## GENERAL INDEX

<table>
<thead>
<tr>
<th>Policy No.</th>
<th>Policy</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMMUNITY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Series 1000)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1100</td>
<td>Community Relations</td>
<td>2013</td>
</tr>
<tr>
<td>1113</td>
<td>Distribution of Policies REPEALED</td>
<td>2013</td>
</tr>
<tr>
<td>1120</td>
<td>Budget Meetings of the West Hempstead UFSD</td>
<td>2013</td>
</tr>
<tr>
<td>1140</td>
<td>Use of Students for Distribution of Materials</td>
<td>2019</td>
</tr>
<tr>
<td>1160</td>
<td>Public Inspection of Official Records</td>
<td>2017</td>
</tr>
<tr>
<td>1240</td>
<td>Visitors to Schools</td>
<td>2015</td>
</tr>
<tr>
<td>1330</td>
<td>Complaints and Grievances Professional Personnel</td>
<td>2018</td>
</tr>
<tr>
<td>1331</td>
<td>Gratuities for School Personnel</td>
<td>2006</td>
</tr>
<tr>
<td>1340</td>
<td>Community Use of School District Facilities</td>
<td>2011</td>
</tr>
<tr>
<td>1350</td>
<td>Contests of Outside Organizations</td>
<td>2019</td>
</tr>
<tr>
<td>1510</td>
<td>Relationship with Parent/Teacher Organizations</td>
<td>2017</td>
</tr>
<tr>
<td>1515</td>
<td>Parent and Family Engagement</td>
<td>2019</td>
</tr>
<tr>
<td></td>
<td>with Administrative Regulations</td>
<td></td>
</tr>
<tr>
<td>1518</td>
<td>District Complaint Procedures for Federal Programs</td>
<td>2018</td>
</tr>
<tr>
<td>1520</td>
<td>Cooperation with Community Groups on Substance Abuse</td>
<td>2019</td>
</tr>
<tr>
<td>1521</td>
<td>Notification of Release of Sex Offenders</td>
<td>2006</td>
</tr>
<tr>
<td></td>
<td>with Administrative Regulations</td>
<td></td>
</tr>
<tr>
<td>ADMINISTRATION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Series 2000)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2150</td>
<td>Staff Recruiting and Hiring for Certificated Positions</td>
<td>2008</td>
</tr>
<tr>
<td>2155</td>
<td>Equal Opportunity</td>
<td>2014</td>
</tr>
<tr>
<td>2200</td>
<td>Sexual Harassment</td>
<td>2019</td>
</tr>
<tr>
<td></td>
<td>with Administrative Regulations</td>
<td></td>
</tr>
<tr>
<td>2360</td>
<td>Teachers Meetings</td>
<td>2017</td>
</tr>
<tr>
<td>2381</td>
<td>Release to the Public of Reports to the Board – REPEALED</td>
<td>1993</td>
</tr>
<tr>
<td>2442</td>
<td>Bomb Threats with Administrative Regulations</td>
<td>2007</td>
</tr>
<tr>
<td>2450</td>
<td>Safety in School Buildings and on Grounds</td>
<td>2007</td>
</tr>
<tr>
<td>2451</td>
<td>School Safety Plans and Teams</td>
<td>2016</td>
</tr>
<tr>
<td>2455</td>
<td>Crisis Response</td>
<td>2008</td>
</tr>
<tr>
<td>2460</td>
<td>Smoking on School Property</td>
<td>2014</td>
</tr>
<tr>
<td>Code</td>
<td>Title</td>
<td>Year</td>
</tr>
<tr>
<td>------</td>
<td>----------------------------------------------------------------------</td>
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</tr>
<tr>
<td>2470</td>
<td>Reporting Hazardous or Unhealthful Conditions with Administrative Regulations</td>
<td>2017</td>
</tr>
<tr>
<td>2475</td>
<td>Communicable Diseases with Administrative Regulations</td>
<td>2008</td>
</tr>
<tr>
<td>2480</td>
<td>Fire and Other Safety Inspections</td>
<td>2009</td>
</tr>
<tr>
<td>2481</td>
<td>Use of Eye Safety Devices</td>
<td>2009</td>
</tr>
<tr>
<td>2485</td>
<td>Hazardous Waste and Handling of Toxic Substances by Employees</td>
<td>2008</td>
</tr>
<tr>
<td>2500</td>
<td>Maintenance of Public Order on School District Property REPEALED 2007</td>
<td></td>
</tr>
<tr>
<td></td>
<td>See 1240</td>
<td></td>
</tr>
<tr>
<td>2510</td>
<td>Obligation of School Officials to Produce Pupils for Questioning by Police Officers on School Grounds</td>
<td>2018</td>
</tr>
<tr>
<td>2520</td>
<td>Electronic Technology Disaster Recovery</td>
<td>2013</td>
</tr>
<tr>
<td>2550</td>
<td>Information Security Breach and Notification with Administrative Regulations</td>
<td>2013</td>
</tr>
<tr>
<td>2551</td>
<td>School District Records with Administrative Regulations</td>
<td>2017</td>
</tr>
<tr>
<td>2600</td>
<td>School Census</td>
<td>2007</td>
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</tbody>
</table>

**BUSINESS AND NON-INSTRUCTIONAL OPERATIONS (Series 3000)**

<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>3120</td>
<td>Planning Calendar for Preparation of School Budget</td>
<td>2019</td>
</tr>
<tr>
<td>3160</td>
<td>Transfer of Funds between Categories</td>
<td>2018</td>
</tr>
<tr>
<td>3180</td>
<td>Central Office Administrators’ Salaries and Stipends</td>
<td>2017</td>
</tr>
<tr>
<td>3290</td>
<td>Disposition of Surplus Property</td>
<td>2016</td>
</tr>
<tr>
<td>3300</td>
<td>Audit Committees</td>
<td>2013</td>
</tr>
<tr>
<td>3330</td>
<td>Bids</td>
<td>2017</td>
</tr>
<tr>
<td>3332</td>
<td>Uniform Guidance Compliance for Federal Awards: Procurement, Suspension and Debarment</td>
<td>2019</td>
</tr>
<tr>
<td>3362</td>
<td>Approval of Conference Expenses</td>
<td>2017</td>
</tr>
<tr>
<td>3363</td>
<td>Credit Cards</td>
<td>2012</td>
</tr>
<tr>
<td>3364</td>
<td>Cellular Telephones with Administrative Regulations</td>
<td>2012</td>
</tr>
<tr>
<td>3370</td>
<td>Financial Accountability: Allegations of Fraud</td>
<td>2008</td>
</tr>
<tr>
<td>3375</td>
<td>Revenue and Cash Management with Administrative Regulations</td>
<td>2008</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
<td>Date</td>
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<tr>
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</tr>
<tr>
<td>3380</td>
<td>Fund Balance</td>
<td>2018</td>
</tr>
<tr>
<td>3441</td>
<td>Inventory of Textbooks</td>
<td>2019</td>
</tr>
<tr>
<td>3442</td>
<td>Inventory of School Property and Equipment</td>
<td>2018</td>
</tr>
<tr>
<td>3443</td>
<td>Investments with Administrative Regulations</td>
<td>2019</td>
</tr>
<tr>
<td>3444</td>
<td>Purchasing</td>
<td>2019</td>
</tr>
<tr>
<td>3445</td>
<td>Capitalization</td>
<td>2012</td>
</tr>
<tr>
<td>3446</td>
<td>Change in Scope of Work on Capital Construction Projects</td>
<td>2016</td>
</tr>
<tr>
<td>3450</td>
<td>Accounting and Fixed Assets</td>
<td>2018</td>
</tr>
<tr>
<td>3519</td>
<td>Display of the Flag with Administrative Regulations</td>
<td>2018</td>
</tr>
<tr>
<td>3522</td>
<td>Operation and Maintenance of Buildings</td>
<td>2009</td>
</tr>
<tr>
<td>3533</td>
<td>Insurance</td>
<td>2007</td>
</tr>
<tr>
<td>3540</td>
<td>Retroactive Health Insurance Premium Refunds</td>
<td>2010</td>
</tr>
<tr>
<td>3542</td>
<td>Student Fundraising Activities</td>
<td>2017</td>
</tr>
<tr>
<td>3545</td>
<td>Student Transportation</td>
<td>2017</td>
</tr>
<tr>
<td>3546</td>
<td>Transportation for School Sponsored Activities and Field Trips</td>
<td>2009</td>
</tr>
<tr>
<td>3547</td>
<td>Special Transportation</td>
<td>2009</td>
</tr>
<tr>
<td>3548</td>
<td>Bus Transportation - Deportion of Pupils</td>
<td>2008</td>
</tr>
<tr>
<td>3549</td>
<td>Transportation for Students in Foster Care</td>
<td>2018</td>
</tr>
<tr>
<td>3610</td>
<td>Use of School Telephones, Computers, Internet and E-Mail by the Staff and Students</td>
<td>2009</td>
</tr>
</tbody>
</table>

PERSONNEL (Series 4000)

Professional Personnel

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>4100</td>
<td>Ethical Conduct for West Hempstead UFSD Public Officers and Employees</td>
<td>2019</td>
</tr>
<tr>
<td>4110</td>
<td>Length of School Day for Teachers REPEALED</td>
<td>2013</td>
</tr>
<tr>
<td>4114</td>
<td>Medical Examinations REPEALED</td>
<td>2013</td>
</tr>
<tr>
<td>4115</td>
<td>HIV/AIDS</td>
<td>2013</td>
</tr>
<tr>
<td>4117</td>
<td>Teachers and Teaching Assistants Supervision and Evaluation</td>
<td>2020</td>
</tr>
<tr>
<td>4120</td>
<td>Recognition for Longevity and Meritorious Performance</td>
<td>2013</td>
</tr>
<tr>
<td>4121</td>
<td>Teacher Exchange Program REPEALED</td>
<td>2013</td>
</tr>
<tr>
<td>4132</td>
<td>Substitute Teachers REPEALED</td>
<td>2016</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
<td>Date</td>
</tr>
<tr>
<td>------</td>
<td>------------------------------------------------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>4141</td>
<td>Authorship of Book or Materials by Members of the Staff</td>
<td>2020</td>
</tr>
<tr>
<td>4144</td>
<td>Tutoring/Professional Services for a Fee</td>
<td>2014</td>
</tr>
<tr>
<td>4145</td>
<td>Participation of Professional Staff in Organizations</td>
<td>2013</td>
</tr>
<tr>
<td>4156</td>
<td>Severance and Retirement Benefits - REPEALED</td>
<td>2006</td>
</tr>
<tr>
<td>4157</td>
<td>Absence Due to Injuries Received on the Job and Related Matters - Professional Employees</td>
<td>2013</td>
</tr>
<tr>
<td>4164</td>
<td>Sick, Personal and Extended Leaves REPEALED</td>
<td>2013</td>
</tr>
<tr>
<td>4165</td>
<td>School Visitations by Members of Professional Staff</td>
<td>2013</td>
</tr>
<tr>
<td>4200</td>
<td>Non-Certificated Personnel</td>
<td>2013</td>
</tr>
<tr>
<td>4211</td>
<td>Non-Certificated Personnel - Recruitment and Selection</td>
<td>2013</td>
</tr>
<tr>
<td>4212</td>
<td>Non-Certificated Personnel - Appointment</td>
<td>2014</td>
</tr>
<tr>
<td>4214</td>
<td>Medical Examinations REPEALED</td>
<td>2013</td>
</tr>
<tr>
<td>4220</td>
<td>Tie Breaking Procedures for Determining Seniority</td>
<td>2020</td>
</tr>
<tr>
<td>4238</td>
<td>Absence Due to Injuries Received on the Job and Related Matters - Non-Certificated Employees</td>
<td>2013</td>
</tr>
<tr>
<td>4271</td>
<td>Grievance Procedures for Non-Certificated and Non-Represented Staff Members</td>
<td>2014</td>
</tr>
<tr>
<td>4275</td>
<td>Staff Use of Laptop Computers</td>
<td>2008</td>
</tr>
</tbody>
</table>

**Professional and Non-Certificated Personnel**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>4351</td>
<td>Tax Sheltered Annuities</td>
<td>2012</td>
</tr>
<tr>
<td>4352</td>
<td>Cafeteria Services for All Personnel</td>
<td>2012</td>
</tr>
<tr>
<td>4353</td>
<td>Confidential Medicaid Disclosure with Administrative Regulations</td>
<td>2010</td>
</tr>
<tr>
<td>4354</td>
<td>Employee Protection (Whistle Blower)</td>
<td>2015</td>
</tr>
<tr>
<td>4355</td>
<td>REPEALED Sexual Harassment of Staff – See 2200</td>
<td>2012</td>
</tr>
<tr>
<td>4356</td>
<td>Conditional Appointments – Student Safety Policy REPEALED</td>
<td>2012</td>
</tr>
<tr>
<td>4360</td>
<td>Family and Medical Leave with Administrative Regulations</td>
<td>2015</td>
</tr>
<tr>
<td>4370</td>
<td>Drug-Free Workplace with Administrative Regulations</td>
<td>2013</td>
</tr>
</tbody>
</table>

**STUDENTS - ELEMENTARY AND SECONDARY (Series 5000)**

**Attendance**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>5110</td>
<td>School Admissions</td>
<td>2015</td>
</tr>
<tr>
<td>5111</td>
<td>Age of Entrance</td>
<td>2015</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
<td>Date</td>
</tr>
<tr>
<td>------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>5112</td>
<td>Grade Placement</td>
<td>2010</td>
</tr>
<tr>
<td>5114</td>
<td>Request for Early Dismissal of Student</td>
<td>2010</td>
</tr>
<tr>
<td>5115</td>
<td>Release of Student by Building Principal in an Emergency</td>
<td>2010</td>
</tr>
<tr>
<td>5117</td>
<td>School Attendance Zone</td>
<td>2010</td>
</tr>
<tr>
<td>5118</td>
<td>Non-Resident Students</td>
<td>2019</td>
</tr>
<tr>
<td>5119</td>
<td>Foreign Student Exchange Program</td>
<td>2010</td>
</tr>
<tr>
<td>5120</td>
<td>District Attendance</td>
<td>2020</td>
</tr>
<tr>
<td></td>
<td><strong>Supervision</strong></td>
<td></td>
</tr>
<tr>
<td>5121</td>
<td>Corporal Punishment</td>
<td>2012</td>
</tr>
<tr>
<td>5122</td>
<td>Drug Free Workplace and Comprehensive District Program and Procedures for the Prevention of Alcohol &amp; Substance Abuse</td>
<td>2013</td>
</tr>
<tr>
<td>5123</td>
<td>School Conduct and Discipline - Handicapped Students REPEALED</td>
<td>2012</td>
</tr>
<tr>
<td>5124</td>
<td>Student Possession of Weapons</td>
<td>2012</td>
</tr>
<tr>
<td>5125</td>
<td>Student Dress Code</td>
<td>2019</td>
</tr>
<tr>
<td>5126</td>
<td>Student Suspension and Appeal</td>
<td>2019</td>
</tr>
<tr>
<td>5127</td>
<td>Open/Closed Campus with Administrative Regulations</td>
<td>2017</td>
</tr>
<tr>
<td>5130</td>
<td>Student Use of Personal Cell Phones and other Mobile Devices</td>
<td>2018</td>
</tr>
<tr>
<td></td>
<td><strong>Progress</strong></td>
<td></td>
</tr>
<tr>
<td>5131</td>
<td>The Regents and the Final School Examinations</td>
<td>2013</td>
</tr>
<tr>
<td>5132</td>
<td>Assignment to Groups</td>
<td>2013</td>
</tr>
<tr>
<td>5133</td>
<td>Promotion/Retention</td>
<td>2013</td>
</tr>
<tr>
<td>5135</td>
<td>Reporting to Parents - Elementary School REPEALED 12/16</td>
<td>1998</td>
</tr>
<tr>
<td>5136</td>
<td>Criteria for Placement in Academic Programs</td>
<td>2012</td>
</tr>
<tr>
<td>5137</td>
<td>Provision of Special Education Services to Students Unilaterally Placed by Parents/Guardians in Nonpublic Schools</td>
<td>2013</td>
</tr>
<tr>
<td>5138</td>
<td>Student Records – Students with Disabilities</td>
<td>2012</td>
</tr>
<tr>
<td>5139</td>
<td>Confidentiality and Access to Individualized Education Program (IEPs)</td>
<td>2018</td>
</tr>
<tr>
<td>5140</td>
<td>Advanced Placement Athletics</td>
<td>2017</td>
</tr>
<tr>
<td></td>
<td>with Administrative Regulations</td>
<td></td>
</tr>
<tr>
<td>5141</td>
<td>Graduation Ceremonies with Administrative Regulations</td>
<td>2018</td>
</tr>
</tbody>
</table>
Activities
5143  Student Body Officers  2013
5144  Extra Curricular Activities  2013
5145  Collecting Monies REPEALED  2013
5146  Gifts to Schools  2013
5147  Fraternities, Sororities and Other Secret Societies  2014
5148  Gifts to Teachers REPEALED  2014
5150  Extra Classroom Activity Funds  2011

Welfare
5151  Student Wellness with Administrative Regulations  2017
5151A Concussion Management  2018
   with Administrative Regulations – Concussion Checklist Forms)
5151B Student Health Services  2019
5151B Student Health Services Administrative Regulations  2020
5152 Use of Automated External Defibrillators  2013
5153 Immunization of Students  2019
   with Administrative Regulations
5154 Disturbances REPEALED  2012
5155 Student Physicals  2010
5156 Taking Students Home in Emergency REPEALED  2013
5157 Sending Students Off School Premises REPEALED  2012
5158 Confidentiality of Student Records – Access and Challenge  2018
5159 Child Abuse, Maltreatment or Neglect in a Domestic Setting  2019
   with Administrative Regulations
5159A Child Abuse in an Educational Setting with Administrative
   Regulations
5160 Sexual Harassment of Students REPEALED See 2200  2012
5161 Dignity of Students – Student Bullying Prevention and Intervention  2019
   with Administrative Regulations

Auxiliary Student Services
5162 Free School Lunches for Needy Students  2014
5163 Food Service Account and Prohibition against Meal Shaming  2018
<table>
<thead>
<tr>
<th>Document ID</th>
<th>Title</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>5165</td>
<td>Interpreters for Hearing-Impaired Parents or Persons in Parental Relationship with Administrative Regulations</td>
<td>2011</td>
</tr>
<tr>
<td>5170</td>
<td>Internet Safety and Acceptable Use Policy (AUP) with Administrative Regulations</td>
<td>2012</td>
</tr>
<tr>
<td>5172</td>
<td>Voter Registration for Students</td>
<td>2019</td>
</tr>
<tr>
<td>5175</td>
<td>Bring Your Own Device</td>
<td>2013</td>
</tr>
</tbody>
</table>

**INSTRUCTION (Series 6000)**

**Schedules**

<table>
<thead>
<tr>
<th>Document ID</th>
<th>Title</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>6113</td>
<td>Released Time for Special Instruction</td>
<td>2012</td>
</tr>
<tr>
<td>6114</td>
<td>Drills for Emergencies REPEALED</td>
<td>2012</td>
</tr>
<tr>
<td>6115</td>
<td>Daily Opening Exercises</td>
<td>2014</td>
</tr>
</tbody>
</table>

**Instructional Arrangements**

<table>
<thead>
<tr>
<th>Document ID</th>
<th>Title</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>6132</td>
<td>School Trips with Administrative Regulations</td>
<td>2016</td>
</tr>
<tr>
<td>6133</td>
<td>Homework: Elementary Schools REPEALED 12/16</td>
<td>1993</td>
</tr>
<tr>
<td>6134</td>
<td>Books, Equipment and Materials - Lost or Damaged</td>
<td>2014</td>
</tr>
<tr>
<td>6135</td>
<td>Repair and Maintenance Charges for Musical Instruments</td>
<td>2019</td>
</tr>
<tr>
<td>6136</td>
<td>Advertising Material</td>
<td>2014</td>
</tr>
<tr>
<td>6137</td>
<td>Detention REPEALED 12/20/16</td>
<td>1993</td>
</tr>
<tr>
<td>6138</td>
<td>Guide to the Treatment of Religious Holidays in Schools REPEALED 2012</td>
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<td>6140</td>
<td>Animal Dissection with Administrative Regulations</td>
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**System-Wide Services**

<table>
<thead>
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<th>Document ID</th>
<th>Title</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>6144</td>
<td>Cafeteria Services - School Lunch Program</td>
<td>2017</td>
</tr>
</tbody>
</table>

**Program Extensions**

<table>
<thead>
<tr>
<th>Document ID</th>
<th>Title</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>6150</td>
<td>Education of Children with Disabilities</td>
<td>2011</td>
</tr>
<tr>
<td>6151</td>
<td>Special Education – High School Individualized Education Program Diplomas</td>
<td>2011</td>
</tr>
<tr>
<td>6152</td>
<td>English as a New Language – Statement of Assurances</td>
<td>2017</td>
</tr>
<tr>
<td>6153</td>
<td>Home Teaching REPEALED</td>
<td>2011</td>
</tr>
<tr>
<td>6154</td>
<td>Summer School</td>
<td>2012</td>
</tr>
<tr>
<td>6155</td>
<td>Equivalence in Instructional Staff and Materials</td>
<td>2011</td>
</tr>
<tr>
<td>6156</td>
<td>Programs for English Language Learners with Administrative Regulations</td>
<td>2017</td>
</tr>
</tbody>
</table>
Outside Agencies

6160 Education of Homeless Children and Unaccompanied Youth with Administrative Regulations 2018

6162 Release of Class Lists REPEALED 2012

Special Education Additions

6200 Programs for Students with Disabilities Under IDEA and Article 89 2011

6200.1 Provision of Special Education Services in the Least Restrictive Environment 2011

6200.2 School Wide Pre-Referral Approaches and Interventions 2011

6200.3 Preschool Special Education 2011

6200.4 Availability of Alternative Format Instructional Materials for Students with Disabilities 2011

6200.5 District-Wide and Statewide Assessments of Students with Disabilities 2011

6200.6 Impartial Hearing Officer Appointment and Compensation 2011

6200.7 Public Report on Revisions to District Policies, Practices and Procedures upon a Finding of Significant Disproportionality 2011

6200.8 Declassification of Students with Disabilities 2011

6200.9 Special Education Personnel 2011

6200.10 Allocation of Space for Special Education Programs 2011

Adult

6300 Adult Continuing Education 2012

6360 Participation by Staff Members in Certain Adult Program Courses REPEALED 2012

Educational Meetings

6510 Meals and Refreshments 2017
INTERNAL BOARD OPERATIONS (Series 8000)

Members
8230  Reimbursement for Expenses  2008

Methods of Operation
8310  Adaptation, Modification or Amendment of Policy Meetings  2013
8341  Procedure to be Followed by the Board Secretary to Keep Track of Board Business  2012
8343  Procedure to Follow to Place an Item on a Board Meeting Agenda  2012
8345  School Board Use of Electronic Mail  2012
8350  Membership in School Boards Associations  2012
8360  Reports to the Board  2012
8370  Buildings and Grounds Maintenance and Inspection  2012

BY-LAWS OF THE BOARD (Series 9000)

Organization
9110  Organization of the Board  2017
9130  Elected Board Officers  2017
9145  Committees of the Board  2011
9160  Student Participation - Board Activities  2017

Duties of the Board, Members of the Board, and Auxiliary Personnel
9200  Duties of the Board of Education REPEALED  2012
9230  Duties of the Board Secretary  2013
9231  Duties of the District Clerk  2013
9240  Duties of the District Treasurer/Deputy Treasurer  2017
9250  Evaluation of Superintendent  2010
9260  Duties of the Attorney for the School Board  2012
9265  District Payroll Certification  2017
9270  Duties of the External Auditor  2012
9275  Internal Audit Function  2018
9277  Claims Auditor  2018
9280  School Board Member Ethics  2012
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>9310</td>
<td>Amendment of By-Laws</td>
<td>2017</td>
</tr>
<tr>
<td>9320</td>
<td>Suspension of By-Laws</td>
<td>2017</td>
</tr>
<tr>
<td>9330</td>
<td>Adoption of Administrative Regulations REPEALED</td>
<td>2012</td>
</tr>
<tr>
<td>9335</td>
<td>Board Request for Information</td>
<td>2011</td>
</tr>
<tr>
<td>9339</td>
<td>Notice of Meetings</td>
<td>2018</td>
</tr>
<tr>
<td>9340</td>
<td>Regular Meetings</td>
<td>2015</td>
</tr>
<tr>
<td>9341</td>
<td>Order of Business at Regular and Adjourned Business Meetings</td>
<td>2015</td>
</tr>
<tr>
<td>9342</td>
<td>Combined with 8310 REPEALED</td>
<td>2011</td>
</tr>
<tr>
<td>9343</td>
<td>Board Privilege of the Floor/Discussion Items</td>
<td>2011</td>
</tr>
<tr>
<td>9345</td>
<td>Order of Business at Annual Organization Meeting</td>
<td>2017</td>
</tr>
<tr>
<td>9347</td>
<td>Special Meetings REPEALED</td>
<td>2012</td>
</tr>
<tr>
<td>9348</td>
<td>Executive Sessions</td>
<td>2017</td>
</tr>
<tr>
<td>9349</td>
<td>Rules of Order</td>
<td>2011</td>
</tr>
<tr>
<td>9350</td>
<td>Quorum and Voting</td>
<td>2012</td>
</tr>
<tr>
<td>9351</td>
<td>Annual Election and Budget Vote</td>
<td>2012</td>
</tr>
<tr>
<td>9410</td>
<td>Signing of Checks</td>
<td>2012</td>
</tr>
<tr>
<td>9420</td>
<td>Minutes</td>
<td>2013</td>
</tr>
<tr>
<td>9510</td>
<td>School Board Elections</td>
<td>2016</td>
</tr>
<tr>
<td>9520</td>
<td>Polling Places</td>
<td>2012</td>
</tr>
</tbody>
</table>
# TABLE OF CONTENTS

## COMMUNITY (Series 1000)

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Relations</td>
<td>1100</td>
</tr>
<tr>
<td>Distribution of Policies REPEALED 2013</td>
<td>1113</td>
</tr>
<tr>
<td>Budget Meetings of the West Hempstead UFSD</td>
<td>1120</td>
</tr>
<tr>
<td>Use of Students for Distribution of Materials</td>
<td>1140</td>
</tr>
<tr>
<td>Public Inspection of Official Records</td>
<td>1160</td>
</tr>
<tr>
<td>Visitors to Schools</td>
<td>1240</td>
</tr>
<tr>
<td>Complaints and Grievances Concerning Professional Personnel</td>
<td>1330</td>
</tr>
<tr>
<td>Gratuities for School Personnel</td>
<td>1331</td>
</tr>
<tr>
<td>Community Use of School District Facilities</td>
<td>1340</td>
</tr>
<tr>
<td>Contests of Outside Organizations</td>
<td>1350</td>
</tr>
<tr>
<td>Relationship With Parent/Teacher Organizations</td>
<td>1510</td>
</tr>
<tr>
<td>Parent and Family Engagement</td>
<td>1515</td>
</tr>
<tr>
<td>(Administrative Regulations Included)</td>
<td></td>
</tr>
<tr>
<td>District Complaint Procedures for Federal Programs</td>
<td>1518</td>
</tr>
<tr>
<td>Cooperation With Community Groups on Substance Abuse</td>
<td>1520</td>
</tr>
<tr>
<td>Notification of Release of Sex Offenders</td>
<td>1521</td>
</tr>
<tr>
<td>(Administrative Regulations Included)</td>
<td></td>
</tr>
</tbody>
</table>

2018
Community Relations

The Board of Education shall maintain a program of public information on matters concerning and having an effect on students, parents, staff and the general public. In addition, copies of meeting agenda and dockets shall be made available to the public prior to the beginning of each meeting of the Board of Education and on the District website.

Minutes of open Board meetings shall be available pursuant to the Freedom of Information Law within two (2) weeks of the date of the meeting.”

Any and all mailings to residents of the West Hempstead School District concerning the proposed budget will be submitted to the Board of Education for its approval prior to distribution.


Adopted 4/11/71
Amended 12/20/77, 12/20/06, 11/19/13
Revised 3/19/91
Budget Meetings of the West Hempstead Union Free School District

At each public budget meeting of the Board of Education, copies of the portion of the budget under discussion shall be available to all present to facilitate their participation in the discussion.

A copy of the budget adopted by the Board of Education shall be posted on the District’s website for reference and review two (2) weeks prior to the Annual Meeting, subject to further action by the Board.

Adopted 10/17/72
Policy number changed from 1114 and amended 10/15/91
Reaffirmed 12/20/06
Amended 11/19/13
Use of Students for Distribution of Materials

Students may not be used for carrying messages to parents other than:
(a) Report cards and other similar reports and notes from teachers or principals.
(b) Informational material concerning school or district matters disseminated by the Superintendent or Board of Education.
(c) Such other matter affecting the schools or students generally as may be proposed to and approved by the Superintendent of Schools.

Adopted 9/3/63
Reaffirmed 10/15/91, 12/20/06
Public Inspection of Official Records

1. Open Access

The West Hempstead Union Free School District shall make available for public inspection of official records and reports except as noted herein.

2. Designation of District Officers

The following District Officers are designated for the implementation of this policy:

a. **Records Access Officer** - The Records Access Officer shall be the District Clerk of the West Hempstead Union Free School District, whose office is located at the Central Office Administration Building, 252 Chestnut Street, West Hempstead, N.Y. 11552.

b. **Fiscal Officer** - The Fiscal Officer shall be the Business Manager of the West Hempstead Union Free School District, whose office is located at the Central Office Administration Building, 252 Chestnut Street, West Hempstead, N.Y. 11552.

c. **Appeals Officer** - The Appeals Officer shall be the Superintendent of Schools of the West Hempstead Union Free School District, whose office is located at the Central Office Administration Building, 252 Chestnut Street, West Hempstead, N.Y. 11552.

3. Location for Submission of Requests for Inspection or Copies of Records

The Central Office Administration Building, located at 252 Chestnut Street, West Hempstead, N.Y. 11552, and all schools of the West Hempstead Union Free School District are designated to receive requests for inspection and copies of records of the District, during regular hours and on regular working days.

4. Place of Inspection

Records may be inspected only at the Office of the Records Access Officer, or at a location specified by the Records Access Officer, during normal working hours, from 9:00 a.m. to 3:00 p.m.
5. **Requests by Mail**

Requests by mail for copies of available records may be addressed to the Records Access Officer, and will be honored upon payment of the required fee and mailing charges, provided the requester and the records of which a copy is requested are sufficiently identified to make compliance practicable.

6. **Appeals**

   a) Appeals shall be directed to the Superintendent of Schools on forms prescribed, copies of which are available at the office of the Records Access Officer, and to the person in charge of each office location as noted in Section III.

   b) All such appeals shall be delivered to the Records Access Officer or the person in charge of the office within thirty (30) days after denial from which such appeal is taken.

   c) Appeals will be determined by the Superintendent of Schools or designee.

7. **Fees**

   a) The fees for copies of available records shall be as follows:

   1. Pages not larger than 9 x 14 inches; $.25 per page, plus mailing and handling.
   2. Pages larger than 9 x 14 inches, tape or cassette records, or computer printouts, the cost will be based on the cost of reproduction or program utilized.
   3. If a FOIL request requires more than one (1) hour of clerical time, such time will be billed, in addition to fees 1-3 above, to the person making the request in accordance with applicable law and regulations.
   4. Fees are subject to periodic review and change. However, no fee shall be charged for records sent via e-mail, the search for or inspection of records, certification of documents or copies of documents, which have been printed or reproduced for distribution to the public. The number of such copies given to any one organization or individual may be limited, in the discretion of the Records Access Officer.
b) Fees shall be paid in advance by check or money order to "West Hempstead Union Free School District."

8. List of Records

Pursuant to Section 87(3)(c) of the Public Officers Law, the current records retention schedule for school districts, published by the Commissioner of Education, shall serve as the list by subject matter of all records in the possession of the District, whether or not available under the law.

9. Restrictions

a) Access to student records shall be limited to parents, legal guardians or students over 18 years of age, in the presence of appropriate District personnel.

b) Records setting forth the name, business address, title and salary of every officer and employee shall be made available only to bona fide residents and members of the news media, upon written notice.

c) Those records or files dealing with personal data about specific employees or students, such as health matters, psychological referrals, test results, tax and withholding information, confidential evaluations, parole reports, or law enforcement investigatory reports, etc., and similar information obtained or provided under promise of confidentiality, shall not be made available to the general public.

10. Protection of Privacy

Protection shall be provided against the disclosure of personal matters reported in confidence and not relevant or essential to the District's ordinary business.

The Records Access Officer shall be permitted to prevent unwarranted invasions of personal privacy by:

a) Deleting identifying details from records otherwise to be released

b) Protecting against disclosure of:

1. Personal matters reported in confidence not "relevant or essential to the District's ordinary work";

2. Employment, medical or credit histories or personal references of applicants for employment;

3. Items of a personal nature when disclosure would result in an economic or personal hardship and such records are not relevant or essential to the ordinary work of the District.
Cross Ref: 1120, 1120-R School District Records

Adopted 9/16/70
Amended 11/20/73, 10/15/91, 12/20/06, 9/19/17
Visitors to Schools

The Board of Education encourages parents and other citizens to visit their schools periodically during the course of the school year in order to promote effective communication with the community and the school. Since schools are a place of work and learning, however, certain limits must be set for such visits. The 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 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 persons who are not students or staff who wish to visit a school shall report immediately to the school reception desk upon entering a school building.
3. Upon entering the school building all visitors must present a form of picture ID and state the purpose of their visit. They will sign the visitor’s log and be issued a visitor’s pass, which must be displayed visibly.
4. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
5. Parents or guardians who desire to visit their child’s classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), staff member and/or Principal, so that class disruption is kept to a minimum. Such visitors must report to the main office and shall not be permitted to interfere with the educational process.
6. Teachers are not expected to take class time to discuss individual matters with visitors.
7. Any unauthorized person on school property will be reported to the Principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
8. Student visitors from other schools, unless they have a specific reason and prior approval of their Superintendent or his/her designee, shall not be given permission to enter school buildings. Newly registered students may visit their perspective buildings by appointment.
9. Individual Board members who visit schools for Board purposes shall have prior approval from the Superintendent of Schools or his/her designee and shall have access to such facilities as authorized. Such access shall not interfere with the conduct of the educational program.
10. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

Public Conduct on School Property

The Board of Education recognizes that the primary purpose of the District is to provide an atmosphere conducive to learning and education. Any action by an individual or group aimed at disrupting, interfering or delaying the education process or having such effect, is hereby declared to be in violation of Board policy. The Board shall approve rules and regulations to effect this policy as required by Education Law §2801.
The Board also recognizes its responsibility to protect school property and may take appropriate legal action to prevent damage and/or destruction of school property. The Board may also seek restitution from, and prosecution of, any person who willfully damages school property and/or takes school property without consent.

It is not the intent of this policy to limit freedom of speech or peaceful assembly. The Board recognizes that free inquiry and free expression are indispensable to the objectives of a school district. The purpose of the rules and regulations is to prevent abuse of the rights of others and to maintain safety and public order, not to prevent or restrain controversy or dissent.

Public Conduct on School Property Regulation

These rules govern the conduct of students, faculty and other staff, residents, licensees, invitees, and all other persons, whether or not their presence is authorized, upon District property, and also upon, or with respect to, any other premises or property under the control of the District and used in its teaching programs and activities, and in its administrative, cultural, recreational, athletic and other programs and activities.

Prohibited Conduct

No person, either alone or with others, shall:

* willfully injure any person or threaten to do so;
* intentionally damage or destroy school district property or the personal property of a student, teacher, administrator, other District employee or any personal lawfully on school property, including graffiti or arson;
* disrupt the orderly conduct of classes, school programs or other school activities;
* distribute or wear materials on school grounds which appear obscene, which advocate illegal action, discriminate against race, nationality or religion, sexual orientation, appear libelous, and which are disruptive to the school program or obstruct the rights of others;
* intimidate, harass or discriminate against any person on the basis of race, color, weight, national origin, ethnic group, religion, religious practice, age, gender (including gender identity and expression), sexual orientation or disability;
* trespass upon any portion of school premises or remain in any building or facility after it is normally closed without authorization;
* disrupt the efficient operation of the school by obstructing the free movement of any person in any place to which these rules apply;
* violate the traffic laws, parking regulations or other restrictions on vehicles;
* possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at any school-related function;
* possess or use firearms and/or other weapons including air guns, pistols, rifles, other noxious spray in or on school property (except in the case of law enforcement officers or except as specifically authorized by the school district);
* loiter on or about school buildings or grounds;
* gamble on school property or at school functions;
* refuse to comply with any reasonable order of identifiable school district officials performing their duties;
* willfully incite others to commit any of the acts herein prohibited; and/or
* violate any federal or state statute, local ordinance, or Board policy.

**Penalties and Procedures**

The Superintendent of Schools may impose penalties upon those persons violating the above-referenced rules in accordance with the Code of Conduct, the Education Law and State and federal laws. The Superintendent of Schools may, in accordance with State and federal law, revoke an individual's authority to enter onto school grounds. Where a violation of this policy may also be a violation of a State law, federal law or local ordinance, the Superintendent of Schools or designee, may report such violations to the appropriate State, local and federal authorities. The Superintendent of Schools shall provide written notice to any group or individual found in violation of the above-referenced rules with a statement that such group or individual may file a written appeal to the Board of Education within thirty (30) calendar days from the date of the Superintendent’s determination. The Board of Education shall review any such timely written appeal in Executive Session of a Board meeting within forty-five (45) calendar days of its receipt of the appeal. Any group or individual aggrieved by the determination of the Superintendent of Schools shall exhaust their administrative remedy of an appeal to the Board of Education before filing an appeal to the Commissioner of Education or seeking court intervention. Penalties and procedures for staff members who may be in violation of the Code of Conduct shall conform to applicable collective bargaining agreements, State and federal law.

**Enforcement Program**

The Superintendent shall be responsible for the enforcement of these rules, and he/she shall designate other personnel who are authorized to take action in accordance with such rules when required or appropriate.

This regulation and the penalties contained herein are not considered to be inclusive or to preclude in any way the prosecution and conviction of any person for the violation of any federal law, state law, or local ordinance and the imposition of a fine or penalty provided for therein.

**Amendment**

These rules and regulations may be amended or modified by the Board. All future amendments shall be filed with the Board of Regents and Commissioner of Education.

Adopted 12/6/60
Amended 10/16/73; 12/17/91 and 5/25/99
Number changed from 2371 on 12/17/91
Reaffirmed 12/20/06
Revised 2/10/15 (Formally Visitors to Classrooms)
Complaints and Grievances Professional Personnel

In relationships between pupil-teacher and parent-teacher, the Board of Education believes that most differences of opinion can and should be settled at the source. It is recognized, however, that there may be occasions when appeal is both desirable and necessary. In such instances where an appeal is made, the following procedure shall be followed:

a) At the secondary level, the two principal parties shall arrange a meeting with the department chairperson/director and, if necessary, with the principal of the school. At the elementary level, such meeting shall be arranged with the principal of the school.

b) If no agreement is reached at the school level, the Superintendent of Schools or designee may be invited to meet with all concerned to attempt a resolution.

c) If no agreement is reached at the Superintendent of School’s level, an appeal may be directed to the Board of Education.

All matters referred to the Superintendent and/or the Board shall be in writing.

Adopted 9/6/60
Amended 10/15/91, 12/20/06, 10/16/18
Gratuities for School Personnel

Gratuities shall neither be accepted, solicited, nor permitted to be given to school personnel for services rendered in the performance of their duties.

Adopted 1/31/61
Title Revised 3/7/61
Amended 11/20/73
Reaffirmed 12/17/91, 12/20/06
Community Use of School District Facilities

The Board of Education authorizes the use of school district facilities for purposes consistent with the provisions of Section 414 of the Education Law, subject to Administrative Regulations as approved by the Board of Education.

Requests for permission to use school district facilities shall be forwarded to the Board of Education for approval.

In extenuating circumstances, the Superintendent of Schools may approve community use of District facilities. All such occurrences will be placed on the next Board of Education business agenda for Board notification and retroactive approval.

Adopted 12/17/91
Reaffirmed 10/21/03, 12/20/06, 10/19/10
Amended 12/20/11
Application and Permit amended 10/19/10, 2/15/11
Contests of Outside Organizations

Schools shall not sponsor, nor permit student participation through the schools, in contests of outside organizations. Exceptions to this policy may be made by the Superintendent of Schools when such exception seems to be in the best interests of the school and students.

Adopted 10/1/63
Number changed from 1422 on 12/17/91
Amended 12/20/06
Relationships With Parent/Teacher Organizations

The Board of Education encourages staff participation in the activities of appropriate Parent/Teacher organizations.

Adopted 9/6/60
Amended 11/20/73 and 12/17/91
Reaffirmed 12/20/06, 2/14/17
Parent and Family Engagement

The Board of Education believes that positive parent and family engagement is essential to student achievement, and thus encourages such involvement in school educational planning and operations. Parent and family engagement may take place either in the classroom or during extra-curricular activities. However, the Board also encourages parent and family engagement at home (e.g., planned home reading time, informal learning activities, and/or homework “contracts” between parents, family members and children). The Board directs the Superintendent of Schools to develop a home-school communications program in an effort to encourage all forms of parent and family engagement.

Title I Parent and Family Engagement- District Level Policy

Consistent with the parent and family engagement goals of Title I, Part A of the federal No Child Left Behind Act of 2001 (NCLB) and its reauthorization in the Every Student Succeeds Act (ESSA), the Board of Education will develop and implement programs, activities and procedures that encourage and support the participation of parents and family members of students eligible for Title I services in all aspects of their child’s education. The Board also will ensure that all of its schools receiving Title I, Part A funds develop and implement school level parent and family engagement procedures, as further required by federal law.

For purposes of this policy, parental involvement refers to the participation of parents in regular, two way and meaningful communication, involving student academic learning and other school activities.

At a minimum, parent and family engagement programs, activities and procedures at both the District and individual school level must ensure that parents and family members:

- Play an integral role in assisting their child’s learning;
- Are encouraged to be actively involved in their child’s education at school; and
- Are full partners in their child’s education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child.

The federal definition of the term “parents” refers to a natural parent, legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child’s welfare).
District and school level Title I parent and family engagement programs, activities and procedures will, to the extent practicable, provide opportunities for the informed participation of parents and family members (including those who have limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children).

As further required by federal law, parents and family members of students eligible for Title I services will be provided an opportunity to participate in the development of the District’s Title I plan, and to submit comments regarding any aspect of the plan that is not satisfactory to them. Their comments will be forwarded with the plan to the State Education Department.

Parents and family members also will participate in the process for developing either a comprehensive or targeted “support and improvement plan” when the school their child attends is identified by the state as needing this plan.

**Parent and family member participation in development of District wide Title I plan**

The Board, along with its Superintendent of schools and other appropriate District staff will use the following sources in the development of the District wide Title I plan to ensure parent and family member involvement: individual school meetings, completed workshop evaluations, annual parent survey results, parent meetings, workshop discussions, and parent-teacher conferences.

**Development of school level parent and family engagement approaches**

The Superintendent of Schools will ensure that all District schools receiving federal financial assistance under Title I, Part A are provided coordination, technical assistance and all other support necessary to assist them in planning and implementing effective parent and family engagement programs and activities that improve student achievement and school performance. As appropriate to meet individual local needs, the Superintendent and/or the Assistant Superintendent for Curriculum and Instruction will provide guidance and support an appropriate use of parent involvement funds and school Parental Involvement Policies, Improvement/School-wide Plans, and School-Parent Compacts to ensure compliance.

**Building capacity for parental involvement**

To build parent capacity for strong parental involvement to improve their child’s academic achievement, the District and its Title I, Part A schools will, at a minimum:
1. Assist parents in understanding such topics as the state’s academic content challenging academic standards, state and local academic assessments, Title I requirements, how to monitor their child’s progress and how to work with educators to improve the achievement of their child. To achieve this objective, the District and its Title I schools will provide tips and ideas to parents on helping their children with core content subject areas. Parents are given the opportunity to check out a wide variety of resource materials from the Parent Recourse Centers to use at home with their children.

2. Provide materials and training to help parents work to improve their child’s academic achievement such as literacy training and using technology (including education about the harms of copyright piracy). To achieve this objective, the District and its Title I schools will provide assistance to parents and families in understanding the following topics:

   - The challenging state academic standards;
   - The state and local academic assessments including alternate assessments;
   - The requirements of Title I, Part A;
   - How to monitor their child’s progress; and
   - How to work with educators.

3. Educate its teachers, specialized instructional support personnel, principals and other school leaders, and other staff, with the assistance of parents, in understanding the value and utility of a parent’s contributions and on how to:

   - reach out to, communicate with and work with parents as equal partners;
   - implement and coordinate parent programs; and
   - build ties between parents and the schools.

To achieve this objective, the District and its Title I schools will:

   - distribute newsletters to students’ home;
   - send home graded papers;
   - conduct home visits;
   - schedule parent/teacher conferences;
   - make phone calls; sending home homework, and notes in agendas;
   - encourage parents to serve as volunteers/tutors;
   - attend conferences, seminars, workshops, and meetings with parents; and
   - serve together on school committees.
Ensure that information related to school and parent-related programs, meetings and other activities is sent to the parents of children participating in Title I programs in an understandable and uniform format, including alternative formats, upon request, and to the extent practicable, in a language the parents can understand.

**Coordination of parental involvement strategies**

The District will coordinate and integrate strategies adopted to comply with Title I, Part A parental involvement requirements with parental involvement strategies adopted in connection with other federal, state, and local programs, including public preschool programs and conduct other activities that encourage and support parents in more fully participating in the education of their children. It will do this by coordinating with public pre-schools, to facilitate a smooth transition for both parents and students from these programs to District school by working collaboratively with these outside agencies.

**Review of District-wide parent and family engagement policy**

The Board, along with its Superintendent of schools and other appropriate staff, will conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of this parent and family engagement policy in improving the academic quality of Title I schools, including the identification of barriers to greater participation by parents in activities under this policy, identification of the needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers, strategies to support successful school and family interactions; and the revision of parent and family engagement policies necessary for more effective involvement. To facilitate this review, the District will conduct the following activities:

An annual meeting with parents will be held to determine whether parent engagement needs are being met effectively and appropriately through the implementation of the parent and family engagement programs. Parents will be given the opportunity to discuss the current program and provide input to improve. The results will be used to develop strategies for school improvement and to revise the District and school Parent and Family Engagement Policy. These results will also be used in planning future parent workshops and meetings.

**Cross-ref:** 6155, Equivalence in Instructional Staff and Materials
Ref: 20 USC §§6318(a)(2); 7801(38), Every Student Succeeds Act (§1116 of the Elementary and Secondary Education Act)
U.S. Department of Education, Parental Involvement, Title I, Part A, Non-Regulatory Guidance, April 23, 2004

Adopted 8/22/06
Reaffirmed 12/20/06, 12/20/16
Revised 7/12/18, 10/16/18
Parent and Family Engagement – School Level Approach

The District recognizes that parents and family members play an integral role in assisting their child’s learning. We encourage parents and family members to be actively involved in their child’s education at school and to become full partners in school educational planning and operations. Consistent with the parent involvement goals of Title I, Part A of the federal Elementary and Secondary Education Act, reauthorized by the No Child Left Behind Act of 2001 (NCLB) and the Every Student Succeeds Act of 2015 (ESSA):

1. The Building Principal and appropriate staff shall convene an annual meeting, at a convenient time, to inform parents of the school’s participation in Title I programs, and to explain Title I requirements and the right of the parents to be involved. All parents of children participating in a Title I program will be invited to the meeting.

2. The school staff shall offer a flexible number of meetings to provide parents the opportunity to meet with school staff and otherwise participate in their child’s education. These meetings shall be held at flexible times (e.g., morning or evening) and/or in highly accessible places such as public housing projects, etc.

3. The school will provide parents with timely information about Title I programs. School staff will also describe and explain the curriculum in use at the school, the types of academic assessment that will be used to measure student progress and the proficiency levels the students are expected to meet. Parents may also request regular meetings with school staff to make suggestions and to participate, as appropriate in decisions relating to the education of their child. The school will respond to any such suggestions as soon as practicable.

