assistant for General Administration and Planning is designated as the Compliance Officer under Section IX.

This policy and accompanying regulation (9140.1R) provide grievance procedures for those employees not covered by collective bargaining agreements or whose negotiated agreements do not include grievance procedures. Staff complaints that are not covered under the General Municipal Law, or cannot be resolved under procedures of Title IX and Section 504 or the ADA shall be subject to the discretion of the Board of Education as to the method by which the complaint may be brought.

### *Annual Notification*

At the beginning of each school year, the district shall publish a notice of the established grievance procedures for resolving complaints of discrimination due to sex and/or disability to parents/guardians, employees, eligible students and the community. The public notice shall:

1. inform parents, employees, students and the community that vocational education programs are offered without regard to sex, race, color, national origin or disability;
2. provide the name, address and telephone number of the person designated to coordinate activities concerning discrimination due to sex and/or disability; and
3. be included in announcements, bulletins, catalogues, and applications made available by the district.

Cross-ref: 0100, Equal Opportunity



Ref: Americans with Disabilities Act, 42 USC §12111-12117; 12210  
General Municipal Law, Article 15-c  
Title IX, Education Amendments of 1972, 20 USC Chapter 38; 45  
CFR Part 86  
Rehabilitation Act of 1973, §504; 29 USC §794  
Civil Service Law, Article 14  
*Matter of Gatje*, 24 EDR 191 (1984)

Adoption date: March 26, 2002

**STAFF-STUDENT RELATIONS**

The Board of Education expects teachers and administrators to take sincere professional interest in all their students. The teacher who inspires, guides, and helps can have a positive, lasting influence on a student's life. However, such relationships must be on a teacher-student basis; partiality and the appearance of partiality must be avoided. Relationships leading to excessive personal involvement are not compatible with good professional ethics, and will not be condoned.

Adoption date: March 26, 2002

## PERSONNEL RECORDS

Information about staff is required for the daily administration of the school district, for implementing salary and other personnel policies, for budget and financial planning, for responding to appropriate inquiries about employees, and for meeting Board of Education, state and federal educational reporting requirements. The Superintendent of Schools or his/her designee is responsible for ensuring that all personnel records are properly maintained and current. All staff members shall have the opportunity to review their own records in the presence of the Superintendent or his/her designee. These records shall be kept in a safe and secure place to assure the confidentiality of such material. To these ends, the Board authorizes and directs the Superintendent to develop and implement the following guidelines.

1. A personnel file will be accurately maintained in the central administrative office for each present and former employee. These files will contain applications for employment; references; and records relative to compensation, payroll deductions, evaluations and such other matters as may be considered pertinent to the purposes of this policy as cited above.
2. The Superintendent will be the records manager for personnel files and will have the overall responsibility for maintaining and preserving the confidentiality of the files. The Superintendent may, however, designate another official to perform the duties of records management on the understanding that this official is to be held responsible for granting or denying access to records on the basis of these guidelines.
3. Except for information required to be disclosed under the Freedom of Information Law, all personnel records will be considered confidential and not open to public inspection, and access to files will be limited to school and governmental officials authorized by the Superintendent to use the files for purposes of this policy as cited above. No other persons or agencies may have access to information in a staff member's file except when the staff member has given written consent for the release of specific information to a specific person or agency, or when such information is subpoenaed or ordered for release by a court of law.
4. Lists of district employees' names and home addresses will be released only to governmental agencies as required for official reports.
5. A present or former staff member may submit a written request to the appropriate personnel office for an appointment to examine his/her own personnel file during normal office working hours. Personnel file access will not be granted to references provided to the district on a confidential basis prior to employment. Employees will only be permitted to review their files in the presence of the Superintendent or his/her designee. The right of access includes the right to make written objections to any information contained in the file. Any written objection must be signed by the staff member, reviewed by the Superintendent or his/her designee, and will become part of the staff member's file.

6. All data that does not apply presently or meet the standards of current policy on personnel records will be removed. In cases when file information is proved to be in error, correction will be made. The Superintendent will review any removal/correction with the originator, if still employed by the district.
7. No complaint, commendation, suggestion or evaluation may be placed in the evaluation section of a file unless it meets the following requirements:
  - a. the comment is signed by the person making the complaint, commendation, suggestion or evaluation; and
  - b. the Superintendent or employee's Principal or other supervisor has notified the employee that the comment is available in the district office for inspection prior to its placement in the evaluation section.

The employee may offer a denial or explanation of the complaint, commendation, suggestion or evaluation, and any such denial or explanation will become a part of the evaluation section.