4. The school staff shall involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of Title I programs, including the planning, review, and improvement of the school’s parent and family engagement policy.

Student Academic Achievement School-Parent Compact

School-Parent Compact

To help our children achieve, we agree to abide by the following conditions during the school year:
School Responsibilities
The school will:

- Provide high-quality curriculum and instruction in a supportive and effective learning environment;
- Hold parent-teacher conferences during these conferences, this compact will be discussed as it relates to your child’s academic achievement;
- Provide parents with frequent reports on their child’s progress;
- Provide parents reasonable access to staff; and
- Provide parents with opportunities to volunteer and participate in their child’s class and to observe classroom activities.
- Ensure regular two-way, meaningful communication between parents and family members and school staff, and, to the extent practicable, in a language that the parents and family members can understand.

Parents’ Responsibilities

We, as parents, will support our children’s learning in the following ways:

- Monitor my child’s attendance;
- Make sure that homework is completed;
- Limit amount of television my child watches;
- Volunteer in my child’s school;
- Participate, as appropriate, in decisions regarding my children’s education;
- Promote positive use of my child’s extracurricular time; and
- Stay informed about my child’s education and communicate with the school regularly.

Student Responsibilities

As a student, I will share the responsibility to improve my grades, and agree to:

- Do homework every day and ask for help when needed;
- Read at least 20 minutes a day outside of school; and
- Give to my parents all notices and information received by me from my school everyday.

______________  _______________  _______________
School Parent Student

______________  _______________  _______________
Date Date Date
District Complaint Procedures for Federal Programs

The Elementary and Secondary Education Act (ESEA) of 1965, as amended by the Every Student Succeeds Act (ESSA); and Section 100.2 of the regulations of the New York State Commissioner of Education govern the District’s administration of federal programs.

Section 9304(a)(3)(C) of the ESEA requires the Board to adopt written procedures for the receipt and resolution of complaints alleging violations of the ESEA/ESSA. The Board, therefore, directs that the procedures set forth below be followed to resolve complaints alleging violations of the ESEA, as amended by ESSA.

The District shall receive, review and resolve complaints under the ESEA/ESSA for which no other procedures or remedies are available. These complaints must involve an allegation that the District as a Local Educational Agency (LEA) or a sub-grantee has violated a federal statute, regulation or interpretive rule. The interpretive rule must affect those federal education programs listed in CFR Title 34 of the Code of Federal Regulations (Education).

Complaint Procedure

A. Any person(s) who believes that grounds exist for filing a complaint may file a written complaint with the Director of Pupil Personnel Services. The complaint must:

1. be signed by the person(s) making it;
2. show who has violated a specific federal requirement;
3. explain how the requirement has been violated;
4. state the facts upon which the complaint is based; and
5. state what relief the person is seeking.

B. If the Director of Pupil Personnel Services receives a complaint, he/she shall contact the person making it and explain the requirements for a valid complaint.

C. The Director of Pupil Personnel Services shall send the complaint to the appropriate staff for review and response. If the complaint involves a sub-grantee, the department shall send the complaint to that sub-grantee.

D. The Director of Pupil Personnel Services may, in his/her discretion, permit the person, to appear and present evidence.

E. The Director of Pupil Personnel Services shall issue a final written resolution of each valid complaint to each party involved within 30 business days of receipt, unless he/she finds good cause for an extension.
F. The resolution shall include:
   1. a summary of the facts involved;
   2. a statement of the federal requirement involved;
   3. the Director of Pupil Personnel’s findings of fact and a summary of the evidence it considered;
   4. the Director of Pupil Personnel’s conclusions regarding each allegation and a summary of her reasons for them; and
   5. the Director of Pupil Personnel’s order for any negotiation or corrective action that must occur and when those actions must be taken.

Procedures for Filing Complaints/Appeals with the New York State Education Department

A. The State Education Department (SED) will review complaints when the complaint pertains to:

   1. The State’s administration of the ESEA Title I Basic Grant, Migrant Education, or
   2. Neglected or Delinquent Program;
   3. An appeal from the decision of an LEA regarding an action by the LEA.

B. Complaints that do not meet any of the above criteria, including complaints concerning the LEA’s administration of its Title I program, will be referred for possible resolution to the LEA against whom the complaint is made. Appropriate SED staff will complete an on-site review (if necessary) and/or records examination and will notify all parties of its findings within sixty (60) business days of the receipt of the complaint/appeal.

Complaints/appeals regarding Title I should be sent to:
New York State Education Department
Title I School and Community Services Office
Room 320 EB
89 Washington Avenue
Albany, NY 12234

C. The sixty (60)-day limit for SED review of complaints and appeals may be extended under exceptional circumstances, which need not be limited to such occurrences as:

   1. illness of involved parties;
   2. cancellation of scheduled on-site reviews due to unscheduled school closings;
   3. the need for extended review activities beyond those specified in the written notification; and/or
   4. any other mutual agreement to changes in review scope or activity.
D. When exceptional circumstances are identified, the revised date for the completion of the complaint review will be provided in writing to all parties involved in the complaint or appeal. All parties to the complaint have the right to initiate a request for an extension beyond the sixty (60) business day complaint resolution period based on exceptional circumstances. All such requests must be presented to the SED. An appeal must be requested and postmarked within twenty (20) business days of receipt of the LEA’s response to the original complaint.

E. The Title I representative in the SED office who is assigned as the program manager for the LEA against which the complaint is made and other SED staff, as may be appropriate, shall conduct the review of complaints or appeals.

F. The Department’s response to the complaint shall contain:

1. names of persons interviewed;
2. records or other evidence examined;
3. relevant dates/times/locations/events;
4. summary of findings; and
5. nature of corrective action to be taken including applicable timelines.

G. Failure of the LEA to take corrective action within the time period stipulated in the complaint resolution shall be cause to withhold all, or a portion of, the ESEA Title I allocation to the LEA.

H. Copies of correspondence, related documents, investigative reports, and summary reports involved in the complaint/appeal resolution will be maintained by the SED for five years.

I. Records will be made available to interested parties in accordance with the provisions of the New York State Freedom of Information Law (Public Officers Law Sections 84-89).

J. Parties dissatisfied with the SED’s complaint resolution may file an appeal directly with the United States Department of Education (USDOE) at:

United States Department of Education
Compensatory Education Programs
400 Maryland Avenue, S.W.
Room 3W230, FOB#6
Washington, DC 20202-6132

Adopted: 10/16/18
Cooperation With Community Groups On Substance Abuse

It shall be the policy of the West Hempstead Union Free School District Board of Education to cooperate in any legal matter with responsible community groups involving themselves with the elimination of substance abuse.

Such community groups should present a sense of permanence, be broad based, be representative of the community, and have a responsible program for the purpose of dealing with the elimination of substance abuse problems.

Adopted 2/3/70
Policy number changed from 1310 and Amended 10/15/91, 12/20/06
Notification of Release of Sex Offenders

The Board of Education desires to establish a policy for response by school district personnel in cases where the district receives notification from a local law enforcement agency with respect to paroled sex offenders residing within the school district.

In the event such notice is received by the district, the Superintendent or his/her designee shall determine whether and to whom such information may be made available. The Superintendent or designee shall take reasonable steps to ensure that the information is conveyed in a lawful and appropriate manner consistent with the best interests of the students of the district and the community.

The Superintendent or designee shall have discretion to take the necessary steps and to develop guidelines to carry out the intent of this policy.

Adopted 1/20/98
Amended 12/20/06
Notification of Release of Sex Offenders

The community notification provisions of Megan's Law authorize entities with vulnerable populations to make secondary notification in order to promote public safety and to facilitate the prosecution of sex crimes. The District should consider those purposes and disseminate complete information on an offender only to those categories of officials, organizations and individuals, who are in a position to use the information to protect likely victims and facilitate the prosecution of sex crimes. Consideration should be given to the offense committed by the offender. Based on the nature of the offense committed by the offender, the Superintendent of Schools or his/her designee will determine if, and to whom it will give notice.

Upon receipt of a notification the District will take reasonable steps to confirm that the information contained in the notification pertaining to the offender's status is consistent with the information allowed to be disclosed for a Level-2 or Level-3 sex offender pursuant to the provisions of the Sex Offender Registration Act. In the event it is inconsistent, the District will contact the local law enforcement agency sending the notification. In the event it is consistent, the District will redistribute a copy of the actual notification as set forth below.

Whenever notification is received from any local law enforcement agency regarding convicted sex offenders residing within the District's geographical limits, the Superintendent or his/her designee may determine, depending on the facts of each case, to disseminate the notification to the following persons:

1. Board of Education;
2. Building Principals;
3. Staff members who regularly greet members of the public visiting the building;
4. Bus Companies;
5. Crossing Guards;
6. Playground Monitors;
7. The Head Custodian in each building, with directions that the custodians on duty at any time when children are in the building also receive such information;
8. Security Personnel;
9. Coaches;
10. Supervisors of school related organizations or other authorized activities that regularly meet or are regularly conducted on District property;
11. PTA, PTSA, and SEPTA Presidents; and
12. Those members of the staff and community at large who, in the opinion of the Superintendent or his/her designee, have an immediate need to be notified of such data in order to promote public safety and facilitate the prosecution of sex crimes.

Persons receiving notification are strongly encouraged to inform a responsible District official if they observe, within the school building, on school grounds, or in any other area under the District's jurisdiction, any suspicious person whom they believe meets the description of the sex offender in the notification.

Board of Education, PTA, PTSA, and SEPTA Presidents, and community residents requesting information regarding the release of sex offenders shall be advised to contact their local law enforcement agency or to call 1-900-288-3838 for the Central Registry maintained by the Division of Criminal Justice Services.

The Superintendent or his/her designee shall take the necessary steps to implement these guidelines and to disseminate them to District staff.

Adopted 1/20/98
Reaffirmed 12/20/06
TABLE OF CONTENTS

ADMINISTRATION (Series 2000)

Staff Recruiting and Hiring for Certificated Positions 2150
Equal Opportunity 2155
Sexual Harassment 2200
(Administrative Regulations included)
Teachers Meetings 2360
Bomb Alarms (with Administrative Regulations) 2442
Safety in School Buildings and on Grounds 2450
School Safety Plans and Teams 2451
Crisis Response 2455
Smoking on School Property 2460
Reporting Hazardous or Unhealthful Conditions 2470
(Administrative Regulations included)
Communicable Diseases 2475
(Administrative Regulations included)
Fire and Other Safety Inspections 2480
Use of Eye Safety Devices 2481
Hazardous Waste and Handling of Toxic Substances by Employees 2485
Maintenance of Public Order on School District Property REPEALED 2500
(See 1240 Visitors to Schools)
Obligation of School Officials to Produce Pupils for Questioning by Police Officers on School Grounds 2510
Electronic Technology Disaster Recovery 2520
Information Security Breach and Notification 2550
(Administrative Regulations included)
School District Records 2551
(Administrative Regulations included)

School Census 2600
Staff Recruiting and Hiring for Certificated Positions

Through its employment policies, the Board of Education will attempt to attract, secure and hold qualified personnel for all professional positions. 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.

Recruitment

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.

Hiring

While the Board may accept or reject a nomination, an appointment will be valid only if made with the recommendation of the Superintendent. In the case of rejection, it is the duty of the Superintendent to make another nomination.

In the instances of vacancies in top administrative posts, the Superintendent will ensure that a minimum of three (3) candidates will be included in the process for filling vacancies. In the instances of such vacancies, the Superintendent will offer the Board an opportunity to interview the candidates before the Board acts on the nomination.

The Board and its employees will adhere to the practice of recruiting and hiring personnel without regard to age, color, creed, disability, marital status, national origin, race, religion, sex or any other status protected by federal or state law.

The Board of Education, recognizing the need to maintain objectivity in the hiring, assignment and the evaluation of staff, has determined it will be in the District’s best interest to:

1. Avoid conflicts of interest between work-related and family-related obligations;
2. Reduce favoritism or even the appearance of favoritism by virtue of family relationships; and
3. Prevent family conflicts from affecting the workplace.
Accordingly, the District shall not hire relatives, as defined below, of Board of Education members or employees for employment if:

1. One relative would supervise or have disciplinary authority over another;
2. One relative would audit the work of another;
3. The interest of either relative and the employee or the relative and the District would be in conflict; or
4. The hiring of relatives could result in a conflict of interest with existing vendors of the District.

An employee may not work in a position where his or her supervisor or supervisor’s supervisor is a relative.

If a relative of an employee becomes elected to the District’s Board of Education, the employee’s employment with the District shall be unaffected by his/her relative’s position on the Board of Education.

If employees become relatives after both employees are hired by the District, the employees shall not thereafter work in any position or location where a direct line of supervision exists between such employees.

Relatives shall include, but not be limited to, spouses, sons, daughters, brothers, sisters, fathers, mothers, aunts, uncles, nieces, nephews, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, fathers-in-law and mothers-in-law.

All applicants are subject to the hiring procedures as established by the Superintendent of Schools.

Adopted 2/23/93
Amended 12/17/96
Amended 2/26/08
Equal Opportunity

The Board of Education, its officers and employees, shall not discriminate against any student, employee or applicant on the basis of race, color, creed, religion, national origin, age, marital status, sex, sexual orientation, disability or predisposing genetic characteristic and shall provide equal access to the Boy Scouts and other designated youth groups.

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.

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, eligible students and the community. The public notice shall:

A. Inform parents, employees, students and the community that education programs, including but not limited to, vocational programs, are offered without regard to sex, race, color, national origin or disability;
B. Provide the name, address and telephone number of the person designated to coordinate activities concerning discrimination; and
C. Be included in announcements, bulletins, catalogues, applications and calendars made available by the District.

The Assistant Superintendent for Curriculum has been designated to handle inquiries regarding the District’s non-discrimination policies. Contact information for the Assistant Superintendent for Curriculum is available on the District’s website. Complaints of sexual harassment or discrimination are covered by policies 2200 and 5161.

The Board authorizes the Superintendent of Schools to establish such rules, regulations and procedures necessary to implement and maintain this policy.
References:
Title VII, Civil Rights Act of 1964, 42 U.S.C. 2000d et seq
General Municipal Law Article 15-C
Civ. Rights Law § 40-c.
Executive Law § 290 et seq. (New York State Human Rights Law)
Education Law Article 93

Adopted 10/18/11
Amended 10/21/14
Sexual Harassment

The Board of Education recognizes that harassment of students, staff and certain “non-employees” (which includes contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract or their employees), 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 and “non-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, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, including sexual violence. Sexual violence includes, but is not limited to: rape, sexual assault, sexual battery and sexual coercion. Gender-based harassment includes verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes. 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 outside the District, or outside the school setting if the harassment impacts the individual’s education or employment in a way that violates their legal rights.

Sexual harassment is considered a form of employee misconduct and sanctions will be enforced against individuals engaging in sexual harassment and against supervisory and managerial personnel who knowingly allow such behavior to continue.

Under various state and federal laws, students, employees and “non-employees” have legal protections against sexual harassment in the school environment as described above. The District’s Code of Conduct also addresses appropriate behavior in the school environment. Sexual harassment can occur between persons of all ages and genders.
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, thoroughly and equitably investigate all complaints of sexual harassment, formal or informal, verbal or written. To the extent possible, and in accordance with applicable laws, 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, “non-employee” or a third party has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, contract, the District’s Code of Conduct, District policy and state law. Individual nondisclosure agreements may only be used as permitted by law, described in the accompanying regulation. Mandatory arbitration clauses are prohibited in all District contracts and agreements.

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 on the District’s website, and shall also be published in student registration materials, student, parent and employee handbooks, and other appropriate school publications.

The Board shall review this policy annually at a Policy meeting.

Ref:  Education Amendments of 1972, Title IX, 20 U.S.C.§1681 et seq.
Executive Law §296-d (prohibition of sexual harassment of non-employees
Labor Law §201-g (required sexual harassment policy and training)
Civil Practice Law and Rules §§5003-b (nondisclosure agreements optional); 7515 (mandatory arbitration prohibited)
General Obligations Law §5-336 (nondisclosure agreements optional)
Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)
Office for Civil Rights Revised Sexual Harassment Guidance (January 19, 2001)
Office for Civil Rights, Dear Colleague Letter: Bullying (October 26, 2010)

Adoption date: Formally 4355 and 5160
Revised 2/14/12
Amended 10/20/15, 9/12/17, 10/16/18
Reaffirmed 10/16/12, 11/19/13, 10/25/16, 9/19/17, 7/12/18
SEXUAL HARASSMENT
ADMINISTRATIVE REGULATIONS

This regulation is intended to create and preserve an educational and working environment free from unlawful sexual harassment on the basis of sex, gender and/or sexual orientation in furtherance of the District's commitment to provide a healthy and productive environment for all students, employees (including all staff, applicants for employment, both paid and unpaid interns. exempt and non-exempt status, part time, seasonal and temporary workers, regardless of immigration status) and “non-employees” (i.e., contractors, subcontractors, vendors, consultants and other persons providing services pursuant to a contract or their employees) that promotes respect, dignity and equality.

Sexual Harassment Defined

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

Sexual harassment can include unwelcome sexual advances, requests for sexual favors and other verbal, non-verbal or physical aggression, intimidation or hostility that is based on actual or perceived gender identity and sexual stereotypes.

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

1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of an employee's or non-employee’s employment or a student's education (including any aspect of the student's participation in school-sponsored activities, or any other aspect of the student's education); or
2. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting an employee's or non-employee’s employment or a student's education; or
3. the conduct or communication has the purpose or effect of substantially or unreasonably interfering with an employee's or non-employee’s work performance or a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile or offensive working or educational environment, even if the complaining individual is not the intended target of the sexual harassment.
Unacceptable Conduct

School-related conduct that the District considers unacceptable and which may constitute sexual harassment includes, but is not limited to, the following:

1. rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing and other sexual and gender-based activity of a criminal nature as defined under the State Penal Law;
2. unwelcome sexual invitations or requests for sexual activity in exchange for grades, promotions, preferences, favors, selection for extracurricular activities or job assignments, homework, etc. or when accompanied by implied or overt threats concerning the target's work or school evaluations, other benefits or detriments;
3. unwelcome or offensive public sexual display of affection, including kissing, making out, groping, fondling, petting, inappropriate touching of one's self or others (e.g., pinching, patting, grabbing, poking), sexually suggestive dancing and massages;
4. any unwelcome communication that is sexually suggestive, sexually degrading or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance or activities; sexual jokes; sexual gestures; public conversations about sexual activities or exploits; sexual rumors and "ratings lists;" howling, catcalls, and whistles; sexually graphic computer files, messages or games, etc;
5. unwelcome and offensive name calling or profanity that is sexually suggestive, sexually degrading or derogatory, implies sexual intentions, or that is based on sexual stereotypes or sexual orientation, gender identity or expression;
6. unwelcome physical contact or closeness that is sexually suggestive, sexually degrading, or sexually intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, standing too close, spanking, pinching, following, stalking, frontal body hugs, etc.;
7. unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking," "mooning," "snuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flip-ups," "spiking" (pulling down someone's pants or swimming suit); pinching; placing hands inside an individual's pants, shirt, blouse or dress, etc.;
8. unwelcome leers, stares, gestures or slang that are sexually suggestive; sexually degrading or imply sexual motives or intentions;
9. clothing with sexually obscene or sexually explicit slogans or messages;
10. unwelcome and offensive skits, assemblies and productions that are sexually suggestive, sexually degrading, or that imply sexual motives or intentions, or that are based on sexual stereotypes;
11. unwelcome written or pictorial display or distribution (including via electronic devices) of pornographic or other sexually explicit materials such as magazines, videos, films, Internet material, etc.;
12. other hostile actions taken against an individual because of that person's sex, sexual orientation, gender identity or transgender status, such as interfering with, destroying or damaging a person's work or school area or equipment; sabotaging that person's work or school activities; bullying, yelling or name calling; or otherwise interfering with that person's ability to work or participate in school functions and activities; and

13. any unwelcome behavior based on sexual stereotypes and attitudes that is offensive, degrading, intimidating or demeaning, including, but not limited to:
   a. disparaging remarks, slurs, jokes about or aggression toward an individual because the person displays mannerisms or a style of dress inconsistent with stereotypical characteristics of the person’s sex;
   b. ostracizing or refusing to participate in group activities with an individual during class projects, physical education classes or field trips because of the individual’s sex, gender expression or gender identity;
   c. taunting or teasing an individual because they are participating in an activity not typically associated with the individual’s sex or gender

For purposes of this regulation, action or conduct shall be considered "unwelcome" if the student, employee or non-employees did not request or invite it and regarded the conduct as undesirable or offensive.

Sexual harassment may occur on school grounds, school buses and at all school-sponsored activities, programs and events, including those that take place at locations outside the District, or outside the school setting if the harassment impacts the individual’s education or employment in a way that violates their legal rights, including when employees or non-employees travel on District business, or when the harassment is done by electronic means (including on social media).

Determining if Prohibited Conduct is Sexual Harassment

Complaints of sexual harassment will be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of the above definition of sexual harassment and should therefore be treated as sexual harassment. Not all unacceptable conduct with sexual connotations may constitute sexual harassment. In many cases (other than quid pro quo situations where the alleged harasser offers academic or employment rewards or threatens punishment as an inducement for sexual favors), unacceptable behavior must be sufficiently severe, pervasive and objectively offensive to be considered sexual harassment. If the behavior doesn’t rise to the level of sexual harassment, but is found to be objectionable behavior, the individual will be educated and counseled in order to prevent the behavior from continuing.

In evaluating the totality of the circumstances and making a determination of whether conduct constitutes sexual harassment, the individual investigating the complaint should consider:
1. the degree to which the conduct affected the ability of the student to participate in or benefit from his or her education or altered the conditions of the student's learning environment or altered the conditions of the employee's or non-employee’s working environment;
2. the type, frequency and duration of the conduct;
3. the identity of and relationship between the alleged harasser and the subject of the harassment (e.g., sexually based conduct by an authority figure is more likely to create a hostile environment than similar conduct by another student or a co-worker);
4. the number of individuals involved;
5. the age and sex of the alleged harasser and the subject of the harassment;
6. the location of the incidents and context in which they occurred;
7. other incidents at the school; and
8. incidents of gender-based, but non-sexual harassment.

**Reporting Complaints**

Any person who believes he or she has been the target of sexual harassment by a student, District employee, non-employee or third party related to the school is encouraged to report complaints as soon as possible after the incident in order to enable the District to effectively investigate and resolve the complaint. Any person who witnesses or is aware of sexual harassment of a student, employee or non-employee is also encouraged to report the incident or behavior to the District. Targets are encouraged to submit the complaint in writing; however, complaints may be filed verbally.

Complaints should be filed with the Principal or the Title IX coordinator.

Any school employee who receives a complaint of sexual harassment from a student shall inform the student of the employee's obligation to report the complaint to the school administration, and then shall immediately notify the Principal and/or the Title IX coordinator. School employees receiving complaints of sexual harassment from non-employees shall direct the complainant to the Building Principal, or may report the incident themselves. Supervisory and managerial personnel are required to report complaints of sexual harassment received by staff and will be subject to discipline for failing to report suspected or reported sexual harassment, knowingly allowing sexual harassment to continue, or engaging in any retaliation.

In order to assist investigators, targets should document the harassment as soon as it occurs and with as much detail as possible including: the nature of the harassment; dates, times, places it has occurred; name of harasser(s); witnesses to the harassment and the target's response to the harassment.
Confidentiality

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

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

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

If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not preclude the District from responding effectively to the harassment and preventing the harassment of other students, employees or non-employees.

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

The Principal or the Title IX coordinator shall conduct a preliminary review when they receive a verbal or written complaint of sexual harassment, or if they observe sexual harassment. Except in the case of severe or criminal conduct, the Principal or the Title IX coordinator should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal investigation and resolution procedures is to end the harassment and obtain a prompt and equitable resolution to a complaint. All persons involved in an investigation (complainants, witnesses and alleged harassers) will be accorded due process to protect their rights to a fair and impartial investigation. This investigation shall be prompt and thorough, and shall be completed as soon as possible.
As soon as possible, but no later than three (3) working days following receipt of a complaint, the Principal or Title IX coordinator should begin an investigation of the complaint according to the following steps:

1. Interview the target and document the conversation. Instruct the target to have no contact or communication regarding the complaint with the alleged harasser. Ask the target specifically what action he/she wants taken in order to resolve the complaint. Refer the target, as appropriate, to school social workers, school psychologists, crisis team managers, other school staff or appropriate outside agencies for counseling services.

2. Review any written documentation of the harassment prepared by the target. If the target has not prepared written documentation, instruct the target to do so, providing alternative formats for individuals with disabilities and young children, who have difficulty writing and need accommodation. If the complainant refuses to complete a complaint form or written documentation, the Principal or Title IX coordinator shall complete a complaint form (see Exhibit 2200-E) based on the verbal report.

3. Request, review, obtain and preserve relevant evidence of harassment (e.g., documents, emails, phone records, etc.), if any exist.

4. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing.

5. Instruct the alleged harasser to have no contact or communication regarding the complaint with the target and to not retaliate against the target. Warn the alleged harasser that if he/she makes contact with or retaliates against the target, he/she will be subject to immediate disciplinary action.

6. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and his/her statement confidential. Employees may be required to cooperate as needed in investigations of suspected sexual harassment.

7. Review all documentation and information relevant to the complaint.

8. Where appropriate, suggest mediation as a potential means of resolving the complaint. In addition to mediation, use appropriate informal methods to resolve the complaint, including but not limited to:

   a. discussion with the accused, informing him or her of the District's policies and indicating that the behavior must stop;
   b. suggesting counseling and/or sensitivity training;
   c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
   d. requesting a letter of apology to the complainant;
   e. writing letters of caution or reprimand; and/or
   f. separating the parties.
9. Parent/Student/Employee/Non-Employee Involvement and Notification

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

b. The parents of students who file complaints are welcome to participate at each stage of both informal and formal investigation and resolution procedures.

c. If either the target or the accused is a disabled student receiving special education services under an IEP or section 504/Americans with Disabilities Act accommodations, the Committee on Special Education will be consulted to determine the degree to which the student's disability either caused or is affected by the discrimination or policy violation. In addition, due process procedures required for persons with disabilities under state and federal law shall be followed.

d. The Principal or Title IX Coordinator (i.e., the investigator) shall submit a copy of all investigation and interview documentation to the Superintendent.

e. The investigator shall report back to both the target and the accused, notifying them in writing, and also in person as appropriate regarding the outcome of the investigation and the action taken to resolve the complaint. The investigator shall instruct the target to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against him/her.

f. The investigator shall notify the target that if he/she desires further investigation and action, he/she may request a District-level investigation by contacting the Superintendent of Schools. The investigator shall also notify the target of his/her right to contact the U.S. Department of Education's Office for Civil Rights and/or a private attorney. Employees may also contact the U.S. Equal Employment Opportunity Commission or the New York State Division of Human Rights.

10. Create a written documentation of the investigation, kept in a secure and confidential location, containing:

   a. A list of all documentation and other evidence reviewed, along with a detailed summary;
   b. A list of names of those interviewed along with a detailed summary of their statements;
   c. A timeline of events;
   d. A summary of prior relevant incidents, reported or unreported; and
   e. The final resolution of the complaint, together with any corrective action(s).

If the initial investigation results in a determination that sexual harassment did occur, the investigator will promptly notify the Superintendent, who shall then take prompt disciplinary action in accordance with District policy, the applicable collective bargaining agreement or state law.
If a complaint received by the Principal or the Title IX Coordinator contains evidence or allegations of serious or extreme harassment, such as employee to student harassment, criminal touching, quid pro quo (e.g., offering an academic or employment reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint shall be referred promptly to the Superintendent. In addition, where the Principal or the Title IX Coordinator has a reasonable suspicion that the alleged harassment involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact appropriate child protection and law enforcement authorities. Where criminal activity is alleged or suspected by a District employee, the accused employee shall be suspended pending the outcome of the investigation, consistent with all contractual or statutory requirements.

Any party who is not satisfied with the outcome of the initial investigation by the Principal or the Title IX Coordinator may request a District-level investigation by submitting a written complaint to the Superintendent within thirty (30) days.

B. District-Level Procedure

The Superintendent shall promptly investigate and resolve all sexual harassment complaints that are referred to him/her by a Principal or Title IX Coordinator, as well as those appealed to the Superintendent following an initial investigation by a Principal or Title IX Coordinator. In the event the complaint of sexual harassment involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall refer the complaint to a trained investigator not employed by the District for investigation.

The District level investigation should begin as soon as possible but not later than three (3) working days following receipt of the complaint by the Superintendent or Board President.

In conducting the formal District level investigation, the District will use investigators who have received formal training in sexual harassment investigation or that have previous experience investigating sexual harassment complaints.

If a District investigation results in a determination that sexual harassment did occur, prompt corrective action will be taken to end the harassment. Where appropriate, District investigators may suggest mediation as a means of exploring options of corrective action and informally resolving the complaint.

No later than thirty (30) days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the target and alleged harasser, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within thirty (30) days following receipt of the complaint.
The target and the alleged harasser have the right to be represented by a person of their choice, at their own expense, during sexual harassment investigations and hearings.

**Legal Protections and External Remedies**

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

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

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

Nothing in these regulations shall be construed to limit the right of the target to file a lawsuit in either state or federal court. No District contract or collective bargaining agreement entered into after July 11, 2018, may include a binding arbitration clause for sexual harassment requiring arbitration before bringing the matter to court.

**Office for Civil Rights (OCR)**

Targets have the right to register sexual harassment complaints with the U.S. Department of Education’s Office for Civil Rights (OCR). The OCR can be contacted at (800) 421-3481, 400 Maryland Avenue SW, Washington, DC 20202-1100, or at [https://www2.ed.gov/about/offices/list/ocr/docs/howto.html](https://www2.ed.gov/about/offices/list/ocr/docs/howto.html).

**State Human Rights Law (HRL)**

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

Complaints with DHR may be filed any time within one (1) year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three (3) years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the District does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.
You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

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

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

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

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within three hundred (300) days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

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

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

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

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

Contact the Local Police Department

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

Nondisclosure agreements

The District may include nondisclosure agreements (to not disclose the underlying facts and circumstances of a sexual harassment complaint) in any sexual harassment settlement agreement or resolution only if it is the complainant’s preference. Any such nondisclosure agreement shall be provided to all parties. Complainants shall have twenty-one (21) days to consider any such nondisclosure provision before it is signed by all parties, and shall have seven (7) days to revoke the agreement after signing. Nondisclosure agreements shall only become effective after this seven (7) day period has passed.

Retaliation Prohibited

Any act of retaliation against any person who opposes sexually harassing behavior, or who has filed a complaint in good faith, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has, in good faith, testified, assisted or participated in any manner in an investigation, proceeding or hearing of a sexual harassment complaint is prohibited. For purposes of this policy, retaliation includes, but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, discipline, discrimination, demotion, denial of privileges, any action that would keep a person from coming forward to make or support a sexual harassment claim, and any other form of harassment. Such actions need not be job or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination.
Discipline/Penalties

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

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

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

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

Non-employees (i.e., contractors, subcontractors, vendors, consultants and other persons providing services pursuant to a contract or their employees). Penalties may range from a warning up to and including loss of District business.

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

False Complaints

False or malicious complaints of sexual harassment may result in corrective or disciplinary action taken against the complainant.

Training

All students and employees shall be informed of this policy in student and employee handbooks, on the District website and student registration materials. A poster summarizing the policy shall also be posted in a prominent location at each school. All secondary school student body officers shall receive District training about the policy at the beginning of each school year. The District shall provide all existing employees with either a paper or electronic copy of the District's sexual harassment policy and regulation, and shall provide the same to new employees before the employee starts his/her job.

In addition, age-appropriate curricular materials will be made available so that it can be incorporated in instruction K-12 to ensure that all students are educated to recognize and report sexual harassment.
All new employees shall receive information about this policy and regulation at new employee orientation or as soon as possible after starting their job, unless he/she can demonstrate that they have received equivalent training within the past year from a previous employer. All other employees shall be provided training at least once a year regarding this policy and the District’s commitment to a harassment-free learning and working environment. Principals, Title IX coordinators and other administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment shall receive yearly training on this policy, regulation and related legal developments.

Annual employee training programs shall be interactive and include: (i) an explanation of sexual harassment consistent with guidance issued by the NYS Department of Labor and the NYS Division of Human Rights; (ii) examples of conduct that is unlawful sexual harassment; (iii) information on federal and state laws about sexual harassment and remedies available to victims of sexual harassment; (iv) information concerning an employees’ right to make complaints and all available forums for investigating complaints; and (v) address the conduct and responsibilities of supervisors.

Principals in each school and program directors shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures established for investigation and resolution of complaints, general issues surrounding sexual harassment, the rights and responsibilities of students and employees, and the impact of sexual harassment on the target.

Adoption date: 2/14/12
Revised: 10/16/18
SEXUAL HARASSMENT EXHIBIT

COMPLAINT FORM FOR REPORTING SEXUAL HARASSMENT

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form for targets to report alleged incidents of sexual harassment. This form is intended to be used by both students and employees.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form to the best of your ability and submit it to the building Principal or Title IX Coordinator. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, the District should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form. For additional resources, visit: http://www.ny.gov/programs/combating-sexual-harassment-workplace

YOUR INFORMATION (for all persons making a complaint)

Your Name:
Name of student (for parents/guardians):
Home Address:
Home or Cell Phone:
Email:
School (for students):
Grade/Class (for students):
Work Address (for employees):
Work Phone (for parents/guardians/employees):
Job Title (for employees):
Preferred Communication Method (please select one): phone, email, mail, in person
SUPERVISOR INFORMATION (for employees)

Immediate Supervisor’s Name:
Title:
Work Phone:
Work Address:

COMPLAINT INFORMATION (for all persons making a complaint)

1. Your complaint of Sexual Harassment is made against:
   - Name:
   - Job Title (if an employee):
   - Grade/Class (if a student):
   - School Address/Work Location (if known):
   - Phone (if known):
   - Relationship to you (please circle one below): (for employees)
     - Supervisor/Subordinate/Co-Worker/Student/Other:
     (for students)
     - Teacher/Other staff member/Other Student/Other:

   (Please use additional sheets of paper if the complaint is against multiple people)

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

   ______________________________________________________
   ______________________________________________________
   ______________________________________________________
   ______________________________________________________

3. Date(s) and location(s) sexual harassment occurred: __________________________

   Is the sexual harassment continuing?_______ Yes______ No
4. Please list the name and contact information (if known) of any witnesses or individuals who may have information related to your complaint:


Optional - may help the District's investigation.

5. Have you previously complained about or provided information (verbal or written) about sexual harassment or related incidents to the District? _______Yes _____No

If yes, when and to whom did you complain or provide information?


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


Print Name: ______________________________

Signature: ______________________________

Date: __________________________
Instructions for the District

If you receive a complaint about alleged sexual harassment, you must follow the District's sexual harassment prevention policy by investigating the allegations through actions including:

- Speaking with the complainant
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document findings of the investigation and basis for your decision along with any corrective actions taken, and notify the complainant (if the complainant is a student, also notify the parent/guardian) and the individual(s) against whom the complaint was made. This may be done via email.

Adoption date: 10/16/18
Teacher Meetings

It is the policy of the West Hempstead school system that regular and special faculty meetings be held.

Adopted 8/2/60
Reaffirmed 2/23/93, 12/15/09, 2/14/17
Bomb Threats

The Board of Education recognizes that the potential harm caused by a bomb threat is not limited to serious personal injury and property damage. A bomb threat can also create an atmosphere of anxiety and panic, which, in turn, can result in the disruption of normal activities and the educational process. The Board further recognizes the district’s responsibility to ensure the safety of students, staff and other building occupants whenever a bomb threat is received by being properly prepared with an identified action to respond to the threat.

A bomb threat is a criminal act and will be treated as one.

The Superintendent of Schools shall establish procedures to be followed by all staff and students in the event of a bomb threat.

The Superintendent must inform members of the Board and the parents/guardians of district students as soon as possible after any incident that activates the school emergency management plan, along with actions taken to protect students, staff and property. The Superintendent is also responsible for notifying the State Education Department and the District Superintendent of each bomb threat incident in accordance with requirements established by the State Education Department.

Ref: Education Law §807
General Obligations Law §3-112

Adopted 2/6/62
Amended 6/2/70, 2/1/72, 12/17/91, 2/13/07
Safety in School Buildings and on Grounds

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

Buildings and material contents constitute one of the greatest investments of the West Hempstead Union Free School District. It is in the best interest of pupils and taxpayers of West Hempstead to protect that investment adequately.

Incidents of illegal entry, or damage to school property from other causes, will be reason for the Board to prosecute the responsible parties to the full extent of the law.

Every citizen is urged by the Board to cooperate in reporting any incidents of vandalism to property belonging to the District and the name(s) of the person(s) believed to be responsible. All employees shall report to their principal or appropriate supervisor every incident of vandalism known to him/her and, if known, the name(s) of those responsible.

The Superintendent or his/her designee is authorized to sign a criminal complaint and to press charges against perpetrators of vandalism to school property, and is further authorized to delegate, as he/she sees fit, authority to sign such complaints and to press charges.

Adopted 10/20/59
Amended 11/20/73, 12/17/91, 2/13/07
Revised 12/18/07
School Safety Plans and Teams

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

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

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

Comprehensive District-Wide School Safety Team and Plan

The Board shall annually appoint a District-wide school safety team that includes, but is not be limited to, a representative from the following constituencies: the Board, teachers, administrators, parent organizations, school safety personnel and other school personnel. This team shall be responsible for the development and annual review of the comprehensive District-wide school safety plan. The plan shall cover all District school buildings and shall address violence prevention (taking into consideration a range of programs and approaches that are designed to create a positive school climate and culture), crisis intervention, emergency response and management including communication protocols, at the District level. It shall include all those elements required by law and regulation.

The Board may also appoint a student representative to the District-wide school safety team. However, no confidential building-level emergency response plans shall be shared with the student member, nor shall the student member be present during discussion of any confidential building-level emergency response plans, or confidential portions of the District-wide emergency response strategy.
The Superintendent of Schools or his/her designee shall be the District’s Chief Emergency Officer and shall coordinate communication between school staff, law enforcement and first responders. The Chief Emergency Officer shall ensure that all staff understand the District-wide school safety plan and receive training on the building-level emergency response plan, violence prevention and mental health, and shall also ensure that District-wide and building-level plans are completed, reviewed annually and updated as needed by the designated dates. The Chief Emergency Officer shall ensure that the District-wide plan is coordinated with the building-level plans, and shall ensure that required evacuation and lock-down drills are conducted.

**Building-Level Emergency Response Plans and Teams**

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

Building-level emergency response plans shall include protocols in response to carbon monoxide alarms or detection. Alarm or detection of carbon monoxide will result in the appropriate actions as described by the emergency response plan.

Building-level emergency response plans shall designate:

* an emergency response team for incidents that includes appropriate school personnel, law enforcement officials, fire officials and representatives from local, regional and/or state emergency response agencies to assist the school community in responding to a violent incident or emergency; and

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

Students shall be encouraged to bring their concerns to any District employee. If a District employee becomes aware of a threat to the school community, the building principal shall be informed and he/she will convene the threat assessment team. The building principal may request the participation of the following additional individuals who may have specific knowledge of the potential perpetrator: supervisors, teachers, students and parents. The building principal is responsible for keeping the Superintendent informed about the activities of the threat assessment team. Threat assessment team members shall receive appropriate training.

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

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

**Annual Review and Report**

All plans shall be annually reviewed and updated, if necessary, by the appropriate team by September 1. In conducting the review, the teams shall consider any changes in organization, local conditions and other factors including an evaluation of the results of the annual test of the emergency response procedures, which may necessitate updating of plans. If the plan requires no changes, then it shall remain in effect. If the District-wide plan requires change, then the updated plan shall be submitted to the Board of Education in time to allow thirty (30) days of public comment and to hold a public hearing, which provides for the participation of school personnel, students and other interested parties prior to Board adoption. All plans must be adopted by the Board of Education by September 1.
The Superintendent of Schools shall be responsible for filing the District-level school safety plan and any amendments to the plan with the Commissioner within thirty (30) days after their adoption. The District-wide plan will be posted on the District’s website. Each building principal shall be responsible for filing the building-level emergency response plan for his/her building, and any amendments to the plan, with the appropriate local law enforcement agency and the state police within thirty (30) days after their adoption, but no later than October 15 of each year.

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

Adoption date: 10/25/16
Crisis Response

When a crisis arises no school system is immune to the negative, physical or mental effect on its students, staff and the local community. Immediate, effective and responsible management and communication can address the crisis and maintain a District’s integrity and credibility. Therefore, the Superintendent or designee shall:

Identify a crisis response team to develop a plan and maintain a strong, ongoing communications program in each school. This is the foundation for long-range success.

Act as the media spokesperson. The spokesperson may also be the Superintendent or his/her designee. Only the authorized spokesperson shall talk to and maintain a timely flow of information to the media. All media inquiries shall be directed to the Superintendent.

Maintain copies of the plan to be made available for inspection by the public.

The superintendent/designee shall be responsible for informing staff of the crisis plan that is to be developed by both administration and the crisis response team.

Adopted: 12/16/108
Smoking on School Property

Smoking and any other use of tobacco products is prohibited by students, staff and visitors in all school buildings, on all school property at all times, and in any vehicle designated by the District used to transport students and/or school personnel. Smoking or tobacco use is also prohibited within one hundred (100) feet of all school entrances, exits and outdoor areas, except where that is a residence, or within the real property boundary lines of residential property. The Board also prohibits the use of electronic cigarettes, also known as e-cigarettes, in these locations.

For purposes of this policy, tobacco is defined as including any lighted or unlighted cigarette, cigar, pipe, e-cigarette and any other smoking product and spit tobacco in any form (smokeless, dip, chew, and/or snuff).

Posting/Notification of Policy

In compliance with the New York State Clean Indoor Air Act, the District will prominently post this policy in District buildings, on school property (e.g. athletic fields), and in all District vehicles. The District will also designate a school official as agent responsible for informing individuals smoking or using tobacco anywhere on school premises or in District vehicles that they are in violation of the New York State Public Health Law, Education Law, and the federal Pro-Children Act of 1994 and 2001. Persons using e-cigarettes in violation of this policy will be asked to stop or leave school property.

Prohibition of Tobacco Advertising

Tobacco advertising is prohibited in all school sponsored publications and at all school sponsored events.

Tobacco Education and E-Cigarettes

The health education course provided to elementary, middle and high school students shall include instruction aimed at discouraging the use of tobacco products and e-cigarettes.

Ref: Education Law §§ 409, 804
8 NYCRR part 135
Public Health Law Article 13-E
Adopted 8/2/60
Amended 1/21/92, 12/21/93, 10/21/14
Reaffirmed 12/21/04
Revised 12/18/07
Reporting Hazardous or Unhealthful Conditions

It shall be the duty of all employees of the District to report to the building principal any defect or condition, which might be hazardous to the safety or health of the children or personnel, or which might cause deterioration or destruction of school property.

Cross ref: 8370, Buildings and Grounds Maintenance and Inspection
Communicable Diseases

Regulations and procedures will be developed for dealing with communicable diseases in ways that protect the health of both students and staff while minimizing the disruption of the education process.

Administration Regulations will be added with HIV regulations.

Adopted: 12/16/08
ADMINISTRATIVE REGULATIONS

It is the responsibility of the Superintendent of Schools, working through District health personnel, to enforce District 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. It may be necessary to exclude students with contagious and infectious diseases, as defined in the Public Health Law, from attendance in school.

The Superintendent of Schools shall cooperate with any involved governmental agencies, such as the State or County Departments of Health to ensure the health and safety of the students in the event the District receives reports of contagious or infectious diseases infecting the local population that may pose significant health risks to students and staff. In such situations, and at his/her discretion, the Superintendent of Schools shall:

- Seek the advice of the School Physician with regard to the appropriate medical precautions;
- Formulate a plan to address the health and safety risks to students and staff within the authority of the School District; and
- Implement the plan together with an educational program, as advisable, to channel notifications and guidance from appropriate governmental agencies to parents, students and staff.

Instances of HIV will be managed according to applicable law

Adopted 12/15/09
Fire and Other Safety Inspections

All District facilities shall be inspected annually for fire and safety hazards in accordance with a schedule established by the Commissioner of Education. The inspection will be conducted by a qualified fire inspector and the report will be kept in the District office. A copy of the inspection report will be provided to the Board of Education. Such facilities shall be inspected as to freedom from fire hazards and for other purposes as may be specified by the Board of Education.

Each occupied District building shall be inspected in accordance with District Policy 8370 - Building and Grounds Maintenance and Inspection by a building condition survey. Such inspections shall occur every five (5) years. Building condition survey reports will be provided to the Board of Education.

Cross ref: 8370 - Buildings and Grounds Maintenance and Inspection

Adopted 12/5/67
Amended 12/17/91, 2/14/17
Reaffirmed 2/13/07
Use of Eye Safety Devices

Every pupil, teacher employee and visitor is required to wear quality eye protective devices whenever he or she is participating in, or observing, an instructional or experimental program in a shop, classroom or laboratory, in accordance with the regulations of the State Commissioner of Education regarding eye safety device.

Ref: OSHA Sec. 1910.6

Adopted 2/1/66
Reaffirmed 12/17/91, 2/13/07
Hazardous Waste and Handling of Toxic Substances by Employees

The Board of Education recognizes the need to protect human health and the environment from damage resulting from the improper handling of hazardous wastes.

The management of hazardous waste from its point of generation to the ultimate disposal is regulated through specific federal and state laws.

The Board directs the Superintendent to adopt rules to ensure District implementation of applicable federal and state laws pertaining to the identification, transportation, treatment, storage and disposal of hazardous wastes.

Environmental Protection Agency
40 Code of Federal Regulations
(CFR) 261 & 262
6 New York Code of Rules and Regulations
(NYCRR) Part 371

Adopted: 12/16/08
Obligation of School Officials to Produce Pupils for Questioning by Police Officers on School Grounds

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 students in schools or at school functions, or to use school facilities in connection with police work.

a. Police officials may enter school property or a school function to question a student or to conduct a formal investigation involving students only if they have:

   1. A search or arrest warrant;
   2. Probable cause to believe a crime has been committed on school property or at a school function;
   3. Probable cause to believe that a crime is about to be committed on school property or at a school function, which will endanger the health and safety of students, faculty, and/or staff.

Before police officials are permitted to question any student, the 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. If the student’s parent cannot be contacted prior to the police questioning, the questioning shall not be conducted, unless the student is 16 years of age or older. The Principal or designee will also be present during any police questioning 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.

Adopted 11/8/60
Reaffirmed 12/17/91
Amended 5/12/09
Revised 12/18/18
Electronic Technology Disaster Recovery

The Board of Education recognizes the need for a systematic/formal data backup strategy and a District data recovery plan. Such a plan will ensure the maintenance and security of District and student records. This recovery plan is to be developed by District administration and will be included in the District’s Technology Plan. The District administration will review the plan annually to ensure its continued effectiveness.

Adopted 10/21/08
Reaffirmed 11/19/13
Information Security Breach and Notification

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

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

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

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

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

Adopted 11/19/13
Definitions

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

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

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

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

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

Procedure for Identifying Security Breaches

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

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

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

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

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

2. If the breach involved computer data maintained by the District, the District shall notify the owner or licensee of the information of the breach immediately following discovery, if the private information was, or is reasonably believed to have been, acquired by a person without valid authorization.

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

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

   1. Written notice
   2. Electronic notice, provided that the person to whom notice is required has expressly consented to receiving the notice in electronic form; and that the District keeps a log of each such electronic notification. In no case, however, shall the District require a person to consent to accepting such notice in electronic form as a condition of establishing a business relationship or engaging in any transaction.
   3. Telephone notification, provided that the District keeps a log of each such telephone notification.
However, if the District can demonstrate to the State Attorney General that (a) the cost of providing notice would exceed $250,000; or (b) that the number of persons to be notified exceeds 500,000; or (c) that the District does not have sufficient contact information, substitute notice may be provided. Substitute notice would consist of all of the following steps:

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

Notification of State and Other Agencies

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

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

Adoption date: 11/19/13
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 setting forth the procedures to be followed to obtain access to District records, and submit such regulations to the Board for approval. Such regulations shall address ensuring applicable confidentiality and security of District information. 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 the Records Retention and Disposition Schedule ED-1 issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, which contains the legal minimum retention periods for District records. In accordance with Article 57-A, the District will dispose of only those records described in the schedule after they have met the minimum retention periods set forth in the schedule. The District will dispose of only those records that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond the established legal minimum periods.

The manner of destruction will be determined by the format of the record (i.e., paper, digital, etc.). In addition, destruction will be appropriately documented.

Litigation Hold

The Superintendent will establish procedures in the event that the District is served with legal papers. The Superintendent will communicate with applicable parties, including the school attorney and the records management official, to ensure that, when appropriate, a litigation hold is properly implemented. The litigation hold is intended to prevent the destruction or disposal of records that may need to be produced as part of discovery. It is the intention of the Board of Education to comply with applicable rules and regulations regarding the production of necessary documents, data, files, etc. The Board directs the Superintendent to institute such procedures to implement this policy.
Dissemination of Retention Schedules

The Superintendent or his/her designee, with assistance from the Records Management Officer, shall be responsible for developing and disseminating department-specific retention schedules and guidance to staff, as necessary, to ensure adherence to this policy.

Ref: Public Officers Law §84 et seq. (Freedom of Information Law)
Education Law §2116
Arts and Cultural Affairs Law §57.11
Arts and Cultural Affairs Law Article 57-A (Local Government Records Law)
Federal Rules of Civil Procedure, 16, 26
8 NYCRR Part 185 (Appendix I) – Records Retention and Disposition Schedule ED-1

Adopted: 2/14/17
SCHOOL DISTRICT RECORDS REGULATION

The following comprises the rules and regulations relating to the inspection and production of District records:

I. Designation of Officers

1. The Records Access Officer shall be the District Clerk of the West Hempstead Union Free School District. The Records Access Officer or his/her designee shall:

- receive requests for records of the Board of Education and make such records available for inspection or copying when such requests are granted;
- ensure that District information that is not permitted to be released is not released (see section IV. Records Exempted from Public Access, below); and
- compile and maintain a reasonably detailed current list by subject matter, of all records in the possession of the Board, whether or not available to the public.

2. The Superintendent of Schools, with the Board's approval, shall designate a Records Management Officer for the District. The Records Management Officer will develop and oversee a program for the orderly and efficient management of District records, including maintenance of information security as it pertains to release of District records. The Records Management Officer shall ensure proper documentation of the destruction of records, in accordance with the schedule.

II. Definition of Records

1. A record is defined as any information kept, held, filed, produced or reproduced by, with or for the District in any physical form whatsoever, including but not limited to reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or disks, rules, regulations or codes.

2. The Records Access Officer will have the responsibility for compiling and maintaining the following records:

   a. a record of the final vote of each member of the Board on any proceeding or matter on which the member votes;
   b. a record setting forth the name, school or office address, title and salary of every officer or employee of the District; and
c. a reasonably detailed current list by subject matter of all records in possession of the District, whether or not available for public inspection and copying.

3. No record for which there is a pending request for access may be destroyed. However, nothing in these regulations shall require the District to prepare any record not possessed or maintained by it except the records specified in II(2), above.

III. Access to Records

1. Time and place records may be inspected: Records may be requested from, and inspected or copied at, the Office of the Records Access Officer, at 252 Chestnut Street, West Hempstead, New York 11552, or at a location specified by the Records Access Officer during the hours of 9:00 am and 3:00 pm on any regular business day on which the District offices are open. Records may also be requested via e-mail at the following address: (www.whufsd.com). This information shall be posted on the District’s website.

2. Fees: The fee for documents up to 9 x 14 inches is 25 cents per page. For documents larger than 9 x 14 inches, tape or cassette records, or computer printouts, the cost will be based on the cost of reproduction or program utilized. Fees are subject to periodic review and change. However, no fee shall be charged for records sent via e-mail, the search for or inspection of records, certification of documents, or copies of documents which have been printed or reproduced for distribution to the public. The number of such copies given to any one organization or individual may be limited, in the discretion of the Records Access Officer.

3. Procedures: Requests to inspect or secure copies of records shall be submitted in writing, either in person, by mail or via e-mail, to the Records Access Officer.

4. All requests for information shall be responded to within five (5) business days of receipt of the request. If the request cannot be fulfilled within five (5) business days, the Records Access Officer shall acknowledge receipt of the request and advise the approximate date when the request will be granted or denied.

5. If a request cannot be granted within twenty (20) business days from the date of acknowledgement of the request, the District must state in writing both the reason the request cannot be granted within twenty (20) business days, and a date certain within a reasonable period when it will be granted depending on the circumstances of the request.
6. Denial of Access: When a request for access to a public record is denied, the Records Access Officer shall indicate in writing the reasons for such denial, and the right to appeal.

7. Appeal: An applicant denied access to a public record may file an appeal by delivering a copy of the request and a copy of the denial to the Superintendent, or his/her designee within thirty (30) days after the denial from which such appeal is taken.

8. The applicant and the New York State Committee on Open Government will be informed of the Superintendent’s determination in writing within ten (10) business days of receipt of an appeal. The Superintendent shall transmit to the Committee on Open Government photocopies of all appeals and determinations.

IV. Records Exempted from Public Access

The provisions of this regulation relating to information available for public inspection and copying shall not apply to records that:

1. are specifically exempted from disclosure by state and/or federal statute;
2. if disclosed would constitute an unwarranted invasion of personal privacy;
3. if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
4. are confidentially disclosed to the Board and compiled and maintained for the regulation of commercial enterprise, including trade secrets, or for the grant or review of a license;
5. are compiled for law enforcement purposes and which, if disclosed, would:
   a. interfere with law enforcement investigations or judicial proceedings;
   b. deprive a person of a right to a fair trial or impartial adjudication;
   c. identify a confidential source or disclose confidential techniques or procedures, except routine techniques or procedures; or
   d. reveal criminal investigative techniques or procedures, except routine techniques and procedures;
6. records, which if disclosed, would endanger the life or safety of any person;
7. records, which are interagency or intra-agency communications, except to the extent that such materials consist of:
   a. statistical or factual tabulations or data;
   b. instructions to staff, which affect the public;
   c. final Board policy determinations; or
d. external audits, including but not limited to, audits performed by the comptroller and the federal government;
8. records, which are examination questions or answers, that are requested prior to the final administration of such questions;
9. records, which if disclosed, would jeopardize the District’s capacity to guarantee the security of its information technology assets (which encompasses both the system and the infrastructure), including, but not limited to, computer access codes.

V. Prevention of Unwarranted Invasion of Privacy

To prevent an unwarranted invasion of personal privacy, the Records Access Officer may delete identifying details when records are made available. An unwarranted invasion of personal privacy includes but shall not be limited to:

1. disclosure of confidential personal matters reported to the Board, which are not relevant or essential to the ordinary work of the Board;
2. disclosure of employment, medical or credit histories or personal references of applicants for employment, unless the applicant has provided a written release permitting such disclosures;
3. sale or release of lists of names and addresses in the possession of the Board if such lists would be used for solicitation or fundraising;
4. disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such records are not relevant or essential to the ordinary work of the Board; or
5. disclosure of items involving the medical or personal records of a client or patient in a hospital or medical facility.

Unless otherwise deniable, disclosure shall not be construed to constitute an unwarranted invasion of privacy when identifying details are deleted, when the person to whom records pertain consents in writing to disclosure, or when upon representing reasonable proof of identity, a person seeks access to records pertaining to him or her.

VI. Listing of Records

Pursuant to Section 87(3)(c) of the Public Officers Law, the current records retention schedule for school districts, published by the Commissioner of Education, shall serve as the list by subject matter of all records in the possession of the District, whether or not available under the law.
VII. Litigation Hold

The Superintendent will designate a “discovery” team, comprised of the school attorney, Records Access Officer, Records Management Officer and other personnel as needed. In the event litigation is commenced, the discovery team will, as needed, recommend implementation of a plan to respond to any requests for records through the discovery process. The Superintendent, with assistance from the Records Access Officer, Records Management Officer and Technology Manager, will ensure that measures are put in place to preserve applicable records.

Adopted: 2/14/17
School Census

The Board of Education shall cause a census to be taken of all children between birth and eighteen years of age and in case of handicapped children between birth and twenty-one years of age.

The census shall include the children's names, their residences by street and number, the day, the month and the year of their birth, the names of the persons in parental relation to them and such information relating to physical challenges, to illiteracy, to employment, and to enforcement of the law relating to child labor and compulsory education and also such further information as the Board of Education shall require.

Adopted 3/6/62
Amended 2/19/72, 12/17/91, 2/13/07
**TABLE OF CONTENTS**

**BUSINESS AND NON-INSTRUCTIONAL OPERATIONS (Series 3000)**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning Calendar for Preparation of School Budget</td>
<td>3120</td>
</tr>
<tr>
<td>Transfer of Funds Between Categories</td>
<td>3160</td>
</tr>
<tr>
<td>Central Office Administrators’ Salaries and Stipends</td>
<td>3180</td>
</tr>
<tr>
<td>Disposition of Surplus Property</td>
<td>3290</td>
</tr>
<tr>
<td>Audit Committees</td>
<td>3300</td>
</tr>
<tr>
<td>Bids</td>
<td>3330</td>
</tr>
<tr>
<td>Approval of Conference Expenses</td>
<td>3362</td>
</tr>
<tr>
<td>Credit Cards</td>
<td>3363</td>
</tr>
<tr>
<td>Cellular Telephones</td>
<td>3364</td>
</tr>
<tr>
<td>Financial Accountability: Allegations of Fraud</td>
<td>3370</td>
</tr>
<tr>
<td>Revenue and Cash Management</td>
<td>3375</td>
</tr>
<tr>
<td>(Administrative Regulations included)</td>
<td></td>
</tr>
<tr>
<td>Fund Balance</td>
<td>3380</td>
</tr>
<tr>
<td>Inventory of Textbooks</td>
<td>3441</td>
</tr>
<tr>
<td>Inventory of School Property and Equipment</td>
<td>3442</td>
</tr>
<tr>
<td>Investments</td>
<td>3443</td>
</tr>
<tr>
<td>Purchasing</td>
<td>3444</td>
</tr>
<tr>
<td>Capitalization</td>
<td>3445</td>
</tr>
<tr>
<td>Change in Scope of Work on Capital Construction Projects</td>
<td>3446</td>
</tr>
<tr>
<td>Accounting and Fixed Assets</td>
<td>3450</td>
</tr>
</tbody>
</table>
Display of Flag
(Administrative Regulations included) 3519

Operation and Maintenance of Buildings 3522

Insurance 3533

Retroactive Health Insurance Premium Refunds 3540

Student Fundraising Activities 3542

Student Transportation 3545

Transportation for School Sponsored Activities and Field Trips 3546

Special Transportation 3547

Bus Transportation - Department of Pupils 3548

Transportation for Students in Foster Care 3549

Use of School Telephones, Computers, Internet and E-Mail by the Staff and Students 3610
Planning Calendar for Preparation of School Budget

The Superintendent of Schools shall submit a planning calendar for the preparation of the annual school budget to the Board of Education for approval in September. The planning calendar shall include dates upon which the following activities shall occur:

1. Submission of budget requests by school administrators to the Superintendent of Schools.

2. Inspection of buildings and grounds by the Board of Education for purpose of deciding upon repairs, alterations, and improvements for the succeeding school year.

3. Submission of proposed budget by the Superintendent of Schools to the Board of Education for review, and if the Board has so established, submission of that budget to a citizens budget committee.

4. Public meetings on proposed budget.

5. Adoption of proposed budget by the Board of Education for submission to the electorate for approval.

6. Printing and mailing to the residents of a brochure on the proposed budget.

7. Publishing notice of annual budget meeting.


9. Public vote on budget.

The Superintendent of Schools and/or his/her designee shall implement such procedures and practices as are deemed necessary for the preparation, in an orderly fashion, of a proposed budget for submission to the Board of Education.

Adopted 11/8/60
Amended 4/6/71, 12/20/77, 1/21/92
Reaffirmed 2/28/06
Transfer of Funds Between Categories

The transfer of funds between and within functional unit appropriations of the General Fund is commonly required during the school year. The Superintendent of Schools, his/her designee, in accordance with the Regulations of the Commissioner of Education, is authorized to make budget transfers between line item accounts for teachers’ salaries and ordinary contingent expenses, so long as the transfer for any one item does not exceed $5,000. Such transfers may also be made to balance payroll accounts and to accommodate Board of Education appointments and contractual obligations, and the transfer of funds necessary to balance accounts as of June 30th of each year, provided such transfers are only made between contingent expenditure codes, or from non-contingent expenditure codes to contingent expenditure codes and are in compliance with the aforementioned regulations.

All transfers in excess of $5,000 require prior Board approval. The Superintendent will report any transfers to the Board as an information item at its next meeting. The Superintendent will place transfers in excess of $5,000 on the Board agenda as an action item at its next meeting. End of year transfers, transferred after the close of the fiscal year as part of the closing process, will not need prior Board approval.

Ref:  Education Law §1718  
     8 NYCRR §170.2(l)

Adopted 12/5/61  
Reaffirmed 1/21/92, 10/18/05  
Amended 2/19/74, 2/26/08, 12/16/08, 12/18/18
Central Office Administrators’ Salaries and Stipends

The salaries and/or stipends of Central Office Administrators are not to be adjusted without a contractual basis, or in lieu of such basis, an approved resolution of the Board of Education as acted upon at a Business meeting.

Adopted 10/16/07
Reaffirmed 2/14/17
Disposition of Surplus Property

Sale of Personal District Property:

No real or personal District property shall be sold without prior approval of the Board of Education. The net proceeds from the sale of school property shall be deposited in the General Fund.

Prior to reassigning, storing, discarding or selling any equipment or supplies (including computer hardware and software), the District shall ensure that all District-related data and information is permanently and completely removed. If such data or information is of a sensitive, personal or confidential nature, and cannot be permanently and completely removed prior to discarding or selling, the equipment or supplies shall be destroyed, and if reassigned or stored, the District shall note that District data or information has not been permanently and completely removed. The District shall also ensure that all District-related data and information is permanently and completely removed from equipment that is leased from a third party, prior to returning the equipment. The District shall work with the third party provider to ensure that District data and information is able to be permanently and completely removed from the equipment.

Equipment

District equipment that is declared by the Board of Education to be obsolete, surplus or unusable by the District, shall be disposed of in such a manner that is advantageous to the District, and as directed by the Board of Education.

After the Board of Education determines that the equipment is obsolete (etc.) and authorizes its sale, the Superintendent or Assistant Superintendent for Business will be charged with the responsibility for selling the equipment in such a way so as to maximize the net proceeds of the sale, which may include a bona-fide public sale preceded by adequate public notice. All sales must be bona-fide for adequate consideration. If it is determined that reasonable attempts to dispose of the equipment have been made and such attempts have not produced an adequate return, the Superintendent or Assistant Superintendent for Business may dispose of the equipment in a manner permitted by law. The sale of equipment to a school Board member or other school official or employee involved in the purchasing function is prohibited.
Textbooks

Textbooks may lose their value to the educational program because of changes in the curriculum or they contain outdated material and/or are in poor condition.

If it is determined by the Board of Education after recommendation by the Superintendent that textbooks are no longer useful or usable, and the Board authorizes disposal of such textbooks, the procedures for disposal shall adhere to the following order of preference:

1. Sale of textbooks: If responsible attempts to dispose of surplus textbooks fails to produce monetary return to the District; then
2. Donation to charitable organizations or public corporations;
3. Disposal as trash, as a last resort.

Adopted 4/4/61
Reaffirmed 1/21/92; 2/28/06
Revised 12/18/07
Amended 12/20/16
Audit Committees

The Board of Education, as per Education Law 2116-c, has established an Audit Committee for the West Hempstead Union Free School District. This committee will be comprised of:

1. The entire Board of Education
2. Two community residents who possess appropriate financial backgrounds, such as auditing and/or accounting experience. Such members will serve for two (2) years.

Persons other than Board members who serve on this advisory committee shall be independent and shall not:

1) Be employed by the District;
2) Be an individual who within the last two (2) years provided or currently provides services or goods to the District;
3) Be the owner of or have a direct and material interest in a company providing goods or services to the District; or
4) Be a close or immediate family member of an employee, officer or contractor providing services to the District. For purposes of this subparagraph, a close family member shall be defined as a parent, sibling or non-dependent child, and an immediate family member shall be defined as a spouse, spouse equivalent or dependent (whether or not related).

The responsibilities of the Audit Committee include the following:

1) Provide recommendations regarding the appointment of the External (Independent) Auditor for the District;
2) Meet with the External (Independent) Auditor prior to commencement of the audit;
3) Review and discuss with the External (Independent) Auditor any risk assessment of the District’s fiscal operations developed as part of the Auditor’s responsibilities under governmental auditing standards for a financial statement audit and federal single audit standards if applicable;
4) Receive and review the draft annual audit report and accompanying draft management letter and, working directly with the External (Independent) Auditor, assist the Board of Education in interpreting such documents;
5) Make a recommendation to the Board on accepting the annual audit report; and
6) Review every corrective action plan developed by the school District and assist the Board in its implementation.
Additional responsibilities of the Audit Committee include: assisting in the oversight of the Internal Audit Function including, but not limited to, providing recommendations regarding the appointment of the Internal Auditor; review significant findings and recommendations of the Internal Auditor; monitoring the school District’s implementation of such recommendations; and evaluating the performance of the Internal Audit Function.

The Audit Committee, with input from the Superintendent, is hereby directed to prepare a response for Board review and approval, including a corrective action plan in response to any findings contained in the annual external audit report or management report, or any final audit report issued by the State Comptroller, within ninety (90) days of receipt of such report or letter. Such correction action plan shall include the expected dates of implementation, where appropriate. If no action is to be taken or proposed, such response shall include an explanation of reasons, as well as a statement on the status of corrective actions taken on findings or recommendations contained in any external audit or report of examination by the Comptroller or any management letter. Implementation of any corrective action plan shall begin no later than the end of the next fiscal year.

The Audit Committee may conduct an Executive Session pursuant to Public Officers Law Section 105 pertaining to the following matters:

1) To meet with the external auditor prior to commencement of the audit;
2) To review and discuss with the external auditor any risk assessment of the District’s or BOCES’ fiscal operations; and
3) To receive and review the draft annual audit report and accompanying draft management letter.

Adopted 12/18/07
Amended 11/19/13
Bids

The Assistant Superintendent for Business, or a person designated by the Assistant Superintendent for Business, shall seek bids for those items required by law.

In describing items to be bid, each item is to be described by generic and/or brand name and by composition, dimensions and identifying features such as color and size. A catalogue number of a supplier may be used but only if, in each case, the words "or equivalent" are appended to such description or appears in the covering specifications clause. The Board reserves the right in any case, however, to reject a low bidder if, in the opinion of the Board, upon the advice of the Assistant Superintendent for Business, or a person designated by the Assistant Superintendent for Business, the low bid item does not, in fact, meet the specifications set forth in the invitation to bid.

In no case shall the bid opening date be more than thirty (30) days before the regularly scheduled Board meeting at which award of the bids is to be considered.

Cross Ref. 3444 - Purchasing

Adopted 11/19/74
Amended 1/21/92, 2/14/17
Reaffirmed 2/28/06
Approval of Conference Expenses

Board Expenditures

Members of the Board of Education who have been approved, by a vote of the Board of Education, to attend a conference, workshop, convention, seminar and/or similar meeting(s) that will assist them in fulfilling their responsibilities as elected officials shall be reimbursed for pre-approved expenses that are reasonable, necessary and related to their attendance at any such meeting(s) upon completion of an expense form and submission of appropriate documentation in support of expenses claimed to the District Business Official.

Staff Expenditures

The Superintendent of Schools, or his/her designee, is authorized to approve District staff members attendance at conference, workshops, conventions, seminars and/or similar meetings(s) related to their positions at the District. The Superintendent of Schools, or his/her designee, is authorized to approve reasonable and necessary expenses related to staff attendance at any such meeting(s) within budgetary allocations for all staff approved to attend such conferences.

Attendance at any and all conferences, workshops, conventions, seminars and/or similar meeting(s) and anticipated related expenses for staff members must be pre-approved by the Superintendent of Schools, or his/her designee. The following rules shall guide the reimbursement of school-related travel expenses:

Transportation

1. Travel shall be by the most economical method, where feasible, whether by private automobile, school vehicle or common carrier such as bus, train or plane.

2. If travel is by private automobile, mileage shall be reimbursed at the level approved by the Board of Education for business travel. Parking and tolls will also be reimbursed, but gasoline will not.

3. Rental car expenses will be reimbursed only if authorized in advance. Receipts must be attached.

4. Air travel is only allowed when determined by the Board or the Superintendent to be in the District's best interest. Air travel shall be reimbursed at the lowest feasible fare available and shall not exceed regular coach class fare. Travel arrangements should be made as soon as reasonably practicable so as to avoid
payment of a higher fare due to a late booking. The traveler will be reimbursed for a maximum of one (1) checked bag (when applicable).

**Lodging**

1. Persons traveling on District-related business are encouraged to secure the most reasonable rate for necessary hotel accommodations. The traveler must present a sales tax exemption form at check-in when travelling in-state. Secure a copy from the Business Office prior to travel.

2. When the rate is pre-determined by the organization sponsoring the event, the traveler shall secure a room rate at no more than the pre-determined rate. Hotel accommodations at a rate other than the most reasonable rate or a pre-determined rate described above will be reimbursed only if approved by the Board President (for members of the Board and the Superintendent) and the Superintendent (for all others) prior to the stay.

**Meals**

1. For overnight conferences, the traveler will be provided with a $50 per diem flat rate allowance for meals. No receipts will be required for this reimbursement. Example: For a conference held on two days with one stay, the traveler will be provided $100.

2. For daily conferences, receipts must be submitted for meal purchases. Reimbursement will not be made if meals are provided at the conference. Reimbursement will not exceed $50 and must be pre-approved by Central Office Administration.

**Personal Expenses**

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

Adopted 10/4/66
Amended 1/21/92, 11/19/13, 2/14/17
Revised 2/10/15
Reaffirmed 2/28/06, 3/29/16
Credit Cards

It is recognized that specific District officials will be issued a District credit card to assist with their job responsibilities.

The District shall establish a credit line not to exceed $2,500 per card. District issued credit cards shall be used prudently and only for official school business and limited to the Superintendent, Board of Education President and District Clerk.

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 officials to personal 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 officials, up to and including termination.

Users must submit detailed documentation for each and every charge to the credit card, 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. Such documentation must be provided to the Business Office within two (2) week of the charge.

Itemized receipts should be obtained that are itemized to provide evidence that expenses are prudent and proper. For all expenses, the reason for the cost incurred should be provided.

Ref: Education Law §§1724(1); 2524(1) (itemized, audited, and approved vouchers required)

Adopted 10/18/05
Amended 10/16/12
Cellular Telephones

It is recognized that specific District officials will be required to carry cellular telephones to meet their job responsibilities. Job titles requiring cellular telephones shall be listed in Administrative Regulations.

The District shall establish the level of service contract for each specific employee, with the contract for same subject to review and approval by the Board of Education. The officials shall use their cellular telephones for business purposes only.

District officials who have been issued cellular telephones must take proper care of the same, and take all reasonable precautions against damage, loss or theft. Any damage, loss or theft must be reported immediately to the Business Office. Failure to take proper care of the District-issued cellular telephone may result in discipline of the District official and/or personal liability to the District official.

At least once per year the business office shall evaluate the effectiveness of the cellular telephone plan.

Adopted 10/18/05
Amended 10/16/12
Financial Accountability: Allegations of Fraud

Reporting and Investigations of Allegations of Fraud

All Board of Education members and officers, District employees and third party consultants are required to abide by the District’s policies, administrative regulations and procedures in the conduct of their duties. Further, all applicable federal and/or state laws and regulations must be adhered to in the course of District operations and practices. Any individual who has reason to believe that financial improprieties/fraud and/or wrongful conduct (see Policy 4354 for examples of ‘wrongful conduct’) is occurring within the school system is to disclose such information according to the reporting procedures established by the District. The reporting procedures will follow the chain of command as established within the department or school building or as enumerated in the District’s Organizational Chart. In the event that the allegations of financial improprieties/fraud and/or wrongful conduct concern the investigating official, the report shall be made to the next level of supervisory authority. If the chain of supervisory command is not sufficient to ensure impartial, independent investigation, allegations of financial improprieties/fraud and/or wrongful conduct will be reported as applicable, to the Internal Auditor, and/or the External Auditor, and/or the School Attorney, and/or the Board of Education. The District’s prohibition of wrongful conduct, including fraud, will be publicized within the District as deemed appropriate; and written notification will be provided to all employees with fiscal accounting/oversight and/or financial duties including the handling of money.

Upon receipt of an allegation of financial improprieties/fraud and/or wrongful conduct, the Board or designated employee(s) will conduct a thorough investigation of the charges. However, even in the absence of a report of suspected financial improprieties/fraud and/or wrongful conduct, if the District has knowledge of, or reason to know of, any occurrence of financial improprieties/fraud and/or wrongful conduct, the District will investigate such conduct promptly and thoroughly. To the extent possible, within legal constraints, all reports will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials as warranted, and any disclosure will be provided on a “need-to-know” basis. Written records of the allegation, and resulting investigation and outcome will be maintained in accordance with law.
Based upon the results of this investigation, if the District determines that a school official has engaged in financial improprieties/fraud and/or wrongful conduct, appropriate disciplinary measures will be applied, up to and including termination of employment, in accordance with legal guidelines, District policy and regulation, and any applicable collective bargaining agreement. Third parties who are found to have engaged in financial improprieties/ fraud and/or wrongful conduct will be subject to appropriate sanctions as warranted and in compliance with law. The application of such disciplinary measures by the District does not preclude the filing of civil and/or criminal charges as may be warranted. Rather, when school officials receive a complaint or report of alleged financial improprieties/fraud and/or wrongful conduct that may be criminal in nature, law authorities should be immediately notified.

An appeal procedure will also be provided, as applicable, to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable investigating officer(s).

Prohibition of Retaliation

The Board prohibits any retaliatory behavior directed against those individuals who, in good faith, report allegations of suspected financial improprieties/fraud and/or wrongful conduct, as well as witnesses and/or any other individuals who participate in the investigation of an allegation of financial impropriety/fraud and/or wrongful conduct. Follow up inquiries shall be made to ensure that no reprisals or retaliatory behavior has occurred to those involved in the investigation. Any act of retaliation is prohibited and subject to appropriate disciplinary action by the District.

Knowingly Making False Accusations

Any individual who knowingly makes false accusations against another individual as to allegations of financial improprieties/fraud may also face appropriate disciplinary action.

Cross Ref: 4354 Employee Protection

Adopted 12/18/07
Amended 12/18/18
Revenue and Cash Management

Cash Receipts and Revenue

1. The Board of Education must authorize all District bank accounts.

2. The Board of Education authorizes the Assistant Superintendent for Business to periodically verify that only Board-authorized accounts have been established. Furthermore, the Assistant Superintendent for Business should verify that only approved signatories are listed on District accounts.

3. Employees who handle cash are to be bonded.

4. Only authorized individuals are to collect cash. Receipt forms in triplicate, that are to be retained, are to be utilized.

5. The District is to use receipt forms or some other method (cash register receipts, logs of tickets sold, pre-numbered tickets, etc.) to assure accountability for all funds collected. These items may include such things as lunch/drink sales, library fines, lost book fees, ticket sales for athletic events, concerts, plays, adult education and other miscellaneous fees and charges.

6. Individuals, other than the Treasurer, collecting cash are to use pre-numbered triplicate forms, receipts or some other method of receipt forms. One receipt should be issued to the payer, one to the Treasurer and one retained by the collecting agent/building. The receipt form should be signed by the collecting agent.

7. Someone independent of other cash and record keeping functions will open the mail and establish a record of all funds received.

8. The District is to reconcile actual collections to budgeted amounts, especially in the extra classroom and lunch areas.

9. Checks are to be submitted to the Business Office for deposit. Someone independent of the record keeping function is to verify that the funds are, in fact, deposited into the bank. In most cases, the person who makes the initial cash receipt list should be the person who checks their list with the actual deposits.

10. Someone independent of the Business Office will periodically verify the completeness of deposits.
11. The District is to have a procedure whereby the district’s bank(s) will only wire funds from supervisor approved templates. These templates are to be reviewed annually by the Assistant Superintendent for Business.

12. All wire transfer notices are to be retained to support the transaction. Notices are to be periodically reviewed by the Assistant Business Manager.

13. All checks should be restrictively endorsed upon receipt.

14. All cash and checks are to be kept in a secure location, turned over to the Treasurer, and deposited in the bank on a timely basis, which generally means five (5) business days.

15. Cash balances on the bank statements are to be reconciled to the cash balances on the accounting records on a monthly basis.

16. The Treasurer is to obtain bank statements directly from the bank (via mail, pickup, or other means).

17. The Treasurer is to obtain the “book balance” directly from the general ledger, not through an intermediary person or from some other document.

18. The Treasurer is to compare bank statement deposit dates and amounts with cash receipts book entries.

19. Once the reconciliations are completed, someone independent of the process will review them for completeness and to ensure they do not include outdated reconciling items.

20. There is to exist adequate separation of duties for bank reconciliations, access to cash and record keeping.

21. The District needs to have procedures in place that ensure it receives the revenue it is entitled to.

22. The District is to use monthly billings, overdue notices, an accounts receivable aging report and the contacting of delinquent debtors as part of its accounts receivable process.

23. The individual responsible for the accounts receivable billings is prohibited from completing cash receipt and disbursements duties.
24. A supervisor is to periodically review the accounts receivables billings and reconcile the total to the general ledger amount.

**Cash Management and Investments**

1. The District is to have a procedure to determine if excess cash is available for investment and such amounts are transferred to interest-bearing accounts to maximize revenue.

2. A summary record of key information is to be maintained for all investments to properly monitor and account for investments.

3. The District is to invest only in those types of investments permitted by General Municipal Law Sections 10(3) and 11(2).

4. The Treasurer or other District Official is to be aware of collateral requirements and periodically verifies that the market value of pledged securities is sufficient to cover deposits in excess of the $100,000 FDIC limits.

**Cash in School Buildings**

Not more than five hundred dollars ($500.00), whether District or extra classroom funds, shall be held in the locked vault in the main office of each building for not more than five (5) business days. Under no circumstance shall cash be left in classroom areas or desks. The restriction also applies to office areas other than the locked main office. All cash shall be placed in the main office safe each day. The District will not be responsible for funds left unprotected.

Only authorized personnel shall be allowed in the main office vault. Such personnel include:

- The Principal
- The Assistant Principals where applicable
- Other as designated by the principal.

**Petty Cash**

1. The building principals shall be responsible for the oversight of the petty cash fund in their respective buildings. The Superintendent shall be responsible for the oversight of the petty cash fund in District office. Such accounts will be authorized by the Board of Education at the annual reorganization meeting.

2. All petty cash funds are authorized by the Board and do not exceed $100 each.
3. All petty cash disbursements are limited to a maximum amount(s) of not more than fifty dollars ($50.00), require supervisory approval and are supported by adequate documentation.

4. Supporting documentation is maintained for each transaction, including the original receipts or invoices marked cancelled when paid.

5. Someone independent of the petty cash function periodically audits each petty cash fund to ensure the correct amount of cash and receipts are on hand and the funds are being used in accordance with the District’s policies and procedures.

6. Petty cash funds provided for buildings, which are not operating during July and August, will be closed out by June 30th. All unspent cash on hand and receipts must be sent to the business office for reconciliation.

Adopted 2/26/08
Proper segregation of duties is important in almost any business function but is especially critical for electronic transactions. Without proper segregation of duties, you can increase the risk that one person could be in a position to both commit a wrongdoing and conceal it. At least two individuals should be involved in each electronic transaction. The authorization and transmitting of functions should be segregated and, if possible, the recording function should also be delegated to someone who does not have either approval or transmitting duties.

Payments made using Electronic File Transfer services cannot circumvent laws, regulations, or any internal control policies. Wire transfers and electronic payments can be used for: all disbursements, the transfer of funds from one district account to another to fund scheduled disbursements, and the receipt of funds from state, federal and other sources.

**Wire Transfer Procedures:**

1. Wire transfer templates must be approved by the Business Official.
2. All wire transfers must be initiated by the District Treasurer or, in his/her absence, the Deputy District Treasurer.
3. All wire transfers must be approved by the Purchasing Agent or, in his/her absence, the Deputy Purchasing Agent.
4. All wire transfers will be recorded by the District Treasurer or, in his/her absence, the Deputy District Treasurer.
5. Wire transfers will be reviewed at least twice monthly by the Claims Auditor.
6. Wire transfers will be reviewed and reconciled by the Assistant Business Manager at least quarterly.
Fund Balance

1. **Purpose** The Board of Education recognizes that the maintenance of a fund balance is essential to the preservation of the financial integrity of the school district and is fiscally advantageous for both the District and the taxpayer. This policy establishes goals and provides guidance concerning the desired level of year-end fund balance to be maintained by the District.

2. **Definitions** Fund balance is a measurement of available financial resources and represents the difference between total assets and total liabilities in each fund.

The District will report fund balance in accordance with Governmental Accounting Standards Board (“GASB”) Statement No. 54. Statement 54 distinguishes fund balance classifications based on the relative strength of the constraints that control the purposes for which specific amounts can be spent.

**Fund Balance Classifications:**

- **Non-spendable** – amounts that cannot be spent because they are in a non-spendable form (e.g., inventory) or legally or contractually required to be maintained intact (e.g., principal of a permanent fund).

- **Restricted** – amounts limited by external parties, or legislation (e.g., grants or donations).

- **Committed** – amounts constrained to specific purposes by a government itself using its highest level of decision-making authority (i.e.: Board of Education); to be reported as committed, amounts cannot be used for any other purpose unless the District takes the same highest-level action to remove or change the constraint.

- **Assigned** – amount intended to be used for a specific purpose; intent can be expressed by the Board of Education or by an official or body to which the Board delegates the authority.

- **Unassigned** – amounts available for consumption or not restricted in any manner. These amounts are reported only in the General Fund.

3. **Guidelines** The fund balance of the school’s General Fund has been accumulated to provide stability and flexibility and to respond to unexpected adversity and/or opportunities.
The target is to maintain an unassigned fund balance of 4% of the estimated annual operating expenditures for the ensuing fiscal year.

The District’s basic goal is to maintain annual expenditure increases at a growth rate, and to limit expenditures to anticipated revenue in order to maintain a balanced budget. The decision to retain an unassigned fund balance of 4% of the estimate annual expenditures of the ensuing fiscal year stems from the need to support normal operating costs for the District and provide fiscal stability. The unassigned general fund balance used for these purposes may only be appropriated by resolution of the Board of Education.

The order by which the District will spend restricted and unrestricted (unassigned) fund balance will be evaluated on an annual basis based on the current financial conditions. Reserves currently existing in the District include:

**Reserve for Employee Benefit Accrued Liability** - used to reserve funds for the payment of accrued employee benefit due an employee upon termination of the employee’s service. This reserve is evaluated by the business office on an annual basis based on reports provided by the financial accounting system.

**Retirement Contribution Reserve** - used for the purpose of financing retirement contributions. This reserve is evaluated on an annual basis by reports received from the New York State Employees’ Retirement System.

**Unemployment Reserve** - used to pay the cost of reimbursement to the State Unemployment Insurance Fund for payments made to claimants where the employer has elected to use the benefit reimbursement method.

4. **Delegation** of the Business Official or designee shall be responsible for the responsibility enforcement of this policy.

References: School Code – 24 P. S. Sec. 2-218, Sec. 6-688

Adopted 8/16/11
Amended 12/18/18
Inventory of Textbooks

An inventory of textbooks in each department and elementary school shall be compiled yearly by the appropriate chairperson, director, or building principal.

An inventory of textbooks required by law to be furnished by the district to private and parochial school students shall be compiled yearly by such person or persons as the Superintendent of Schools may designate.

A copy of said inventories is to be made available to the Board of Education.

Adopted 4/4/61
Amended 2/19/74, 1/21/92
Reaffirmed 2/28/06
Inventory of School Property and Equipment

In accordance with “The Uniform System of Accounts for School Districts,” an inventory of fixed assets and other school property and equipment of the District shall be maintained by the business office and revised annually as described in Policy 3450, Accounting and Fixed Assets.

A copy of said inventory is to be made available to the Board of Education.

Cross Ref: Accounting and Fixed Assets - 3450

Ref: Uniform System of Accounts for School Districts – Fiscal Section
General Municipal Law §36

Adopted 8/1/61
Renumbered from 3525 on 11/7/61
Amended 2/19/74, 1/21/92, 7/12/18
Reaffirmed 2/28/06
Investments

The objectives of the District's investment policy are to safeguard District funds and to minimize risk, to ensure that investments mature when cash is required to finance operations and to ensure a competitive rate of return. In accordance with this policy, the District Treasurer, in consultation with the Business Official, and under the direct supervision of the Superintendent of Schools, is authorized to invest and/or deposit all funds not required for immediate expenditure, including proceeds of obligations and reserve funds, in time-deposit accounts, certificates of deposit, or short-term government securities permitted by law, subject to the investment regulations approved by the Board.

To the extent feasible, investments and deposits shall be made in and through local or regional financial institutions. Concentration of investments in a single financial institution should be avoided. Diversification of investments and deposits is encouraged. Investments may be made either directly from an authorized trading partner, or by participation in a cooperative investment agreement with other authorized municipal corporations pursuant to General Municipal Law Article 5-G and in accordance with General Municipal Law Article 3-A.

The Board shall review this policy annually at a Policy Meeting.

Ref:  Education Law §§ 1604-a: 1720; 2503(1), (15); 3652
General Municipal Law §§ 10, 39
General Municipal Law §§ 6-d, 6-j, 6-l, 6-n, 6-p, 6-r, 10, 11, 39; Article 3-A;
Article 5-G
Local Finance Law §§ 24, 25, 165

Adopted 2/24/98
Amended 2/11/03, 12/21/10, 10/16/12, 10/21/14, 10/20/15, 12/19/17
Reaffirmed 2/9/10, 10/18/11, 11/19/13, 10/25/16, 9/19/17, 10/16/18
Investments

A. The Treasurer and/or Deputy Treasurer are authorized to invest all available District funds, including proceeds of obligations and reserve funds, in the following types of investment instruments:

Savings Accounts of Money Market Accounts of designation banks;

Certificates of Deposit issued by a bank or trust company located in and authorized to do business in New York State;

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

B. Only Reserve Funds may be invested in obligations of the District.

Direct or Cooperative Investments

Investments may be made either directly from an authorized trading partner, or by participation in a cooperative investment agreement.

A. Cooperative investment agreements may be made within certain municipal corporations: any New York State county (outside New York City), city, town, village, BOCES, fire district or school district, pursuant to General Municipal Law Article 5-G.

B. Cooperative investment agreements, pursuant to General Municipal Law Article 3-A, must address: the governing board of the cooperative, lead participant, proportional interest, the cooperative’s investment policy, contributions and distributions, apportionment of administrative expenses and costs, methodology to determine participants’ interest, determination of market value at least monthly, portfolio interest rate testing at least monthly, irrevocable letter of credit, professional services, contribution confirmations, monthly statements, notification of distribution deferrals or unanticipated losses or material adverse events, annual independent audit, annual information statements, annual investment reports and governing board rating disclosure.
Conditions

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

A. Collateral

1. Savings accounts, money market accounts, time deposit accounts and certificates of deposit will be fully secured by insurance of the Federal Deposit Insurance Corporations or by obligations of New York State, obligations issued by a municipal corporation, school district or District corporation of New York State, the United States, and federal agencies whose principal and interest are guaranteed by the United States. The market value of collateral will at all times exceed the principal amount of the certificate of deposit. Collateral will be monitored no less frequently than on a monthly basis.

2. Collateral will not be required with respect to the direct purchase of obligations of New York State, the United States and federal agencies, the principal and interest of which are guaranteed by the United States Government.

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

B. Letters of Credit

1. An eligible letter of credit for one hundred forty (140) percent of the amount deposited. §10.h. of the GML defines an eligible letter of credit as one that is issued in favor of the local government for a term not to exceed ninety (90) days by a bank (other than the bank with which the money is being deposited or invested) whose commercial paper and other unsecured short-term debt obligations (or, in the case of a bank, which is the principal subsidiary of a holding company, whose holding company’s commercial paper and other unsecured short-term debt obligations) are rated in one of the three highest rating categories (based on the credit of such bank or holding company) by at least one nationally recognized statistical rating organization or by a bank (other
than the bank with which the money is being deposited or invested) that is in compliance with applicable federal minimum risk-based capital requirements.

2. An irrevocable letter of credit issued by a federal home loan bank for one hundred percent (100%) of the amount deposited. §10.3.c.(ii). of the GML defines an irrevocable letter of credit issued by a federal home loan bank as one issued in favor of the local government by a federal home loan bank whose commercial paper and other unsecured short-term debt obligations are rated in the highest rating category by at least one nationally recognized statistical rating organization. According to Comptroller’s Opinion 2600-4, the ninety (90)-day term of an eligible letter of credit does not apply to an irrevocable letter of credit issued by a federal home loan bank.

The security agreement shall provide that eligible securities are being pledged to secure local government 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 local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the West Hempstead UFSD 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 local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all
provisions necessary to provide the local government a perfected interest in the securities.

C. **Delivery of Securities**

1. Payment of funds may only be made upon receipt of collateral or other acceptable form of security, or upon delivery of government obligations which are purchased outright. Written confirmation of delivery shall be obtained from the custodial bank.

D. **Written Contracts**

1. Written contracts are required for certificates of deposit and custodial undertakings. With respect to the purchase of direct obligations of U.S., New York State or other governmental entities in which monies may be invested, the interests of the school district will be adequately protected by conditioning payment on the physical delivery of purchased book-entry transactions, on the crediting of purchased securities to the Custodian's Federal Reserve System account. All purchases will be confirmed promptly to the school district.

2. The following written contracts are required:
   
a. Written agreements will be required for the purchase of all certificates of deposit.
   
b. A written contract will be required with the Custodial Bank(s).

E. **Designation of Custodial Bank**

1. The Board will designate a commercial bank or trust company authorized to do business in the State of New York to act as Custodial Bank of the school district's investments.

2. When purchasing eligible securities, the seller will be required to transfer the securities to the District's Custodial Bank.
F. **Selection of Financial Institutions**

1. The Business Official of the District will periodically monitor, not less than annually, the financial strength and credit worthiness of all institutions and trading partners through which the District's investments are made.

2. Investments in time deposits and certificates of deposit are to be made only with commercial banks or trust companies, as permitted by law.

G. **Operations, Audit, and Reporting**

1. The Treasurer and/or Deputy Treasurer, under the direct supervision of the Superintendent of Schools of the school district will authorize the purchase and sale of all securities and execute contracts for investments and deposits on behalf of the school district. Oral directions concerning the purchase of sale of securities will be confirmed in writing. The school district will pay for purchased securities upon the simultaneous delivery or book-entry thereof.

2. The school district will purchase and sell securities through a competitive process involving solicitation of at least three (3) quotations.

3. The independent auditors will audit the proceeds of the school district's investments for compliance with the provisions of this regulation.

4. Monthly investment reports will be furnished to the Board of Education.

Ref: Education Law §§1604-a; 1723-a; 3651; 3652
Local Finance Law §24.00, 25.00, 65.00
General Municipal Law §§6-d; 6-j; 6-l-n; 6-p; 6-r; 10; 11; 39; Article 3-A; Article 5-G

Adopted 2/24/98
Amended 2/11/03, 11/19/13, 10/21/14
Reaffirmed 2/9/10, 12/19/17
Purchasing

The function of the purchasing office is to serve the educational program by providing the necessary supplies, equipment and services. The Board of Education declares its intention to purchase competitively without prejudice and to seek maximum educational value for every dollar expended. The acquisition of services, equipment and supplies is the responsibility of the Business Office, which functions under the supervision of the Business Official. All purchasing transactions are conducted through the Business Office and the Business Official shall be responsible for developing and administering the purchasing program of the District.

Competitive bids or quotations shall be solicited in connection with all purchasing when required by law or Board policy. Contracts that are subject to competitive bidding shall be awarded to the lowest responsible bidder complying with specifications and with other stipulated bidding conditions. The Purchasing Agent is authorized to issue purchase orders without prior approval of the Board of Education where formal bidding procedures are not required by law and when budget appropriations are adequate to cover such obligations.

All purchase contracts for commodities, materials, equipment or supplies and all public work contracts that are above the current aggregate expenditures as specified by current General Municipal Law shall be awarded on the basis of public advertising and competitive bidding. The Business Official, or a person designated by the Business Official, is authorized to open bids and record same pursuant to law. All contracts which require public advertising and competitive bidding shall be awarded by resolution of the Board of Education. The Business Official or the Superintendent of Schools or his/her designee shall submit recommendations for the award of all such contracts to the Board of Education.

Purchases shall be made through available state contracts, county contracts, federal, BOCES, cooperative bids, state correction institutions, agencies for the blind and severely handicapped whenever such purchases are in the best interest of the District.

Items commonly used in the various schools or units thereof shall be standardized whenever consistent with education goals and in the interest of the District.

Petty cash funds shall be established in the amount of $100 for each school building and for the central office. Such funds shall be used for the payment of properly itemized bills of nominal amounts and under conditions calling for immediate payment. Allowances, responsibility, security and accounting of petty cash funds shall be in accordance with the regulations of the Board of Education and the Commissioner of Education.
In accordance with law, the District shall give preference in the purchase of instructional materials to vendors who agree to provide materials in alternative formats at the same time that regular format instructional materials are made available to non-disabled students. The term “alternative format” shall mean any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a disabled student enrolled in the District (or program of a BOCES), including, but not limited to, Braille, large print, open and closed captioned, audio or an electronic file in a format compatible with alternative format conversion software that is appropriate to meet the needs of the individual student.

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

In order to ensure that the District avails itself of advantageous purchasing opportunities, the Board authorizes the Purchasing Agent to represent the District in applying for federal programs designed to discount prices for goods and services. Specifically, the Purchasing Agent will abide by the rules and regulations associated with applying for telecommunications service discounts through the Universal Service Fund (E-Rate), in addition to complying with the local purchasing policies set forth by the Board. As with all purchasing activity, appropriate documentation of the application and purchase through any federal program will be maintained by the Business Office.

Purchasing procedures employed shall comply with all applicable laws and regulations of the State and Commissioner of Education.

Regulations for Purchasing

1. Only the person designated by the Board of Education as Purchasing Agent may commit the District for a purchase.

2. The commodities, materials, equipment, supplies and/or services purchased shall be of the quality required to serve the function in a satisfactory manner, as determined by the requisitioner and the Purchasing Agent.
3. It is the responsibility of the requisitioner to provide an adequate description as required by the Purchasing Agent, so that s/he may be able to prepare the specifications and to procure most expeditiously and economically the desired commodity and/or service.

4. It is the responsibility of the Purchasing Agent to make alternate suggestions to the requisitioner if, in the judgment of the Purchasing Agent, the specifications should restrict competition or otherwise preclude the most economical purchase of the required item.

5. When a low bidder proposes an alternate as "an equal" to that specified, it is the responsibility of the Purchasing Agent to determine whether the proposed substitution is, in fact, an equal. Such decision shall be based on his/her evaluation and that of the requisitioner.

6. The following are designated as requisitioners, that is, they are authorized to issue requisitions against stipulated segments of budgetary appropriations: Superintendent, Assistant Superintendents, Principals, Assistant Principals, Director of Pupil Personnel Services, Director of Technology, Director of Athletics and Director of School Facilities and Operations. Each requisitioner shall be responsible for limiting his/her requisitions to the amounts appropriated in his/her budget.

7. Only forms provided by the Purchasing Agent shall be used for requisitioning.

8. Standard supply lists of commonly used items shall be jointly developed for all categories or groups of supplies by the Purchasing Agent and the appropriate requisitioners. These standard lists shall be used as a basis for requisitioning.

9. A purchase order is appropriate for processing if it meets the following requirements:
   a) Is issued by and bears the signature of an authorized requisitioner
   b) Contains adequate information
   c) Is verified for adequacy of budgetary appropriation.