The Board has the right of access to personnel records of district employees pursuant to the procedures set out in Part 84 of the regulations of the commissioner of Education. Information obtained from personnel records by members of the Board shall be reviewed in executive session for the purpose of aiding Board members in fulfilling their legal responsibilities in making decisions regarding employee personnel matters (e.g., probationary and tenure appointments, assignments, promotions, demotions, remuneration, discipline or dismissal) or to aid in the development and implementation of personnel policies.

Cross-ref: 1120, School District Records  
2110, School Board Powers and Duties

Ref: Education Law §3020-a  
8 NYCRR Part 84

Adoption date: March 26, 2002

## 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 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  
Opns. St. Compt. 77-667; 79-522; 82-66; 82-213; 82-298; 83-57; 98-2

Adoption date: July 12, 2005

## POSTING VACANCIES

### *Administrative/Teaching Positions*

Administrative and teaching vacancies will be posted in all district buildings and may be advertised outside the school district.

Announcements for new positions will not be released until the position has been officially created by action of the Board of Education. If a new position is being created, the announcement will indicate the tentative nature of the position.

All administrators or teachers who have submitted a notice of interest in vacant administrative/teaching positions will be notified of any vacancies to be processed during the summer period and not announced while school is in session.

Vacancy postings and announcements for new administrative/teaching positions will include:

1. the title, compensation, and a brief description of the position;
2. qualifications required for the position;
3. a statement inviting persons who do not meet all the published qualifications, but feel they are otherwise qualified, to apply;
4. an explanation of how and where application is to be made; and
5. a time limit for application.

### *Classified Positions*

Classified vacancies will be posted in all district buildings and may be advertised outside of the school district.

The announcement of classified vacancies shall be posted to give employees at least seven working days notice before closing out applications for the opening or the filling of the position. Any employee who is interested in vacant classified positions, but will not be in the school buildings during all or part of the summer, should file a written request for any desired postings with the Classified Personnel Office before leaving for the summer.

Vacancy postings and announcements for new classified positions shall contain:

1. the position title;
2. Civil Service classification;
3. Salary or grade classification;

4. Location of position;
5. Work year, work hours and days of the week;
6. How and where to apply; and
7. Any other helpful information.

Adoption date: March 26, 2002

## RECRUITING AND HIRING

Through its employment policies, the Board of Education will attempt to attract, secure, and retain the best qualified personnel available. The selection program will be based upon finding candidates who will devote themselves to the education and welfare of the children attending the public schools.

Recruiting procedures shall enable the district to seek qualified candidates from a variety of sources, including present staff. Any current employee of the district may apply for any position for which he/she meets certification and other stated requirements.

The Board adheres to the practice of recruiting and hiring personnel with regard to protected classifications consistent with federal and state law.

It will be the duty of the Superintendent of Schools to see that persons nominated for employment in the schools meet all certification requirements and the requirements of the Board for the type of position for which the nomination is made.

While the Board may accept or reject a nomination, an appointment will be valid only if made with the recommendation of the Superintendent. No person shall be considered employed until a letter of intent has been filed and a resolution has been approved by the Board of Education.

Ref: Education Law §§913; 1604; 2509; 3012  
8 NYCRR §100.3

Adoption date: March 26, 2002



**CONDITIONAL APPOINTMENT & EMERGENCY CONDITIONAL  
APPOINTMENT OF STAFF MEMBERS SUBJECT TO SUCH  
APPOINTMENTS**

The Board of Education recognizes that there will be instances in which it is necessary upon recommendation of the Superintendent of Schools, for the Board to make a conditional appointment or an emergency conditional appointment of a prospective employee. To protect the district and provide for the safety of students who have contact with an employee holding a conditional appointment or an emergency conditional appointment, the Board adopts the following policy.

All employees to be employed on a conditional or emergency conditional appointment will sign an affidavit assuring the district that they have not been convicted of any criminal offense and that there are no criminal actions pending against him or her. Further, the district will conduct credential and reference checking of such employees in the same manner and to the same extent such checking is conducted of all prospective employees, whether to be employed on a conditional, emergency conditional or regular appointment basis. Such checking includes but is not necessarily limited to a review and confirmation of paper documents, including certification and licenses, transcripts, and other documents where such references may include both names of those provided by the prospective employee as well as names of persons with possible relevant information not so provided.

At the building level, administrators at each site shall ensure that all such appointees:

1. Perform the specific instructional or other services for which the employee was hired, except as deemed appropriate by the administrator;
2. Are restricted from one-on-one contact with students to the extent practical;
3. must adhere to the regular schedule and wherever possible shall not be given before or after-school assignments with students on an individual basis;
4. may not transport students in their private vehicles or be in contact with students in their professional capacity off school property.

In addition to the above, school administrators shall take deliberate steps to advise such appointees regarding appropriate conduct. School administrators shall also closely supervise such appointees during the period of their conditional appointment or emergency conditional appointment. All such appointees shall be responsible for complying with District and State Education Department policies and requirements including, but not limited to, child abuse training.

Adoption date: October 23, 2001

## **PART-TIME AND SUBSTITUTE PROFESSIONAL STAFF EMPLOYMENT**

### *Part-Time Teachers*

Upon the recommendation of the Superintendent, the Board of Education will approve or reject the employment of part-time teachers consistent with the needs of the school district.

The appointment of part-time personnel will not extend beyond the school year for which employment is made.

Part-time teachers will meet all necessary certification requirements, and any part-time teacher will be compensated for his/her work on a pro-rated basis commensurate with his/her placement on the salary schedule.

### *Substitute Teachers*

The Board recognizes the important role of substitute teachers in the District. Therefore, it endorses the same criteria for selection as is used for permanent positions. If possible, only properly certified candidates will be selected. Candidates selected will be recommended to the Board for placement on the list of approved substitutes.

The employment of substitute teachers will be centralized for the District.

Principals will assume responsibility for the scheduling of substitutes from the approved list as needed.

Adoption date: January 12, 1988

## 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 (including off school property), in school-owned or school-approved vehicles, or any place in which an employee is working within the scope of his/her employment or duties and students are under jurisdiction of the school district.

"Controlled substances" shall include all drugs (e.g., narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana) 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.

The school district is committed to maintain a drug-free workplace in compliance with applicable laws. Any employee who violates the terms of the district's drug-free workplace shall satisfactorily participate in a drug abuse assistance or rehabilitation program approved by the Board. If the employee fails to satisfactorily participate in such program, the employee shall be subject to lawful disciplinary action at the discretion of the Board.

Any employee who violates the terms of the district's drug-free workplace policy may also be subject to disciplinary action at the discretion of the Board in accordance with prescribed law, regulations and procedures.

Cross-ref:     3230, Organization Chart  
                  9610, Staff Substance Abuse

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)

Adoption date: March 26, 2002

**TUTORING STUDENTS BY DISTRICT PERSONNEL**

Although the Board of Education believes that the district provides a full and sufficient instructional program for all students, it recognizes that students may on occasion desire additional tutoring to supplement the regular classroom instruction. Since district employees may recommend or be recommended by others to tutor district students, the following guidelines are established:

1. any professional staff member accepting employment as a tutor in the district accepts the responsibility of coordinating his/her efforts with the child's full-time teacher(s) and the Building Principal;
2. no professional staff member may accept fees for tutoring his/her own students outside the class period or school day;
3. a professional staff member may be employed as a home teacher to work with any students assigned to him/her by the district;
4. paid tutoring shall be conducted outside regular school hours and off school property; and
5. professional staff members shall be particularly careful to conduct themselves on the highest professional plane with regard to recommending, providing, or referring district students for tutorial services and shall not engage in any unethical practices with regard to these services.

Adoption date: March 26, 2002

## EXTRACURRICULAR ACTIVITIES

### *Building Cocurricular Committee*

The purpose of each Building Cocurricular Committee is to participate in the various aspects of identifying cocurricular activities which meet the general criteria for general conditions applicable to compensable cocurricular activities. This purpose shall be fulfilled in accordance with district compensation provisions outlined in collective bargaining agreements.

A Building Cocurricular Committee shall consist of three faculty members chosen by the faculty and the Building Principal. Selection of each committee shall be by a simple majority of those present at a general faculty meeting voting by secret ballot. All actions of the committee shall be by simple majority.

Each Building Cocurricular Committee shall have the following duties and responsibilities:

- a. to determine which activities shall be compensated;
- b. to determine whether cocurricular activities to be considered for compensation meet the general criteria established for cocurricular activities;
- c. to prepare a list of activities to be compensated with sponsors named for submission by October 15 to the Board of Education for approval;
- d. to provide the Superintendent of Schools or his/her designee with any information requested concerning cocurricular activities;
- e. to maintain minutes of all meetings; and
- f. to gather and submit individual claim forms from each sponsor in the amount of one half the annual compensation by January 1 and the remainder on another claim form by May 31.

Committee meetings shall be conducted as necessary with at least one meeting to be conducted during the first 10 days of school, a second meeting held by February 1 and a third meeting held by May 31. Cocurricular activities shall be compensated in accordance with the teachers' collective bargaining agreement.