10. Purchase orders shall include the following essentials:
   a) A specification which adequately describes to the supplier the characteristics and the quality standards of the item required.
   b) A firm, quoted, net price, including delivery, whenever possible. Prices shall be shown per unit, and extended.
c) Clear delivery instructions  
d) Signature of Purchasing Agent  
e) Budget account code number  
f) Bid number, if applicable

11. All purchase orders shall be submitted to the Purchasing Agent for approval.

12. The Purchasing Agent shall prepare an annual bidding schedule consistent with the users' needs and the efficient functioning of the Business Office.

13. Purchase orders shall be press-numbered (imprinted) and prepared in sets of four copies each to be used as follows:
   a) Original to vendor  
   b) Copy 2 - to requisitioner, to be returned after certification to the Purchasing Agent as to receipt in proper quantity and satisfactory condition  
   c) Copy 3 - filed numerically by purchase order number in Business Office  
   d) Copy 4 - requisitioner's copy

14. Confirmation orders - a verbal approval from the Purchasing Agent, subject to subsequent confirmation by a written purchase order, may be issued only in cases in which a bona fide emergency situation exists.

15. A claim to be submitted to the Board of Education for approval for payment shall qualify when the following conditions are met:
   a) Bears the description and price of the items specified on the purchase order, less any allowed discounts  
   b) It is accompanied by the third copy of the purchase order bearing the signature of the requisitioner that the item has been received in a satisfactory condition and quantity indicated  
   c) All extensions and totals have been checked for accuracy  
   d) Has the approval of the Purchasing Agent
16. The following annual dollar amounts will serve as indicators of procedures to be used for the purchase of commodities, equipment or goods:

- **$1-$3,000**: At the discretion of purchasing department
- **$3,001-$19,999**: Formal, written quotes from at least three separate vendors
- **$20,000 and up**: Sealed bids in conformity with municipal law

17. The following annual dollar amounts will serve as indicators of procedures to be used for public works projects/contracts:

- **$1-$5,000**: At the discretion of purchasing department
- **$5,001-$34,999**: Formal written quotes from at least three separate vendors
- **$35,000 and up**: Sealed bids in conformity with municipal law

18. To determine whether or not competitive bidding is required, the Purchasing Agent will decide:

   a) Whether over the course of the fiscal year, it is expected that the District will spend in excess of the bidding thresholds for the same or similar items or services;
   b) Whether an item is available under state or county contract;
   c) Whether the item should be presented to the District's attorney;
   d) In the case of an emergency, whether the statutory requirements are met;
   e) In the case of a sole source, determining that the item is in the public interest, has no reasonable equivalent and is, in fact, available only from one source.

19. In order to invoke an emergency exception to the competitive bidding requirements, there are three statutory criteria that must be met:

   a) The situation arises out of an accident or other unforeseen occurrence or condition;
   b) The circumstances affect public buildings, public property or the life, health, safety, or the property of the District's residents;
   c) The situation requires immediate action which cannot await competitive bidding.
Generally, there must be a present, immediate and existing condition, which is creating an imminent threat or danger and which requires such immediate action that a further delay to comply with competitive bidding requirements is so detrimental to the public interest that it overcomes the strong public policy in favor of competitive bidding.

20. Anytime a purchase is made from other than the lowest responsible vendor or contractor submitting a quotation or proposal, the District will provide justification and documentation setting forth the reasons why such award is in the best interests of the District and otherwise furthers the purposes of General Municipal Law § 104-b.

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

a) The Special knowledge or expertise of the professional or consultant service;

b) The quality of the service to be provided;

c) The staffing of the service; and

d) The suitability for the District’s needs.

The District will first locate prospective qualified firms by:

a) Advertising in trade journals;

b) Checking listings of professionals; or

c) Making inquiries of other districts or other appropriate sources.

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

22. Policy 3444 and these regulations will be reviewed by the Board of Education annually.
Purchasing Authority

It is the responsibility of the Business Office to make purchases for school use. The Purchasing Agent is authorized to approve purchases in accordance with budget allocations. Individual schools will have no authority to make purchases except as approved by the Business Office on an authorized purchase order or claim form.

The District shall comply with the requirements of General Municipal Law §103-g, which prohibits, with few exceptions, competitive bidding contracts with entities that invest significantly in the Iranian energy sector, as outlined in the accompanying regulation.

Procurement

The Board authorizes the purchase and procurement of apparatus, materials, equipment and supplies and services related to the installation, maintenance or repair of such apparatus, materials, equipment and supplies, the cost of which exceeds $20,000, on the basis of the “best value” exception to the competitive bidding requirements of the General Municipal Law, and consistent with all other applicable requirements of the General Municipal Law.

To the extent allowable by law, the Board further authorizes the use of “Piggybacking” on any contracts let by the United States, or any agency, thereof or any state or any other county or political subdivision or district therein, provided that the original contract was awarded to the “lowest responsible bidder” or on the basis of “best value” in a manner consistent with General Municipal Law § 103, and made available for use by other governmental entities.

Ref: Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195)
Education Law §§ 305(14), 409-i, 1709(4-a), (9), (14), (22)
General Municipal Law §§ 103, 103-g, 104, 109-a, 800 et seq.
8 NYCRR §§ 170.2, 170.4
State Finance Law §§ 97-g(3), (4) (5); 163; 163b
County Law § 408-a(2)

Adopted 10/20/98
Amended 10/20/09, 10/19/10, 10/18/11, 10/16/12, 2/11/14, 10/21/14
10/25/16, 10/16/18
Reaffirmed 11/19/13, 10/20/15, 9/19/17, 2/13/18
Capitalization

In order to provide for the proper control and conservation of district property, the Superintendent or his/her designee shall maintain inventory records and account for capital expenditures in accordance with the following guidelines:

Inventory Records

1. All equipment items costing in excess of $500.00 shall be inventoried.
2. All non-equipment capital assets costing in excess of $5,000.00 shall be inventoried.

The following information must be maintained on the equipment/fixed asset inventory:

1. Name and description of the property
2. Name of titleholder
3. Serial number or other identification number
4. Cost of the asset (estimate if unknown)
5. Acquisition date
6. Purpose (note and justify any changes in use)
7. Location of use
8. Date and method of disposal and sale price
9. For items acquired with federal funds:
   Funding source
   Use and condition of property
   Percentage of federal participation in the cost

Capitalization of Assets

1. Equipment items that cost more than $5,000.00 will be capitalized and depreciated for GASB 34 reporting purposes.
2. Equipment items costing less than $5,000.00 shall be expensed for GASB 34 reporting purposes.
3. All non-equipment capital assets costing in excess of $5,000.00 shall be capitalized and depreciated for GASB 34 reporting purposes.
4. All non-equipment capital assets costing less than $5,000.00 shall be expensed for GASB 34 reporting purposes.
For financial reporting purposes, fixed assets with a service life of more than two years following the date of acquisition will be capitalized. Useful lives will be determined in the year of purchase based on general guidelines obtained from professional organizations and the asset’s present condition. The district will use the straight-line method of depreciation and depreciation expense will be calculated beginning in the year of acquisition.

**Intangible Assets**

Intangible assets as defined by GASB 51 that cost at least $100,000 per asset are to be capitalized. Intangible asset purchases under $100,000 are recognized as operating expenditures.

When purchasing computer software licenses or similar assets, threshold determinations must be based on the aggregate cost of the purchase. Purchased software is capitalized if the aggregate purchase exceeds $100,000.

Intangible assets shall be depreciated using straight-line depreciation for a period of time not to exceed the period to which the service capacity of the asset is limited by any applicable contractual or legal provision.

Ref: GASB 34  
GASB51

Adopted 12/20/05  
Reaffirmed 12/20/11  
Revised 2/14/12
Change in Scope of Work on Capital Construction Projects

The Board of Education wants to facilitate the timeliness of work associated with the capital construction projects authorized by the District’s voters. As such, the Board recognizes the occasional need to approve changes in construction plans (change orders) as the work unfolds.

The Board authorizes the Purchasing Agent to approve increases and decreases in the planned capital facilities project work (change orders) in an amount not to exceed $15,000 per change. The Superintendent will present the change order to the Board as an information item at its next scheduled meeting. It is understood that change orders will be authorized by the administration only when necessary to maintain progress of the work and will not substantively change the scope of project plans.

Change orders which exceed $15,000 will require prior Board approval.

Adoption date: 12/20/16
Accounting and Fixed Assets

The Assistant Superintendent for Business, or designee, shall be responsible for accounting and maintaining inventory records for general fixed assets according to the procedures outlined by the Uniform System of Accounts for School Districts and GASB Statement 34 Regulations. These accounts will serve to:

1) Maintain a physical inventory of assets based upon funding source;
2) Establish accountability;
3) Determine replacement costs; and
4) Provide appropriate insurance coverage.

All fixed assets carrying a minimum value established by the Board that have a useful life of one (1) year or more 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, buildings, 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:

1) Date of acquisition;
2) Description;
3) Cost or value;
4) Location;
5) Responsible official;
6) Estimated useful life;
7) Date and method of disposition; and
8) Funding source

The Assistant Superintendent for Business shall arrange for a physical inventory of District property (both federally owned and exempt property) equipment, supplies and materials (“Property”). An inventory of the Property shall be taken annually and thereafter the results shall be reconciled with the District’s property records at least once every two years. Any discrepancies between physical inventory and the District’s property records on file should be traced and explained. A master inventory and annual inventory shall be maintained for the Title I program in accordance with 2 CFR Part 200, et seq. The Title I inventory shall be maintained for at least five years.
An inventory of supplies, which are warehoused, shall be maintained separately for the instructional, cafeteria, maintenance and transportation departments. A physical inventory shall be taken annually.

All equipment will be labeled. All Title I equipment shall be properly labeled to include “Title I.” Equipment purchased with Title I funds will be used for Title I programs only for as long as needed. In the event that the equipment is no longer needed for Title I programs, the District may use the equipment for other federally funded programs by obtaining the approval of the federal awarding agency and/or the pass-through agency as required by the terms and conditions of the federal awards.

**Disposition of Federal Grant to include Title I Equipment**

When original or replacement equipment acquired under a federal grant or sub-grant is no longer needed for the original project or program or for other activities currently or previously supported by a federal agency, disposition of the equipment will be made as follows:

- Items of equipment with a current per-unit fair market value of less than $5,000 may be retained, sold, or otherwise disposed of with no further obligation to the federal awarding agency.

- Items of equipment with a current per unit fair market value in excess of $5,000 may be retained or sold and the awarding agency shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency’s percentage of participation in the cost of the original purchase.

- In cases where the District fails to take appropriate disposition actions, the awarding agency may direct the grantee or sub-grantee to take excess and disposition actions. No federal approval is necessary to dispose of equipment costing over $5,000, but for sub-grantees, New York State Education Department (NYSED), approval is necessary. Once NYSED has determined that it has no other need for the use of the equipment, sub-grantees are free to proceed with the sale of equipment.

**Capital Assets Accounting Policy GASB 34**

This policy enhances any capitalization policy previously adopted by the Board of Education.
For financial reporting purposes, fixed assets having an estimated useful life of at least two (2) years following the date of acquisition will be capitalized. Capitalization thresholds will be applied to individual fixed assets rather than groups of fixed assets. The threshold to be used for the categories of fixed assets is as follows:

<table>
<thead>
<tr>
<th></th>
<th>District Inventory Purposes</th>
<th>Financial Reporting Purposes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Improvements</td>
<td>$10,000</td>
<td>$25,000</td>
</tr>
<tr>
<td>Buildings and Improvements</td>
<td>$10,000</td>
<td>$50,000</td>
</tr>
<tr>
<td>Furniture and Equipment</td>
<td>$ 1,000</td>
<td>$  5,000</td>
</tr>
</tbody>
</table>

All assets will be depreciated using the straight-line method. Residual value will be considered.

Useful lives will be determined in the year of purchase based on general guidelines obtained from the New York State Office of General Services and/or professional organizations and the asset’s present condition. Depreciation expense will be calculated beginning in the year of acquisition.

Adopted: 2/26/08
Amended 7/12/18
Display of the Flag

The Board of Education believes that the flag of the United States is a symbol of the values of our nation, the ideals embedded in our Constitution and the spirit that should animate our District.

The flag shall be displayed at all District schools in accordance with the State Education Law.

The flag shall be flown at full or half staff pursuant to law. In addition, the flag may be flown at half staff to commemorate the death of a present or former Board member, present or past employee, student or important person considered worthy of this recognition by the Board and/or Superintendent.

Consistent with national and state law and regulations and this policy, the Superintendent of Schools shall develop rules and regulations for the proper custody, care and display of the flag.

Ref: 4 U.S.C. §§5-9
Education Law §§418; 419; 420
Executive Law §§400-403
8 NYCRR Part 108

Adopted 1/2/62
Reaffirmed 1/21/92, 3/17/09
Revised 10/16/18
ADMINISTRATIVE REGULATIONS
DISPLAY OF THE FLAG

Flags Displayed Out of Doors and on Movable Hoists Indoors

A United States flag shall be displayed in, on or near every school building in the District during school hours every day that school is in session, weather permitting, and at such other times as the Superintendent of Schools shall direct. Unless otherwise stated, the flags shall be flown at full staff. The flags may also be displayed at night upon special occasions, at the discretion of the Superintendent, when it is desired to produce a patriotic effect, so long as the flag is properly illuminated during the hours of darkness. During inclement weather, the flag shall be placed conspicuously in the main room of the school building.

Weather permitting, the flag will be displayed on or near the main administration building of the District whenever the building is open to the public, and on the following days: New Year's Day, Martin Luther King, Jr. Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Flag Day, the Fourth of July, Labor Day, September 11th Remembrance Day, POW/MIA Recognition Day, Columbus Day, Veterans Day, Thanksgiving Day, Pearl Harbor Day and Christmas Day. If any of these days (except Flag Day) falls on a Sunday, the flag shall be displayed on the next day. In addition, the flag shall be displayed on each general election day and each day appointed by the President of the United States or by the Governor of New York as a day of general thanksgiving or for displaying the flag.

Flags shall also be displayed in or near every polling place on election days.

Flags shall be flown at half staff on Pearl Harbor Day, on September 11th Remembrance Day, on days commemorating the death of a personage of great importance, and on days designated by the President or the Governor.

Flags on individual buildings will be flown at half staff for thirty (30) days if a present employee or student in that building dies. The flag shall also be flown at half staff the day of the funeral of any former employee well known in the school. This will be at the discretion of the Superintendent.

All flags in the District are to be flown at half staff when a present Board member dies and are kept at half staff for thirty (30) days. All flags are put at half staff on the day of the funeral of a former Board member. All flags in the District are flown at half staff on the day of the funeral of a present employee or a present student. This will be at the discretion of the Superintendent.

The flag will not be displayed on days when the weather is inclement.
Hoisting of the Flag

The flag shall be hoisted briskly and lowered ceremoniously.

In half staffing the flag, it first should be hoisted to the peak for an instant and then lowered to the half staff position. The flag shall be again raised to the peak before it is lowered for the day. The flag shall never be put at half mast in the middle of the day. It must be put at half mast in the morning only.

Indoor Flags and Those Not on Movable Hoists

There shall be a United States flag in each assembly room of every school in the District. It is the duty of the teacher or other person in charge of each assembly room to ensure that the flag in the room is displayed from a staff standing at the audience's right as they face the stage. If the flag is placed on the platform, it should stand at the right of the speaker as he/she faces the audience and at the audience's left as they face the stage.

Adoption date: 10/16/18
Operation and Maintenance of Buildings

The Superintendent is charged with the responsibility for administering plant operations in the most efficient and cost effective manner possible, while placing the highest priority on health and safety of students and conservation of natural resources.

The Board, through the Superintendent and his/her staff, has the responsibility of protecting the District investment in plant and facilities through a systematic maintenance program.

It is expected that the 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 the least interference with the educational program.

1. A Head Custodian shall be appointed by the Board of Education for each school. The Head Custodian shall be responsible to the Principal for daily care, maintenance and cleanliness of the building and to the Business Manager and/or his/her designee for major repairs, alterations and construction.

2. Painters, carpenters, groundsmen and other employees who move from building to building in their duties shall be responsible to the building principal for administration, and to the Business Manager and/or his/her designee for work schedules and building assignments.

3. It is the duty of each school employee to safeguard and protect the property of the school district. Care shall be taken to see that windows and doors are properly secured, all machines turned off and covered, and all lights turned off before leaving the building at the close of day. Teachers shall check their own rooms. Custodians shall secure the entire building.

Adopted 4/3/62
Amended 2/19/74, 1/21/92, 12/15/09
Insurance

The District shall carry liability insurance, workers’ compensation insurance and any other insurance deemed necessary by the Board of Education for the protection of the school District and its employees.

The objective of the Board is to obtain the best possible insurance at the lowest possible cost. In this process the Board will seek advice from an insurance consultant to determine that adequate coverage is being provided in the areas of fire, boiler, general liability and student accident insurance.

The Board shall carry real and personal property insurance to protect the District against loss or damage. Coverage shall include all district buildings, their contents, school grounds and all vehicles.

The Board shall also produce liability insurance for claims assessed against the Board members arising from their acts while exercising or performing or in good faith purporting to exercise or perform their powers and duties and for claims assessed against District employees while acting in the discharge of their respective duties, within the scope of their employment and/or under the Board’s direction.

All insurance policies, along with building inventories, should be kept in a fireproof depository or with the appropriate insurance agent for safekeeping.

The Superintendent and Assistant Superintendent for Business shall review annually the District’s insurance program to determine if suitable coverage is in place and discuss any recommendations with the Board of Education.

Adopted 6/22/62
Amended 12/19/72, 1/21/92
Revised 12/18/07
Retroactive Health Insurance Premium Refunds

Retroactive premium refunds to Participating Agencies will be limited to a maximum period of six (6) months, consistent with the New York Benefit Employee Accounting System (NYBEAS) transaction processing limit.

Refunds for periods greater than six (6) months, up to a maximum period of three (3) years, (established under State Finance Law) will be permitted only in the following situations:

1. There is a documented retroactive determination of eligibility by a state or federal entity and such determination is reported to the Employee Benefits Division within sixty (60) days of such determination, with the most common examples being retroactive disability retirement determinations by a state retirement system and retroactive determinations of Medicare eligibility by Centers for Medicare/Medicaid Services (CMS); or

2. Death of an enrollee or covered dependent, in which case there would be no claims exposure to New York State Health Insurance Program (NYSHIP).

Requests for consideration of premium refunds in excess of six (6) months must be made in writing to the Employee Benefits Division:

NYS Department of Civil Service
Employee Benefits Division
Alfred E. Smith State Office Building
Albany, NY  12239

Adopted 10/19/10
Student Fundraising Activities

Only those organizations granted approval by the Board of Education shall have permission to solicit donations and contributions from students.

All fundraising activities must be voluntary. No direct solicitation of students is permitted on school premises during school hours. However, the Board will allow the following forms of indirect solicitation:

1. The sale of goods, services or tickets to an event (social, musical, athletic, etc.), where a portion of the funds go to a charitable purpose;
2. Allow charitable organizations to recruit students during school hours to participate in fundraising 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 the out-of-school fundraising 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. Placement of a bin or collection box in a hallway or other common area for the voluntary donation of food, clothing, other goods or money. Collection of such items in the classroom or homeroom is prohibited.

Ref: NYS Constitution, Article 8 §1
Education Law §414
8 NYCRR §§ 19.6; 172.1 et seq.
Appeal of Ponte, 38 EDR 280 (1998)
Guidelines Relating to Solicitation of Charitable Donations from School Children, SED, January 1994

Adopted: 12/19/17
Student Transportation

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

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

Bus transportation will be contracted for on the basis of a public bid in accordance with the provisions of the law.

Minimum distances from homes to schools, both public and non-public, will be approved by the vote of the qualified voters at the Annual Meeting.

The Board of Education shall include in the annual budget funds to provide transportation for pupils according to the grade and distance schedule below:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Distance More Than</th>
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<tbody>
<tr>
<td>K-5</td>
<td>¾ Miles</td>
</tr>
<tr>
<td>6</td>
<td>1 Mile</td>
</tr>
<tr>
<td>7-12 (See Note 1)</td>
<td>1½ Miles</td>
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</tbody>
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For transportation of pupils, all distances shall be measured by the nearest available route from home and the school using public streets or roads, consistent with Education Law and the decisions of the Commissioner of Education. The Superintendent of Schools or designee shall determine the manner by which distance is measured for the purpose of transportation eligibility.

All distances shall be measured from the curb nearest the front door of each home to the curb at the officially designated entrance of all public and non-public schools. (See Note 2)

The officially designated entrance of public and non-public schools, for the purpose of measuring distances, shall continue from year to year and may be changed upon written request from the building principal to the Business Manager made before April 1st of any school year.

Bus transportation or public bus tickets shall be provided to pupils attending a private or parochial school in accordance with State Law. In no case shall transportation be provided beyond the maximum mileage required by law.
Note 1 - Transportation will be provided to all pupils attending public and non-public schools in grades 7-12 whose homes are located more than 1½ miles from the high school attended. The District shall provide contract bus transportation or public bus tickets, whichever is more economical.

Note 2 - The West Hempstead High/Middle Schools are considered two buildings each with their own entrance.
Transportation for School Sponsored Activities and Field Trips

Transportation for school sponsored activities and field trips, which is to be paid for with funds allotted in the school budget, will be provided by the company awarded the annual contract for such purpose. The use of such bus transportation shall be approved, in each instance, by the Superintendent or his/her designee.
Special Transportation

The Board of Education shall provide transportation for students with disabilities where required under applicable law.

Adopted 2/4/69
Amended 2/19/74, 3/17/09
Reaffirmed 1/21/92
Bus Transportation - Department of Pupils

The administration shall promulgate rules and regulations for the purpose of controlling the use or misuse of bus passes with appropriate penalties set forth for the improper use of bus passes, misconduct while on the bus and any other abuse of transportation privileges.

Adopted 12/3/68
Reaffirmed 1/21/92, 3/17/09
Transportation for Students in Foster Care

The Every Student Succeed Act of 2015 (ESSA) requires school districts to work with child welfare agencies to ensure the educational stability of children in foster care. In New York State, the child welfare agency is the local department of social services (LDSS) or, at the state level, the Office of Child and Family Services (OCFS).

The West Hempstead Union Free School District promotes the educational stability of students in foster care by working with students, their designated caregivers and local departments of social services (LDSS) to determine the educational placement that is in the best interest of the student, and by providing transportation and other services consistent with applicable laws and regulations.

Transportation Plans:

1. The West Hempstead Union Free School District will coordinate and collaborate with the LDSS to make an appropriate transportation plan that supports the student’s school stability plan and is fair to the District’s taxpayers, consistent with the West Hempstead Union Free School District’s obligations under the federal Fostering Connections Act.

2. The West Hempstead Union Free School District recognizes that the LDSS may have access to federal funds to support the student’s school stability plan, including transportation costs. Therefore, when there are additional costs incurred by the West Hempstead Union Free School District to provide transportation to the school of origin, the West Hempstead Union Free School District will first seek to have the LDSS agree to provide that transportation through a separate contract or by reimbursing the West Hempstead Union Free School District. The West Hempstead Union Free School District will also consider sharing the additional cost with the LDSS or absorbing the full amount of the additional cost.

Adopted: 10/16/18
Use of School Telephones, Computers, Internet and E-Mail by the Staff & Students

The use of school telephones, computers, internet and e-mail by staff and students shall be limited to official school business.

Adopted 8/1/61
Renumbered from 4311 on 1/21/92
Amended 1/21/92, 3/17/09
**TABLE OF CONTENTS**

PERSONNEL (Series 4000)

**Professional Personnel**

- Ethical Conduct for West Hempstead UFSD Public Officers and Employees 4100
- Length of School Day for Teachers REPEALED 2/13 4110
- Medical Examinations REPEALED 2/13 4114
- HIV/AIDS 4115
- Teachers and Teaching Assistants Supervision and Evaluation 4117
- Recognition for Longevity and Meritorious Performance 4120
- Teacher Exchange Program REPEALED 2/13 4121
- Substitute Teachers 4132
- Authorship of Book or Materials by Members of the Staff 4141
- Tutoring 4144
- Participation of Professional Staff in Organizations 4145
- Absence Due to Injuries Received on the Job and Related Matters - Professional Employees 4157
- Sick, Personal and Extended Leaves REPEALED 2/13 4164
- School Visitations by Members of Professional Staff 4165
- Non-Certificated Personnel 4200
- Non-Certificated Personnel - Recruitment and Selection 4211
- Non-Certificated Personnel - Appointment 4212
- Medical Examinations – Non-Certificated Staff REPEALED 11/13 4214
- Tie Breaking Procedures for Determining Seniority 4220
Absence Due to Injuries Received on the Job and Related Matters—Non-Certificated Employees 4238

Grievance Procedures for Non-Certificated and Non-Represented Staff Members 4271

Staff Use of Laptop Computers 4275

Professional and Non-Certificated Personnel

Tax Sheltered Annuities 4351

Cafeteria Services for All Personnel 4352

Confidential Medicaid Disclosure 4353

Employee Protection (Whistle Blower) 4354

Sexual Harassment of Staff – REPEALED See 2200 4355

Conditional Appointments – Student Safety Policy REPEALED 6/30/12 4356

Family and Medical Leave Act 4360

Drug-Free Workplace (Administrative Regulations included) 4370
Ethical Conduct for West Hempstead UFSD Public Officers and Employees

The Board of Education recognizes that there are rules of ethical conduct for public officers and all employees of the West Hempstead UFSD that must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this policy to promulgate these rules of ethical conduct. These rules shall serve as a guide for the official conduct of the officers and employees of the West Hempstead Union Free School District. The rules of ethical conduct of this policy shall not conflict with, but shall be in addition to any prohibition of Article Eighteen of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

Definitions

1. "Municipal Officer or Employee" means an officer or employee of the West Hempstead Union Free School District, whether paid or unpaid, including members of any administrative board, commission or other agency thereof.

2. "Interest" means a direct or indirect pecuniary or material benefit accruing to a municipal officer or employee.

Standards of Conduct

Every officer or employee of the West Hempstead Union Free School District shall be subject to and abide by the following standards of conduct:

1. **Gifts** - He/she shall not directly or indirectly, solicit any personal gift, or, accept or receive any gift on his/her own behalf having a value of $75 (seventy-five dollars) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any form, or a gift of any value whatsoever under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her, or could reasonably be expected to influence him/her in the performance of his/her official duties or was intended as a reward for any official action on his/her part.

2. **Confidential Information** - He/she shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interests. This includes matters discussed in Executive Session. However, the Board, acting as a
whole, may decide to disclose such information where disclosure is not prohibited under the law.

3. **Representation Before One’s Own Agency** - He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he/she is an officer, member or employee or of any municipal agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer, or employee.

4. **Representation Before Any Agency for a Contingent Fee** - He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his/her municipality, whereby his/her compensation is to be dependent or contingent upon any action by such agency 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 Resolutions Submitted for Consideration of Board** - To the extent that he/she knows thereof, a member of the Board and any officer or employee of the West Hempstead Union Free School District, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board on any resolution 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/she has in the adoption of such resolution.

6. **Investments in Conflict with Official Duties** - He/she shall not invest or hold any investment directly or indirectly in any financial business, commercial or other private transaction, which creates a conflict with his/her official duties.

7. **Private Employment** - He/she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interest when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.

8. **Separation from Service** - He/she shall not, after the termination of service or employment with such municipality, appear before any board or agency of the West Hempstead Union Free School District in relation to any case, proceeding or application in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration except as may be required by the Board or agency in
completing or deciding such cases, proceedings or applications not completed during term of service.

9. **Disclosure of Interest in Contracts** – Any District officer or employee, as well as his/her spouse, who has, will have or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the District shall publicly disclose the nature and extent of such interest in writing to his/her immediate supervisor and to the Board of Education as soon as he/she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the Board minutes.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account demand or suit against the West Hempstead Union Free School District, or any agency thereof on behalf of himself/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

**Distribution of Code of Ethics**

The Superintendent, as Chief Executive Officer of the West Hempstead Union Free School District, shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the District within thirty (30) days after its adoption. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her officer of employment. In addition, a copy of Article 18 of the General Municipal Law regarding conflicts of interest (Section 800-809) shall be posted in a conspicuous place to the District’s officers and employees. (GML Section 807).

Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code, nor the enforcement of provisions thereof.

**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 this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.
New York State Code of Ethics for Educators

Statement of Purpose

The Code of Ethics is a public statement by educators that sets clear expectations and principles to guide practice and inspire professional excellence. Educators believe a commonly held set of principles can assist in the individual exercise of professional judgment. This Code speaks to the core values of the profession. "Educator" as used throughout means all educators serving New York schools in positions requiring a certificate, including classroom teachers, school leaders and pupil personnel service providers.

Principle 1: Educators nurture the intellectual, physical, emotional, social and civic potential of each student.

Educators promote growth in all students through the integration of intellectual, physical, emotional, social and civic learning. They respect the inherent dignity and worth of each individual. Educators help students to value their own identity, learn more about their cultural heritage, and practice social and civic responsibilities. They help students to reflect on their own learning and connect it to their life experience. They engage students in activities that encourage diverse approaches and solutions to issues, while providing a range of ways for students to demonstrate their abilities and learning. They foster the development of students who can analyze, synthesize, evaluate and communicate information effectively.

Principle 2: Educators create, support, and maintain challenging learning environments for all.

Educators apply their professional knowledge to promote student learning. They know the curriculum and utilize a range of strategies and assessments to address differences. Educators develop and implement programs based upon a strong understanding of human development and learning theory. They support a challenging learning environment. They advocate for necessary resources to teach to higher levels of learning. They establish and maintain clear standards of behavior and civility. Educators are role models, displaying the habits of mind and work necessary to develop and apply knowledge while simultaneously displaying a curiosity and enthusiasm for learning. They invite students to become active, inquisitive and discerning individuals who reflect upon and monitor their own learning.
Principle 3: Educators commit to their own learning in order to develop their practice.

Educators recognize that professional knowledge and development are the foundations of their practice. They know their subject matter, and they understand how students learn. Educators respect the reciprocal nature of learning between educators and students. They engage in a variety of individual and collaborative learning experiences essential to develop professionally and to promote student learning. They draw on and contribute to various forms of educational research to improve their own practice.

Principle 4: Educators collaborate with colleagues and other professionals in the interest of student learning.

Educators encourage and support their colleagues to build and maintain high standards. They participate in decisions regarding curriculum, instruction and assessment designs, and they share responsibility for the governance of schools. They cooperate with community agencies in using resources and building comprehensive services in support of students. Educators respect fellow professionals and believe that all have the right to teach and learn in a professional and supportive environment. They participate in the preparation and induction of new educators and in professional development for all staff.

Principle 5: Educators collaborate with parents and community, building trust and respecting confidentiality.

Educators partner with parents and other members of the community to enhance school programs and to promote student learning. They also recognize how cultural and linguistic heritage, gender, family and community shape experience and learning. Educators respect the private nature of the special knowledge they have about students and their families and use that knowledge only in the students' best interests. They advocate for fair opportunity for all children.

Principle 6: Educators advance the intellectual and ethical foundation of the learning community.

Educators recognize the obligations of the trust placed in them. They share the responsibility for understanding what is known, pursuing further knowledge, contributing to the generation of knowledge and translating knowledge into comprehensible forms. They help students understand that knowledge is often complex and sometimes paradoxical. Educators are confidantes, mentors and advocates for their students' growth and development. As models for youth and the public, they embody intellectual honesty, diplomacy, tact and fairness.
Ref: General Municipal Law §§806-808
Opn. St. Comp. 2008-01

*Application of the Board of Education*, 57 EDR Dec. No. 17,147 (2107)
*Application of Nett and Raby*, 45 EDR 259 (2005)

Adopted 10/20/09
Amended 12/21/10, 10/18/11, 12/20/11, 12/18/12, 12/19/17
Reaffirmed 11/19/13, 10/21/14, 10/20/15, 10/25/16, 9/19/17, 10/16/18
Length of School Day for Teachers

Regulations concerning starting and leaving time for teachers shall take into consideration the responsibility of the schools for the safety and welfare of the pupils, as well as the professional status of teachers.

The teaching staff shall report prior to the opening of school at such time as is deemed necessary by the Superintendent of Schools.

Teachers are to remain at the close of the school day for such time as shall be sufficient to complete routine duties, give special help to individual students and to carry out any other duties deemed necessary by the administration.

Adopted 11/6/62
Renumbered from 6112 and Reaffirmed on 10/20/92
comprehensive services in support of students. Educators respect fellow professionals and believe that all have the right to teach and learn in a professional and supportive environment. They participate in the preparation and induction of new educators and in professional development for all staff.

**Principle 5: Educators collaborate with parents and community, building trust and respecting confidentiality.**

Educators partner with parents and other members of the community to enhance school programs and to promote student learning. They also recognize how cultural and linguistic heritage, gender, family and community shape experience and learning. Educators respect the private nature of the special knowledge they have about students and their families and use that knowledge only in the students' best interests. They advocate for fair opportunity for all children.

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Adopted 10/20/09
Amended 12/21/10, 10/18/11, 12/20/11, 12/18/12
Reaffirmed 11/19/13, 10/21/14
Medical Examinations – Professional Staff

Each professional employee upon initial appointment shall undergo a general health and physical examination by a private physician or by the school physician. A chest x-ray or a tuberculin skin test shall be required as part of this examination. Such examination shall be confidentially reported to the Superintendent on a form provided by the District and shall become part of the personnel record of that employee.

In case of an unsatisfactory health examination report, consultation as to the next steps to be taken shall be held between the Superintendent and the school physician. Recommendations arising from this consultation shall be made to the Board.

All professional employees must be re-examined not more than three (3) months prior to being placed on tenure and the Superintendent shall include, with his/her recommendation to the Board concerning employees eligible for tenure, a statement as to each employee's condition of health.

The Board further authorizes the Superintendent to require additional health examinations whenever, in his/her discretion, such examinations seem necessary or advisable.

The foregoing shall not restrict medical and other examinations as may be authorized under the Education Law of the State of New York.

Adopted 10/2/62
Amended 12/19/72, 3/17/09
Reaffirmed 10/20/92
Employees with AIDS or HIV

1. Except as noted below, no employee shall be relieved of duties solely because he/she has been diagnosed as infected with AIDS or HIV.

2. A team consisting of the employee's physician, a public health official, the employee and/or his/her representatives, a school physician and school personnel as designated by the Superintendent of Schools, shall upon notification, meet to consider a recommendation to the Superintendent regarding the employee's ability to continue to perform his/her duties. In making the determination, the team shall consider: (a) the physical condition of the school employee; (b) the expected type of interaction with others in the school setting; and (c) the impact on both the infected school employee and others in that setting.

3. Upon receipt of the recommendations by the team convened to consider the ability of an AIDS-infected employee to continue to perform his/her duties, the Superintendent shall forward such recommendations to the Board of Education.

4. The Board of Education, upon receipt of the recommendations described above, shall convene forthwith, in Executive Session, to consider them and to render a final decision upon them.

5. The sexual orientation of a school employee shall not constitute reasonable cause to believe that he or she is an infected individual. No school employee or potential school employee shall be required to provide information as to his or her sexual orientation.

6. Consistent with federal guidelines, no mass medical screening of employees shall be undertaken for the purpose of determining exposure to AIDS or HIV.

7. The confidentiality of an infected employee will be maintained to the extent possible consistent with the needs of others who may be required to take precautions appropriate to working with an infected individual.

Adopted 10/20/92
Teachers and Teaching Assistants Supervision and Evaluation

Principals shall be responsible for the supervision of teachers and teaching assistants in their school(s). It is the responsibility of principals to ensure that teachers perform in a satisfactory manner.

Principals shall pursue a program of periodic supervision and shall complete an official evaluation of the work performance of each probationary teacher at least four (4) times each school year; tenure teachers will be officially evaluated at least two (2) times each school year.

Such evaluations may also be completed by departmental directors in conjunction with the building principals.

Adopted 12/6/60
Amended 10/20/92, 3/17/09
Reaffirmed 2/11/20
Recognition for Longevity and Meritorious Performance

The Board of Education shall recognize staff who have completed twenty (20) years of satisfactory service.

The Board of Education shall also acknowledge a staff member who has distinguished himself/herself in a particular endeavor by a letter of commendation.

Adopted 12/5/67
Amended 10/20/92
Teacher Exchange Program

It shall be the policy of this district to permit teacher participation in teacher exchange programs, which have been approved by the Superintendent.

Adopted 2/21/67
Reaffirmed 10/20/92
Substitute Teachers

The administration shall obtain substitute teachers whenever necessary and shall develop appropriate procedures regarding the hiring of such substitutes.

In the event that a substitute teacher serves a consecutive period in excess of twenty (20) teaching days in the same assignment and assumes the full responsibilities of the regular teacher, said substitute will receive $100 per day.

Adopted 12/4/62
Amended 1/15/74, 10/20/92, 2/24/98
Authorship of Books or Materials by Members of the Staff

Books or materials authored by members of the staff may be used in the school system, with approval of the departmental director and the building principal. In the case of textbooks and/or workbooks, such materials must be submitted to the Textbook Review Committee for recommendation to the Board of Education.

Adopted 12/5/67
Reaffirmed 10/20/92
Amended 3/17/09
Reaffirmed 2/11/20
Tutoring/Professional Services for a Fee

No teacher in the West Hempstead Union Free School District shall receive payment of any sort for tutoring, instructing, counseling or any other professional service, or for assisting any pupil enrolled in subjects of which he/she is the regular instructor of that pupil, except where authorized by the Superintendent of Schools. A teacher may act as a paid tutor for other than his/her own students provided such tutoring is done during non-school hours and does not interfere with his/her regular assignments of work in the schools.

School buildings can not be used for private tutoring for which a fee is charged.

Adopted 11/8/60
Amended 11/19/74, 12/15/92, 12/21/04, 12/16/14
Participation of Professional Staff in Organizations

Members of the staff are encouraged to participate in the activities of professional organizations engaging in research, study and improvement of teaching of the various subjects and special education areas.

Participation in such professional organizations shall not interfere with the performance of a staff member's professional duties and responsibilities.

Adopted 9/3/63
Amended 12/15/92
Absence Due to Injuries Received on the Job and Related Matters – Professional Employees

Professional employees injured on the job who are unable to continue work for a specified period are entitled to consideration as follows:

1. For the first five (5) working days of absence (which is equivalent to seven (7) calendar days under the Workers’ Compensation Law), the employee shall be entitled to full pay. The employee will be excused for the first three (3) days and the remaining two (2) days shall be charged against his accumulated sick leave.

2. For absence extending beyond the first five (5) working days, the employee may elect to accept workers’ compensation or may instead elect to use accumulated sick days at the rate of two (2) sick days for each five (5) days absence. In no case may an employee use more than two (2) accumulated sick days for each five (5) days of absence.

3. If the employee elects to receive workers’ compensation, he/she will be suspended from the payroll when he/she has been absent for more than seven (7) calendar days. Thereafter, no charge to his accumulated sick leave will be made for absence for which he/she receives workers’ compensation.

4. The employee may elect to receive full pay instead of workers’ compensation only if he/she has sick leave available. In such case, when the employee's absence extends beyond the first five (5) working days, only two (2) days of each week of absence beyond the first week shall be charged to sick leave.

The School District shall arrange to be reimbursed for the amount of workers’ compensation due for the period of absence for which the employee receives full pay.

5. For the period of continuous absence that the employee elects to receive full pay, he/she will not receive workers’ compensation. If he/she exhausts his/her accumulated sick leave and is still absent due to the injury, he/she will then be entitled to receive workers’ compensation.

6. In the event an employee's absence due to injury exceeds fourteen (14) calendar days, and he/she becomes eligible to receive workers’ compensation for the first seven (7) calendar days of such absence, the School District shall not be entitled to the amount of workers’ compensation for the period of the first seven (7) calendar days regardless of which option the employee has elected to receive, i.e., full pay or workers’ compensation.
Adopted 1/3/61
Amended 12/15/92, 12/17/13
Sick, Personal and Extended Leaves

1. Absence from duty because of personal illness by a member of the certified staff shall be excused with full pay as prescribed in the applicable collective bargaining agreements between the Board of Education and the District's bargaining units.

2. Unused sick leave in any school year shall be cumulative to the extent same is permitted by the applicable collective bargaining agreement.

3. In addition to a statement of the cause of absence (applicable to all types of absences), certified staff members absent for personal illness must file a disability certificate with the Superintendent of Schools. If such absence is of four or more consecutive days, the certificate must be signed by a physician other than the school medical examiner, unless the school medical examiner is also the staff member's family physician.

4. During the final year of service, a member of the certified staff may take a retirement leave of absence pursuant to paragraph "2" of Policy 4156. Such leave, if taken, shall be in lieu of the final salary increase provided for in Policy 4156, at paragraph "1."

5. Absence from duty because of personal business and emergency by a member of the certified staff shall be excused with full pay as prescribed in negotiated agreements between the Board of Education and the District's bargaining units.

Adopted 12/19/61
Amended 6/2/64, 11/22/94
School Visitations by Members of Professional Staff

The Board of Education is cognizant of educational advantages that may accrue to the District's program resulting from participation in or exchange of professional experiences. The Board would encourage such participation pursuant to the Superintendent's approval and appropriate regulations.

Adopted 3/18/69
Reaffirmed 12/15/92
Amended – Title Change 12/17/13
Non-Certificated Personnel

Non-certificated personnel are defined as all employees other than employees classified as "teachers" in Education Law Section 3101, Subsection 1.

Conditions of Work

The Business Manager, with the approval of the Superintendent, shall provide for the establishment of work schedules, provisions for absences and other conditions of work in keeping with the Board's policies and any applicable contracts. The District shall strive to establish working conditions that promote excellent physical and mental health of all employees.

Transfers and Promotion

In filling positions, persons in the employ of the District shall, whenever possible, receive favorable consideration.

Adopted 10/20/59
Amended 7/5/60, 12/15/92, 12/17/13
Non-Certificated Personnel - Recruitment & Selection

Recruitment

When positions become available, subject to Civil Service Law, the Business Manager will advertise and contact local agencies in order to fill the vacancies. He/she will provide job descriptions and job qualifications to the interested parties. In the case of equally qualified applicants, local residents will be given first consideration.

Selection

The Business Manager will write job descriptions and job qualifications, based on state requirements, to act as a guide in the selection of non-certificated personnel. These job descriptions and job qualifications will be reviewed and approved by the Board periodically.

The Business Manager or his/her designee will interview all applicants and refer those whom he/she feels are the best candidates to the Superintendent for his/her approval.

Adopted 10/20/59
Amended 7/5/60, 11/19/74, 12/15/92, 12/17/13
Non-Certificated Personnel – Appointment

All non-certificated personnel shall comply with the Civil Service Laws and Regulations. They will be recommended for appointment by the Director of Business/Business Manager to the Superintendent of Schools. Each recommended candidate that is approved by the Superintendent of Schools will be recommended by the Superintendent of Schools to the Board of Education for appointment. The Board of Education, at its next regular meeting, will either appoint the candidate as a “provisional” or “probationary” employee, whichever is applicable, effective the date the employee will start work, or will decline to appoint the candidate, by its failure to appoint, or by official action.

Initial Placement on Salary Schedule

The new employee shall be placed on the appropriate step of the salary schedule and shall receive the salary designated for such step, as defined in the applicable collective bargaining agreement. Placement on the salary schedule will occur after due consideration has been given to the following factors as they are pertinent: personal background, education, the quality and quantity of past experience as it relates to the position under consideration, and the past salaries of other persons in similar positions.

Status of New Employees

New employees will have "provisional" or "probationary" status, whichever is applicable pursuant to Civil Service Law. Upon completion of a period of service required by law and upon approval of the Superintendent of Schools, the employee shall gain "permanent" status, or tenure, whichever is applicable pursuant to Civil Service Law.

Adopted 10/20/59
Amended 7/5/60, 12/15/92, 2/11/14
Tie Breaking Procedures for Determining Seniority

The following steps should be used to determine seniority:

1) Date of Appointment by the Board of Education
2) Date the Contract Letter was returned
3) Date of application for employment.

Adopted 12/15/09
Reaffirmed 2/11/20
Absence Due to Injuries Received on the Job and Related Matters – Non-Certificated Employees

Non-certificated employees injured on the job who are unable to continue work for a specified period are entitled to consideration as follows:

1. For the first five (5) working days of absence (which is equivalent to seven (7) calendar days under the Workers’ Compensation Law), the employee shall be entitled to full pay. The employee will be excused for the first three (3) days and the remaining two (2) days shall be charged against his accumulated sick leave plus accrued vacation.

2. For absence extending beyond the first five (5) working days, the employee may elect to accept workers’ compensation or may instead elect to use accumulated sick days at the rate of two (2) sick days for each five (5) days absence. In no case may an employee use more than two (2) accumulated sick days for each five (5) days of absence.

3. If the employee elects to receive workers’ compensation, he/she will be suspended from the payroll when he/she has been absent for more than seven (7) calendar days. Thereafter, no charge to his/her accumulated sick leave will be made for absence for which he/she receives workers’ compensation.

4. The employee may elect to receive full pay instead of workers’ compensation only if he/she has sick leave available. In such case, when the employee's absence extends beyond the first five (5) working days only two (2) days of each week of absence beyond the first week shall be charged to sick leave.

The School District shall arrange to be reimbursed for the amount of workers’ compensation due for the period of absence for which the employee receives full pay.

5. For the period of continuous absence that the employee elects to receive full pay, he/she will not receive workers’ compensation. If he/she exhausts his/her accumulated sick leave and is still absent due to injury, he/she will then be entitled to receive workers’ compensation.

6. In the event an employee's absence due to injury exceeds fourteen (14) calendar days and he/she becomes eligible to receive workers’ compensation for the first seven (7) calendar days of such absence, the School District shall not be entitled to the amount of workers’ compensation for the period of the first seven (7) calendar days regardless of which option the employee has elected to receive, i.e., full pay or workers’ compensation.
Adopted 1/3/61
Amended 12/15/92, 12/17/13
Grievance Procedures for Non-Certificated & Non-Represented Staff Members

I. Definitions

1. **Grievance** shall mean any claimed violation, misinterpretation or inequitable application of any existing laws, rules, procedures, regulations or policies which relate to, or involve the individual in, the exercise of the duties assigned to him or her; however, such definition shall not include any matter involving an employee’s rate of compensation, retirement benefits, disciplinary proceeding or any matter, which is otherwise reviewable pursuant to law or any rule or regulation having the force and effect of law. For the purpose of this policy, the term “Grievance” does not include any grievance otherwise covered by any other District policy, including, but not limited to, Policy 2200 Sexual Harassment.

2. **Individual** shall mean any non-bargaining unit employee or any group of such employees.

3. **Representative** shall mean the person or persons designated by the aggrieved individual as his/her counsel or to act in his/her behalf.

4. **Abstract** shall mean a statement of the grievance with pertinent background data, and complete statements of the findings at each level. The abstract shall not make any references to the individuals involved in the case.

II. Basic Principals

1. It is the intent of these procedures to provide for the orderly settlement of differences in a fair and equitable manner. The resolution of a grievance at the earliest possible stage is encouraged.

2. An individual shall have the right to present grievances in accordance with these procedures free from coercion, interference, restraint, discrimination or reprisal.

3. An individual shall have the right to be represented at any stage of the procedures by a person or persons of his/her own choice.

4. The District shall keep a record of the grievance procedure at all stages. Each party to a grievance shall have access at reasonable times to the record pertaining to the case in question. After the case is closed, an abstract shall be prepared by the Superintendent or his/her designee. The abstract of the record of the proceedings shall be the only record retained in the permanent
file. If the aggrieved is not in agreement with the accuracy of the abstract or statement of findings he/she may write a written response to the abstract or statement of findings to be included in the file. This file shall remain open for future reference and research.

The abstract shall be written not later than one calendar month after the case is closed.

5. All hearings and proceedings shall be confidential to the extent reasonably practicable.

6. It shall be the responsibility of the Superintendent of Schools to take such steps as may be necessary to give force and effect to these procedures. At each level of the grievance procedure, the person(s) charged with considering the grievance shall have the responsibility to consider promptly each grievance presented to him/her and make a determination within the authority delegated to him/her within the time specified in these procedures.