Adoption date: March 26, 2002

**SICK LEAVE**

A teacher who is ill and cannot report to work shall call the school district's Substitute Teacher Calling Service. He/She shall also send to the main office of his/her school building, before the school day begins, a detailed program of work for the day.

An employee may only use accrued sick leave in accordance with his/her collective bargaining agreement.

Adoption date: March 26, 2002

## MILITARY LEAVE

### *Requesting Military Leave*

Each employee requesting military leave under the provisions of Board of Education policy and the military law of New York State will:

1. write a letter to the Board requesting such leave and specifying the dates of active duty as soon as these dates are known; and
2. submit a copy of military orders issued by competent federal or state military authority to the Superintendent of Schools as soon as they are received.

Once the letter has been received by the Board and the military orders confirmed by the Superintendent, the applicant will be notified that his/her request is granted. This two-step process provides timely notice of absence to supervisors so they can arrange for a substitute to carry on the duties of the employee requesting leave, while not requiring him/her to submit, far in advance, copies of orders he/she may not actually receive until a few days before his/her reporting date.

### *Reserve Drill Periods*

Those employees seeking leave for scheduled reserve drill periods which occur during the scheduled work day will be required to follow the same request procedure with one additional requirement. An authenticated unit training schedule together with a letter from the unit commander stating that the employee is a member of the unit and is required to attend the scheduled drills must be presented with the letter to the Board requesting leave.

Leave time will be authorized for evening drills for the length of the scheduled drill plus a reasonable allowance of travel time to and from the place of ordered duty. Ordinarily, this will not be an entire seven- or eight-hour shift. Leave will be granted for scheduled drills only, not for headquarter nights, administrative or preparatory meetings, or for any other related purpose.

### *Reemployment Rights*

The Board recognizes the extensive reemployment rights and protections that federal and state law provide for employees on a military leave of absence. The Board's aim is to guarantee that employees who leave the security of their jobs and family be restored to the status and position they would have enjoyed had they worked continuously in such employment. Pursuant to this goal, military leaves shall incorporate the following requirements:

1. an employee who is engaged in military service and who leaves a position, other than a temporary position, shall be entitled to be restored to such position or to a position of like seniority, status and pay when that individual returns from military service;
2. such employee shall be entitled to participate at his/her own expense in insurance or other benefits offered by the District for employees on a leave of absence that were in effect at the time the individual was called to military service;
3. an employee called to active duty for more than 90 days cannot be discharged without just cause for one year after reemployment;

4. all employees shall be paid their salary while absent due to an order of active duty of military service, for a maximum of 30 days or 22 working days, whichever is greater in any calendar year; and
5. time absent beyond the 22 or 30 day period shall not be counted or included in the public pension or retirement system unless such member contributes to the system the amount the person would have been required to contribute if he/she had been continuously employed during such period.

Reemployment rights attach to the returning employee provided the individual receives a certificate of satisfactory completion of military service and makes an application for reemployment within 90 days after being relieved from such service or at any time during the term of the leave.

If a teacher is called to active duty, the position vacated shall be continued in existence. The position will be deemed temporarily vacant and filled only when the public interest so requires. Any appointment to fill such a vacancy shall be as a substitute appointment. Such substitute employee shall acquire no right to permanent appointment or tenure by virtue of service as a substitute and such service may be terminated at any time in the discretion of the Board. The substitute appointment shall terminate upon the return of the former incumbent to the position, or upon the death or permanent total disability of the former incumbent, or upon failure of former incumbent to return to the position either by election, appointment or promotion.

If a teacher enters military duty before the expiration of a probationary period, the time absent on military duty shall be credited as satisfactory service during such probationary period. If the probation period ends while the teacher is on military duty, the period of such probationary service may be extended by the Board for a period not to exceed one year from the date of termination of such military duty, but in no event for a period beyond that required by the district at the time of the teacher's entry into military service.

Ref: Military Law §§242; 243; 244  
Veterans' Reemployment Rights Act 38 U.S.C. §§2021-2024  
Internal Revenue Code Notice 90-58  
Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), 42  
USCA §300bb-1 et seq.

Adoption date: March 26, 2002



**STAFF SUBSTANCE ABUSE**

The Board of Education, recognizing that students are often influenced by teachers and other members of the school's staff, impresses upon staff members the importance of maintaining a high level of professionalism appropriate to their position, which, in turn, shall set a positive example for students.