7. The function of these procedures is to assure equitable and proper treatment under the existing laws, rules, regulations and policies, which relate to, or affect, the individual in the performance of his/her assignment. They are not designed to be used for changing such rules or establishing new ones.

8. The time periods of any step of these procedures may be extended by the District, in its sole discretion.

9. If dissatisfied with the decision rendered in any step of these procedures, the aggrieved must notify in writing the person or group who rendered the unsatisfactory decision of his/her intent to proceed to the next step of the grievance machinery.

III. Procedures

1. The individual shall submit his/her grievance, in writing, to his/her immediate supervisor. The immediate supervisor shall render a decision in writing to the aggrieved not more than five (5) school days after receiving the grievance.

2. If dissatisfied with the decision as rendered in Step 1, the individual shall submit his/her grievance in writing to the Superintendent together with the written record of Step 1. The Superintendent or his/her designee(s) shall hold an informal hearing at which the employee and his/her representative, if any, may appear and present oral and written statements or arguments. The
Superintendent or his/her designee(s) shall render his/her decision in writing to the aggrieved not later than five (5) school days after receipt of the grievance by the Superintendent. No additional evidence shall be considered by the Superintendent or his/her designee which has not been presented at Step 1. If a designee acts for the Superintendent, it shall have the same effect as if the Superintendent had rendered the decision. The Superintendent may not, however, designate as his/her designee the same person who heard the grievance at Step 1.

3. The individual wishing to carry the grievance further shall submit in writing his/her grievance and records of Steps 1 and 2 to an Advisory Appeal Board which shall be convened by the Superintendent at the request of the individual within five (5) school days following such a request, if reasonably practicable to do so. No additional evidence shall be considered at Step 3, which has not been presented at Steps 1 and 2.

In the event that the aggrieved feels that there is additional pertinent evidence, which has not been submitted at the prior step of the grievance procedure he/she may, by agreement with the individual rendering the decision at the previous step, reopen such previous step. The decision as to whether to reopen the previous step shall be made in the sole discretion of the individual who rendered the decision at such step.

The Advisory Appeal Board shall be made up of three (3) members selected by the Superintendent of Schools.

The Advisory Appeal Board shall meet with the aggrieved and his/her representative, if any, to conduct a hearing on the appeal. All parties to the grievance must be present and may have counsel. If a party is not present at the scheduled meeting then he/she will be deemed to have waived his/her right to appear before the Advisory Appeal Board on such matter. The parties will be restricted to the written record. No additional evidence will be considered. Accordingly, the Board will only hear argument of the parties or their representatives based on the written record.

The decision of the Advisory Appeal Board shall be rendered in writing to the individual grievant, his representative, if any, and to the Superintendent not later than five (5) school days after the convening of the Advisory Appeal Board.

The decisions of the Advisory Appeal Board are not binding. They serve only to aid the individual and the Superintendent in their considerations regarding procedure to the next step.
The aggrieved may proceed to Step 4 not more than five (5) school days after the decision of the Advisory Appeal Board.

4. The individual shall submit his/her grievance in writing to the District Clerk for distribution to the Board of Education. He/she must include the written record of the previous steps. The Board’s review of the matter will be restricted to the written record. No additional evidence will be considered. The Board shall render a decision in writing within one (1) calendar month after the Board meeting at which the grievance is considered.

IV. Amendments

These procedures may be amended at any time by the Board of Education.

V. Distribution of Procedures

A copy of these procedures and any amendment thereto shall be distributed to all non-represented unit employees and shall be filed with the State Civil Service Commission and the District Clerk within fifteen (15) days after their adoption.

Ref: GML Art. 15-c

Adopted 9/17/63
Amended 1/19/93
Amended 2/94
Revised 2/11/14
Staff Use of Laptop Computers

The Board of Education recognizes that certain District employees may be required to utilize and, therefore, may be issued laptop computers in order to fulfill their job responsibilities. (Refer to Policy 5170 – Internet Acceptable Use Policy.) A list of employees who have been issued laptops by the District will be maintained in the office of the Assistant Superintendent for Business and Operations.

These employees shall have the option to bring/leave the laptops at their residence depending on their particular needs. As with any District-owned equipment, employees must take proper care of laptops and take all reasonable precautions against damage, loss or theft. Any damage, loss or theft must be reported immediately to the Assistant Superintendent for Business and Operations. Upon separation from employment, the laptop is to be returned to the office of the Assistant Superintendent for Business and Operations. Failure to return the laptop will result in its value being deducted from your final paycheck.

Adopted: 12/16/08
Tax Sheltered Annuities

The Board of Education of the West Hempstead Union Free School District agrees to enter into "salary reduction agreements" with those employees who wish to purchase (their own) annuities in accordance with Section 403(B) of the Internal Revenue Code.

Adopted 10/4/66
Amended 1/19/93, 10/16/12
Cafeteria Services for All Personnel

The Board of Education shall provide cafeteria services for all personnel, on school premises, on a self-sustaining basis. The cost of meals and services will not be subsidized by the District.

Adopted 1/3/67
Amended 12/15/92, 10/16/12
Confidential Medicaid Disclosure

The Board of Education is committed to ensuring compliance with any laws, regulations and standards of conduct related to Medicaid practices including billing. New York State and local school districts are required to establish a mechanism which enables employees to anonymously disclose any practices or billing procedures related to Medicaid reimbursement to the New York State Compliance Officer that they suspect are improper or fraudulent. Any disclosures made through this mechanism will be promptly and thoroughly investigated to determine if remedial action is required.

Details of the District’s investigative procedures can be found in the Administrative Regulations.

Adopted 2/9/10
ADMINISTRATIVE REGULATIONS

This regulation is intended to implement the Board’s policy on Confidential Medicaid Disclosure so as to enable employees to confidentially disclose information deemed inappropriate and, which is related to Medicaid practices or billing procedures, to the New York State Compliance Officer.

New York State Compliance Officer

Rose Firestein
New York State Department of Health
Office of General Counsel
90 Church Street
4th Floor
New York, New York 10007
telephone: (212) 417-4393;
facsimile: (212) 417-4392;
e-mail address: ref01@health.state.ny.us

Communications with the New York State Compliance Officer

1) An employee who believes that any practice or billing related to Medicaid reimbursement is inappropriate may send related information to the New York State Compliance Officer.

2) Information may be forwarded to the Compliance Officer anonymously but it must be in writing. An employee's verbal communication of alleged wrongdoing will not be sufficient to warrant further action.

3) Information may be sent via US Mail, courier service, e-mail or facsimile transmission.

4) Any properly communicated allegation will be referred to the District for its review and investigation.

District Responsibilities

1) Without attempting to discover the identity of the complaining employee, the District shall determine whether:
   a) the allegations are credible;
   b) any federal or state statute, regulation or policy pertaining to practices or billing related to Medicaid reimbursement has been violated; and
   c) the violation was systemic or limited in scope.
2) The District shall address any violations in a manner designed to avoid future similar violations and remedy the specific effects of the violation. For a systemic violation, the District will take all necessary steps to identify the cases in which the violation occurred and to take remedial action.

3) Within ninety (90) days of receipt of the State Compliance Officer’s notice, the District will complete its review, develop a remedial plan and provide the Compliance Officer with a written description of its review, any remedial plan and an action taken pursuant to the plan.

4) The written documents shall identify the District employee(s) who was/were responsible for approving the review, the remedial plan and all action taken pursuant to such plan, including the individual’s name, job title, telephone number, mailing address, e-mail address and fax number.

5) If the District determines the allegations are not credible, the written response will include the basis for that determination.

6) The District will respond to any additional inquiries from the Compliance Officer in the event the Compliance Officer is not satisfied with the review, the remedial plan or the actions taken pursuant to the plan.

7) The District will ensure that, if the employee’s identity becomes known, no adverse employment action will be taken because he/she provided information to the NY Compliance Officer or to a person conducting a review of the information.

8) Any training provided pursuant to the Agreement will include:

   a) a description of these procedures;
   b) the New York State Compliance Officer’s name, mailing address, e-mail address and fax number; and
   c) assurances that no adverse employment action will be taken against an employee for providing information pursuant to this policy.

Adopted 2/9/10
Employee Protection (Whistle Blower)

The Board of Education expects officers and employees of the District to fulfill the public’s trust and to conduct themselves in an ethical 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 instances of wrongful conduct (e.g., mismanagement of District resources, unethical behavior, violations of law or regulation, and/or abuse of authority) have occurred, they should report such wrongful conduct to the Board of Education or the Superintendent.

Examples of ‘wrongful conduct’ include, but are not limited to:

- theft of District money, property, or resources;
- misuse of authority for personal gain or other non-District purpose;
- fraud;
- corruption, conflicts of interest or abuse by another employee relating to his/her office or employment;
- actions that compromise the security and integrity of the District’s or state’s testing program;
- 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 shall report such mismanagement, fraud or abuse to the Superintendent of Schools, the School Attorney or the Board of Education. Each of these Board-designated officers, upon receiving a report of alleged wrongful conduct, shall take immediate steps to conduct an investigation.

Staff members who suspect that a violation of state testing procedures has occurred by a certified educator, or non-certified individual involved in the state testing program, must report their concerns to the State Education Department (SED) in the manner prescribed by the Commissioner of Education, and must also report concerns to the Superintendent or Board of Education. Any Building Principal receiving such a report shall relay this information to the Superintendent. The District shall not take adverse action against an employee who has reported misconduct when mandated to do so by law or regulation.
The Superintendent, School Attorney or the Board of Education and District Clerk shall maintain a written record of the allegation, conduct an investigation to ensure that the appropriate unit (auditors, police, SED, etc.) investigates the disclosure, and notify the Board when appropriate to do so.

Except as otherwise provided in either state and/or federal law, the Board-designated officer shall make all reasonable attempts to protect the identity of the employee making the disclosure in a confidential manner, as long as doing so does not interfere with conducting an investigation of the specific allegations or taking corrective action.

**Whistle Blower Protections**

Employees who have a reasonable belief that the conduct about which he/she complains constitutes a violation of law, rule or regulation are protected by Civil Service Law §75-b. Accordingly, the District shall not terminate or take any other disciplinary or adverse personnel action against an employee because he/she disclosed information to a governmental body regarding a violation of a law, rule or regulations where the violation: 1) creates and presents a substantial and specific danger to the public health or safety; or 2) is one which the employee reasonably believes to be true and reasonably believes constitutes an improper school District action.

Before reporting any such information to another governmental agency, and in order to obtain the protections of Civil Service Law §75-b, an employee must make a good faith effort to provide the Superintendent, or where the allegations involve the Superintendent, to the Board of Education, with the information to be disclosed and a reasonable time and opportunity to take appropriate action to correct the improper activity, policy or practice. This “Whistle Blower Protection” shall extend to retaliation consisting of adverse personnel action affecting an employees’ compensation, appointment, promotion, transfer, assignment, reassignment or evaluation of performance.

Further protection of a school employee who reports information regarding illegal or inappropriate financial practices shall be accorded the employee pursuant to Education Law §3028-d. Any employee of the District having reasonable cause to suspect that the fiscal practices or actions of any employee or officer of the District violate any local, state or federal law, rule and/or regulation relating to the financial practices of the District, and who, in good faith, reports such information to an official of the District or to the Office of the State Comptroller, the Commissioner of Education or to law enforcement authorities, shall have immunity from any civil liability that may arise from the making of such report.
Neither the District, nor its employees or officers, shall take, request or cause a retaliatory action against any such employee who makes such a report.

Nothing in this policy is intended to interfere with legitimate employment decisions.

The Superintendent of Schools shall establish regulations necessary to implement this policy.

This policy and accompanying regulations shall be published in employee handbooks, posted in employee lounges and given to all employees with fiscal accounting and/or money handling responsibilities on an annual basis.

Ref: Civil Service Law §75-b
     Labor Law §740
     8 NYCRR § 02.4 (testing misconduct)
     8 NYCRR §§102.3, 102.4
     (Article 75-b protections only apply if employee first discloses wrongdoing to employer, allowing for investigation and correction prior to disclosure to outside agencies)
     Education Law §3028-d

Adopted: 3/17/09
Amended: 2/12/13, 10/20/15
Conditional Appointments – Student Safety Policy

No district employee who holds a conditional or emergency conditional appointment shall be in contact with students other than to provide the specific instruction or other services for which the employee was hired, except as deemed appropriate by the Building Principal.

No district employee who holds a conditional or emergency conditional appointment shall teach a class or provide services to students with his/her classroom or office door closed unless accompanied by another teacher or administrator who has been unconditionally appointed, or the Building Principal has provided express prior permission to do otherwise. Such permission may be appropriate, for example, during music class, band practice or testing procedures.

The Building Principal or his/her designee shall (at least once a week) monitor the activities of such employees while on school district property during the period of their conditional or emergency conditional appointment. Monitoring may consist of unannounced visits to classrooms, walking the hallways, and/or any other activities the Principal determines to be appropriate.

In addition, the district will ensure that all conditional and emergency conditional appointed employees become aware of their responsibility for reporting any suspected child abuse or neglect in the educational setting at the commencement of their appointment.

Failure to comply with policy will result in appropriate disciplinary action, which may include termination from service.

For purposes of this policy, the terms “conditional appointment” and “emergency conditional appointment” shall refer to any employee holding conditional or emergency conditional appointment, as defined in Section 1709 of the Education Law.

Adopted 10/16/01
Family and Medical Leave Act

Consistent with the Family and Medical Leave Act of 1993, as amended, the West Hempstead Board of Education recognizes the right of eligible employees to unpaid family and medical leave for up to twelve (12) weeks during a twelve (12) month period. The Board shall ensure that all eligible employees who use such leave shall have their health benefits continued during the leave, shall not have any previously accrued benefits altered, and shall be returned to an equivalent position according to established Board practices, policies and applicable collective bargaining agreements.

To be eligible for FMLA leave, an employee must have been employed for at least twelve (12) months and have worked at least 1,250 hours during the twelve (12) months preceding a leave request. FMLA leave shall be provided to any eligible employee, regardless of gender, for the following reasons: 1) the birth and care of a newborn child of the employee; 2) placement of a child with the employee for adoption or foster care; 3) to care for a spouse, child or parent of the employee who has a “serious health condition”; 4) a “serious health condition” of the employee that prevents the employee from performing the functions of his/her job; 5) to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent or next of kin of the service member; 6) any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.

An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member is entitled to a total of twenty-six (26) workweeks of unpaid, job protected leave in a single twelve (12)-month period to care for the service member who is seriously ill or injured in the line of duty.

The Board designates the “twelve”- (12) month period” in which the twelve (12) weeks of leave entitlement occurs as a rolling period measured backward from the date an employee uses leave under this policy.

Any eligible employee taking leave under this policy shall be required to use accrued paid vacation, personal, medical or sick leave for purposes of medical leave. The accrual of seniority and the maintenance of any benefits shall remain in effect during the course of this medical or family leave, provided that this leave does not exceed twelve (12) weeks in a year, and provided that the employee returns from the leave, unless such failure to return is a result of the continuation, recurrence or onset of a serious health condition, or is due to
circumstances beyond the control of the employee. Whether such circumstances are beyond the control of the employee shall be determined by the District in its sole discretion. *The District may seek to recoup the costs of health insurance premiums for the time of the leave from such an employee.*

The employee, on a form designated by the West Hempstead Board of Education, shall notify the District for his/her request for a leave, if foreseeable, at least thirty (30) days prior to the date when the leave is to begin. If such leave is not foreseeable, then the employee shall give such notice as is practical. The District shall require certification from a health-care provider if medical leave is requested.

The Board shall ensure that FMLA is provided to all eligible employees, unless they are covered by a collective bargaining agreement, which provides greater leave benefits than this Act.

When an employee returns following a leave, he or she, shall be returned to either the same or an equivalent position. The determination of such an assignment will be made by the Superintendent of Schools or the Superintendent’s designee in a manner consistent with established District policies, practices and applicable collective bargaining agreement.

The District shall post a notice prepared or approved by the Secretary of Labor, stating the pertinent provisions of the Family and Medical Leave Act, including information concerning enforcement of the law.

Ref: Family and Medical Leave Act of 1993, as amended, Public Law 103-3

Adopted 12/21/04
Amended 2/14/12
Revised 10/20/15
In accordance with Policy 4360, the Superintendent of Schools promulgates the following regulations to facilitate the implementation of the District’s FMLA policy.

1. **Application for Leave:**

   In all cases, an employee requesting leave under this Policy must complete the attached “Application for Family and Medical Leave” and return it to the Superintendent’s office. The completed application must state the reason for the leave, the duration of the leave and the starting and ending dates of the leave. If an employee is simultaneously requesting leave under a collective bargaining agreement, the leave provisions under the collective bargaining agreement shall apply. An employee intending to take family or medical leave because of an expected birth or placement, or because of a planned medical treatment, must submit an application for leave at least thirty (30) days before the leave is to begin unless the employee is also taking paid leave and the applicable collective bargaining agreement provides for a different notice procedure. If leave is to begin within thirty (30) days, an employee must give notice to the Superintendent as soon as the necessity for the leave arises.

2. **Medical Certification of Leave**

   a. An application for leave based on the serious health condition of the employee or the employee’s spouse, child or parent must be followed by the attached “Medical Certification Statement” completed by the applicable health care provider. The employee must furnish the medical certification with fifteen (15) calendar days of requesting the leave. When the leave is foreseeable and the employee has provided at least thirty (30) days notice, the employee must provide the medical certification prior to commencement of the leave. The certification must state the date on which the health condition commenced, the probable duration of the condition and the appropriate medical facts regarding the condition. The medical certification provisions hereunder shall not supercede those provided in a collective bargaining agreement. However, the medical certification under this policy shall be interpreted as medical documentation that may be required by the Board of Education for employee leave consistent with collective bargaining agreements.

   b. If the leave is needed to care for a spouse, child or parent, the certification must so state along with an estimate of the amount of time the employee will be needed. If the employee has a serious health condition, the certification must state that the employee cannot perform the functions of his or her job.
c. The District may require periodic re-certification by an employee’s health care provider when the District, in its discretion, deems re-certification is warranted.

d. If the employee is simultaneously requesting paid medical, sick or family care leave under the applicable collective bargaining agreement, the contractual reporting procedures shall apply. However, the District shall deem any such leave as family and medical leave, where applicable.

e. The District shall implement current federal regulations and court decisions with regard to medical certification of leave.

3. Serious Health Condition:

a. “Serious health condition,” as referenced in the policy, means an illness, injury, impairment or physical or mental condition that involves:

1. Inpatient care (i.e., an overnight stay in a hospital, hospice or residential care facility) including any period of incapacity or treatment in connection with or consequent to in-patient care;

2. Continuing treatment by (or under the supervision of) a health care provider that involves any period of incapacity requiring absence from work, school or other regular daily activities of more than three (3) calendar days;

3. Continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more the three (3) calendar days; or

4. Incapacity due to pregnancy, or for prenatal care.

Specifically excluded are routine physical, eye, dental examinations, or orthodontia, acne and cosmetic treatment. There is a presumption (which may be rebutted) that a cold, flu or earache is not a serious health condition.

b. “Continuing treatment” by a health care provider means one or more of the following:
1. The employee or family member in question is treated two (2) or more times for the injury or illness by a health care provider. Normally this would require visits to the health care provider or to a nurse or physician’s assistant under direct supervision of the health care provider;

2. The employee or family member is treated for the injury or illness two (2) or more times by a provider of health care services under orders of, or on referral by, a health care provider, or is treated for the injury or illness by a health care provider on at least one (1) occasion, which results in a regimen of continuing treatment under the supervision of the health care provider – for example, a course of medication or therapy – to resolve the health condition; or

3. The employee or family member is under the continuing supervision of, but not necessarily being actively treated by, a health care provider due to a serious long term or chronic condition or disability, which cannot be cured. Examples include persons with Alzheimer’s, persons who have suffered a severe stroke or persons in the terminal stages of a disease who may not be receiving active medical treatment.

4. **Intermittent Leave Under This Policy**
   
a. Leave under this Policy may be taken intermittently or on a reduced leave schedule where leave is taken to care for a sick family member or for an employee’s own serious health condition.

b. An employee may take leave intermittently or on a reduced leave schedule for the birth, adoption or foster care placement of a child only if the District expressly agrees to such a schedule.

c. All leaves, including leaves taken intermittently or on a reduced leave schedule must be medically necessary. This means that there must be a medical need for leave (as distinguished from voluntary treatments and procedures) and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule.

   d. An employee taking intermittent leave or leave on a reduced leave schedule must attempt to schedule his or her leave so as not to disrupt the District’s operations.
e. If an employee takes leave on an intermittent or reduced leave schedule, only the amount of leave actually taken may be counted toward the twelve (12) weeks of leave to which an employee is entitled. For example, if an employee under this Policy, who normally works five (5) days a week takes off one (1) day, the employee would use 1/5 of a week of a leave under this Policy. Similarly, if a full-time employee who normally works 8-hour days works 4-hour days under a reduced leave schedule, the employee would use 1/2 week of leave each week.

f. The District shall implement federal regulations and court decisions with respect to intermittent leaves.

5. Return From Leave

a. All employees are directed to return to work upon expiration of a family or medical leave of absence unless a written extension is granted or the employees have a right to remain on leave under a collective bargaining agreement. An employee who requests an extension of family leave or medical leave due to the continuation, recurrence or onset of his or her own serious health condition, or of the serious health condition of the employee’s spouse, child or parent, must submit a request for an extension, in writing, to the Superintendent. This written request should be made as soon as the employee realizes that he or she will not be able to return at the expiration of the leave period. The extension requested may not exceed the statutorily mandated leave of twelve (12) weeks during the designated twelve (12) month period.

b. The District may recover its share of health plan premiums (or other benefit premium) paid by it during a period of unpaid leave under this Policy if the employee fails to return to work after the employee’s leave under this Policy has been exhausted or expires, unless:

1. The employee has not exhausted his or her leave for the twelve (12) month period, and the employee has a continuation, recurrence or onset of a serious health condition, which would otherwise entitle the employee to leave under this Policy; or

2. The employee’s collective bargaining agreement provides for coverage during such unpaid leave; or

3. The employee fails to return to work because of the continuation, recurrence or onset of a serious health condition.
When the employee fails to return to work because of the continuation, recurrence or onset of a serious health condition, thereby precluding the District from recovering its share of health benefit premium payments (and other benefit premium payments) made during a period of unpaid leave, the employee, upon request by the District, must provide medical certification of the employee’s or the family member’s serious health condition. This certification must be provided to the District within thirty (30) days of the District’s request. If the District does not receive the certification within thirty (30) days of its request, the District may recover its share of health benefit premiums (and other benefit premiums) it paid during the period of unpaid leave.

6. Leave by a Husband and Wife Employed by the District

a. A husband and wife who are eligible for leave under this Policy and are employed by the District are permitted to take only a combined total of twelve (12) weeks of leave during a twelve (12) month period if the leave is taken:

1. For the birth of a son or daughter or to care for the child after birth;
2. For placement of a son or daughter for adoption or foster care, or to care for such child after placement; or
3. To care for a parent (but not a parent “in-law”) with a serious health condition.

b. Where the husband and wife both use a portion of the total twelve (12) week leave under this Policy for one of the purposes in paragraph a. of this section, the husband and wife would each be entitled to the difference between the amount he or she has taken individually and twelve (12) weeks for leave under this Policy for a purpose other than those contained in paragraph a. of this section. For example, if each spouse took six (6) weeks of leave for the birth of a child, each could later use an additional six (6) weeks due to a personal illness or to care for a sick child.

7. Special Rules Affecting Instructional Employees

Subject to the terms of the applicable collective bargaining agreements, special rules affect an instructional employee’s ability to take intermittent leave or leave on a reduced leave schedule near the end of an academic term (semester). “Instructional employees” are those whose principal function is to teach and instruct students in a class, a small group or
individual setting. This term includes not only teachers, but also athletic coaches, driving instructors and special education assistants such as signers for the hearing impaired. It does not include, and the special rules do not apply to, teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel, such as counselors, psychologists or curriculum specialists. Finally, it does not include cafeteria workers, maintenance workers or bus drivers.

a. If an eligible instructional employee requests intermittent leave or leave on a reduced leave schedule to care for a family member, or for the employee’s own serious health condition, which is foreseeable, based on planned medical treatment, and the employee would be on leave for more than twenty (20) percent of the total number of working days over the period the leave would extend, the District may require the employee to choose either to:

1. Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
2. Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates the recurring periods of leave then does the employer’s regular position.

This special provision would apply, for example, if an instructional employee who normally works five (5) days each week needs to take two (2) days of family and medical leave per week over a period of several weeks.

“Periods of a particular duration” is defined as “A block or blocks of time beginning no earlier than the first day for which leave is needed and ending no later than the last day on which leave is needed, and may include uninterrupted period of leave.”

If instructional employee does not give required notice of a foreseeable family and medical leave to be taken intermittently or on a reduced leave schedule, the District may require the employee to take leave of a particular duration, or transfer temporarily to an alternative position. In the alternative, the District may require the employee delay the leave until the notice provision is met. This notice requirement will be no more strict than that required for other employees taking paid or unpaid leave.

b. The following limitations apply to leave taken near the end of an academic term:
1. When an instructional employee begins leave more than five (5) weeks before the end of a semester, the District may require the employee to continue taking leave until the end of a term if:

   (a) the leave will last at least three (3) weeks, and
   (b) the employee would return to work during the three (3) week period before the end of the term.

2. Where the employee begins leave for a purpose other than the employee’s own serious health condition during the five (5) week period before the end of a semester, the District may require the employee to continue taking leave until the end of the term if:

   (a) the leave will last more than two (2) weeks, and
   (b) the employee would return to work during the two (2) week period before the end of the semester.

3. Where the employee begins leave for a purpose other than the employee’s own serious health condition during the three (3) week period before the end of a semester, and the leave will last more than five (5) working days, the District may require the employee to continue taking leave until the end of the semester.

   c. Any employee who chooses or is required to take leave for “periods of a particular durations,” the entire period of the leave will count as family and medical leave.

   d. If the employee is required to take leave until the end of a semester, and the employee’s leave entitlement ends before the involuntary leave period is completed, the District must maintain health benefits and restore the employee when the leave period ends.

   e. Restoring an employee to “an equivalent position” will be made on the basis of “established school board policies and practices, private school policies and practices and collective bargaining agreements.” The employee will be advised of restoration rights prior to taking the family and medical leave. Policies or collective bargaining agreements will hereafter provide restoration to an “equivalent position” with equivalent employment benefits, pay and other terms and conditions of employment.
APPLICATION FOR FAMILY OR MEDICAL LEAVE

Name: _____________________ Department: _____________________________________

Current Address: _______________________________________________________________

Start Date of Anticipated Leave: ___________________________________________________

Expected Date of Return to Work: _________________________________________________

Reason for Leave (Explain):_______________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________

NOTE: A leave request based on an employee's serious health condition or the serious
health condition of an employee's spouse, child or parent must be accompanied by
a verifying medical certification from a physician.

Signature: ___________________________ Date: ___________________________

APPROVED BY:

_____________________________________________________________________________
Supervisor

_____________________________________________________________________________
Director of Personnel
MEDICAL CERTIFICATION STATEMENT

1. Employee's Name: ____________________________________________________________

2. Patient's Name (if other than employee): ___________________________________________

3. Diagnosis: __________________________________________________________________

4. Date condition commenced: _______________ 5. Probable duration of condition: _________

6. Regimen of treatment to be prescribed (indicate number of visits, general nature and duration of treatment, including referral to other provider of health services. Include schedule of visits or treatment if it is medically necessary for the employee to be off work on an intermittent basis or to work less than the employee's normal schedule of hours per day or days per week):

______________________________________________________________________________
______________________________________________________________________________

a. By Physician or Practitioner: ______________________________________________

b. By another provider of health services if referred by Physician or Practitioner:

______________________________________________________________________________

IF THIS CERTIFICATE RELATES TO CARE FOR THE EMPLOYEE'S SERIOUSLY ILL FAMILY MEMBER, SKIP ITEMS 7, 8 AND 9 AND PROCEED TO ITEMS 10 THROUGH 14 ON NEXT PAGE. OTHERWISE CONTINUE.
Check Yes or No in the boxes below, as appropriate.

Yes  No

7.   ____  ____  Is inpatient hospitalization of the employee required?

8.   ____  ____  Is employee able to perform work of any kind? (if "No", skip item 9.)

9.   ____  ____  Is employee able to perform the functions of employee's position?  
     (Answer after reviewing statement from employer of essential functions of 
     employee's position, or, if none provided, after discussing with employee.)

15.  Signature of Physician or Practitioner: ______________________________________

16.  Date: ___________________________________________________________________

17.  Type of Practice (Field of Specialization, if any): ______________________________
     __________________________________________________________________________

FOR CERTIFICATION RELATING TO CARE FOR THE EMPLOYEE'S SERIOUSLY ILL FAMILY MEMBER, COMPLETE ITEMS 10 THRU 14 BELOW AS THEY APPLY TO THE FAMILY MEMBER AND PROCEED TO ITEMS 15-16 ABOVE.

Yes  No

10.  ____  ____  Is inpatient hospitalization of the family member (patient) required?

11.  ____  ____  Does (or will) the patient require assistance for basic medical, hygiene, 
     nutritional needs, safety or transportation?

12.  ____  ____  After review of the employee's signed statement (See Item 14 on next 
     page), is the employee's presence necessary or would it be beneficial for 
     the care of the patient?  (This may include psychological comfort.)

13.  Estimate the period of time care is needed or the employee's presence would be 
     beneficial: _______________________________________________________________

14.  When family leave is needed to care for a seriously ill family member, the employee shall 
     state the care he or she will provide and an estimate of the time period during which this 
     care will be provided, including a schedule if leave is to be taken intermittently or on a 
     reduced leave schedule:

Employee's Signature: ____________________________ Date: ____________________
NOTICE OF INTENTION TO RETURN FROM LEAVE

Name: ________________________________________________________________________

Supervisor: ____________________________________________________________________

Date Leave Commenced: _________________________________________________________

Date of Planned Return: __________________________________________________________________

I understand that my restoration to employment is subject to the following conditions:

1. As a condition of restoration, each employee must provide a written certification from his or her health care provider that the employee is able to resume working.

2. Every attempt will be made to restore an employee returning from leave to his or her original position. If the employee's original position is unavailable, the employee will be placed in an equivalent position with equivalent pay and benefits.

Employee's Signature: _________________________ Date: _______________________

I have examined _____________________ and can certify that he/she is fully able to resume working.

Health Care Provider's Signature: ______________________________ Date: _______________
Drug-Free Workplace

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

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

Ref:  Drug-Free Workplace Act (DFWA), 41 U.S.C. §§8101-8106
      Controlled Substances Act, 21 U.S.C. §812
      21 CFR Part 182

Adopted 12/17/13
1. The Superintendent of Schools shall certify to any federal agency making a direct grant to the District that the District will provide a drug-free workplace in accordance with the Drug-Free Workplace Act of 1988.

2. The Superintendent or his/her designee shall establish a drug-free awareness program to inform employees about:
   a. the dangers of drug abuse in the workplace;
   b. the District's policy of maintaining a drug-free workplace;
   c. any available drug counseling, rehabilitation and employee assistance programs; and
   d. the penalties that may be imposed upon employees for drug abuse violations.

3. The Superintendent or his/her designee shall publish a statement notifying District employees that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace (as defined by District policy). The statement shall specify the actions that will be taken against employees for violations of such prohibition. Each employee shall receive a copy of this statement and the Drug-Free Workplace Act of 1988.

4. Each employee, as a condition of employment on any direct federal grant, shall:
   a. abide by the terms of the statement; and
   b. notify his/her immediate supervisor, who shall notify the Superintendent, of any criminal drug statute conviction for a violation occurring in the workplace within five (5) days of such conviction.

5. The Superintendent shall notify the Board of Education of any such conviction(s), and shall notify the granting agency within ten (10) days after receiving notice of such conviction(s) from any source.

6. Within thirty (30) days of such conviction(s), the District shall initiate appropriate disciplinary action against any employee so convicted in the manner provided for by law, up to and including dismissal, and/or require his/her satisfactory participation in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement or other appropriate agency.

7. The District shall make a "good faith effort" to continue to maintain a drug-free workplace through implementation of these regulations.

Adopted: 12/17/13
TABLE OF CONTENTS

STUDENTS - ELEMENTARY AND SECONDARY (Series 5000)

**Attendance**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>School Admissions</td>
<td>5110</td>
</tr>
<tr>
<td>Age of Entrance</td>
<td>5111</td>
</tr>
<tr>
<td>Grade Placement</td>
<td>5112</td>
</tr>
<tr>
<td>Request for Early Dismissal of Student</td>
<td>5114</td>
</tr>
<tr>
<td>Release of Student by Building Principal in an Emergency</td>
<td>5115</td>
</tr>
<tr>
<td>School Attendance Zone</td>
<td>5117</td>
</tr>
<tr>
<td>Non-Resident Students</td>
<td>5118</td>
</tr>
<tr>
<td>Foreign Student Exchange Program</td>
<td>5119</td>
</tr>
<tr>
<td>District Attendance</td>
<td>5120</td>
</tr>
</tbody>
</table>

**Supervision**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporal Punishment</td>
<td>5121</td>
</tr>
<tr>
<td>Drug-Free Workplace and Comprehensive District Program and Procedures for the Prevention of Alcohol and Substance Abuse</td>
<td>5122</td>
</tr>
<tr>
<td>School Conduct and Discipline - Handicapped Students</td>
<td>5123</td>
</tr>
<tr>
<td>Student Possession of Weapons</td>
<td>5124</td>
</tr>
<tr>
<td>Student Dress Code</td>
<td>5125</td>
</tr>
<tr>
<td>Student Suspension and Appeal</td>
<td>5126</td>
</tr>
<tr>
<td>Open/Closed Campus (with Administrative Regulations)</td>
<td>5127</td>
</tr>
<tr>
<td>Student Use of Personal Cell Phones and other Mobile Devices</td>
<td>5130</td>
</tr>
<tr>
<td>Topic</td>
<td>Page</td>
</tr>
<tr>
<td>------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>Progress</td>
<td></td>
</tr>
<tr>
<td>The Regents and the Final School Examinations</td>
<td>5131</td>
</tr>
<tr>
<td>Assignment to Groups</td>
<td>5132</td>
</tr>
<tr>
<td>Promotion/Retention</td>
<td>5133</td>
</tr>
<tr>
<td>Reporting to Parents - Elementary School REPEALED 12/16</td>
<td>5135</td>
</tr>
<tr>
<td>Criteria for Placement in Academic Programs</td>
<td>5136</td>
</tr>
<tr>
<td>Provision of Special Education Services to Students Unilaterally Placed By Parents/Guardians in Nonpublic Schools</td>
<td>5137</td>
</tr>
<tr>
<td>Student Records – Students with Disabilities</td>
<td>5138</td>
</tr>
<tr>
<td>Confidentiality and Access to Individualized Education Program (IEPs)</td>
<td>5139</td>
</tr>
<tr>
<td>Advanced Placement Athletics</td>
<td>5140</td>
</tr>
<tr>
<td>Graduation Ceremonies</td>
<td>5141</td>
</tr>
<tr>
<td>Activities</td>
<td></td>
</tr>
<tr>
<td>Student Body Officers</td>
<td>5143</td>
</tr>
<tr>
<td>Extra Curricular Activities</td>
<td>5144</td>
</tr>
<tr>
<td>Collecting Monies REPEALED 2/13</td>
<td>5145</td>
</tr>
<tr>
<td>Gifts to School</td>
<td>5146</td>
</tr>
<tr>
<td>Fraternities, Sororities and Other Secret Societies</td>
<td>5147</td>
</tr>
<tr>
<td>Gifts to Teachers</td>
<td>5148</td>
</tr>
<tr>
<td>Extra Classroom Activity Funds</td>
<td>5150</td>
</tr>
<tr>
<td>Welfare</td>
<td></td>
</tr>
<tr>
<td>Student Wellness</td>
<td>5151</td>
</tr>
<tr>
<td>Concussion Management</td>
<td>5151A</td>
</tr>
<tr>
<td>(with Administrative Regulations)</td>
<td></td>
</tr>
</tbody>
</table>
Student Health Services 5151B
Student Health Services Administrative Regulations 5151b
Use of Automated External Defibrillators 5152
Immunization of Students (with Administrative Regulations) 5153
Disturbances 5154
Student Physicals 5155
Taking Students Home in Emergency REPEALED 2/13 5156
Sending Students Off School Premises REPEALED 12/12 5157
Confidentiality of Student Records – Access and Challenge 5158
Child Abuse, Maltreatment or Neglect in a Domestic Setting (with Administrative Regulations) 5159
Child Abuse in and Education Setting (with Administrative Regulations) 5159A
Sexual Harassment of Students – REPEALED See 2200 5160
Dignity of Students – Student Bullying Prevention and Intervention (with Administrative Regulations) 5161

**Auxiliary Student Services**

Free School Lunches for Needy Students 5162
Food Service Account and Prohibition against Meal Shaming 5163
Interpreters for Hearing-Impaired Parents or Persons in Parental Relationship 5165
Internet Safety and Acceptable Use Policy (AUP) (with Administrative Regulations) 5170
Voter Registration for Students 5172
Bring Your Own Devices 5175

2020
School Admissions

The District shall provide a public education to all persons residing in the District between the ages of five and twenty-one who have not received a high school diploma.

A veteran of any age who has not yet received his/her high school diploma and who has been discharged under conditions other than dishonorable is eligible to attend a District school.

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

Upon registration, all new students shall be required to present proof of age, residency within the District and immunizations.

The District will enroll and register students in accordance with all applicable laws and regulations, including but not limited to, Commissioner’s Regulation 100.2(y), as amended. The District shall not inquire into immigration status at the time of or as a condition of enrollment, except for limited and targeted post-enrollment inquiries, such as collecting necessary data for procuring funding under Title I of the Elementary and Secondary Education Act of 1965 (“ESEA”), Title III of ESEA, as amended by the No Child Left Behind Act of 2001, and N.Y. Education Law § 3218 and § 100.2(y) of the Commissioner’s Regulations.

In the event the District denies enrollment of a student, the District will do so in accordance with § 100.2(y) of the Commissioner’s Regulations, including the provision of written notice to the student or parent/guardian as asset forth in that section.

If the parent/guardian of a student seeking to enroll is limited English proficient, the District will meaningfully communicate material information about enrollment as required by federal law. The District will provide parents/guardians of all newly enrolled students with appropriate information including student handbooks and information about access to special education services.

The hours of operation of the District’s Central Registration shall be Monday, Wednesday and Friday 8:30 a.m. to 11:30 a.m. and Tuesday and Thursday 12:00 p.m. to 3:00 p.m.
Summer hours: Monday, Wednesday and Friday 8:30 a.m. to 12:00 p.m. and Tuesday and Thursday 11:00 a.m. to 2:30 p.m.
Regulations that accompany Policy 5151B, Student Health Services, provide additional guidance regarding immunization records.

Cross-ref: 6160, Homeless Students
5151B, Student Health Services
Ref: Education Law §§ 903; 904; 3202; 3208; 4402(8)
Public Health Law § 2164
Educational Services for Recently Arrived Unaccompanied Children, New York State Education Department, September 10, 2014
Information on the Rights of All Children to Enroll in School, U.S. Departments of Education and Justice, Revised May 8, 2014
Fact Sheet I and II: Information on the Rights of All Children to Enroll in School, U.S. Departments of Education and Justice, May 2014, available at: http://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-

Adopted 10/20/15
Age of Entrance

1. A child will be admitted to kindergarten in September who is five (5) years of age on or before December 1 of the school year. No exceptions will be made to this rule for children who are underage.

2. A child will be admitted to first grade in September, without nursery school or kindergarten experience, who is six (6) years of age on or before December 1 of the school year.

A child who becomes six (6) years of age after December 1 of the school year may enter first grade in September under the following provisions:

a. If a child has attended and satisfactorily completed a full year's work at a registered non-public kindergarten, he/she may be admitted to first grade.

b. If a child has attended and completed satisfactorily a full year's work in an unregistered non-public kindergarten, he/she may be admitted to first grade only if:

   1. The Superintendent or his/her designee determines that the kindergarten attended provides substantially equivalent instruction to that provided in a registered or public kindergarten; and

   2. The Superintendent or his/her designee determines that the pupil successfully completed a testing program selected by the District for establishing the pupil’s ability to do first grade work; and

   3. The pupil demonstrates physical, social, and emotional maturity necessary for first grade success as determined by the Superintendent or his/her designee.

(Note: Attendance at nursery school is not an acceptable substitute for kindergarten and attendance does not entitle a child to be considered for admission to the first grade.

*Equivalency will be judged by using the Regulations of the Commissioner for registration of non-public nursery schools and/or kindergartens.)
Adopted 8/1/61
Amended 9/27/88 to be effective 9/1/89, 12/15/15
Reaffirmed 1/19/93, 12/21/10
Grade Placement

Grade and section placement are prerogatives of the school administration. Changes may be effected for the child's welfare as the school authorities find necessary.

Adopted 9/6/60
Amended 11/9/60
Reaffirmed 1/19/93, 12/21/10
Request for Early Dismissal of a Student

If a parent or guardian wishes an early dismissal for his/her child on a given day, such request should be in writing and must be referred to the principal's office for consideration.

Adopted 6/6/61
Amended 1/19/93
Reaffirmed 12/21/10
Release of Student by Building Principal in an Emergency

The building principal may waive standard procedures and release a student on the request of a parent or legal guardian provided the principal believes an emergency exists.

Adopted 8/1/61
Amended 1/19/93
Reaffirmed 12/21/10
School Attendance Zone

Students will attend schools within the attendance zones as approved by the Board of Education. Such school attendance zones shall be established, insofar as possible, equidistant from the school buildings concerned. Rear property lines shall be used, where possible, rather than the middle of a street. The Board may change attendance zones on its own vote. Notwithstanding the foregoing, the Board of Education may assign a student to attend a specific school based upon District programmatic requirements.

The Superintendent of Schools shall propose attendance zone changes to the Board of Education as the need arises, including the reasons for proposed changes.

Appeals may be made to the Superintendent of Schools for an exception to the established attendance zone. All approved exceptions shall be reported to the Board of Education. Appeals from a determination of the Superintendent of Schools may be made to the Board of Education. Parental requests for exceptions to established attendance zones shall not apply to programmatic assignments to schools.

Adopted 9/6/60
Number changed from 1304 and Amended 10/15/91, 12/21/10
**Non-Resident Students**

Non-resident students are defined as those whose parents or legal guardians do not maintain a residence within the school district. Maintenance of a business within the district is not considered to constitute a legal residence.

**Admission**

**Future Residents** – In the discretion of the Board, a non-resident student may be enrolled in the district’s schools, as a “future resident” upon the following conditions:

1. The non-resident student’s parents or guardians must furnish clear and convincing documentary proof that within 120 calendar days of the requested date of admission, the parent or guardian and the student will be residents of the district. For the purposes of this policy a “resident of the district” is one who occupies a completed dwelling within the district, as a permanent resident.

2. The non-resident student’s parents or guardians must deliver a certified or bank check for four months’ tuition for the student to be enrolled in the district. The tuition shall be at the rate established for non-resident tuition students.

3. The non-resident student’s parents or guardians must submit a written application, on a form provided by the district, agreeing to the following terms:
   
   a. Until such time as the parents or guardians and student become residents of the district, the student shall be deemed a non-resident student.
   
   b. In the event the parents or guardians and student become residents of the district within 90 days of the student’s admission into the district’s schools, the sum deposited as tuition shall be returned.
   
   c. In the event the parents or guardians and student do not become residents of the district within 90 calendar days of the student’s admission into the district’s schools, the district shall deduct daily tuition for such child from the sum deposited, commencing with the 91st calendar day after admission.
d. In the event the parents or guardians and student do not become residents of the district within 120 calendar days of the student’s admission, the parents or guardian shall forfeit the remaining deposit; and the student shall be excluded from enrollment in the district schools. The parent or guardian shall also agree to waive any requirements pursuant to law, rule or regulation that the Board or district conduct proceedings to determine whether the student is a resident entitled to attend its schools.

4. The Superintendent is authorized to recommend to the Board of Education the acceptance of non-resident students as “future residents.”

**Former Residents**

1. Regularly enrolled children of families who have moved out of the school district after the school year has begun, prior to the start of the fourth marking period, may, with the approval of the Superintendent, complete that school year upon payment of tuition and assumption of all transportation costs and obligations, if any, by his/her parents and/or guardians.

2. Regularly enrolled children of families who have moved out of the school district after the school year has begun, but after the start of the fourth marking period, may, with the approval of the Superintendent, complete that school year without payment of tuition, if any, by his/her parents and/or guardians.

3. Legally enrolled children of families who have moved out of the school district pursuant to Numbers 1 or 2 above and who are enrolled in grade 11 and 12. Payment of tuition and assumption of all transportation costs and obligations for grade 12 shall be required of the student's parents or guardians.

4. Any student who has attended the West Hempstead schools in grades 9, 10, 11 and whose parents move from the district following his promotion to grade 12, shall be eligible, at the discretion of the Superintendent, to complete grade 12 without payment of tuition. Such students shall be reported by the Superintendent to the Board of Education.

**Tuition** - It is the policy of the district to charge tuition of students attending in the West Hempstead Union Free School District who are not legal residents of the district. Tuition rates for elementary and secondary students are to be set each year in accordance with Sections 2045 and 3202 of the Education Law.
Adjustment of Tuition - Adjustment of tuition rates to fit specific cases may be made by action of the Board of Education. Section 3202 of the Education Law will guide such action.

Method of Payment of Tuition - The amount of tuition shall be pro-rated over a ten (10) month period. Payments shall be made in advance, but for not less than a monthly period. Any student present for one or more days in any calendar month will be liable for tuition for the entire month.

Adopted 10/20/59
Amended 4/7/64, 12/2/65, 2/23/93, 2/11/03, 10/20/09
Foreign Student Exchange Program

The Board of Education encourages participation in foreign student exchange programs which have been approved by the administration.

Foreign students attending the West Hempstead schools under an approved foreign student exchange program shall be considered district residents.

Adopted 4/7/64
Number changed from 5118a and Amended 1/19/93
Reaffirmed 12/21/10
District Attendance

Statement of Purpose

Attendance is a strong component of a comprehensive educational experience. Student attendance maximizes students' opportunities for learning. Improved student attendance helps improve student achievement and lowers the dropout rate. This attendance policy is designed to ensure that classroom attendance and participation are encouraged and valued. It will also provide for early intervention for students with attendance problems. In order for this policy to be a success, we require the cooperation of the entire educational community including staff, parent, students and community.

Notification

For this policy to be a success, it is imperative that all students and parents be 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 will occur:

- The policy will be mailed to all students' homes annually and posted on the District website
- An orientation session will be held where the policy will be explained to students at the secondary level each year and to parents of all students at “back to school” night annually
- At the elementary level, the policy will be explained to students at their orientation assembly.

Attendance Incentives

Each school will design and implement their own systems to acknowledge student efforts to maintain or improve school attendance. These systems may take the form of certificates, rewards, special activities and/or schoolwide recognition as deemed appropriate by the individual schools.

Absences related to homelessness shall not result in negative consequences where the District determines that it would be in the best interests of the student to retain the student in school.
Procedures

1. High School

Classroom participation shall be an integral component of a student’s overall performance grade. Each marking period a percentage of the grade shall be based upon classroom participation. Students are expected to attend all scheduled classes. An absence from class that is not made up will result in loss of credit for student participation in that session.

When students are absent from a class, they are responsible to make up any and all work missed. Any student who does not make up work will be counted as “absent/not made up.” Immediately upon return from an absence, a student is responsible to get the make-up work from his/her teacher. The teacher will determine if the quality of the make-up work is adequate to negate the absence for the purpose of this policy.

Only students with excused absences or pre-approved absences will be permitted to make up work. Students who are absent because of truancy or who cut class will not be given the opportunity to make up missed work for credit. Students will be given a “zero” for any test or quiz given on a day that they are absent because of truancy or cutting. Excused absences include: absences, tardiness, and early departures from class or school due to personal illness, illness or death in the family, religious observance, required court appearances, approved college visits, class trips, approved school programs, school counseling, military obligations or such other reasons as may be approved by the appropriate building administrator (including, but not limited to, absences due to circumstances related to homelessness). Absence excuse notes are required upon a student’s return to school. As appropriate, physician notes will be required for absences to be excused.

Both excused and unexcused absences count as absences pursuant to this policy. A distinction, however, between excused and unexcused absences is made relative to the opportunity for a student to makeup absences so as not to exceed the maximum number of absences as set forth below. Students SHALL be given the opportunity to make up work missed for an excused or otherwise pre-approved absence. Students SHALL NOT be allowed to make up missed work due to cuts, truancy or unexcused absences for credit.

Students who have a combination of twenty (20) excused and unexcused absences in a full-year course shall not be given credit for the course if such absences are not made up. Students who have a combination of ten (10) excused or unexcused absences in a half-year course shall not be given credit for the course, if such absences are not made up. Excused or approved absences may be made up by satisfying approved make-up work provided by the classroom teacher or an educational designee as appointed by the Principal, Assistant Superintendent or
Superintendent of Schools. Students who are absent MUST makeup work within five (5) school days upon their return to school unless extraordinary circumstances are present that prevent a student from making up the work within such timeframe. The Principal shall determine when extraordinary circumstances are present on a case by case basis. Where extraordinary circumstances are not present, students who do not make up work in a timely manner shall not receive credit for the missed class or classes.

Students denied credit under the conditions of this policy shall receive a failing grade for the course. However, the Principal may determine on a case by case basis whether the particular circumstances surrounding the absences warrant the issuance of additional time within which to make up the work. In such cases, the student shall receive a grade of “incomplete” for the course. Such “incomplete” may only be changed to a grade for course credit upon completion of approved make-up work in a timely manner.

In the event that classroom make ups are not completed in a timely fashion, students who receive a failing grade must attend summer school and pass, or repeat the course. This applies to all state required courses. Failure to do so may affect a student’s graduation status.

In order to keep parents apprised of student attendance, parent contact will be made according to the following schedule for absences which have not been made up:

A. An initial attendance letter will be sent out by the teacher after five (5) absences for a full-year course and four (4) absences for a half-year course.

B. A second attendance letter will be sent by the teacher after ten (10) absences for a full-year course and by the Principal’s office after seven (7) absences for a half-year course. For students who have exceeded seven (7) absences in a half-year course, the letter will notify the student’s parent/guardian that a meeting will be held with the Principal, parent/guardian, student and guidance counselor. At such meeting strategies will be discussed to prevent future unexcused absences and the parent/guardian or student may request further details regarding the District’s calculation of the absences.

C. A third letter will be issued by the Principal’s office upon fifteen (15) absences for a full-year course and ten (10) absences for a half-year course. For students who have exceeded fifteen (15) absences in a full-year course, the letter will notify the student’s parent/guardian that a meeting will be held with the Principal, parent/guardian, student and guidance counselor. At such meeting strategies will be discussed to prevent future unexcused absences and the parent/guardian or student may request further details regarding the District’s calculation of the absences. For students who have exceeded ten (10) absences in a half-year course, the third and final letter...
will notify the student’s parent/guardian that the student will receive a failing grade for the course, unless the Principal has determined that extraordinary circumstances exist warranting the issuance of a grade of “incomplete.” If a grade of “incomplete” is issued, the letter shall explain the procedure by which the grade may be changed for course credit, and the consequences for failure to do so. The letter will also state that the parent/guardian or student may appeal the District’s calculation of the student’s absences in writing, within five (5) days of the letter. If such an appeal is made, the Principal shall hold a second meeting with the parent/guardian and student and the Principal shall make a written determination of his or her findings within five (5) school days of such meeting.

D. For students who have exceeded twenty (20) absences for a full-year course, a fourth letter will be issued by the Principal’s office to notify the parent/guardian that the student will receive a failing grade for the course, unless the Principal has determined that extraordinary circumstances exist warranting the issuance of a grade of “incomplete.” If a grade of “incomplete” is issued, the letter shall explain the procedure by which the grade may be changed for course credit, and the consequences for failure to do so. The letter will also state that the parent/guardian or student may appeal the District’s calculation of the student’s absences in writing, within five (5) days of the letter. If such an appeal is made, the Principal shall hold a second meeting with the parent/guardian and student and the Principal shall make a written determination of his or her findings within five (5) school days of such meeting.

E. For ½ credit courses, the Principal’s office will contact the parent/guardian of the student after they have had four (4), seven (7) and ten (10) absences. After ten (10) absences, the Principal’s office will notify the parent/guardian that the student will receive a failing grade for the course unless the Principal has determined that extraordinary circumstances exist warranting the issuance of a grade of “incomplete.” If a grade of “incomplete” is issued, the letter shall explain the procedure by which the grade may be changed for course credit, and the consequences for failure to do so. The letter will also state that the parent/guardian or student may appeal the District’s calculation of the student’s absences in writing, within five (5) days of the letter. If such an appeal is made, the Principal shall hold a meeting with the parent/guardian and student and the Principal shall make a written determination of his or her findings within five (5) school days of such meeting.
2. **Middle School**

Excused absences due to personal illness, illness or death in the family, religious observance, required court appearances, class trips, approved school programs, school counseling, or such other reasons may be approved by the appropriate building administrator (including, but not limited to, absences due to circumstances related to homelessness.

Examples of unexcused absences are: trip, vacation, tired, overslept, helping at home, missed the bus, etc.

Absence excuse notes are required upon a student’s return to school. As appropriate, physician notes will be required. Excessive absences may lead to the revocation of participation in certain school activities such as: dances, plays, class trips and athletics.

Parents will be informed of excessive absences at seven (7), ten (10) and eighteen (18) absences. Excessive unexcused absences will prompt a meeting with the guidance counselor, parents and student at ten (10) absences and with the principal at eighteen (18). Should the absences continue unabated, additional meetings may be held and Child Protective Services may be informed.

Students are expected to makeup all missed work.

Classroom participation shall be an integral component of a student’s overall performance grade. Each marking period a percentage of the grade shall be based upon classroom participation.

3. **Elementary Schools**

Classroom participation shall be an integral component of a student’s overall performance grade. Each progress report will reflect the total number of absences and latenesses on record. Students are expected to attend school each day and to arrive promptly.

Upon return from an absence, a student will submit an absence excuse note. As appropriate, physician notes will be required. A student is responsible to get make up work from their teacher and complete it in a timely manner. Consideration will be given to the age of the student and parental contact will be made as appropriate.

Only students with excused absences will be permitted to make up work. Excused absences include absences, tardiness, and early departures from class or school due to: personal illness, illness or death in the family, religious observance, required court appearances, class trips, approved school programs, school counseling, or such other reasons as may be approved by the appropriate building administrator.
(including, but not limited to, absences due to circumstances related to homelessness).

Unexcused absences will result in intervention action by the school administration. Letters to the parents, home visits, and/or contacting Child Protective Services are examples of possible interventions. Notification to parents will be made as determined appropriate by the building principal. Such notification may take the form of telephone calls and/or letters. Such notification may be done by the teacher, building principal or principal’s designee. (For example, the school nurse.)

A general schedule of written notification will be:

A. Five (5) absences or latenesses for initial notification,
B. Ten – fifteen (10-15) absences for second notification, and
C. Twenty (20) absences for a third notification and possible referral to Child Protective Services.

4. **Kindergarten**

The Kindergarten Principal will interact and collaborate with parents on establishing good attendance habits for their children.

Adopted 5/25/99
Reaffirmed 10/17/00, 10/18/11, 10/16/12, 11/19/13, 2/11/14, 2/10/15
3/29/16
Amended 2/9/10, 2/15/11, 2/13/13, 2/14/17, 2/12/19, 2/11/20
Corporal Punishment

No employee of the West Hempstead Public Schools shall use physical force as a form of correction or punishment.

When an employee finds himself/herself in a situation in which alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable force may be used to:

(a) Protect himself/herself, another student, teacher or any person from physical injury;
(b) Protect the property of the school or others;
(c) Restrain or remove an individual 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.

Insurance

The District shall provide insurance coverage for "disciplinary action" in its insurance policy to cover the action of all staff acting under provisions of the Corporal Punishment Policy.

The District will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner’s regulations.

Adopted 3/6/62
Amended 1/4/66, 2/1/66, 1/19/93, 10/16/12
Philosophy

The West Hempstead Union Free School District will not condone the illegal sale, use, or possession of an illegal substance. The use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful. Further, the unlawful possession, use or distribution of illicit drugs and alcohol on school premises, or as a part of any of its activities, is prohibited.

Therefore, in accordance with the Drug Free Workplace Act of 1988 and the No Child Left Behind Act, Title IV, 2001, the Board of Education affirms that the District shall abide by the requirements of the Drug Free Workplace Act and establish workplaces that are free of controlled substances.

“Controlled substance” means a controlled substance in schedules I through V of Section 21 of the United States code Section 812 and as further defined in Part 1308 of title 21 of Code of Federal Regulations.

“Workplace” is defined as a school building or other school premises; any school-owned vehicle or other school-approved vehicles used to transport students to and from school or school activities; the location of any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event where students are under the jurisdiction of the District.

In addition, the Board of Education recognizes its responsibility to provide age-appropriate, developmentally based drug and alcohol education and prevention programs for all students in all grade levels, as well as appropriate instruction for employees. Within the framework of existing staff, the Board of Education further recognizes its responsibility to provide assistance to pupils with substance abuse-related problems. Information about drug and alcohol counseling, rehabilitation and "re-entry programs" is and will be available to students and employees through consultation with the school medical officer, guidance counselors, social workers, nurses, health education teachers and other District personnel.
II. Rules

No person may use, possess, sell or distribute alcohol or other substances, nor may use or possess drug paraphernalia, on school grounds or at school sponsored events, except drugs prescribed by a physician. The terms "alcohol and other substances" shall be construed throughout this policy to refer to the use of all substances including, but not limited to, alcohol, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alikes and any of those substances commonly referred to as "designer drugs." The inappropriate use of prescription and over-the-counter drugs shall also be prohibited. See Policy 2460 regarding smoking.

Additionally, the following persons shall be prohibited from entering school grounds or school sponsored events: Any person exhibiting behavior, conduct or personal or physical characteristics indicative of having used or consumed alcohol or other substances.

III. Prevention

The intent of primary prevention programming is to prevent or delay the onset of alcohol, tobacco, and other substance use by students. The components of this programming shall include:

1. A sequential K-12 prevention curriculum that provides for:

   Accurate and age appropriate information about alcohol, tobacco and other substances, including the physical, psychological and social consequences of their use/abuse.

   Information about the relationship of alcohol and other substance use/abuse to health-compromising issues such as AIDS, teenage pregnancy, eating disorders, child abuse, suicide and dropping out of school.

   Helping students develop appropriate life skills to resist the use of alcohol and other substances and to promote healthy life styles.

   Helping students identify personal risk factors for alcohol and other substance use/abuse and the steps needed for risk reduction.

   Helping students develop positive self concepts.

   Helping students identify when they are under stress and how to manage or reduce stress through non-chemical means.
2. Training school staff to use the information and skills necessary to reinforce the components of this policy in the home, school and community and provide parents with workshop opportunities to acquire this information.

3. Positive alternatives to alcohol and other substance use/abuse, such peer leadership programs, service projects and recreational and extra-curricular activities.

IV. Intervention

The intent of intervention programming is to eliminate any existing use/abuse of alcohol and other substances and to identify and provide supportive services to kindergarten through 12th grade students, as well as faculty and staff, at high risk for such use/abuse. The components of such programming shall include:

1. Providing alcohol and other substance use/abuse assessment and counseling services for students and parents.

2. Developing a referral process between District schools and community providers.

3. Identifying and referring students to appropriate agencies when their use/abuse of alcohol and/or other substances requires counseling and/or treatment.

4. Making available services to students and parents in or returning from treatment to assure that the school environment supports the process of recovery initiated in the treatment program.

5. Educating parents on when and how to access the District's intervention services.

6. Confidentiality.

V. Disciplinary Measures/Sanctions

When it becomes apparent to a staff member that a student is involved with substance abuse, the staff member will inform the building principal, or in the case of District-wide staff, his/her administrative supervisor.
A student who volunteers information about himself/herself as it relates to using, selling, possessing or being under the influence of illegal substances, will be referred immediately to a building resource team member under the direction of the building principal. Such a team member will explore all resources available to assist this student. Every effort will be made to insure that confidentiality is maintained, in that such information shall not be made public and shall not become part of the student's permanent record. Parents of the student will be involved in the process of assisting him/her within 48 hours after he/she has volunteered the information about himself/herself unless otherwise directed by the Superintendent of Schools or his/her designee, but in every case, prior to the prescription of any action by any agency or agencies outside the school system.

A student who is apprehended on school district property selling, possessing or using illegal substances will be suspended in accordance with District policy and applicable laws. The principal will notify the parents/guardians, inform the Superintendent of Schools, or his/her designee, and will contact the appropriate legal agencies. A program of therapeutic action will be recommended. An employee who is apprehended on school district property selling, possessing or using illegal substance will be disciplined in accordance with applicable laws.

A school sponsored/sanctioned trip shall be considered as school property for the purpose of implementation of this policy.

VI. Staff Development

The Board recognizes that if the administrative, instructional and non-instructional staff are to be responsible for understanding, implementing and administering this policy, they must be trained about the components of an effective alcohol and other substance prevention program. Staff training will be an on-going process, which may include:

- District provided in-service training,
- University course work,
- Superintendent's conference day instruction,
- Special conference attendance,
- And other similar activities as approved by the Superintendent of Schools.

VII. Employee Assistance

Employees of the District will be made aware of community counseling and rehabilitation resources available for individuals with alcohol or illicit drug dependency problems.
VIII. Dissemination of Information

Information contained within this policy shall be made available for students, parents and District employees. These groups will be informed that compliance with the standards contained herein is mandatory.

IX. Program Review/Monitoring

Continued monitoring and total program review (each year) will be conducted by the Superintendent of Schools. Consistency in enforcement of required program sanctions will be evaluated. Where needed, program changes will be made.

Adopted 3/3/70
Revised 8/21/90
Amended 3/19/91, 1/21/92, 12/21/04, 11/19/13
Student Possession of Weapons

The Board of Education recognizes its responsibility to provide for the health, safety and welfare of the school community generally, and its students in particular. This responsibility may only be met by providing a safe environment at all District facilities, all school-related functions, and school-related bus transportation.

In accordance with federal law, the Board of Education prohibits a student from bringing to school or having in his/her possession on school premises and/or at school-related functions held on other than school premises, any weapon or firearm. For purposes of this policy a weapon is defined as a shotgun, rifle, pistol, revolver, knife, bomb, grenade, explosive, gas dangerous chemical, firearm muffler, firearm lancer, firearm, dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, or any other device capable of inflicting bodily harm.

A student who is found guilty of possession of a weapon on school grounds and/or at a school-related function conducted off school grounds, after a Superintendent's hearing is provided in accordance with Education Law 3214, shall be subject to a penalty of suspension of one calendar year or more. The District is required to refer students who bring weapons to school to the criminal or juvenile justice system. Notwithstanding the above, the Superintendent will determine the penalty on a case-by-case basis after considering the following:

1. Student's age
2. Student's grade
3. Student's prior disciplinary record
4. Parent/teacher input
5. Superintendent's belief that other forms of discipline may be appropriate
6. Other pertinent circumstances

Reference: Goals 2000: Educate America Act

Adopted 10/18/94
Amended 2/27/96, 10/16/12
Student Suspension and Appeal

Parents/Guardians may appeal a building principal’s out-of-school suspension of one (1) to five (5) days. Initially, any such appeal shall be made in writing to the Superintendent of Schools within thirty (30) days of the building principal’s decision. The Superintendent shall consider the appeal within five (5) school days and may sustain, shorten or overturn and expunge such suspension. Parents/Guardians may further appeal the Superintendent’s decision. Such further appeal shall be to the West Hempstead Board of Education. This appeal must be made in writing and forwarded to the District Clerk within thirty (30) days of the Superintendent’s decision.

Adopted 2/9/10
Open/Closed Campus

To enhance the safety of schools to both reduce the risk of violence and enhance the learning environment for students, all the schools in the West Hempstead USFD shall have closed campuses, with the partial exception of West Hempstead High School.

West Hempstead High School shall have a closed campus with the exception of lunch periods when eligible seniors may leave campus for lunch either at home or in local restaurants. Seniors may also leave for the purpose of dismissal if they have no class scheduled during the last period of the school day.

For purposes of this policy, eligibility as discussed more fully in accompanying Regulation 5127AR, shall encompass:

- Written parental permission
- Academic eligibility
- Behavioral eligibility
- Community Service during Junior and Senior Year

The Superintendent of Schools shall adopt regulations to administer this policy.

Adopted 2/26/08
Amended 7/15/08, 2/14/17
ADMINISTRATIVE REGULATIONS
Open Campus Policy

1. Open campus privilege is limited to eligible seniors.

2. Open campus privilege only exists during an eligible senior’s lunch period.

3. Eligibility is defined by both academic and behavioral parameters. These parameters are:

   (a) **Academic** – Any student in the Class of 2010 may have only one (1) failure going into the second quarter and for the spring semester, may have no failures. All subsequent senior classes may have no failures. Students must complete fifteen (15) hours of community service by the completion of their junior year to be eligible for open campus privilege.

   During senior year, seniors must complete four (4) hours of community service each quarter to remain eligible. Community service will be defined and monitored by the High School administration.

   (b) **Behavioral** – Seniors, approved for this privilege, who are involved in any disciplinary situation may be declared ineligible by the high school administration. The length of such ineligibility will also be determined by the high school administration.

   (c) Parents must opt into the privilege program by giving their signed consent in person.

   (d) Parents and students must attend an information/driving safety meeting prior to the privilege being enacted.

   (e) High school administration will have the daily responsibility of supervising and monitoring the program. This responsibility would include consideration of any student appeal of eligibility status.

   (f) Students who have permission to park on campus will not be permitted to drive off campus at any time during the school day without administrative approval. Approval will not be given for the purpose of leaving campus for senior privilege.

   (g) Those seniors who do not have class during Period 8 may, with written parental permission and administrative authorization, leave school for the purpose of dismissal at the end of Period 7. Students are to adhere to the rules and regulations pertaining to such dismissal as established by the high school administration.

- Seniors, along with at least one parent or guardian, must attend an assembly scheduled the first month of school.
- Students cannot have a failure in a particular quarter.
- They must leave and re-enter via the front
- They must leave their ID card at the front
- They must provide proof of four hours of community service for each quarter.
- They cannot drive off or on to campus during lunch period

Students who violate any part of this policy lose their lunch privilege for a period of time ranging from a few days to an entire semester.
Student Use of Personal Cell Phones and other Mobile Devices

The Board of Education recognizes the necessity and pervasiveness of personal cell phones and mobile devices in today’s society. The Board further recognizes parental desire to be in contact with their children via these devices on a constant basis.

However, such devices in a school setting may cause security and safety risks if their use is not regulated. Such risks may include the compromise of the academic setting and the testing/assessment structure, as well as safety concerns in terms of communication should a school or the school district be facing a threat from outside or within a school building.

Therefore, all student cell phones are to be turned off upon entering the school building and all personal mobile devices are to be off and secured by the student. At the elementary and middle school levels, these devices are only to be utilized within the school and the classroom settings under the supervision and direction of the administration and/or faculty. At the high school level, cell phone use within the school building is limited to designated areas where it is deemed appropriate by building administration and/or faculty members. Phone conversations are limited to designated offices while in the building. Further, at the high school level, cell phone and other mobile devices can be utilized in the classroom as educational tools for instructional purposes to enhance the school learning environment. Devices used for instructional purposes, within the classroom settings, shall be under the supervision and direction of the building administration and/or faculty members. Instructional purposes include, but are not limited to, approved classroom activities, research, college admissions activities, career development, communication with experts, homework and other activities as deemed appropriate by school staff. Students are expected to act responsibly and thoughtfully when using technology resources. Parents who need to speak with their child(ren) may call the main office of their child(ren)’s school to request assistance.

Students are required to follow the guidelines for use set out in the District Code of Conduct and the Acceptable Use Policy (5170) at all times. Consequences for misuse will follow guidelines in the District’s Code of Conduct.

The District will not be liable for the loss, damage misuse or theft of any personal cell phones and other mobile devices brought to school. The District reserves the right to monitor, inspect and/or confiscate personal technology when administration has reasonable suspicion to believe that a violation of school policy or criminal law has occurred.
Cell phone or mobile cameras and recording devices may never be used in the school setting without the authorization of administration and/or faculty.

Adopted 12/18/07
Amended 8/20/13, 7/12/18
The Regents and Final School Examinations

Students in class sections at the Honors and Regents levels must take the Regents examination appropriate to the course. The Regents exam is the final exam and is calculated into the final average for the course.

School credit for a course may be given despite failure in a Regents examination, and conversely, school credit may be withheld despite success in a Regents examination. School credit is determined by the final course average.

Upon written request of his/her parent, a student who fails a Regents examination, but receives school credit, may (again) take the Regents examination without repeating the course. Retaking the course in summer school is highly advisable, however. This will serve as valuable preparation for retaking the Regents exam.

State regulations now require all students to take Regents exams in courses that terminate with such an exam.

Adopted 3/6/62
Amended 1/19/93, 12/16/97, 5/25/99
Assignment to Groups

Special instructional classes may be formed by the administration for students when such grouping is deemed to be advantageous to the progress of the pupils. Such classes may be for the full school day or for part of the day.

Adopted 4/2/63
Reaffirmed 1/19/93
Promotion in Elementary Schools

Promotion is the responsibility of the Superintendent of Schools. In making decisions regarding promotion, the progress of pupils in academic achievement and the maintenance of academic standards will be considered. The assignment of each pupil shall be that which is judged to be most profitable academically, socially, and emotionally for that pupil.

Adopted 2/6/62
Reaffirmed 1/19/93
Reporting to Parents - Elementary School

Reports to parents regarding pupil progress shall be made at regular intervals during the school year.

Reports shall be made upon subjects taught during each report period as prescribed by New York State statutory law and/or by the Superintendent. Reports shall include an evaluation of the pupil's effort and attitude toward his/her work. Evaluation in subject areas shall be based upon grade level standards.

**Kindergarten Reporting:** There shall be two written reports. There will be at least one parent-teacher conference.

**Grades 1 – 5 Reporting:** There shall be three written reports. There will also be at least one parent-teacher conference with a written report.

Adopted 8/13/63
Amended 1/19/93, 2/24/98
Criteria for Placement in Academic Programs

Academic standards and/or criteria and procedures for placement of students in various academic programs shall be established and periodically reviewed by the Superintendent or his/her designee.

Such standards and/or criteria and procedures will be published annually, and shall be mailed to all residents of the school District by the Superintendent or his/her designee.

Pupils will be evaluated for academic programs based on the District's established academic standards/criteria, and parents will be notified prior to the start of the school year. A parent and/or legal guardian may request the reason or reasons for placement of his/her student in a program. Such reasons will be furnished in writing by the Superintendent of Schools or his/her designee.

Adopted 10/16/84
Amended 1/19/93, 12/18/12
A. Data Collection

1. The Board of Education shall maintain an informational list of all disabled children residing in the District. The information shall include:
   a. Pupil's name, address and birth date
   b. Pupil's parents' or guardians' names and addresses
   c. Pupil's disabling condition
   d. Pupil's educational placement

This record will be filed in the District's office for the Committee on Special Education.

2. At any meeting of the Board of Education, permitting public attendance, wherein discussion and/or action involves the resolution of disabling and/or special education recommendations, no reference shall be made that will reveal the identity of the child under consideration.

3. All records relating to a child's disabling condition and/or special education services, shall be maintained and stored in locked files in the District's office for the Committee on Special Education. Copies of such records may be maintained by each special education teacher assigned to provide services for a disabled child.

4. All pertinent information stored in disabled pupils' folders and all data referring to the pupils' disabling conditions and special education services shall be identified as "CONFIDENTIAL INFORMATION."

B. Access Rights

1. Access to a student’s educational records without parental or eligible student consent shall be limited to:
   - Those school officials and personnel with a legitimate educational interest in the records.
   - A contractor, consultant, volunteer or other party acting as an agent of the District or to whom the District has outsourced a service or function with a legitimate educational interest in the

- To officials of another school in which a student seeks or intends to enroll or where the student is already enrolled provided the disclosure is for purposes related to the student’s enrollment or transfer, subject to the requirements of §99.34 of the FERPA regulations.

- To authorized representatives of the U.S. Department of Education, the Comptroller General and state and local educational authorities. Disclosures under this provision may be made, subject to the requirements of §99.35 of the FERPA regulations in connection with an audit or evaluation of federal or state-supported education programs, or the enforcement of or compliance with federal legal requirements that relate to those programs. These entities may make further disclosures of personally identifiable student information to outside entities designated by them as their authorized representatives to conduct any audit, evaluation or enforcement or compliance activity on their behalf. (See FERPA regulations at §§ 99.31(a)(3) and 99.35.)

- In connection with a student’s request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid.

- To organizations conducting certain studies pursuant to a written agreement, for or on behalf of the District in order to: (a) develop, validate or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. The written agreement, among other things, shall specify and contain:

  a. the purpose, scope and duration of the study;
  b. that education records’ information may only be used for the study’s purpose;
  c. the information cannot be re-disclosed in a manner, which would allow identification of the parents or students;
  d. require the destruction or return of all personally identifiable information; and
  e. the time period for the destruction or return of the information.

- To accrediting organizations to carry out their functions.

- To parents of an eligible student who claim the student as a dependent for income tax purposes.
• To comply with a judicial order or lawfully issued subpoena. Before compliance, the District will make a reasonable effort to notify the parent or eligible student of the order or subpoena unless it is a federal grand jury subpoena or a subpoena issued for law enforcement purposes and the court has ordered the contents not to be disclosed or it is an ex parte order obtained by the U.S. Attorney General for certain purposes.

• To appropriate parties, including parents, in a health or safety emergency, subject to §99.36 of the FERPA regulations.

• To a third party if the disclosure is information the Board of Education has designated as “Directory Information,” except that such disclosure shall not be made in a manner to identify a student as a student with a disability.

• The disclosure is to the parent of a student or to the student who has reached age 18 or is attending a post-secondary school.

• The disclosure is about a student who is required to register as a sex offender in the state.

• In addition, education records may be released without consent if all personally identifiable information has been removed. Information removed shall include other information that alone, or in combinations, is linked or linkable to a specific student and which would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

2. All other persons wishing access to a disabled pupil's records must submit a written request to the Chairperson, Committee on Special Education, and such requests must be accompanied by written consent from the parent of the disabled child.

3. Requests for duplicates or copies of a disabled pupil's records by other than authorized school personnel, must be accompanied by a District office "Request for Copies of Pupil Records", payment of the required fee, and a written consent from the parent of the child.

4. The Chairperson of the Committee on Special Education will maintain a list of District personnel who have authorized access to records of disabled children and said list will be on file in the District's office for the Committee on Special Education. Copies of the list of such authorized personnel are available to parents of disabled children upon request.
5. An Access Log will be maintained in the District's office for the Committee on Special Education. The names of all authorized persons reviewing a disabled pupil's records will be entered into the Access Log. The Access Log will require the following information:

   a. Name of disabled child
   b. Name and title of the reviewer
   c. Date of the review
   d. Purpose of the review
   e. Identification of any information that was abstracted and/or copied from the records.

6. Parents of a disabled child are guaranteed access to their child's records, and, upon request will be granted an opportunity to review the records within a reasonable time, but in no case: (1) more than forty-five (45) calendar days from the District’s receipt of a written request, (2) prior to any Committee on Special Education meetings; and/or (3) prior to any due process hearing about the student’s special education needs. Copies of any information contained in the file will be provided at a reasonable cost provided that the parent shall not be denied access to records if they are unable to afford the copying fee and cannot otherwise review the records.

7. Parents of a disabled child wishing to review their child's records must do so in the presence of the chairperson, building principal, and/or the school psychologist. Such parents may question the contents of their child's folder and may request an explanation of the data and its purpose for inclusion.

8. A disabled child 18 years or older is guaranteed access to his/her individual file.

C. Amendment of Records

1. Any parent of a disabled child who believes that the information collected in the pupil's file is inaccurate or misleading or violates the privacy or other rights of the child, may request an amendment and/or a deletion of the information.

2. If the school administration refuses the request to amend and/or to delete any records, the parent will be informed of the refusal and be advised of their right to a hearing.
D. Destruction of Information

1. Records relevant to a child's disabling condition and/or special education will be destroyed six (6) years after student graduates/would normally have graduated from high school or six (6) years after student attains age 21, whichever is shorter.

2. The District shall inform parents when personally identifiable information collected, maintained or used is no longer needed to provide educational services to the child. The parents may request destruction of such records at that time.

Board policy 5158 entitled, “Confidentiality of Student Records – Access and Challenge” shall apply to the records of students with disabilities.

Adopted 1/19/93
Revised 2/14/12
Confidentiality and Access to Individualized Education Program (IEPs)

In accordance with the requirements of Subdivision 7 of Section 4402 of the Education Law, the District shall provide a copy of the Individualized Education Program (“IEP”) (including amendments to the IEP) to the regular and special education teachers, related service providers and/or other service providers who are responsible for the implementation of a student’s IEP while respecting the confidentiality of the IEP. All IEP copies will be provided to individuals according to this policy.

District Responsibility to Provide IEP Copies

Prior to the implementation of such program, and as soon as practicable after a committee on Special Education meeting (“CSE”) or Committee on Pre-School Education, (“CPSE”) the Director of Pupil Personnel Services, CSE or CPSE Chairperson, Case Manager or other appropriate person shall:

Transmit a copy of the IEP to teachers, related service providers or other service providers with responsibilities for implementing services under the IEP;

Provide, with the IEP, a statement explaining the IEP is a confidential document and redisclosures can only be made under certain circumstances, which are provided for in FERPA (the “Buckley Amendment”) and the Individuals with Disabilities Education Act (“IDEA”).

Notification of Responsibilities

At the CSE meeting, or as soon after the meeting as practicable (and prior to the implementation of services under the IEP), the CSE chairperson shall designate one or more than one member of the professional staff to apprise each regular education teacher, special education teacher, related service provider, other service provider, supplementary school personnel (i.e. a teaching assistant or teacher aide as defined in Commissioner’s Regulations) other provider and support staff of his or her responsibility to implement the recommendations and services on a student’s IEP, including the responsibilities to provide specific accommodations, program modifications, supports and/or other services for the student in accordance with the IEP. The designee shall apprise such providers of their responsibilities under the IEP prior to the implementation of the IEP.

The District shall also ensure that each teacher aide and any other provider responsible for assisting in the implementation of a student’s IEP has the opportunity to review a copy of the student’s IEP (including amendments) prior to the implementation of such program as well as have ongoing access to such copy.
Confidentiality

Any copy of a student’s IEP shall remain confidential in compliance with the Individuals with Disabilities Education Act, the Family Educational Rights and Privacy Act, and District policy regarding confidentiality of student records; and shall not be disclosed to any other person other than the parent of such student, except in accordance with federal and state laws and/or regulations. Procedures will be established to ensure that copies of students’ IEPs are stored in secure locations.

A copy of a student’s IEP shall be provided to the student’s parents at no cost to the student’s parents.

Cross Ref:  5138, Student Records – Students with Disabilities
           5158, Confidentiality of Student Records – Access and Challenge

Ref:  Individuals with Disabilities Education Act (IDEA), 20 USC §§1400 et seq.
      Family Educational Rights and Privacy Act (FERPA), 20 USC §1232g; 34 CFR Part 99
      Education Law §4402(7)
      8 NYCRR §§200.2(b)(11); 200.4(e)(3); 200.16(e)(6)

Adopted 11/19/02
Revised 12/18/18
Advanced Placement Athletics

The philosophy of the Board of Education is to offer a developmentally appropriate and challenging level of play for all students in the interscholastic athletic program.

Student eligibility for participation on interscholastic teams shall include:

1. Authorization by the school physician;
2. Written parent or guardian consent (the written consent will contain information for parents on mild traumatic brain injury (TBI) and will provide a link to the State Education Department’s web page on TBI); and
3. Endorsement by the Building Principal based on established rules and various league and State Education Department regulations.

The Regulations of the Commissioner of Education allow a Board of Education to permit pupils in grades no lower than 7th grade to compete on interscholastic athletic teams organized for senior high school pupils, or senior high school pupils to compete on interscholastic athletic teams organized for pupils in the 7th and 8th grade.

The Board acknowledges that these pupils are to be placed at levels of competition appropriate to their physiological maturity, physical fitness and skills in relationship to other pupils in accordance with the Advanced Placement Process established by the Commissioner of Education.

Advanced Placement Process

The intent of the Advanced Placement Process is to provide for students in grades 7 through 8 a mechanism allowing them to participate safely at an appropriate level of competition based upon readiness rather than age and grade. Students do not mature at the same rate and there can be a tremendous range of developmental differences between students of the same age. The Advanced Placement Process is not to be used to fill positions on teams at the high school level.

The Board of Education of the West Hempstead Union Free School District authorizes the Athletic Department to use the Advanced Placement Policy set forth by the New York State Department of Education and in accordance with the West Hempstead Athletic Department Policy.

Procedures for Advanced Placement Process

A student athlete will be considered for the Advanced Placement Process as a result of the following procedures:
* The head coach of the varsity program, after discussion with the middle school coach, recommends that a student athlete may be considered for the Advanced Placement Process. Parents cannot recommend their child for the Advanced Placement Process.

* The Athletic Director and middle school principal/high school principal will meet to determine whether or not to continue the process. The Athletic Director should confirm that the student is suitable for consideration, which includes the likelihood that the student would play in at least 50% of the games. Additionally, because of the increased time demands of participation at the high school level, the student’s academic performance should be at or above grade level. The school administration should assess the student’s emotional readiness to socialize with high school students. If the student is not academically or socially ready, the student will not proceed with the Advanced Placement Process.

* Should the recommendation be positive, the Athletic Director will contact the parent/guardian and receive written permission to proceed with the Advanced Placement Process.

* The student athlete must have a physical from the District’s Chief Medical Officer. The Chief Medical Officer will determine the student’s physical maturity level and compare the physical size of the student in relation to that of students against whom the student wishes to compete. The Chief Medical Officer is instructed to take into consideration the height, weight, muscle mass, and Tanner rating as compared to other athletes he/she would compete with. If the student is determined to have obtained the appropriate maturity level and comparable physical size for the desired sport and level, as determined by the Chief Medical Officer, the student proceeds to the next level of skills assessment by the athletic/physical education director. If the Chief Medical Officer determines the student has not attained an appropriate physical maturity level for the desired sport and level, he or she may not proceed any further in the evaluation process. If a student is approved by the Chief Medical Officer, but fails to meet more than one of the physical fitness test standards, or if a student fails to meet an appropriate sport skill level as determined by the coach, he or she may not proceed any further in the evaluation process.

* The varsity coach will receive input from the middle school coach or rely on personal observations and may consider input from the student’s former coach. If the varsity coach is unfamiliar with the student, the coach may wish to observe the student in his or her physical education classes.
* Physical Fitness Testing - this must be done by a certified physical education teacher who is not a coach of the sport for which the student will be trying out. The President’s Physical Fitness test has been selected as the test for this process and the student must meet the 85 percentile level for their age in four out of five test components. For students trying out for girls’ varsity swimming an alternative fitness test to the one mile walk/run—students may choose to do either the one mile walk/run or the 500 yard swim, but the student still must meet the required times. There are no waivers as per the New York State Education Department.

* Qualification Determination - only students who pass all parts of the Advanced Placement Process are permitted to tryout.

* Tryouts - Once the student has met all of the above requirements, the student athlete is permitted to tryout in three out of the first five practice days. If a student attends practice on the fourth day of high school tryouts the student athlete will not be permitted to return to the middle school program for that particular sport. The West Hempstead Union Free School District Board of Education shall permit students to compete under the Advanced Placement Process in all sports limited as follows: 7th grade students are not eligible for the Advanced Placement Process with the exception of individualized non-contact sports such as bowling, cross country, tennis, track and swimming. Bowling - any 7th or 8th grade student may be given the opportunity to tryout for a junior varsity or varsity team. At the completion of the tryout sessions, which must include nine games bowled over a three-day period, if the individual’s bowling average puts him/her in the top eight of your bowlers, he or she is eligible for the team. Cross Country - the student athlete must place in the top eight runners. Tennis - the student athlete needs to be in the top two singles players. Track (winter/spring) - the student athletes needs to be an exceptional skilled runner, jumper or thrower with the potential to score at a divisional level meet. Swimming - the student athlete’s scores must place them in the top five swimmers.

* Records - The Athletic Director must obtain all records of students who have successfully completed the Advanced Placement Process. Records include: parent/guardian permission slip, result letters, maturity evaluation and medical director form, physical fitness results and coach’s sport skill evaluation.

* Notifications - A notification list of scores of all athletes who have successfully completed the process and have been approved through the Advanced Placement Process after the tryout has been completed must be sent to the Athletic Director, Section VIII and the schools in the conference.

The Athletic Director, with the approval of the Superintendent of Schools, will develop Administrative Regulations to administer this policy.
Ref:

Education Law §§ 305 (42); 414; 1604 (7-b); 1709 (8-a); 1718 (2); and 3011-b.
8 N.Y.C.R.R. 135.4(c)(7)(ii)(a)(4)
Athletic Placement Process for Interschool Athletic Programs,

Adopted 10/21/08
Revised 2/11/14, 10/20/15
Amended 2/14/17
Graduation Ceremonies

Participation in the graduation ceremony and related activities will be predicated on satisfactory completion of all graduation requirements, or as otherwise described in this Policy. Exceptions may be made under extraordinary circumstances with the permission of the Superintendent of Schools. A student who has been awarded either a Career Development and Occupational Studies Commencement Credential (CDOS) or Skills and Achievement Commencement Credential (SACC), but has not otherwise qualified for a Regents or local diploma, may, but is not required to, participate in the graduation ceremony of the student’s high school graduating class and related activities. For purposes of this Policy, a student’s high school graduation class shall be the twelfth grade class with which such student entered into ninth grade.

If a student who participates in the graduation ceremony by earning a CDOS or SACC only subsequently meets the requirements for either a Regents or local high school diploma, he/she may participate in the graduation ceremony of that graduating class as well.

A student who participates in graduation ceremonies by earning only a CDOS or SACC is entitled to continue his/her educational program in the District in which the student resides until the end of school year in which the student turns 21 years old, or until the student has earned a Regents or local high school diploma, whichever occurs first.

The Superintendent shall develop regulations to implement this policy, to be adopted by the Board. The District shall provide annual written notice to all students and their parents/guardians of the requirements of this Policy and associated regulations.

Cross-ref: 6200, Programs for Students with Disabilities under the IDEA and New York’s Education Law Article 89
6200.8, Declassification of Students with Disabilities
6151, Special Education –High School Individualized Education Program Diplomas

Ref: Education Law §3204(4-b)
8 NYCRR §§100.5; 100.6

Adopted: 4/17/18
Student Body Officers

In those schools having student councils, the Board of Education shall recognize duly elected officers of such councils as the representatives of the student body.

Adopted 6/20/72
Amended 1/19/93
Extra Curricular Activities

Students shall be free and encouraged to organize clubs or non-athletic activities within the school for any lawful purpose. Teachers shall be free to recommend such activities to the school principal. The responsibility for chartering clubs or non-athletic activities that have received the approval of the school principal shall be delegated to the student councils in the various schools. The total number of clubs and non-athletic activities available to students in all schools shall be determined by the Board of Education.

Adopted 3/10/70
Amended 2/23/93
Collection of Monies

School district personnel and/or school district facilities may not be used to collect monies from students.

Exceptions from this policy may be permitted upon the approval of the Superintendent of Schools.

Adopted 9/6/60
Amended 1/19/93
Gifts to School

A gift to a school is to be presented to the principal. If he/she believes that it will not contribute to the well being of the children he/she shall not accept it, and shall so notify the Superintendent. In all instances the principal will notify the Superintendent of Schools who will in turn notify the Board of Education.

Before a gift can be accepted which requires an expense of installation or maintenance, the approval of the Board of Education must be obtained.

Adopted 9/6/60
Amended 2/23/93
Fraternities, Sororities & Other Secret Societies

The West Hempstead Board of Education finds that fraternities, sororities, or other secret societies are likely to cause or create a disruption to or interference with the academic process of the District’s schools and are likely to cause or create a disruption to or interference with the academic progress of individual students. Accordingly, the activities of such fraternities, sororities, or other secret societies, are prohibited on all buildings, grounds facilities and other properties of the school district. In addition, there shall also be a prohibition against the wearing of fraternity or sorority jackets or similar clothing of such fraternities, sororities, or other secret societies, as well as the wearing of fraternity, sorority, or other secret society insignia and/or badges, when such clothing or insignia has caused or contributed to or is likely to cause or contribute to a disruption to or interference with the academic process. In such cases, the offender or offenders will be subject to appropriate disciplinary action.

The terms “fraternities, sororities, or other societies” refers to any organization whose membership is limited to students who are elected exclusively by the student membership of that organization, such as a fraternity, sorority, or secret society, shall not be recognized in any way as a school group and none of its activities shall be advertised on school property or held upon school premises.

Activities of students outside the confines of the school system, which do not directly affect the schools and their operation are solely within the province of the students, their parents and the community in such activities

Adopted 1/5/65
Amended 10/16/79, 2/23/93, 12/16/14
Extraclassroom Activity Funds

The Board of Education adopts this policy for the safeguarding, accounting and auditing of extraclassroom activity funds pursuant to Part 172 of the Regulations of the New York State Commissioner of Education. An organization within the school district whose activities are conducted by students and whose financial support is raised other than by taxation or through charges of the Board of Education shall be known as an extraclassroom activity and the money received by it as extraclassroom activity funds.

Use of Funds

Extraclassroom activity funds raised by students shall be spent by student bodies to promote the general welfare, education and morale of all students and to finance their legitimate extracurricular activities. The Superintendent or his/her designees shall have the authority to cause the implementation of this policy and the rules governing the supervision and administration of activity funds.

Extraclassroom activity funds may exist for any and all educational and school service purposes and operated by, for, or in the name of a school, or particular student group such as a club or grade level.

Development of Rules

1. In order to regulate extraclassroom activities and the monies of student bodies, the administration shall develop regulations for the establishment, conduct, operation and maintenance of extraclassroom activities and for the safeguarding, accounting and audit of all monies received.

2. The extraclassroom activity regulations shall prescribe the following:

   (a) The method to be followed in establishing an organization;
   (b) The records of receipts and expenditures to be maintained and the reports to be made at least quarterly and presented to the Board of Education;
   (c) That the authority to expend monies shall be distinct and separate from the custody of those monies;
   (d) The independent and impartial audit of those district records; and
   (e) The method of disposing of funds of a defunct organization.
Deposit and Investment of Funds

1. The monies received from the conduct, operation or maintenance of any extraclassroom activity shall be deposited with an official, designated from time to time by the Board of Education, who shall be the treasurer of such extraclassroom activity fund.

2. The return on such funds shall be maximized while under the control of the central treasurer in a fiscally prudent manner. The maximization of funds shall include the investment of extraclassroom activity funds with substantial amounts of money into Board-authorized safe investments, including, but not limited to, a certificate of deposit.

Designation of Board Officers or Employees

The Board of Education may, consistent with law and any applicable collective bargaining agreement, designate any of its officers or employees to perform such duties as it may prescribe in connection with any extraclassroom activity. Specifically, the Board may, upon recommendation of the Superintendent of Schools, appoint a central treasurer, faculty advisor and activity treasurers, as well as any other officials as it may deem appropriate to carry out the intent of this policy. In those cases, where the Board designates officers or employees for specific assignments, an official undertaking shall be required and the sum thereof fixed by the Board of Education.

Audit of Funds

Extraclassroom activity funds shall be audited at least annually, provided however, the auditor shall report to the Board of Education or its designated representative regularly, and at least quarterly, during the year. The audit report shall be presented directly and independently to the Board of Education.

Adopted 11/16/71
Amended 2/23/93, 12/20/11
Revised 12/18/07
Student Wellness

Given the documented connection between proper nutrition, adequate physical activity and educational success, the Board of Education adopts the following goals and authorizes the following actions to provide District students with a school environment that promotes student health and wellness and reduces childhood obesity.

For purposes of this policy, “school campus” means all areas of District property accessible to students during the school day; “school day” means the period from the midnight before to thirty (30) minutes after the end of the official school day; and “competitive food” means all food and beverages other than meals reimbursed under federal food programs available for sale to students on the school campus during the school day.

1. Foods and Beverages Available to Students on School Campus During the School Day

The Board recognizes that a nutritious, well-balanced, reasonably portioned diet is essential for student wellness. To help students possess the knowledge and skills necessary to make nutritious food choices for a lifetime, the District shall ensure that all foods and beverages available in school promote good nutrition, balance and reasonable portion sizes. The District shall ensure that reimbursable school meals meet or exceed the program requirements and nutrition standards found in federal regulations.

To accomplish this, the Board directs that the District serve healthy and appealing foods and beverages at District schools, following state and federal nutrition guidelines, as well as safe food preparation methods.

A. School Meals - the District shall:

a. Promote fresh fruits, vegetables, salads, whole grains and low fat items to the extent required by federal regulations;
b. Encourage students to try new or unfamiliar items;
c. Make efforts to ensure that families are aware of need-based programs for free or reduced-price meals and encourage eligible families to apply;
d. Consider serving produce and food from local farms and suppliers; and
e. Make free drinking water available at locations where meals are served.

B. Meal Scheduling - the District shall:

a. Provide adequate time to eat
b. Schedule lunchtime between normal lunch hours (11 a.m. - 1 p.m.)
C. Foods and Beverages Sold Individually (a la carte, vending, school stores) – the District Shall:

a. Ensure that all such items meet the nutrition standards set in federal regulations for competitive foods regarding whole grains, fruits, vegetables, calories, fat, saturated fats, trans fats, sugar, sodium and caffeine;
b. Permit the sale of fresh, frozen or canned fruits and vegetables, if processed pursuant to federal regulations, as exempt from the nutrition standards;
c. Work with existing vendors or locate new vendors that will comply with the District’s objectives.

D. Fundraising Activities - the District shall:

a. Ensure that all fundraisers selling food or beverages to students on school campus during the school day meet the competitive foods nutrition standards set in federal regulations for whole grains, fruits, vegetables, calories, fat, saturated fats, trans fats, sugar, sodium and caffeine
b. Promote non-food items to sell, or activities (physical or otherwise) in which to participate.

E. School and Class Parties, Celebrations, and Events Where Food and Beverages Are Provided, But Not Sold – the District Shall:

a. This section applies to all school and classroom parties, snacks, which have been brought in for the class or school, celebrations, food provided to learn about cultures or countries, and other events where food is provided but not sold.
b. Set guidelines for the frequency and content of classroom and school-wide celebrations where food and beverages are provided.
c. Promote the use of food and beverage items, which meet the standards for competitive foods and beverages, promote non-food activities, and discourage foods and beverages, which do not meet those standards, at celebrations.
d. Model the healthy use of food as a natural part of celebrations.

2. Physical Activity

Physical activity is an important factor in staying healthy and being ready to learn. The Board encourages every student to develop the knowledge and skills necessary to perform a variety of physical activities, to regularly participate in physical activity and to appreciate and enjoy physical activity as an ongoing part of a healthy lifestyle. In addition, staff, families and community are encouraged to participate in and model physical activity as a
valuable part of daily life. The District’s Physical Education program shall adhere to the curricular requirements of the Commissioner of Education and the New York State Learning Standards.

Physical Education

a. The District shall endeavor to have students engage in physical education for at least the minimum number of hours or days per week under state requirements;
b. Physical Education classes shall incorporate the appropriate NYS Learning Standards;
c. Promote, teach and provide opportunities to practice activities that students enjoy and can pursue throughout their lives (e.g., yoga, fitness walking, step aerobics);
d. The performance or withholding of physical activity shall not be used as a form of discipline or punishment.

Recess

a. Maintain daily allotment of recess time for elementary school;
b. Recess shall not used for punishment or reward;
c. Consider scheduling recess before lunch;
d. Recess will be held outdoors whenever possible, and indoors during the most inclement weather, at the discretion of the Building Principal.

Physical Activity

a. Promote the integration of physical activity in the classroom both as activity breaks and as part of the educational process (e.g., kinesthetic learning);
b. If the District is under severe time or space constraints, consider meeting the state requirements for Physical Education through collaborative and integrative in-classroom activity, under the supervision of a Physical Education teacher.