Since substance abuse has become a national problem, particularly among children and teenagers, the Board believes that school employees must exemplify the positive benefits of a drug-free lifestyle. The Board therefore will not permit the illegal use, including possession, sale and/or manufacture, of alcohol or controlled substances by staff members either in the workplace, or at any time when the effects of such substance(s) may impair the performance of their duties.

Cross-ref: 9320, Drug-Free Workplace

Adoption date: March 26, 2002

## 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.

Adoption date: April 10, 2007

## STAFF DEVELOPMENT

The Board of Education recognizes that continuing professional growth and increasing effectiveness on the part of the entire staff are essential for the success of educational programs and school operations. The continual professional growth of all staff members on an individual basis and through planned in-service programs is encouraged. Opportunities are provided, within budgetary limitations, for special in-service courses and workshops, school visitations, and attendance at professional conferences and meetings.

The Superintendent of Schools has the authority to approve release time for professional training conferences, study councils, in-service courses, workshops, summer study grants, school visitations, professional organizations, etc. The Superintendent also has the authority to reimburse personnel for expenses incurred while attending these programs and activities, within budget allocations.

The staff member may be requested by the administration to prepare a report or summary of the meeting attended.

### *Teachers Professional Development Fund*

In accordance with the teachers' collective bargaining agreement, the Board has appropriated funds for a Teachers Professional Development Fund to be used by teachers to attend educational and professional conferences, workshops and seminars. The fund may not be used to obtain graduate or in-service credit.

Two administrators selected by the Superintendent, the teachers' association's president and an association representative will jointly administer the fund.

Guidelines for the use of the fund will be distributed to each member of the teachers' association at the beginning of the school year. Any questions regarding the use of this fund that are not covered in the guidelines shall be addressed to the co-administrators of the fund.

Any reimbursable expenses must be properly supported by original receipts attached to a claim form. Attendance at educational conferences/visitations and activities of the Teachers Professional Development Fund are limited to three working days per year in accordance with the teachers' collective bargaining agreement.

Professional employees who wish to attend an educational conference/visitation, under the auspices other than those covered by the Teachers Professional Development Fund or the Administrators Professional Improvement Fund must submit a completed educational conference form, acknowledged by their immediate supervisor, to the Associate Superintendent for Instruction and Administration at least 15 days in advance of the educational conference/visitation date. The approving officer may make exception to the 15 day notice if there is good cause.

*In-Service Programs*

In-service programs will be conducted in the district by the Superintendent or other appropriate personnel at least annually. The Superintendent is directed to provide for the selection of subjects pertinent to the curriculum in the schools, and to build from these subjects In-Service or Staff Development courses which will help teachers in new methods acceptable to the schools, or to help them to improve techniques already in use. Such programs will also familiarize the professional staff with the provisions and purposes of the school conduct and discipline policy, to ensure its effective implementation. Instructional and pupil personnel service staff are encouraged to participate in in-service activities.

*Course Approval for Salary Schedule Credit or Advancement*

In order to clarify the criteria used to determine whether courses taken before or after entry into the service of the school system entitles a teacher to inclusion of such courses in consideration for placement or advancement on the salary schedule, the following guideline is employed.

Courses in education and the liberal arts and sciences are approved, and professional courses in fields other than education are disapproved, unless some utility in the teacher's area of employment can be demonstrated. For example, some law courses will have applicability for social studies teachers and some business teachers, as some courses taken in dental and medical school will have some applicability to science teachers.

The rationale for this guideline is that the salary schedule is designed to reward teachers for advanced education and experience likely to enhance his/her value as a teacher.

Courses accepted for salary credit must be taken in an appropriately accredited institution.

*Support Staff*

Increasing effectiveness on the part of the entire staff is essential to the successful operation of the district. The Board encourages support, non-certificated staff to participate in planned programs to further develop their skills and techniques related to their positions. The Superintendent has the authority to approve release time for participation in visitations, workshops and conferences. All approved appropriate costs incurred by personnel for participation in these activities shall be reimbursed by the district.

In-service activities for the classified staff will be provided within the financial constraints of the district. Attendance at such activities will be with the prior approval of the Superintendent. In addition, the staff member may be requested by the administration to prepare a report of summary of the meeting attended.

Ref: Education Law §3604(8)  
8 NYCRR Part 80; §100.2(e)(vii)

Adoption date: March 26, 2002

## **EXCHANGE TEACHING**

An exchange teaching program will be approved by the Board of Education if ample evidence is presented to justify the benefits of such a program to the school district and the person involved. The district employee who participates in an exchange teaching program will continue to accrue seniority credit. The district will have no obligation to the staff member coming from another district.

Adoption date: March 26, 2002