D. Extracurricular Opportunities for Physical Activity

Promote clubs and activities that meet the various physical activity needs, interests and abilities of all students (e.g., walking, hiking and climbing, snowshoeing) including before and after school activities.

3. Nutrition Promotion and Education

The Board believes that nutrition promotion and education is a key component in introducing and reinforcing healthy behaviors in students. Nutrition promotion and education that teaches the knowledge, skills and values needed to adopt healthy eating behaviors shall be integrated into the curriculum. Nutrition promotion and education information shall be offered throughout the school campus including, but not limited to,
school dining areas and classrooms. Staff members who provide nutrition promotion and education shall be appropriately certified and trained. The District’s broader Health Education program shall incorporate the appropriate New York State Learning Standards.

a. Include nutrition education as part of not only health education classes, but also classroom instruction in subjects such as math, science, language arts, social sciences and elective subjects;

b. Include enjoyable, developmentally appropriate, culturally relevant, participatory activities, such as contests, promotions, taste testing, farm visits and school gardens;

c. Promote fruits, vegetables, whole grain products, low fat dairy products, safe and healthy food preparation methods, and health enhancing nutrition practices;

d. Emphasize caloric balance between food intake and energy expenditure;

e. Teach media literacy with an emphasis on food marketing.

4. **Other School-Based Activities**

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 activities may include, but are not limited to, health forums or fairs, health newsletters, parent outreach, employee health and wellness activities, limiting the use of food as a reward, reviewing food marketing and advertising in school, hosting or promoting community-wide events, and offering wellness-related courses in the District’s adult education program.

5. **Implementation**

The Superintendent shall designate the Director of Health as District Wellness Coordinator to be responsible for ensuring that the provisions of this policy are carried out throughout the District. The Superintendent may also designate one person as School Wellness Coordinator in each building to ensure that the wellness activities and actions are being implemented at the building level.

6. **Monitoring and Review**

The District Wellness Coordinator shall report every three (3) years to the Board and the public on the implementation and effectiveness of this policy. Every three (3) years the District Wellness Coordinator, in consultation with appropriate personnel and advisory committees, shall monitor and review the District’s wellness activities to determine the extent that District schools are complying with this policy, how this policy compares to model wellness policies, and the progress made toward attaining the goals of this policy and whether this policy is having a positive effect on increasing student wellness and decreasing childhood obesity in the District. Based on those results, this policy, and the specific objectives set to meet its goals, may be revised as needed.
Parents, students, food service professionals, physical education teachers, school health professionals, school administrators, the general public and the School Board shall be provided with the opportunity to participate in the development, implementation and periodic review and update of this Wellness Policy. To do this, the District shall establish an advisory committee and invite participation via notices in school publications, staff and student announcements, handbooks and memos, the District website and outreach to school-associated organizations interested persons and those with valuable expertise.

The District shall inform and update the public (including parents, students and others in the community) about the content and implementation of this Wellness Policy by posting this policy and any updates on the District website and in each school lunch area, referencing the policy and its availability on school publications and notices, and providing information about new and ongoing Wellness Policy activities to parents, staff and students via established communication channels.

The District shall monitor and review the implementation and effectiveness of this policy by conducting:

a. Periodic informal surveys of Building Principals, classroom staff and school health personnel to see the progress of wellness activities and their effects;
b. Periodic checks of the nutritional content of food offered in the cafeterias for meals and a la carte items and sales or consumption figures for such foods;
c. Periodic checks of the nutritional content of food available in vending machines, and sales or consumption figures for such foods;
d. Periodic checks of the amount of time students spend in Physical Education classes, and the nature of those activities;
e. Periodic checks of extracurricular activities of a physical nature, in the number of offerings and rates of participation by students;
f. Periodic checks of student mastery of the nutrition education curriculum;
g. Periodic completion of relevant portions of the CDC School Health Index;
h. Periodic review of data currently collected by the District, including:

1. attendance data, particularly absences due to illness;
2. test scores;
3. rates of suspension, discipline and violent incidents;
4. physical education scores on flexibility, endurance and strength (i.e., fitness test results);
5. student BMI (Body Mass Index) statistics, as collected in accordance with the State Department of Health efforts; and
6. revenues generated from vending machines and a la carte food items.

i. Periodic surveys of student/parent opinions of cafeteria offerings and wellness efforts;
j. Periodic review of professional staff development offered, which focuses on student wellness.

k. NYSSBA’s Student Wellness Assessment Checklist every three (3) years to review the effectiveness of this policy.

7. Record Keeping

The District shall keep records as required by federal regulations, including documentation of the following: this policy; the District’s community involvement activities described above; that the policy is made available to the public; the assessments done every three (3) years; how the public is informed of the assessment results and when and how the policy is reviewed and updated.

Ref: P.L. 111-296 (The Healthy, Hunger-Free Kids Act of 2010), §204 amending 42 USC §1758b
P.L. 108-265 (Child Nutrition and WIC Reauthorization Act of 2004) §204
42 USC §§1758(f)(1); 1766(a) (Richard B. Russell National School Lunch Act)
42 USC §1779 (Child Nutrition Act)
7 CFR §210.10; 210.11; 210.12; 210.15; 210.18; 210.30 (National School Lunch Program participation requirements – nutrition standards for lunches, snacks, competitive foods, community involvement, record keeping, state review, local wellness policy)
7 CFR §220.8, 220.12 (School Breakfast Program participation requirements – nutrition standards for meals and competitive foods)
8 NYCRR Part 135 (Health and Physical Education curricular requirements); §114.1 (School Breakfast Program Requirements)
Appeal of Phillips, 37 EDR 204 (1997) (dec. no. 13,843) (physical education requirements)
Appeal of Williams, 32 EDR 621 (1993) (dec. no. 12,934) (physical education requirements)

Adoption date: 6/20/06
Revised: 2/14/12, 2/14/17
Reaffirmed 11/19/13
Nutrition Education Goals

- Students in grades K-12 shall receive nutrition education that is interactive and teaches the skills they need to adopt healthy eating behaviors and provide them with the knowledge and skills to promote and protect their health;

- Nutrition education shall be offered in the school cafeteria as well as in the classroom, with coordination between food service staff and teachers;

- Students shall receive consistent nutrition messages throughout the schools, classrooms, cafeterias, homes, community and media and school-based marketing will be consistent with nutrition education and health promotion;

- The School District shall provide information to families that encourage them to teach their children about health and nutrition and to provide nutritious meals;

- District health education curriculum standards and guidelines shall include both nutrition and physical education;

- Nutrition educational activities shall be integrated into the health education or core curricula;

- Staff who provides nutrition education shall have appropriate training and shall participate regularly in professional development activities to effectively deliver an accurate nutrition education program;

- Students shall have access to a variety of affordable, nutritious and appealing good choices that meet their health and nutrition needs and which accommodate the religious ethnic and cultural diversity of the student body;

- Students shall be encouraged to start each day with a healthy breakfast;

- Fruits, vegetables, whole grain products, low-fat dairy products, healthy food preparation methods and health enhancing nutrition practices shall be promoted;

- Caloric balance between food intake and energy expenditure (physical activity/exercise) shall be emphasized;
The District’s guidelines for reimbursable school meals shall not be less restrictive than applicable federal regulations and guidelines of Child Nutrition programs.

Physical Activity Goals

- Students shall be given opportunities for physical activity during the school day through physical education class, daily recess periods for elementary school students and through the integration of physical activity into the academic curriculum;
- Whenever possible, students shall be given opportunities for physical activity through a range of programs including, but not limited to, intramural, interscholastic athletics and physical clubs.
- Schools shall work with the community to create ways for students to walk or bike safely to and from school;
- Schools shall encourage parents to support their children’s participation in physical activity; to be physically active role models and to include physical activity in family events;
- Schools shall provide training to enable teachers and other school staff to promote enjoyable lifelong physical activity among students;
- Teachers and other school staff may not use physical activity (e.g., running laps or pushups) or withhold opportunities for physical activity (e.g., recess, physical education) as punishment.

Other School Based Activities Goals

- There shall be a clean, safe, enjoyable meal environment for all students with adequate time to enjoy eating healthy foods with their friends;
- There shall be enough space and serving areas to ensure all students have access to school meals with minimum wait time;
- Lunch time shall be scheduled as near the middle of the school day as possible;
Drinking fountains shall be available in all schools so that students can get water at meals and throughout the day;

All students are encouraged to participate in school meals programs and the identity of students who eat free and reduced meals will be protected;

Food and beverage marketing activities shall be consistent with and reinforce the objectives of the education and nutrition environment goals of the District;

The District shall ensure that all fundraising efforts and school events such as field trips, dances and assemblies in the schools are supportive of healthy eating, healthy food choices and physical activity;

Efforts, where possible, will be made to keep school or district-owned physical activity facilities open for use by students outside school hours.

Establishing Nutrition Standards

Nutrition standards shall focus on maximizing nutritional value by decreasing fat and added sugars, and moderating portion size;

Many of the food and beverages made available (including vending machines, a la carte, fundraising, concession stands, student stores and school parties/celebrations) during the school day shall be consistent with the current USDA Dietary Guidelines for Americans;

Food providers shall offer a variety of age appropriate healthy food and beverage selections for elementary schools, middle schools and high schools;

All foods made available shall adhere to food safety and security guidelines;

Nutrition information for products offered in snack bars, a la carte, vending and school stores may be available on packaging;

Classroom snacks shall feature healthy choices and a list of such healthy choices shall be disseminated to teachers and parents;

Unless otherwise stated in a behavior plan, staff shall not use foods or beverages as rewards for academic performance or good behavior and shall not withhold food or beverages as a punishment;
Students shall be discouraged from sharing their foods or beverages with one another during meal or snack times, given concerns about allergies and other restrictions on children’s diets;

Families, teachers, students and school officials shall be involved in selecting food selections for their schools in order to identify new, healthful and appealing food choices;

The District shall make decisions on these guidelines based on nutrition goals, not on profit.

Adopted 6/20/06
Concussion Management

The Board of Education of the West Hempstead Union Free School District recognizes that mild traumatic brain injuries (commonly referred to as “concussions”) and head injuries are the most commonly reported injuries in children and adolescents who participate in sports and recreational activity. Therefore, the District adopts the following policy and guidelines to assist in the proper evaluation and management of head injuries, including concussions.

Any student demonstrating signs, symptoms or behaviors consistent with a concussion while participating in a school-sponsored class, extracurricular activity, or interscholastic athletic activity shall be removed from the game or activity and evaluated as soon as possible by an appropriate health care professional. In the event that there is any doubt as to whether the student has sustained a concussion, it shall be presumed that the student has been so injured until proven otherwise. The District should notify the student’s parents or guardians.

The student should not return to school until released by an appropriate health care professional. The student shall not be permitted to return to athletic activity until the student has been symptom-free for at least twenty-four (24) hours and has been evaluated by and received written and signed authorization from a licensed physician and, in the case of extra-class athletic activities, has received clearance from the District’s Chief Medical Officer to participate in such activity. The District’s Chief Medical Officer will make the final decision on a student’s return to athletic activity, including physical education class and extra-class athletic activities.

The District’s athletic trainer shall oversee the implementation of the concussion protocol.

The following protocol should be followed, upon the student’s return to athletic activity, including physical education class and extra-class athletic activities:

- Phase 1- low impact, non-strenuous, light aerobic activity such as walking or riding a stationary bike. If tolerated without return of symptoms over a twenty-four (24) hour period proceed to next Phase;
- Phase 2- higher impact, higher exertion, and moderate aerobic activity such as running or jumping rope. No resistance training. If tolerated without return of symptoms over a twenty-four (24) hour period proceed to next Phase;
- Phase 3- Sport specific non-contact activity. Low resistance weight training with a spotter. If tolerated without return of symptoms over a twenty-four (24) hour period proceed to next Phase;
• Phase 4- Sport specific activity, non-contact drills including throwing, catching, and running and high aerobic activities. Higher resistance weight training with a spotter. If tolerated without return of symptoms over a twenty-four (24) hour period proceed to next Phase;

• Phase 5- Full contact training drills, and intense aerobic activity. If tolerated without return of symptoms over a twenty-four (24) hour period proceed to next Phase;

• Phase 6- Return to full activities without restrictions.

Any student who continues to have signs or symptoms upon return to activity must be removed from play and reevaluated by their health care provider, as well as reevaluated by the District’s Chief Medical Officer.

If any post concussion symptoms occur while in any phase of the concussion protocol, then the student/athlete should return to the previous phase and try to progress forward to the next phase after a 24-hour rest period has passed.

All school coaches (including teachers with coaching qualifications and experience, those with temporary coaching licenses or professional coaching certificates), physical education teachers, Athletic Director, nurses and certified athletic trainers who work with and/or provide instruction to students engaged in school-sponsored activities must complete, on a biennial basis, a course of instruction relating to recognizing the symptoms of concussions and monitoring and seeking proper medical treatment for students who suffer concussions. The course of instruction will include, but not be limited to: the definition of a mild traumatic brain injury or “concussion”; signs and symptoms of concussions; how such injuries may occur; preventative practices; the guidelines for return to school and school activities after a student has suffered a concussion regardless of whether the injury occurred outside of school.

The District will include on its website information related to concussions, including the definition of a mild traumatic brain injury or “concussion”; signs and symptoms of concussions; how such injuries may occur; preventative practices; the guidelines for return to school and school activities after a student has suffered a concussion regardless of whether the injury occurred outside of school. Such information will also be included in any permission form or parental consent form which may be required for a student’s participation in interscholastic athletics.

Reference: Ed. Law §305 (42)
8 NYCRR §§135.4 and 136.5
ADMINISTRATIVE REGULATIONS

E.1: CONCUSSION CHECKLIST FORM

Name: ________________________________  Age: _____  Grade: ____

Sport: _____________________________

Date of Injury: _______________  Time of Injury: ________________________

On-site Evaluation

Description of Injury: _____________________________________________________
______________________________________________________________________
______________________________________________________________________

Has the athlete ever had a concussion?  Yes  No

Was there a loss of consciousness?  Yes  No  Unclear

Does he/she remember the injury?  Yes  No  Unclear

Does he/she have confusion after the injury? Yes  No  Unclear

Symptoms observed at time of injury:

Dizziness  Yes  No  Headache  Yes  No

Ringing in Ears  Yes  No  Nausea/Vomiting  Yes  No

Drowsy/Sleepy  Yes  No  Fatigue/Low Energy  Yes  No

“Don’t Feel Right”  Yes  No  Feeling “Dazed”  Yes  No

Seizure  Yes  No  Poor Balance/Coord.  Yes  No

Memory Problems  Yes  No  Loss of Orientation  Yes  No
Blurred Vision  Yes  No
Sensitivity to Light  Yes  No
Vacant Stare/Glassy Eyes  Yes  No  Sensitivity to Noise  Yes  No

* Please circle yes or no for each symptom listed above.

Other Findings/Comments: ________________________________________________
______________________________________________________________________

Final Action Taken:  Parents Notified  Sent to Hospital

Evaluator’s Signature: ______________________________  Date: __________
Title: ________________________________________________________________
Address: _____________________________________________________________
Phone No.: ___________________________

Adoption Date:
### E.2: PHYSICIAN EVALUATION FORM

Date of First Evaluation: _____________________ Time of Evaluation: ___________

Date of Second Evaluation: __________________ Time of Evaluation: ___________

#### SYMPTOMS OBSERVED

<table>
<thead>
<tr>
<th>Symptom</th>
<th>First Doctor Visit</th>
<th>Second Doctor Visit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dizziness</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Headache</td>
<td>Yes</td>
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<td></td>
<td>Yes</td>
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<td>Fatigue</td>
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<td></td>
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<tr>
<td>Drowsy/Sleepy</td>
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<td>Sensitivity to Light</td>
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<tr>
<td>Sensitivity to Noise</td>
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<td></td>
<td>Yes</td>
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<tr>
<td>Anterograde Amnesia (after impact)</td>
<td>No</td>
<td>N/A</td>
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<tr>
<td>Retrograde Amnesia (backwards in time from impact)</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

* Please indicate yes or no in your respective columns. First Doctor use column 1 and second Doctor use column 2.
First Doctor Visit

Did the athlete sustain a concussion? (Yes or No) (one or the other must be circled)

** Post-dated releases will not be accepted. The athlete must be seen and released on the same day.

Please note that if there is a history of previous concussion, then referral for professional management by a specialist or concussion clinic should be strongly considered.

Additional Findings/Comments: ____________________________________________
______________________________________________________________________

Recommendations/Limitations: _____________________________________________

Signature: ________________________________ Date: ______________________

Print/stamp name: ___________________________ Phone number: ______________

Second Doctor Visit

*** Athlete must be completely symptom free in order to begin the return to play progression. If athlete still has symptoms more than seven days after injury, referral to a concussion specialist/clinic should be strongly considered.

Please check one of the following:

Athlete is asymptomatic and is ready to begin the return to play progression.
Athlete is still symptomatic more than seven days after injury.

Signature: ________________________________ Date: ______________________

Print/stamp name: ___________________________ Phone number: ______________

Adoption Date: 2/14/17
Student Health Services

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

The schools of the District, and the District as a whole, shall work closely with students’ families to provide detection and preventive health services as required by law. In accordance with law, the schools will provide vision, hearing, dental inspection and scoliosis screening. Health issues detected in such screening will be referred to the parent(s)/guardians who shall be encouraged to seek appropriate care from a health provider.

In order to enroll in school a student must have a health exam and submit a health certificate within thirty (30) calendar days after entering school, and upon entering pre-kindergarten or kindergarten and first, third, fifth, seventh, ninth and eleventh grades. The health certificate must describe the condition of the student when the examination was made and must state whether the student is in a fit condition of health to permit his or her attendance at the District’s schools. The health certificate must also state the student’s body mass index (BMI) and weight status category. The examination, which must conform to state requirements, must have been conducted no more than twelve (12) months before the first day of the school year in question. If a student is unable to furnish the health certificate, the school will provide a physical examination by a licensed provider. Health examinations shall also be provided prior to student participation in strenuous physical activity periodically throughout the season, as necessary, and for all students who need work permits.

A request for exemption from the physical examination, or the requirement to provide a health certificate, must be made in writing to the school principal or designee, who may require documents supporting the request. The only basis for exemption is a claim that the physical examination is in conflict with the parent(s)/guardian(s)’ genuine and sincere religious belief.

In order to enroll in school students must also furnish documentation of required immunizations against certain communicable diseases, as set forth in state law and regulations, unless exempted from immunizations for medical or religious reasons as permitted by state law and regulation.
Homeless students shall be admitted to school even if they do not have the required health or immunization records, but may be temporarily excluded if they show actual symptoms of a communicable disease that poses a significant risk of transmission to others (see “Communicable Diseases” below). The McKinney-Vento liaison shall assist homeless students covered by that law in accessing health services described in this policy and accompanying regulation.

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

Additionally, students will be asked to provide a dental health certificate when they enroll in school and in accordance with the same schedule as the health certificate. The dental health certificate must be signed by a duly licensed dentist or a registered dental hygienist who is authorized to practice in the State of New York, must describe the dental health condition of the student when the examination was made, and must state whether the student is in fit condition of dental health to permit his or her attendance at the District’s schools.

An examination and health history of any student may be required by school authorities at any time in their discretion to promote the educational interests of such student.

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. The health record shall be maintained by the school nurse.

**Emergency Care**

Schools shall also provide emergency care for students in accidental or unexpected medical situations. Each school will include in its emergency plan a protocol for responding to health care emergencies, including anaphylaxis and head injury. Parents/Guardians will be notified of any health emergency involving their child as soon as is practicable. Parents/Guardians will receive notification of non-emergent situations that have been reported to the nurse in a timely manner.
Communicable Diseases

It is the responsibility of the Board of Education to provide all students with a safe and healthy school environment. To meet this responsibility, it may be necessary at times to exclude students with contagious and infectious diseases, as defined in the Public Health Law, from attendance in school and/or at the direction of the School Physician. Students will be excluded during periods of contagion for time periods indicated on a chart developed by the New York State Department of Health.

During an outbreak of these communicable diseases, if the Commissioner of Health or his/her designee so orders, the District will exclude students from school who have an exemption from immunization or who are in the process of obtaining immunization, in accordance with regulations of the Commissioner of Health.

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 of Education nor District staff members shall be responsible for the diagnosis or treatment of student illness. The administration of prescribed medication to a student during school hours shall be permitted only when failure to take such medication 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 needs (e.g. as per a student’s 504 plan.) “Medication” includes all medicines prescribed by an authorized medical provider.

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)/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 authorized medical provider, which will include: (a) the student’s name and date of birth; (b) the name of the medication being prescribed; (c) the purpose, dosage and route of the administration of the medication; (d) the frequency and time at which the medication will be administered; (e) for PRN (as necessary) medication, the special circumstances under which the medication shall be administered; (f) the date of the prescription and the period for which the medication is prescribed (g) the possible side effects of the medication; and (h) the prescribing medical provider’s name, title, signature and phone number.

3. the school nurse may request additional information, such as self-administration orders, diagnosis, and/or potential adverse reactions, as he/she may deem necessary. However, medication delivery should not be delayed pending additional information unless such information is essential to the safe administration of the medication.

4. that in order for a student to carry and use a rescue inhaler, an epinephrine auto-injector, insulin or glucagon and associated testing supplies, written permission must be provided both by the parent and the prescribing authorized medical provider in accordance with state law and regulation.

5. Permission slips and medical orders are to be kept on file in the office of the school nurse.

Students are allowed to carry and apply parentally provided sunscreen without a prescription from a medical provider, assuming that the sunscreen is FDA approved and that the sunscreen is not treating a medical condition. Parents need to provide the District with written permission for students to use sunscreen. In addition, parents are responsible for providing the sunscreen they would like their child to use at school.

Life Threatening Allergies and Anaphylaxis Management

The Board of Education recognizes its role and responsibility in supporting a healthy learning environment for all students, including those who have, or develop, life-threatening allergies. Some allergic students may be at risk for life-threatening anaphylaxis. Anaphylaxis is the medical term for a severe life-threatening allergic reaction and food allergy is the leading cause. The District will work cooperatively with the parent(s)/guardian(s), student and the student’s health care provider to allow the student to participate as fully and as safely as possible in school activities. The District will endeavor to reduce an allergic child’s exposure to allergens with the school setting, to the extent reasonably practicable, while acknowledging that it is not possible to guarantee an allergen-free environment.
For students with life-threatening allergies, providing a safe school environment involves many challenges, all of which require careful attention and detailed planning at the school building level; education of administrators, teachers, staff, other adults and students who may come into regular contact with the student; clear and open communication on the part of all concerned and the full cooperation of parents/guardians, school personnel and health care providers. When a student has a known life-threatening allergy reported on their health form or if the District has been informed by the parent or guardian of the presence of a life-threatening allergy, the District will work cooperatively with parents/guardians, as follows:

- The District’s 504 team consisting of the student’s parent(s)/guardians, the District’s 504 team Chairperson, the school nurse and those individuals designated by the District’s 504 Chairperson including, but not limited to, the school physician and/or the student’s physician, should immediately develop an Emergency Action Plan (EAP) for each at-risk student to ensure that appropriate personnel are aware of the student’s potential for a life-threatening reaction;

- The EAP should include: all necessary treatments, medications, training and educational requirements for the student. If the student is eligible for accommodations based upon the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act (ADA), the appropriate procedures will be followed regarding identification, evaluation and implementation of accommodations related to the treatment and/or response to life-threatening allergies and management for each individual student, which may be fulfilled, if appropriate, by designating the EAP as a 504 Plan;

- Provide training by licensed medical personnel (e.g. registered professional nurse) for all adults in a supervisory role in the recognition and emergency management of a specific medical condition for specific students;

- Obtain specific legal documents duly executed in accordance with New York State law; appropriate health care provider authorization in writing for specific students that includes the frequency and conditions for any testing and/or treatment, symptoms and treatment of any conditions associated with the health problem; and directions for emergencies;

- Secure written parent permission and discuss parental responsibility that includes providing the health care provider’s orders, providing any necessary equipment, and participation in the education and co-management of the child as he/she works toward self-management;

- Allow students to carry and self-administer their prescribed life saving medication upon receipt of prior written consent from the student’s parent or person in parental relation and written permission from a medical provider of the child in accordance with 8 NYCRR § 136.7;

- Assure that appropriate and reasonable building accommodations are in place within a reasonable degree of medical certainty.
In addition, the District will:

- Provide training for all staff in the recognition of an anaphylactic reaction;
- Request the School Medical Director to write, in accordance with 8 NYCRR § 64.7(b) a non-patient specific order and protocol, for anaphylaxis treatment agents for the school’s registered professional nurse to administer in the event of an emergency anaphylactic episode;
- Ensure that the building and District safety plans include appropriate accommodations for students with life-threatening health conditions; and
- Encourage families to obtain medic-alert bracelets for at-risk students.

**School Environment**

Avoidance of exposure to allergens is key to preventing a life-threatening anaphylactic reaction. Educating the entire school community about life-threatening allergies is crucial in keeping students with such allergies safe. The risk of accidental exposure or cross contamination is always present, particularly for students with food allergies. There is always the risk of accidental ingestion of a food allergen in the school setting due to the presence of a large number of students, increased exposure to food allergens and cross contamination of tables, desks and other surfaces. To guard against accidental exposure to allergens, the District will endeavor to monitor the following areas and activities to the extent reasonably practicable:

- Cafeterias
- Food Sharing
- Hidden ingredients in art, science and other projects
- Transportation
- Fund raisers
- Parties and holiday celebrations
- Field Trips
- Before and after school programs
Use of Epi-Pens

The administration of epinephrine by epi-pen to a student with a known severe allergy needing an anaphylactic treatment agent may be performed by a school staff member responding to an emergency situation when such use has been prescribed by a licensed medical provider. However, a registered professional nurse/nurse practitioner/physician/physician’s assistant must have trained the staff member to administer the epi-pen for that particular emergency situation and given him/her approval to assist the student in the event of an anaphylactic reaction. Documentation of such training of a staff member is to be maintained and filed in the nurse’s office. The emergency response by non-licensed school staff members is permitted under the Medical Practice Act (Education Law section 6527(4)(a) and the Nurse Practice Act (Education Law section 6908 (1)(a)(iv) and is covered by the “Good Samaritan Law” (Public Health Law section 3000-a).

Training

Training to support the fulfillment of staff responsibilities in regard to student health services will be provided as a part of the District’s ongoing professional development plan and in conformity with Commissioner’s regulations.

Regulations

The Superintendent of Schools will add any such regulations as may be needed to assist with the implementation of this policy.

Cross Ref: 5153, Immunizations of Students
6200, Programs for Students with Disabilities
5140, Interscholastic Athletics
5158, Student Privacy
6160, Education of Homeless Children

Ref.:  Education Law §§ 310 (provisions for appeal of child denied school entrance for failure to comply with immunization requirements); 901 et seq. (medical, dental and health services, BMI reporting); 916 (student self-administration of rescue inhalers); 916-a (student self-administration of epinephrine; 916-b (students with diabetes); 921 (epinephrine auto-injectors; training of unlicensed personnel); 6909 (emergency treatment of anaphylaxis)

Public Health Law §§613 (annual survey) 2164 (immunization requirements)

8 NYCRR § 64.7 (administration of agents to treat anaphylaxis); § 135.4 (physical education); Part 136 (school health services program)
10 NYCRR Part 66-1 (immunization requirements).

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

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

Guidelines for Concussion Management in the School Setting, New York State Education Department, Office of Student Support Services, June 2012.

New Policy for Stocking Albuterol Metered Dose Inhalers (MDIs), State Education Department, August 2011,
ADMINISTRATIVE REGULATIONS
STUDENT HEALTH SERVICES

This regulation provides specific details about major areas of the District’s student health services such as immunization, medications, medical exams, medical care, emergency records and return to school after injury/illness. For purposes of this regulation, the McKinney-Vento liaison shall assist homeless students covered by that law in accessing school health services.

Immunization against Communicable Diseases

Under state Public Health Law 2164, in order to be enrolled in or attend district schools, children must be fully immunized against certain communicable diseases. Those diseases are: poliomyelitis, mumps, measles, diphtheria, rubella, varicella (chicken pox), hepatitis B, pertussis, tetanus and, where applicable, Haemophilus influenzae type b (Hib), pneumococcal disease and meningococcal disease.

“Fully immunized” means that the child has either (1) received the required vaccinations for these diseases as set forth in state regulations; (2) for measles, mumps, rubella, hepatitis B, poliomyelitis or varicella only, shown immunity with a positive blood test for those disease antibodies; or (3) for varicella only, has had the disease, verified by a physician, nurse practitioner or physician’s assistant.

Children who are not fully immunized may only be admitted to school if they (1) are in the process of receiving immunization or obtaining blood tests (as described in state law and regulations); or (2) have been granted a medical exemption.

Medical exemptions may be issued if immunization is detrimental to a child’s health. Medical exemptions must be on a signed, completed medical exemption form approved by the New York State Department of Health from a physician licensed to practice medicine in New York State certifying that immunization may be detrimental to the child’s health, containing sufficient information to identify a medical contraindication to a specific immunization and specifying the length of time the immunization is medically contraindicated.

All students must present appropriate documentation of their immunization status, as set forth in the Regulations of the Commissioner of Health 10 NYCRR Subpart 66-1. Homeless students shall be admitted to school even if they do not have the required immunization records, but may be temporarily excluded if they show actual symptoms of a communicable disease that poses a significant risk of transmission to others.
The Building Principal may permit students without adequate documentation to attend school up to fourteen (14) calendar days while the parent/guardian furnishes the necessary documents. This time period may be extended to thirty (30) days for students transferring from another state or country as long as they show a good faith effort to obtain the necessary documentation, or the child has received at least the first dose in an immunization series and has scheduled appointments to complete the series according to the recommended age schedules.

District schools may access the New York State Immunization Information System (NYSIIS) or the New York City Citywide Immunization Registry (CIR) to verify the immunization history of students entering or registered in that school.

When a child is excluded from school for immunization reasons, the Building Principal shall notify the parent/guardian of their responsibility to have the child immunized, and the public resources available for doing so. The Principal shall also notify the local health authority of the child’s name and address and the immunization(s) the child lacks, and shall cooperate with that authority to provide a time and place for the required immunization(s) to be administered.

The District will maintain a list of all students who have been exempted from immunization for medical reasons, or who are in the process of receiving immunization, and shall exclude such students from school when so ordered by the Commissioner of Health, in the event of an outbreak in school of the vaccine-preventable diseases listed in Public Health Law 2164 and the first paragraph of this section.

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

A. Administering Medication to Students in School

The administration of prescribed medication to a student during school hours is permitted only when the medication is necessary to allow the student to attend school or failure to administer the medication would seriously affect the student’s health.

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

1. A written order from a NYS licensed health care provider (e.g. physician, nurse practitioner or physician assistant) containing the following: student’s name, the date and name of the medicine, dosage and time to be administered, and list of possible side effects; and
2. A written note from the parent/guardian giving appropriate licensed school personnel permission to administer the medication to their child during school or for trained unlicensed personnel to assist their child in taking their own medication.

*Students who may carry and use certain medications*

Students are permitted to self-administer medication under certain circumstances, in accordance with state law and regulation. A student is authorized to carry and use the following medications: rescue inhaler, epinephrine auto-injector, insulin, glucagon (and associated diabetes testing supplies), if the following conditions are met:

1. An authorized medical provider must provide written permission that includes an attestation that the student’s diagnosis requires the medication; the student has demonstrated that he/she can self-administer the prescribed medication effectively; the name of the medication, the dose, the times when it is to be taken, the circumstances, which may warrant use and the length of time during which the student may use it.
2. Written parental permission.

If a student is authorized to carry and use medication as described above, the parent/guardian is permitted to give extra medication and supplies that the District will maintain in accordance with the written directions submitted by the authorized medical provider. Such extra medication and supplies shall be readily accessible to the student.

All documents pertaining to student medication will be kept on file in the nurse’s office.

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

1. all medications will be administered by a licensed person unless the child is a “supervised student” (able to self-administer with assistance and supervision) or an “independent student” (able to self-administer and self-carry);
2. medications, other than as noted above, shall be securely stored in the office and kept in their original labeled container, which specifies the type of medication, the amount to be given and the times of administration;
3. the school nurse shall maintain a record of the name of the student to whom medication may be administered, the prescribing physician, the dosage and timing of medication and a notation of each instance of administration; and
4. all medications shall be brought to school by the parent(s) or guardian(s) and shall be picked up by the parent(s) or guardian(s) at the end of the school year or the end of the period of medication, whichever is earlier. If not picked up within five (5) days of the period of medication, the medication shall be discarded.
An adult must bring the medication to school in the original container. The administering staff member should clearly label the medication with the time to be given and dosage.

**Sunscreen.** Students are permitted to carry and apply sunscreen without a medical provider’s order under the following conditions:

1. the sunscreen is used to avoid overexposure to the sun and not for medical treatment of an injury or illness, if sunscreen is required to treat a medical condition, the procedures for administering medication (above) apply;
2. the sunscreen is FDA approved for over the counter use;
3. the student’s parents or guardians provide written permission annually for the student to carry and use the sunscreen.

The school nurse will keep written permission for students on file and develop procedures pertaining to this policy.

**Administering medication on field trips and at after-school activities.**

Taking medication on field trips and at after-school activities is permitted if a student is an “independent student” described above in administering their own medication. On field trips or at other after-school activities, teachers or other school staff may carry the medication (if the student does not need it on hand for rapid administration) so that the independent student can take it at the proper time. If a student is a “supervised student” described above, unlicensed school personnel who have been trained by a licensed school health professional may assist the student in taking his/her medication. The student’s parent/guardian, if attending the trip, may also perform these activities, but may not be required to do so.

If a student is “nurse dependent” (i.e., requires a licensed health professional to administer their medication), then the student must have their medication administered by a licensed health professional, or the District may:

* permit the parent or guardian to attend the activity and administer the medication.

* permit the parent to personally request another adult friend or family member to voluntarily administer the medication on the field trip or activity and inform the District in writing of such request.

* allow the student’s health care provider to be consulted and, if he/she permits, order the medication time to be adjusted or the dose eliminated.

If no other alternative can be found, the trip will be canceled or rescheduled.
Administering epi-pen in emergency situations.

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

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

In addition, pursuant to SED guidelines, school nurses may provide training to unlicensed school staff in administering epi-pens, epinephrine auto-injectors and glucagon prescribed by a licensed medical provider, to a child who has been diagnosed with the associated disease in accordance with the process described in this policy and regulation.

B. Student Medical Exams

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

A student may be excluded from the medical examination requirements because the child or the child’s parent/guardian holds a genuine and sincere religious belief, which is contrary to medical examinations. The request for exemption must be in writing to the principal or his/her designee.

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

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

1. Adequately training staff involved in the care of the child.
2. Assuring the availability of the necessary equipment and/or medications.
3. Providing appropriately licensed and trained persons on school premises, as required by law.
4. Providing ongoing staff and student education.
C. Illness or Injury in School

If a student becomes ill or injured in school:

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

E. Medical Emergency Record

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

1. the student’s parent(s) or guardian(s) at home and work;
2. the student’s next of kin;
3. a neighbor;
4. the student’s licensed health care provider;
5. preferred hospital;
6. any allergies or serious health conditions.
Students diagnosed with diabetes shall have a written diabetes management plan maintained as part of the student’s cumulative health record. The management plan shall be developed in accordance with state regulation and District procedures. Students diagnosed with asthma or other respiratory disease requiring a rescue inhaler, students diagnosed with life-threatening allergy or diabetes may have an emergency action plan maintained as part of the student’s cumulative medical record. The emergency action plan will be developed in accordance with state regulation and District procedures.

F. **Student Return to School after Illness/Injury**

In general, students should be symptom-free before returning to school and resuming normal activities. In some instances, students may be asked to provide a note from their licensed health care provider before they return to school or participate in the full range of school activities. The final decision to permit participation rests with the school physician. The Superintendent, in consultation with the school physician, nurse and other appropriate staff, will develop protocols to address a student’s return to activities when there has been a serious illness or injury.

*adopted 2/11/20*
Use of Automated External Defibrillators

The Board of Education recognizes that the use and deployment of Automated External Defibrillators ("AED") in emergencies may reduce the number of deaths associated with sudden cardiac arrest. The purpose of this policy is to create a Public Access Defibrillation Program ("PAD Program") and authorizes administration to develop procedures on how to handle sudden cardiac arrest in students, staff and others involved in school activities. To this end, the Board of Education has acquired AEDs for use by qualified personnel. Such AEDs are in compliance with applicable law and are programmed to the current Emergency Cardiovascular Care (ECC) Guidelines, capable of defibrillating both adult and pediatric patients.

The School District shall provide and maintain on-site in each instructional school facility functional cardiac automated external defibrillator (AED) equipment as defined in Public Health Law Section 3000-b for use during emergencies. Each such facility shall have sufficient automated external defibrillator equipment available to ensure ready and appropriate access for use during emergencies in quantities and types as deemed by the Commissioner of Education, in consultation with the Commissioner of Health. Determination of the quantity and placement of AEDs must be made with consideration of at least the factors enumerated in Commissioner’s Regulations. An instructional school facility means a building or other facility maintained by the School District where instruction is provided to students pursuant to its curriculum.

Whenever an instructional School District facility is used for a school-sponsored or school-approved curricular or extracurricular event or activity and whenever a school-sponsored athletic contest is held at any location, the public school officials and administrators responsible for such school facility or athletic contest shall ensure that AED equipment is provided on site and that there is present during such event, activity or contest at least one (1) staff person who is trained in accordance with Public Health Law in the operation and use of an AED. School-sponsored or school-approved curricular or extracurricular events or activities mean events or activities of the School District that are, respectively, associated with its instructional curriculum or otherwise offered to its students. A school-sponsored athletic contest means an extra class intramural athletic activity of instruction, practice and competition for students in grades 4 through 12 consistent with Commissioner's Regulations Section 135.4.

Where a school-sponsored competitive athletic event is held at a site other than a School District facility, School District officials shall assure that AED equipment is provided on site by the sponsoring or host district and that at least one (1) staff person who is trained, in accordance with Public Health Law, in the operation and use of the AED is present during such athletic event. A school-sponsored competitive athletic event means an extra class interscholastic athletic activity of instruction, practice and
competition for students in grades 7 through 12 consistent with Commissioner's Regulations Section 135.4.

The Board approves the use of AEDs subject to the following conditions:

1. The Program shall be provided in compliance with Section 3000-b, Article 30 of the Public Health Law of the State of New York, and New York State Department of Health, Bureau of Emergency Medical Services Policy Statement 09-03, “Public Access Defibrillation” or any amendments and/or updates thereto.

2. The Board has identified Dr. Eric Shoenfeld as an “emergency health care provider” (“EHCP”), who is knowledgeable and experienced in emergency cardiac care and has agreed to serve as EHCP and participate in a collaborative agreement with the school district. The EHCP shall provide the school district with a copy of his or her New York State license.

3. The Board authorizes the Superintendent of Schools or the EHCP to file Department of Health Form 4135, “Notice of Intent to Provide Public Access Defibrillation,” with the Regional Emergency Medical Services Council, as appropriate.

4. If the EHCP becomes unavailable to serve, the Board shall designate a new EHCP and a new collaborative agreement shall be filed with the Regional Emergency Medical Services Council.

5. The EHCP shall participate in the regional quality improvement program as required by Section 3004-a of the Public Health Law.

6. The collaborative agreement with the EHCP shall include at least the following:

   a. Written practice protocols for the use of the AED
   b. Written policies and procedures which:
      (i) provide training requirements for AED users
      (ii) ensure immediate calling of 911
      (iii) ensure ready identification of the location of the AED units
      (iv) provide for routine inspection and regular maintenance procedures of the AED units, which meet or exceed manufacturer’s recommendations
      (v) detail documentation requirements, and
(vi) define participation in a regionally approved quality improvement program

7. The Board designates the Directors of Physical Education, Health and Athletics and School Facilities as Coordinators of the Program (“AED Coordinators”) for the term of the Program and any extension thereof.

8. Employees of the school district will be authorized to utilize an AED only after participating in initial and recurrent training in an approved AED training course for AED users.

9. The school district shall provide written notice of the availability of AED service at various locations in the school district to 911 and/or the community equivalent ambulance dispatch entity.

10. All authorized personnel must maintain a record of their certification on file, establishing such person’s successful completion of an approved PAD Program training course.

11. All such certifications must be current and still effective under the standards of the organization that has approved the course to which such certification relates, and only authorized personnel with certification effective at the time of the use of any AED may use the AED.

12. The PAD Program coordinator will arrange ongoing training in the use of AEDs for the personnel at this facility as recommended by a properly accredited training organization.

13. All authorized personnel shall be familiar with and trained to use the specific model of AED owned by this facility.

The District shall post a sign or notice at the main entrance to the facility or building in which the AED unit(s) is stored, indicating the exact location where the unit(s) is stored or maintained on a regular basis.

Pursuant to Public Health Law Sections 3000-a and 3000-b, the School District (as a public access defibrillation provider), or any employee or other agent of the School District who, in accordance with the provisions of law, voluntarily and without expectation of monetary compensation renders emergency medical or first aid treatment using an AED to a person who is unconscious, ill or injured, shall not be liable for damages for injury or death unless caused by gross negligence.
Education Law Section 917
Public Health Law Sections 3000-a and 3000-b
8 New York Code of Rules and Regulations
Sections 135.4 and 136.4

Adopted 12/17/02
Amended 11/19/13
The Board of Education recognizes its responsibility under the Public Health Law (PHL) Sections 613 and 2164 and Education Law (EL) Section 914 to ensure that the children under its charge are immunized against certain illnesses. The Board, therefore, requires that a physician’s certificate or some other acceptable evidence of immunization be submitted for all children entering and presently attending school.

If a student entering the eighth grade through twelfth grade in the 2015-16 school year has satisfied the immunization requirements that were in effect as of June 30, 2014, then that student shall be deemed in compliance with immunization requirements through the 2019-20 school year.

In the event that a person in parental relation to a child makes application for admission of such child to a school or has a child attending school and there exists no certificate or other acceptable evidence of the child’s immunization, the District shall inform such person of the necessity to have the child immunized, explain and provide a written copy of the District’s policy, provide written documentation specifying the immunization(s) their child is missing and inform such person of the public resources available for obtaining the immunization(s). The person in parental relation shall be provided with a form, which shall give written notice of immunizations needed as a prerequisite to processing the application for admission of the child to, or for continued attendance at the school. Such person shall state a valid reason for withholding consent or consent shall be given for immunization to be administered in school by a health practitioner, registered professional nurse (“RN”) or LPN under the direction of the RN.

The Board directs the administration not to permit any child lacking evidence of immunization to remain in school for more than fourteen (14) calendar days, or thirty (30) calendar days for a student transferring from out-of-state or from another country who can show a good faith effort to obtain the necessary evidence or certification of immunization. Where a child is refused admittance or continued attendance due to the lack of immunizations, the administration will notify the local health authority of the name and address of such child, and the immunizations that he or she lacks. The administration will also provide the person in parental relation to the child who has been denied admission or attendance a report of such exclusion with a statement of his/her duty regarding immunization and a consent form prescribed by the Commissioner of Health. The school shall cooperate with the local health authorities to provide a time and place for the immunization of children lacking same within two (2) weeks of exclusion.
The Board of Education, Superintendent or designee may grant an exception to this policy as follows:

a. upon the determination that parent(s) or guardian(s) are entitled to an exemption because they hold genuine and sincere religious beliefs, which are contrary to immunization.

b. upon receipt of a certification by the child’s physician that administering a vaccine is detrimental to the child’s health.

A student denied entrance or attendance due to failure of meeting health immunization standards may appeal to the Commissioner of Education.

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

Ref: New York Public Health Law § 2164
10 NYCRR 66-1
Immunization Guidelines for Schools, New York State Education Department, 2014

Adopted 10/15/02
Amended 10/21/03, 10/16/12, 12/15/15
An effective immunization program requires planning, implementation, supervision, enforcement and evaluation.

A. **Planning** for the program should be the joint responsibility of school administrators, school health service personnel, representatives of the local department of health and the local child protective services. It includes:

1. development and adoption of formal immunization policies and procedures to guide the program and staff;
2. policies that are consistent with those of the local department of health;
3. collection of appropriate resource materials;
4. selection and development of procedures that are based on District policies, education and public health laws and regulations, State Education Department program guidelines and State Department of Health standards; and
5. procedures that are reviewed at least annually and revised to keep them up to date with currently accepted standards.

B. **Implementation** of the program should include:

1. identification of staff members and their responsibility for program activities;
2. identification of any in-service education needed by the staff;
3. education of students, parents and community;
4. review of immunization records of all entrants;
5. identification of all students in need of immunization;
6. immunization of these pupils (may include in-school immunization);
7. record keeping, reporting and referral; and
8. enforcement.

C. **Supervision** of program and staff is essential to ensure uniform application of District policies and consistency of immunization procedures and practices:

1. The superintendent or designee, school physician and school nursing personnel should share supervisory responsibilities for the immunization programs;
2. The superintendent or designee, is responsible for all administrative aspects of the program, including enforcement; and
3. The school physician and school nursing personnel are responsible for supervision of all medical aspects of the program, including in-school immunization, if offered.

D. **Enforcement** of immunization laws is to protect children against vaccine preventable diseases, not to deny individuals their rights or children an education. The goal of a school immunization program is to have all students adequately immunized unless exempt for a valid medical or religious reason.

Certain District employees are required to report suspected cases of child abuse or neglect, which may include educational neglect in the form of excessive absenteeism caused by failure to obtain required immunizations or documentation evidencing exemption from the same, in accordance with applicable law and District policy.

E. **Evaluation** of the program, both ongoing and periodic, may be carried out jointly by District administration and school health personnel.

F. **Identification of immunization status for school entry** – A review of the student’s health history and immunization certificates and/or other proof of compliance is needed at the time of registration for all students, including new entrants, transfers, pre-schoolers and kindergartners.

This immunization data should then be transmitted from the registration office to appropriate school health staff members, if school health staff are not the employees collecting the data.

Following registration, identify all children who:

1. meet at least the legal immunization requirements for school attendance;
2. are in need of immunizations to meet requirements for compliance; and/or
3. are exempt for medical or religious reasons.

G. **Referral of students who are in need of immunizations for compliance** – The school shall advise the parent(s) or guardian(s) verbally and/or in writing of:

1. any immunizations needed for entry;
2. required certificates of proof;
3. available resources for obtaining immunization; and
4. a deadline date for obtaining appropriate certificates.

A student with incomplete immunization must be admitted to school if the parent or guardian shows acceptable proof that the child is “in the process” of being immunized in accordance with applicable law. A child is considered “in the process” if:

1. the child must have received at least the first dose in each immunization series and has age appropriate appointments to complete the immunization series; or
2. the child will have blood tests to demonstrate immunity no more than thirty (30) days after the District notified the parent that the child need to be immunized; or
3. the child has had negative blood tests and appointments have been made for the child to be immunized no more than thirty (30) days after the District notified the parent that the child needed to be immunized, based on the “Catch-Up Schedule” created by the U.S. Advisory Committee on Immunization Practices.

The school should then allow the child to enter and/or attend school but should be cognizant of applicable deadlines until the process has been completed, or exclude the child if the parent or guardian defaults.

H. Exclusion of students not in compliance – The principal or other person in charge of any school is required by law to refuse to allow a child to attend school without acceptable proof of the required immunizations or exemption from the same for more than fourteen (14) days. However, the fourteen (14) day period may be extended to not more than thirty (30) days for an individual student by the appropriate principal or other person in charge of the school where the student is transferring from out-of-state or from another country and can show a good faith effort to obtain the necessary proof.

I. Record keeping – Schools must maintain an immunization record for each student as part of the cumulative health record.

Schools should maintain a separate complete and current list of students who are susceptible to vaccine preventable disease(s) so they may be identified rapidly in the event of an outbreak. Included are students who:

1. have a religious or medical exemption;
2. have not yet completed the required immunizations for entry/attendance; and
3. are susceptible to vaccine preventable diseases because they have not received the recommended vaccines.

J. **Transfer of immunization records** – For students transferring out of the District or going on to post-secondary institutions in New York State:

1. provide the parent, guardian or student with an immunization transfer record, which shows current status and is signed by either school nursing personnel or the school physician; and
2. send a transcript or photocopy of the immunization portion of the cumulative health record (CHR) to the new educational institution promptly when requested.

K. **Annual survey** – State law requires schools to provide an annual summary to the New York State Commissioner of Health regarding:

1. compliance with the provisions of the law; and
2. on forms provided by the New York State Department of Health.

Adopted 10/15/02
Amended 12/15/15
Student Physicals

It shall be the policy of the West Hempstead Union Free School District that a school nurse will be present during the examination by the school doctor when standard physicals are administered.

Adopted 12/21/10
Taking Students Home in Emergency

Whenever it shall become necessary to escort or transport a student to his home during the school day, he shall be accompanied by one of the individuals listed below:

1. Building Principal

2. School Nurse

3. Any additional person designated by the Superintendent at the beginning of the school year. Such designated person shall report to the building principal upon his departure and return.

Adopted 10/2/62
Reaffirmed 1/19/93
Confidentiality of Student Records – Access and Challenge

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

The Board also recognizes its legal responsibility to ensure the orderly retention and disposition of the District student records in accordance with Schedule ED-1 as adopted by the Board in Policy 2551.

The District will use reasonable methods to provide access to student educational records only to those authorized under the law and to authenticate the identity of the requestor. The District will document requests for and release of records, and retain the documentation in accordance with law. The District will execute agreements with third-party contractors in accordance with Education Law § 2-d.

The Superintendent of Schools or his/her designee shall be responsible for ensuring that all requirements under law and the Commissioner’s regulations are carried out by the District.

Definitions

Authorized Representative: an authorized representative is any individual or entity designated by a state or local educational authority or a federal agency headed by the Secretary, the Comptroller General or the Attorney General to carry out audits, evaluations, or enforcement or compliance activities relating to educational programs.

Education Record: means those records, in any format, directly related to the student and maintained by the District or by a party acting on behalf of the District, with certain exceptions provided by FERPA and its implementing regulations, including:

(a) records in the sole possession of the individual who made it and are not accessible or revealed to any other person except a substitute (e.g. memory joggers);
(b) records of the District’s law enforcement unit;
(c) grades on peer-graded papers before they are collected and recorded by a teacher.
Eligible student: a student who has reached the age of 18 or is attending post-secondary school.

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

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

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

Third party contractor: any person or entity, other than an educational agency, that receives student data or teacher or principal data (as defined in Education Law § 2-d) from an educational agency pursuant to a contract or other written agreement for purposes of providing services to such educational agency, including but not limited to, data management or storage services, conducting studies or audit or evaluation of publicly funded programs.

Annual Notification

At the beginning of each school year, the District will publish a notice that informs parents, guardians and eligible student (18 years or older) currently in attendance of their rights under FERPA and the New York State Law and the procedures for exercising those rights. The notice may be published in a newspaper, handbook, school calendar or other school bulletin or publication. The notice will also be provided to parents, guardians and eligible students who enroll during the school year. The District shall publish the Parents’ Bill of Rights on its website and included in any agreements with third-party contractors, as defined above.
The notice will include a statement that the parent, guardian or eligible student has a right to:

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

In addition, the notice will inform parents, guardians and eligible students:

1. That it is the District policy to disclose personally identifiable information from student records, without consent, to other school officials within the District whom the District has determined to have legitimate educational interests. The notice will define ‘school official’ and ‘legitimate educational interest’.
2. That, upon request, the District will disclose education records without consent to officials of another school or school district in which a student seeks or intends to enroll or is actually enrolled.
3. That personally identifiable information will be released to third party authorized representatives for the purposes of educational program audit, evaluation, enforcement or compliance purposes.
4. That, upon request, the District will disclose a high school student’s name, address and telephone number to military recruiters and institutions of higher learning unless the parents or eligible student exercise their right to prohibit release of the information without prior written consent.
5. Of the procedure for exercising the right to inspect, review and request amendment of student records.

That the District, at its discretion, releases directory information (see definition below) without prior consent, unless the parent/guardian or eligible student has exercised their right to prohibit release of the information without prior written consent.

The District may also release student education records, or the personally identifiable information contained within, without consent, where permitted under federal law and regulation.

The District will provide translations of this notice, where necessary, to parents, guardians and eligible students in their native language or dominant mode of communication, as well as parents, guardians, and eligible students who are disabled.
In the absence of the parent or eligible student exercising their right to opt out of the release of information to the military, the District is required to, under federal law, release the information indicated in number four (4) above.

**Directory Information**

The District has the option under FERPA of designating certain categories of student information as “directory information.” The Board directs that “directory information” include a student’s:

- Name
- Address (except information about a homeless student’s living situation, as described below)
- Telephone number
- Date and Place of birth
- Major course of study
- Participation in school activities or sports
- Weight and height (if a member of an athletic team)
- Dates of attendance
- Degrees and awards received
- Most recent school attended
- Class schedule
- Photograph
- Class roster

Information about a homeless student’s living situation shall be treated as a student educational record, and shall not be deemed directory information.

Once the proper FERPA notification is given by the District, a parent, guardian or eligible student will have fourteen (14) days to notify the District of any objections they have to any of the “directory information” designations. If no objection is received, the District may release this information without prior approval of the parent, guardian or eligible student for the release. Once the eligible student or parent/guardian provides the “opt-out,” it will remain in effect after the student is no longer enrolled in the District or until the eligible student or parent/guardian revokes the “opt-out.”
The District may elect to provide a single notice regarding both directory information and information disclosed to military recruiters and institutions of higher education.

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

Adopted 10/21/08
Revised 12/18/18
Child Abuse, Maltreatment, or Neglect in a Domestic Setting

The Board of Education recognizes that because of their sustained contact with school-aged children, employees are in an excellent position to identify abused or maltreated children and refer them for treatment and protection.

A. Mandated Reporters

The Board further recognizes the specific dictates of law, which require school officials to report suspected instances of child abuse, maltreatment (which includes neglect) in a domestic setting. The purpose of mandatory reporting is to identify suspected abused and maltreated children 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 New York State Law (Child Protective Service Act of 1973), suspected cases of child abuse and maltreatment are to be reported by school officials, hereafter referred to as “mandated reporters”. Mandated reporters, who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment, must immediately report this to the New York State Central Register for Child Abuse and Maltreatment (Central Register), as required by law. No conditions may be imposed, which limit their responsibility to report. Mandated reporters include: administrators, school teachers, school guidance counselors, school nurses, school psychologists, school social workers and other school personnel required to hold a teaching or administrative license or certificate. Mandated reporters will also report the matter to the Building Principal. The Building Principal shall notify the Superintendent of Schools.

Prior approval to report suspected cases of child abuse and maltreatment is prohibited by law and, as such, by the Board of Education. The Superintendent of Schools shall establish administrative regulations in support of this policy.

School employees who are not mandated reports, as defined above, but who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment are encouraged to report to the Central Register. However, the school employee must report the matter to the Building Principal. If the matter has not yet been reported to the Central Register, the Building Principal shall make the report, as required by law.

In accordance with the law, any mandated reporter who fails to report an instance of suspected child abuse or maltreatment may be guilty of a Class A Misdemeanor and may be held liable for the damages caused by the failure to report. The law grants immunity from any civil or criminal liability that might otherwise result by
reason of such action to persons who report instances of child abuse or maltreatment in good faith. A person who falsely reports an incident when knowing the information reported is false or baseless may be guilty of a Class A Misdemeanor.

B. Training Program and Dissemination of Information

The District shall establish and implement, on an ongoing basis, a training program for all current and new mandated reporters, which will address the identification and reporting of child abuse and maltreatment. Attendance at sessions of this training program shall be required of all mandated reporters as defined above.

The Superintendent will prepare and implement all regulations as necessary to carry out the provisions 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.

The District shall publicize the toll-free number for reporting child abuse and neglect to the Central Register (800-342-3720), and directions for accessing the NYS Office of Children and Family Services website (http://ocfs.ny.gov/main/cps/), in both English and Spanish.

Cross-ref: District Attendance - 5120

Social Services Law §34-a
Family Court Act §1012
Education Law §§409-l; 3209-a, 3036
Penal Law 240.50
8 NYCRR §100.2(nn)

Adopted 1/20/76
Amended 12/17/91 (number changed from 2700), 2/23/93
Amended 2/26/08
Revised 9/19/17
ADMINISTRATIVE REGULATIONS

Child Abuse, Maltreatment, or Neglect in a Domestic Setting

New York State Law (Child Protective Service Act of 1973, as amended) requires school officials, who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment, to make a report directly to the New York State Central Register for Child Abuse and Maltreatment (Central Register) within the office of children and family services (“OCFS”). These regulations are designed to implement this law within the District and to help protect students from the harmful effects of child abuse and maltreatment.

Definitions:

The relevant definitions of child abuse and maltreatment is established by law.

1. An “abused child” means a child less than 18 years of age whose parent or other person legally responsible for his or her care:
   a. inflicts or allows to be inflicted upon such child physical injury by other than accidental means, which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; or
   b. creates or allows to be created a substantial risk of physical injury to such a child by other than accidental means, which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ; or
   c. commits, or allows to be committed, a sex offense against such child, as defined in the penal law, provided however, that the corroboration and age requirements contained in the penal law shall not apply here.

2. A “neglected” or “maltreated” child includes a child less than 18 years of age:
   a. whose physical, mental, or emotional condition has been impaired or is in danger of becoming impaired as a result of the failure of his or her parents or other person legally responsible for his care to exercise a minimum degree of care:
(1) in supplying the child with adequate food, clothing, shelter or education or medical, dental, optometrical or surgical care though financially able to do so or offered financial or other reasonable means to do so; or

(2) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or by using a drug or drugs; or by using alcoholic beverages to the extent that he/she loses self-control of his/her actions; or by any other acts of a similarly serious nature requiring the aid of the court; or

b. who has been abandoned by his/her parent(s) or other person legally responsible for his/her care.

3. “Persons legally responsible” include the child’s custodian, guardian or any other person responsible for the child’s care at the relevant time. A custodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

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

5. The following school officials are “mandated reporters” who must promptly report personally observed, written or oral allegations of child abuse or maltreatment in the domestic setting:

- School Teachers
- School Guidance Counselor
- School Psychologist
- School Social Worker
- School Nurse
- School Administrator, or
- Other school personnel required to hold a teaching or administrative license or certificate
Reporting procedures and related information:

Information on child abuse identification and procedures will be made available to all staff members, and will be reinforced periodically during each school year. A portion of each principal’s faculty meeting will be held early in the school term to establish and re-establish child abuse identification and procedures as set forth herein.

1. All mandated reporters must, when they have reasonable cause to suspect that a child is abused or maltreated, report it to the New York State Central Register for Child Abuse and Maltreatment (800-342-3720). No conditions, (such as prior approval by, or prior notification to, any school administrator), shall be imposed upon any mandated reporter prior to filing.

2. Immediately after making the initial oral report, the mandated reporter must notify the Building Principal. The Building Principal shall notify the Superintendent of Schools and determine if additional steps need to be taken by the District.

3. In the event that a school employee, who is not required to report under the law (such as a bus driver, custodian, cafeteria monitor, etc.), has reasonable cause to suspect that a child is abused or neglected, he/she is encouraged to make a report to the Central Register. The employee must, by district policy, report the matter to the Building Principal.

4. If the Building Principal is informed of a case of suspected child abuse or maltreatment that has not yet been reported to the Central Register, the Building Principal is required to:

   (a) phone the New York State Central Register for Child Abuse and Maltreatment (800-342-3720) and inform them verbally of the problem; or

   (b) contact the above agency by telephone facsimile machine on a form supplied by the Commissioner of Social Services; and

   (c) file a written report with the local child protective services agency and the Central Register within forty-eight hours after the above report; and,

   (d) determine if additional steps need to be taken by the school district, as outlined in step 2 above.

5. The Building Principal or his/her designee shall investigate child abuse suspicions, in conjunction with the school nurse, social worker, guidance personnel, psychologists, teachers and others. The school nurse may request an immediate examination by the school physician, if necessary. When
appropriate, physical evidence and/or photographs may be taken of any injuries or bruises. A school official, such as a school nurse, may use a digital camera provided by the District to photograph injuries related to suspected cases of child abuse or maltreatment.

6. If a child is to be interviewed by Child Protective Services at school to ascertain whether he/she has been abused or maltreated, or to obtain documentation of such acts, the Principal or his/her designee shall be present during the interview, unless circumstances require otherwise. If sexual abuse is indicated, the presence of a same-sex staff member during the interview is appropriate.

7. The District shall establish and implement, on an ongoing basis, a training program for all current and new mandated reports, which will address the identification and reporting of child abuse and maltreatment. Attendance at sessions of this training program shall be required of all mandated reported.

8. Employee handbooks shall include a copy of these regulations and the related Board policy concerning child abuse and reporting requirements.

9. Any employee who reports instances of child abuse or maltreatment in good faith is granted immunity from any liability, civil or criminal, that may otherwise result by reason of such action. The good faith of any person required to report cases of child abuse or maltreatment is presumed.

10. Any school official or employee who has reasonable 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.

11. **Liability for Failure to Report.** Any employee required to report suspected cases of child abuse or maltreatment and who fails to do so may be found guilty of a Class A misdemeanor and may be held liable for damages caused by the failure to report.

12. **Liability for False Reporting.** Any employee who falsely reports an incident of child abuse or maltreatment when knowing the information reported is false or baseless may be guilty of a Class A misdemeanor.
13. The District shall post the toll-free number for the Central Register (800-342-3720) and directions for accessing the NYS Office of Children and Family Services (http://ocfs.ny.gov/main/cps/), in both English and Spanish, on the District website and in highly visible areas of school buildings so it is accessible to students and staff. The District shall also provide such information to parents/persons in parental relation at least once per school year in a manner as determined by the District, and provide all teachers and administrators with such information.

Adopted 2/23/93
Revised 2/9/10, Revised 9/19/17
Dignity of Students – Student Bullying Prevention and Intervention

The Board of Education of the West Hempstead Union Free School District is committed to providing an educational environment that promotes respect, dignity and equality. The Board recognizes that students’ ability to learn and to meet high academic standards and a school’s ability to educate its students are compromised by incidents of bullying or harassment. Such behavior affects not only the individuals who are its targets, but also those who participate in or witness such acts.

Therefore, it is the policy of the District to prohibit bullying, discrimination and harassment on District property, District transportation and at school-sponsored events and functions, as well as cyberbullying as such term is defined herein. Acts of bullying and/or harassment are prohibited, whether they are committed directly or indirectly, in person (face-to-face), or remotely by use of electronic technology, either on school property, at a school function, on a school or charter bus, or off school property where there is a sufficient nexus to the school environment.

Definitions:

“Bullying” and/or “harassment” shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying and verbal and non-verbal actions 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; or
B. reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or
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.

For purposes of this definition and this policy, the terms “threats, intimidation or abuse: shall include verbal and non-verbal actions.

“Cyberbulling” shall mean harassment or bullying, where such harassment or bullying occurs through any form of electronic communication.
1. “Bullying” and/or “harassment” can take many forms including, but not limited to: slurs, rumors, jokes, innuendo, demeaning comments, drawing cartoons, pranks, gestures, physical attacks, threats, or other written, verbal, non-verbal, physical and/or electronic actions.

2. The basis for such conduct may include, but is not limited to, a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, physical or mental ability or disability, sexual orientation, gender, sex, marital status, gender identity, socio-economic status, or familial status.

3. “Bullying” and/or “harassment” do not have to include the intent to harm, be directed at a specific target, or involve repeated incidents, but are based upon the specific incident(s) involved.

“Electronic communication” means a communication transmitted by means of an electronic device, including but not limited to, a telephone, cellular phone, computer, laptop, pager, or other hand-held device, communications transmitted through email, text message, instant message, voicemail, social networking sites, webpage, video, blogs or twitter.

“Disability” – 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. Education Law §11[3] and Executive Law §202 [21]).

“Discrimination” – discrimination against any student by a student or students and/or an employee or employees on school property or at a school function, including, but not limited to, discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice disability, sexual orientations gender or sex.

“Employee” – any person receiving compensation from a school district or employee of a contracted service provider or worker place within the school under a public assistance employment program, pursuant to Title Nine of Article Five of the Social Services Law, and consistent with the provisions of such title for the provision of service to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Educational Law §§11[4] and 1125[3]).
“Gender” – actual or perceived sex and includes a person’s gender identity or expression (Education Law §11[6]).

“School Function” – means a school sponsored extracurricular event or activity (Education Law §11[2]).

“Emotional Harm” – within the context of harassment or bullying means harm to a student’s emotional well being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education. (8 NYCRR §100.2[ii][1][e]).

“School Property” – in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a West Hempstead Union Free School District public elementary or secondary school; or in or on a school bus, as such term is further described in this section and Section 142 of the Vehicle and Traffic law (Education Law §11[1]).

**Reporting:**

In order for the Board to effectively enforce this policy and to take prompt corrective measures when the policy is violated, it is essential that all victims and persons with knowledge of bullying, harassment or similar behavior report it immediately to District administrative staff.

The Board of Education has appointed Dignity Act Coordinators for each school building in the District.

The District will promptly investigate all complaints, whether informal or formal, verbal or written. Complaints will be treated confidentially to the extent possible but limited disclosure may be required to complete a thorough investigation. If, after investigation, the District finds that there has been a violation of this policy, prompt corrective action that is reasonably calculated to end the harassment, bullying or discrimination, eliminate a hostile environment, prevent recurrence of the behavior, ensure the safety of those against whom such harassment, bullying or discrimination was directed and create a more positive school culture will be taken.

Any person having reasonable cause to suspect that a student has been subjected to bullying or harassment who, acting in good faith, either reports such information to school officials, to the commissioner, or to law enforcement authorities, or otherwise participates in proceedings related to such bullying or harassment, shall have immunity from any civil liability arising from making such report or participating in the related investigation.
All District employees who either witness behavior that may constitute bullying, harassment or discrimination or receive an oral or written report of harassment, bullying or discrimination, must orally notify the building principal or his/her designee not later than one (1) school day after such employee witnesses or receives a report of harassment, bullying or discrimination. Such employee must file a written report with the principal or his/her designee not later than two (2) school days after making such oral report.

Retaliation for reporting incidents of bullying or harassment, or for participation in a related investigation constitutes a violation of this policy. False reports or retaliation against the alleged bully or harasser also constitutes a violation of this policy. Acts of retaliation should be reported to the Administration. The District will investigate such reports and if, after investigation, the District finds that there has been a violation of this policy, prompt corrective action will be taken.

The principal of each building shall regularly report data and trends related to harassment, bullying and discrimination to the Superintendent.

**Policy Implementation:**

The Superintendent of Schools shall implement regulations for reporting, investigating and addressing allegations of harassment and/or discrimination.

The procedures for reporting, filing complaints and appealing decisions regarding bullying, harassment and/or discrimination in accordance with this policy are contained in the Administrative Regulations accompanying this policy.

The Board recognizes that the effective implementation of this policy requires that it be part of a District-wide educational program, which shall include elements of prevention, intervention and consequences:

Prevention will include:

1. Training for administrators and staff to increase awareness of the prevalence, social patterns, causes, consequences and effects of bullying, discrimination and harassment, and sharing strategies for preventing such behavior;
2. Promoting student involvement in anti-bullying and anti-harassment efforts, peer support, mutual respect and creating a culture, which encourages students to report incidents of bullying and harassment, or similar behavior to an adult;
3. Collaborating with families and the community to inform parents about the prevalence, causes and consequences of bullying and harassment;
Intervention will include:

1. Training for school staff on how to respond appropriately to students who engage in bullying, discrimination or harassing behavior, are victims of such behavior and are bystanders who report such behavior;
2. Remedial measures designed to correct the bullying or harassing behavior, prevent another occurrence and protect the victim;
3. Development of nondiscriminatory instructional and counseling methods; and
4. Thorough training of at least one staff member at every school to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, physical or mental ability or disability, sexual orientation, gender, sex, marital status, gender identity, socio-economic status or familial status. This staff member’s contact information will be included in student registration materials, student, parent, and employee handbooks, and other appropriate school publications, and will be distributed to students and staff annually at the beginning of the school year.

Consequences may include:

1. Discipline, including suspensions and loss of privileges consistent with the Student Code of Conduct and all rights under law and other applicable agreements; and
2. Recognition for positive behavior exhibited by students who take an active role in addressing prohibited behaviors.

This policy shall be posted in a prominent place in each District facility, shall also be included in the Code of Conduct in plain language, student registration materials, student, parent and employee handbooks, and other appropriate school publications, and distributed to students and staff annually at the beginning of the school year. A summary of this policy shall be included as a part of the District’s summary of the code of conduct.

References:

Dignity for All Students Act, Education Law §§ 10-18
8 NYCRR §100.2 (jj)
34 CFR 100 et seq.
20 U.S.C 1681 et seq.
Executive Law §290 et seq.
Executive Law §§313(3), 3201, 3201-a
U.S. Department of Education, Office for Civil Rights,
ADMINISTRATIVE REGULATIONS

Dignity of Students – Student Bullying Prevention and Intervention

This regulation sets forth detailed guidelines for reporting, investigating and remedying allegations of harassment, hazing and bullying.

Unacceptable Conduct

“Bullying” and “Harassment” shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying and verbal and non-verbal actions, 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; or
(b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or
(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.

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

For purposes of this regulation, “Electronic communication” means a communication transmitted by means of an electronic device, including but not limited to, a telephone, cellular phone, computer, laptop, pager, or other hand-held device, communications transmitted through email, text message, instant message, voicemail, social networking sites, webpage, video, blogs or twitter.

“Cyberbullying” shall mean harassment or bullying, where such harassment or bullying occurs through any form of electronic communication.

“Bullying” and/or “harassment” can take many forms including, but not limited to: slurs, rumors, jokes, innuendo, demeaning comments, drawing cartoons, pranks, gestures, physical attacks, threats, or other written, verbal, nonverbal, physical, and/or electronic actions.

The basis for such conduct may include, but is not limited to, a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, physical or mental ability or disability, sexual orientation, gender, sex, marital status, gender identity, socio-economic status, or familial status.
“Bullying” and/or “harassment” do not have to include the intent to harm, be directed at a specific target, or involve repeated incidents, but are based upon the specific incident(s) involved.

Examples of school-related conduct that the District considers unacceptable and which may constitute harassment, hazing and bullying include, but are not limited to, the following:

1. Verbal and/or physical threats
2. Unwanted physical contact such as intentional pushing/shoving/bumping
3. Ridicule, slurs, rumors, demeaning comments, cartoons, drawings, pranks, gestures
4. Intimidation
5. Destruction of property
6. Stalking
7. Unwanted/unwarranted comments, advances and/or suggestions of a sexual nature
8. Use of District electronic technologies and communications to harass, bully or haze

**Reporting Complaints**

Any victim or person with knowledge of harassment, discrimination hazing and/or bullying by a student, District employee or third party related to the school should report the complaint to the Building Principal or his or her designee as soon as possible after the incident so that it may be effectively investigated and resolved, provided, however that District employees must report the incident to the Principal or his or her designee within the timeframes set forth herein.

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

**Confidentiality**

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

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

If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request, to the extent possible, as long as doing so does not preclude the District from responding effectively to the harassment and preventing the harassment of other students or employees.

**Investigation and Resolution Procedure**

A. Initial (Building-level) Procedure

Reports of bullying, discrimination or harassment may be made by parents and students to teachers and building administrators, Dignity Act Coordinators [Add any other titles the District may deem appropriate, including, guidance counselors, etc. here].

In the event a District employee receives an oral or written report of harassment, bullying or discrimination or witnesses harassment, bullying or discrimination, such employee must notify the building principal or his or her designee not later than one school day after witnessing or receiving a report of harassment, bullying or discrimination. Any such employee must also file a written report with the Building Principal, or his or her designee, within two school days after making the oral report.

Whenever a written report of harassment, hazing and/or bullying is received it will be subject to a preliminary review and investigation. Except in the case of severe or criminal conduct, the Building Principal or his or her designee should make all reasonable efforts to resolve complaints informally at the building level. The goal of informal procedures is to end the harassment, hazing and/or bullying and obtain a prompt and equitable resolution to a complaint.

As soon as possible, but no later than five (5) working days following receipt of a written complaint, the Building Principal or his or her designee should begin an investigation of the complaint by:

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

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

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

• Discussion with the accused, informing him or her of the District's policies and indicating that the behavior must stop;
• Suggesting counseling and/or sensitivity training;
• Conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
• Mediation;
• Requesting a letter of apology to the victim;
• Writing letters of caution or reprimand; and/or
• Separating the parties.

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

The Building Principal or his or her designee shall report back to both the victim and the accused, notifying them in writing, and also in person as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint not later than thirty working (30) days following receipt of the complaint; provided, however, if additional time is needed to complete the investigation or take appropriate action beyond this thirty working day period, the Building Principal or his or her designee will notify all parties of the same and provide a written status report regarding the status of the matter not later than thirty working days.

The victim shall report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against him/her.

If a complaint contains evidence or allegations of serious or extreme harassment, discrimination hazing or bullying, the complaint shall be referred promptly to the Superintendent. In addition, where the Building Principal or his or her designee has a reasonable suspicion that the alleged harassment, discrimination, hazing or bullying incident involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact the school attorney, appropriate child protection and law enforcement authorities.
Any party who is not satisfied with the outcome of the initial investigation by the Building Principal or his or her designee may appeal the determination of the Building Principal or his or her designee by submitting a written appeal to the Superintendent within thirty (30) days of receipt of the written outcome of the Building-level investigation.

B. District-level Procedure

The Superintendent shall promptly investigate and resolve all harassment, discrimination, hazing and bullying complaints that are referred to him/her pursuant to this policy and regulation, as well as those appealed to the Superintendent following an initial investigation by a Building Principal or his or her designee. In the event the complaint involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall refer the complaint to an appropriate individual for investigation.

In cases where the investigation first begins at the District-level, the District level investigation should begin as soon as possible but not later than five (5) working days following receipt of the complaint by the Superintendent or Board President.

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

No later than thirty (30) working days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the victim and alleged perpetrator, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation, review the appeal, or take appropriate action, the Superintendent, his or her designee, or Board-appointed investigator will advise all parties of the same and provide all parties with a written status report not later than thirty (30) working days following receipt of the complaint.

If a District investigation or appeal results in a determination that harassment, hazing or bullying did occur, where appropriate, prompt corrective action will be taken to end the misbehavior. Where appropriate, District investigators may suggest mediation as a means of exploring options of corrective action and informally resolving the complaint.
Retaliation Prohibited

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

Discipline/Penalties

Any individual who violates this policy by engaging in prohibited harassment, hazing or bullying will be subject to appropriate action, which may include disciplinary action. Remedial responses to bullying and harassment include measures designed to correct the behavior, prevent another occurrence and protect the victim.

Remedial measures may include, but are not limited to: peer support groups, corrective instruction or learning or service experience, changes in class schedule, supportive intervention, behavioral assessment or management plan, student counseling and parent conferences.

Disciplinary measures available to school authorities include, but are not limited to the following:

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

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

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

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

Other individuals: Penalties may range from a warning, up to and including denial of future access to school property.
Training

All students and employees shall be informed of this policy each September and in student and employee handbooks and student registration materials.

All employees shall receive information about this policy and regulation at least once a year. Administrative employees who have specific responsibilities for investigating and resolving complaints of harassment, hazing and bullying shall receive training on this policy, regulation and related legal developments.

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

2013
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.

Availability, Application & Notification:

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

To apply for the free or reduced meal program:

a. Application forms will be available in the main office of each school building and on the District web site and can be completed and submitted at any time during the year.

b. Completed forms must be submitted to the Building Principal of the school which the student attends prior to any determination of eligibility.

c. The parent or guardian will be informed by the Building Principal’s determination within one (1) week of receiving a properly completed application.

Applications will be kept confidential.

Upon written request, the Assistant Superintendent for Business will hear appeals of determinations regarding such services in compliance with federal regulations governing the National School Lunch Program.

In addition, in order to reach students who are eligible for free and reduced price meals and to comply with state law, three (3) times per school year the Assistant Superintendent for Business will review the list made available by the State Education Department of children ages three (3) to eighteen (18) who are in households receiving federal food assistance or Temporary Assistance for Needy Families (TANF) to identify students within the District.
The District will send a notice to those families apprising them of their student’s eligibility to participate in the school meal programs without further application. Parents may decline participation by informing the District in writing. If the service is declined, the student will be removed from the eligibility list.

Children in Head Start, or who have been determined to be homeless, migrant or runaway, or in foster care can be directly certified to participate in the District free and reduced price meal program. The Superintendent will develop implementing regulations.

The Building Principal in conjunction with the Food Service Director will establish meal time procedures that both protect the anonymity of the student and allow for proper accounting.

Child Nutrition Act of 1966, as amended, (42 USC §§1771 et seq.)
7 CFR Part 245
Social Services Law §95(7)

Adopted 2/4/69
Reaffirmed 2/23/93
Amended 10/16/12, 12/18/12, 10/21/14
Food Service Account and Prohibition against Meal Shaming

**Student Accounts**

Providing a meal is a courtesy that the West Hempstead Union Free School District extends to its students in the event that a child does not have enough funds for a meal. To ensure that students do not go hungry, but also to minimize the financial burden to the District, the District will allow students who do not have enough funds to “charge” the cost of meals to be paid back at a later date subject to the terms of this Policy.

To comply with State guidelines and maintain a system to account for charged meals, regarding both full and reduced priced meals, the District shall:

1. Use a computer-generated point of sale system, which identifies and records all meals, as well as repayments;

2. Allow only regular reimbursable meals (i.e. what is on the menu for that specific school day) to be charged, excluding extras, snacks, à la carte items, side dishes and additional meals (“competitive foods”). The District is only required to provide access to the reimbursable meals. Competitive foods may only be purchased if there is enough money in the student's pre-paid account to cover the full amount of the charge;

3. At no time during the year shall a student be permitted to continue to charge reimbursable meals once the negative balance equals the value of three (3) regular reimbursable meals, or ten dollars ($10), whichever is greater;

4. Students shall not be denied a reimbursable meal, even if they have accrued a negative balance from other cafeteria purchases, unless the parent/guardian has provided written permission to the school to withhold a meal. No student with unpaid charges will be prohibited from purchasing food if they have money that day;

5. If the school food authorities (SFAs) suspect that a student may be abusing this Policy, written notice will be provided to the parent(s)/guardian(s);
6. Charged meals must be counted and claimed for reimbursement on the day that the student charged (received) the meal, not the day the charge is paid back. When charges are paid, these monies are not to be considered “à la carte” transactions, as a section on the daily cash report or deposit summary reads “charges paid”;

7. Meal charges will not be permitted during the last two full weeks of school;

Students who cannot pay for a meal or who have unpaid meal debt, shall not be publicly identified or stigmatized (including wrist bands or hand stamps), required to do chores or work to pay for meals, or have meals thrown away after they have been served. District staff shall not discuss a student’s unpaid meal debt in front of other students. The District shall not take any action directed at a student to collect unpaid school meal fees.

**Student Account Balance Notification**

Parents/guardians shall be notified of student account balances regularly. When a student account falls to five dollars ($5.00) the District will utilize its automated messaging system on a weekly basis to notify the parent(s)/guardian(s) of the balance and the process to refill the account.

The Main Office of each school shall regularly monitor student accounts and issue negative balance letters on a weekly basis notifying the parent(s)/guardian(s) of the balance and the process to replenish the student’s account. This notification will continue regularly until the account is replenished. Parents/guardians must repay all unpaid charges remaining at the end of the year or before their child leaves the District, whichever occurs first.

**Parent Outreach**

The District shall contact parent(s)/guardian(s) of students with negative balances of five (5) or more meal charges to determine eligibility for free or reduced price meals. The District will make every attempt to determine if such student is directly certified to be eligible for free meals. The District will make at least two (2) attempts to reach the parent(s)/guardian(s) with five (5) or more meal charges to assist in the application process for free and/or reduced price meals and determine if there are other issues within the household causing the insufficient funds and offer assistance that is appropriate. If a parent/guardian regularly fails to provide meal money and does not qualify for free or reduced price meals, the District may take other actions as appropriate, including notifying the local department of social services if neglect is suspected.
The District shall notify all parents/guardians in writing, on an annual basis, at the start of the school year and to families transferring during the year, outlining the requirements of this Policy. The Policy shall also be published in appropriate school and District publications. All staff involved in implementing and enforcing this Policy shall also be notified of these requirements and their responsibilities. The District’s enrollment process shall include the application process for free and reduced price meals. If the District becomes aware that a student who has not submitted a meal application is eligible for free or reduced meals, the District may file an application for the student. Staff responsible for assisting foster, homeless and migrant students shall coordinate with the food services staff to ensure such students receive free school meals, in accordance with federal law.

**Unpaid Meal Charges and Debt Collection**

Unpaid meal charges are a financial burden to the District and taxpayers and can negatively affect the school program. Unpaid meal charges shall be considered “delinquent” as per the District’s accounting practices. The District shall attempt to recover unpaid meal charges before the end of the school year, but may continue efforts into the next school year.

The District shall notify parent(s)/guardian(s) of unpaid meal charges at regular intervals, and may engage in collection activities by District staff, which do not involve debt collectors as defined in federal law (15 USC §1692a), and may not charge fees or interest. The District shall offer repayment plans, and may take other actions that do not result in harm or shame to the child, until unpaid charges are paid.

**Remaining Account Balances**

Remaining funds may be carried over to the next school year. When students leave the District or graduate, the District will attempt to contact the parent(s)/guardian(s) to return remaining funds. Parent(s)/guardian(s) may request that funds be transferred to other students (e.g., siblings, unpaid accounts). All transfer requests must be in writing. Unclaimed funds remaining after ninety (90) days shall be absorbed by the school meal account.

**Staff**

Staff members are allowed to purchase from the District’s food service. However, all purchases must be paid for at the point of sale or through pre-paid accounts. Staff members are allowed to charge meals against pre-paid account balances only. Staff members are not allowed to charge meals to be repaid later.

Building principals, working with the head of food services, shall ensure that all District and food service staff with responsibilities under this Policy will be trained on the provisions of this policy and the requirement of Education Law Section 908.
Cross-ref: 5162, Free and Reduced Price Meal Service

Ref: 42 USC §1779 (Child Nutrition Act of 1966)
    42 USC §§1758(f)(1); 1766(a) (National School Lunch Act)
    2 CFR §200.426 (accounting for debt in federal programs)
    7 CFR §§210.9 210.12; 210.19; 220.13; 245.5 (accounting in federal school meal programs)
    Healthy, Hunger-Free Kids Act (Public Law 111-296), §143
    15 USC §1692a (debt collector defined)
    Education Law §908

Adopted: 12/16/14
Revised 8/15/17, 8/14/18
Amended 12/18/18
Interpreters for Hearing-Impaired Parents or Persons in Parental Relationship

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 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/teach 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 District will provide an interpreter, at no charge, for the hearing-impaired parent if a written request for the services has been submitted to and received by the District within ten (10) school 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. note taker, transcript, decoder or telecommunication device for the deaf).

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 accommodation of their disability.

The term “hearing impaired” for the purposes of this policy shall include any hearing impairment, whether permanent or fluctuating, which prevents meaningful participation in school district meetings or activities.

Adopted 10/18/11
Response to requests for accommodation

FROM: Superintendent of Schools
West Hempstead Union Free School District

TO:

Name

Address

The West Hempstead Union Free School District hereby:

_____ Grants your request for accommodation of a hearing disability in accordance with Board Policy

_____ Denies your request for accommodation of a hearing disability for the following reason:

________________________________________

________________________________________

________________________________________

________________________________________

________________________________________

10/18/11
Internet Safety and Acceptable Use Policy (AUP)

It is the policy of the West Hempstead Board of Education that the Internet in any school or office is a privilege, not a right, and that access will be provided to only those sites deemed appropriate for educational use. The West Hempstead School District reserves the right to monitor and oversee any interaction involving the use of the Internet. The use of the Internet may be suspended or terminated by the administration at any time. The Superintendent will develop regulations for the purpose of implementing this policy.

Staff Use of Computerized Information Resources

The Board of Education will provide staff with access to various computerized information resources through the District’s computer system (DCS hereafter) consisting of software, hardware, computer networks and electronic communication systems. This may include access to electronic mail, so-called “on-line services” and the “Internet.” It may also include the opportunity for some staff to have independent access to the DCS from their home or other remote locations. All use of the DCS, including independent use off school premises, shall be subject to this policy and accompanying regulations.

The Board encourages staff to make use of the DCS to explore educational topics, conduct research and contact others in the educational world. The Board anticipates that staff access to various computerized information resources will both expedite and enhance the performance of tasks associated with their positions and assignments.

Staff use of the DCS is conditioned upon written agreement by the staff member that use of the DCS will conform to the requirements of this policy and any regulations adopted to insure acceptable use of the DCS. All such agreements shall be kept on file in the District office.

Generally, the same standards of acceptable staff conduct, which apply to any aspect of job performance shall apply to use of the DCS. Employees are expected to communicate in a professional manner consistent with applicable District policies and regulations governing the behavior of school staff. Electronic mail and tele-communications are not to be utilized to share confidential information about students or other employees.

Administrative regulations will further define general guidelines of appropriate staff conduct and use, as well as proscribed behavior.

District staff shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and rights of privacy created by federal and state law.
Staff members who engage in unacceptable use may lose access to the DCS and may be subject to further discipline under the law and in accordance with applicable collective bargaining agreements. Legal action may be initiated against a staff member who willfully, maliciously or unlawfully damages or destroys property of the District.

Privacy Rights

Staff data files and electronic storage areas shall remain District property, subject to District control and inspection. The Director of Technology, as directed by the Superintendent, may access all such files and communications to insure system integrity and that users are complying with requirements of this policy and accompanying regulations. Staff should NOT expect that information stored on the DCS will be private.

Implementation

Administrative regulations will be developed by the Superintendent of Schools to implement the terms of this policy.

Internet Computer Network Terms and Conditions:

1. **Disclaimer** - Use of any information obtained is at the user's risk. Any violation of federal, state or local laws shall be the sole responsibility of the user. The District shall have no responsibility for use of the system by employees, students and community members who abuse the system, violate this policy and/or the law.

2. **Commercial Services** - The user is liable for any commercial service costs that may be incurred.

3. **Security Issues** - If any user identifies a security problem on the Internet/Computer Network, they must notify the Superintendent. Attempts to log in to the Network as a system administrator will result in cancellation of privileges.

4. **Vandalism** - Vandalism will result in the cancellation of privileges. This includes, but is not limited to, the uploading or creation of computer viruses. The user will be financially responsible to reimburse the District for repair or replacement of any harmed equipment, software or data.
The Board, in order to comply with federal regulations requiring Internet filtering for schools and libraries receiving E-Rate and Title III funds, adopt the following policies to address the required elements of the Internet filtering legislation.

**Internet Filtering Services**

The Board will employ filtering technology on all school computers with Internet access and will monitor the online activities. This filtering system will enable the school to:

1. Operate technology protection measures that block and/or filter Internet access for minors and adults to visual depictions that are:
   a. Obscene;
   b. Child Pornography;
   c. Harmful to Minors;
   d. Otherwise inappropriate for minors, as determined by administration

2. Restrict minor’s access to materials harmful to minors.

**Board Policies Regarding Inappropriate, Unlawful and/or Unauthorized Use of Internet Services**

1. Electronic mail, chat rooms and other forms of direct electronic communications (i.e. instant messaging services): To ensure the safety and security of minors during use, the school will restrict Internet use to an educational purpose that may include classroom activities, career development and research.

2. Unauthorized access, hacking and other unlawful activities by minors online: The school will provide appropriate guidance to students via the professional staff regarding what is lawful and what is appropriate usage of the school’s online network systems.

3. Unauthorized disclosure, use and dissemination of personal identification information regarding minors: The school will maintain firewall technology to ensure that student information is not publicly accessible to unauthorized users, and the school professional staff will provide guidance, instruction and supervision that makes students aware of and assures that students understand the importance of Internet privacy and anonymity.
4. Disabling during certain use to enable access for bona fide research and other purpose: The school will allow authorized professional staff to disable the school’s technology protection measure to enable access for bona fide research and other purpose.

5. Online activities will be monitored to ensure compliance with the above.

Reference: Children's Internet Protection Act (CIPA), 114 Stat. 2763A-335.
Internet Safety and Acceptable Use Policy (AUP)

Internet access is available to students, teachers and administrators in the West Hempstead School District. Access is being offered to staff, students and community members as part of a collaborative instructional project between the District and a service provider. Our goal in providing this service to staff and students is to promote educational excellence in the West Hempstead School District by facilitating resource sharing innovation and communications.

Staff, students and community members shall have access to:

1. electronic mail communication with people all over the world;
2. information and news from a variety of research institutions in the fields of education, government, science and technology, social sciences, humanities and commercial enterprises;
3. public domain and shareware software of all types;
4. discussion groups, newsgroups and listserves on a plethora of topics;
5. many university library catalogs, the Library of Congress, ERIC, museums.

The District has taken additional precautions to deny access to areas of the local network, which are restricted. However, on a global network, it is impossible to control all materials and to completely prevent access to controversial information in written and graphic form. The District, through appropriate levels of administration and teachers, shall monitor the use of the Internet/computer networks authorized by this policy. Any inappropriate use of hardware, software or access to information on the Internet may result in the cancellation of user privileges.

Internet/Computer Network Terms and Conditions

The Internet is an electronic highway connecting thousands of computers all over the world and millions of individual subscribers. With access to computers and people all over the world also comes the availability of material that may not be considered to be of educational value in the context of the school setting. The smooth operation of the network relies upon the proper conduct of the end user who must adhere to strict guidelines. These guidelines are provided so that users are aware of the responsibilities they are about to acquire. In general, this requires efficient, ethical and legal utilization of the network resources. If a District user violates any of these provisions, his or her account may be terminated and future access may be denied. Also, disciplinary and/or legal procedures may ensue should the offense warrant such action. The signature of the user on the required application and acknowledgment forms is legally binding and indicates that the
party who executed same has read the terms and conditions carefully and understands their significance.

1. **Acceptable Use** - The use of an account must be in support of education and research and consistent with the educational objectives of the District. Use of other organization's network or computing resources must comply with the rules appropriate for the network. Transmissions of any material in violation of any United States, state or local regulation are prohibited. This includes, but is not limited to: Copyrighted material, threatening or obscene material, or material protected as trade secret. Use for commercial activity is not acceptable. Use of product advertisement or political lobbying is also prohibited. The District shall have no responsibility for any misuse of the privilege granted under this policy (see save harmless provision contained on the required Acknowledgment of Responsibilities form).

2. **Privileges** - The use of the Internet/Computer Network is a privilege, not a right, and inappropriate use may result in cancellation of that privilege by the Superintendent or his/her designee. Any problems and/or questions must be directed to the Superintendent or such designee. The Superintendent, administration, faculty and staff of the District may deny, revoke or suspend specific user accounts at their discretion for any misuse or violation of this policy. Individuals have the full responsibility for the use of their accounts, and under no circumstances may anyone share his/her account or password with any other person. Any such sharing of passwords or the use of accounts is prohibited. All recipients of accounts must participate in training pertaining to the proper use of the network. Account users are responsible for maintenance of their accounts. The Superintendent or designee may conduct a yearly review or additional as needed of all accounts to determine adherence to this policy.

3. **Etiquette** - Individuals are expected to abide by the generally accepted rules of network etiquette. These include (but are not limited to) the following:

   a. Be polite. Do not be abusive in your message to others
   b. Use appropriate language. Do not swear, use vulgarities or any other inappropriate language
   c. Do not reveal your personal address, phone number or credit card number or those of students or colleagues
   d. Note that electronic mail (e-mail) and data files are not guaranteed to be private. People who operate the systems DO have access to all mail and data. Messages or other electronic data relating to or in
support of illegal activities may be reported to the authorities or the Superintendent or his/her designee.

e. Do not use the network in such a way that will disrupt its use by others.

f. All communications and information accessible via the network should be assumed to be the property of the provider.

g. Use of the system and the data acquired must be in strict compliance with the law.

4. **Parent/Guardian Responsibilities** - Parents/Guardians should review this Acceptable Use Policy with their children and return the agreement form to school. This form will be sent home to the parents/guardians of each student on an annual basis. The form will also be distributed to all new entrants. A signature indicates agreement that these resources will be used responsibly, fairly and appropriately by the child. Completed agreement forms will be retained students' cumulative record folders.

5. **Personnel Responsibilities** – All school personnel with access to the internet and e-mail as provided by the District should review this form in its entirety. A signature indicates that these resources will be used responsibly. These signed agreements are to be filed at the District office.

6. **Personal Security Issues** - Users should follow these guidelines to maintain ongoing access to our network and to ensure their personal security:

a. Information that is sent or received over our network is subject to review.

b. Users should exercise common sense and discretion when sending or receiving electronic information (e.g. e-mail) over our network since it is public in nature and has no guarantee of privacy.

c. Users should never distribute personal information such as names, addresses, telephone numbers, credit card numbers, social security numbers, bank accounts, PIN numbers or photographs.

d. Students should never make appointments to meet people in person whom they have contacted online without written authorization from a designated staff member and parent/guardian.

e. Users should notify a staff member or administrator whenever they come across information or messages that are dangerous, illegal, obscene and inappropriate or make them feel uncomfortable.
7. **Consequences of Violations** - The consequences for violating this policy will be consistent with the District's discipline policy and applicable law. Consequences may include, but are not limited, to the following:

- Temporary suspension of access to the computer network and the Internet
- Notification of school authorities, administrative authorities or law enforcement officials
- Notification of parent/guardian
- Permanent suspension of access to the computer network and the Internet
- Financial restitution
- Legal action
- Regular Disciplinary Consequences.

Adopted 10/20/98
Amended 10/5/99
Revised 10/21/08, 3/20/12
Dear Parent/Guardian:

Attached is a copy of the Board of Education policy and regulations regarding Internet Acceptable Use. It is most important that you read and discuss this with your child.

We are proud of the technology available to us in our school. Our intention is to utilize it to the utmost to enhance the education of each student in West Hempstead. You and your child must sign and return the sheet to your child’s teacher immediately so that we may begin utilization as quickly as possible.

I thank you in advance for your cooperation in this matter and look forward to continuing our tradition of excellence in education for our students.

Sincerely,

Principal

Reaffirmed 10/21/08, 3/20/12
WEST HEMPSTEAD UNION FREE SCHOOL DISTRICT

Computer Network, Internet Safety and Acceptable Use Policy

ACCEPTABLE USE AGREEMENT

Elementary: Please return this form to your child’s classroom teacher.

Secondary: Please return this form to your child’s guidance counselor.

Parent/Guardian

As a parent/guardian of this student, ____________________________, I have read the “Internet Safety and Acceptable Use Policy” and I understand that this access is designed for educational purposes and that the West Hempstead Union Free School District has taken available precautions to eliminate controversial material. However, I also recognize that it is impossible for the District to restrict access to all controversial material and I will not hold it responsible for materials acquired on the Internet. I hereby give permission to issue an account for my child on the school’s Local Area Network and that this may, from time to time, include access to the Internet.

Parent/Guardian Name: ____________________________ Phone: ________________

Signature: ____________________________ Date: ________________

Student Compliance Form: I have read the “Internet Safety and Acceptable Use Policy” and have reviewed it with my parent/guardian. I agree to comply with all the guidelines and will use the system appropriately at all times.

Student Name: ____________________________ Grade: ______ School: ________________

Signature: ____________________________ Date: ________________

Disclaimer: Although the District has taken reasonable precautions, we cannot guarantee nor can we be responsible for the security, accuracy or appropriateness of content distributed through our network. The District will not be liable for financial or legal obligations arising from the unauthorized use of our system.

Reaffirmed 10/21/08, 3/20/12
WEST HEMPSTEAD UNION FREE SCHOOL DISTRICT

ACCEPTABLE USE AGREEMENT

Internet User: Community Member/Employee

I understand and will abide by the Terms and Conditions contained in the West Hempstead Union Free School District's Internet/Computer Network policy (a copy of which I have received and read) and applicable laws, ordinances, rules and regulations. I further understand that any violation of the policy is unethical and may constitute a criminal offense. Should I commit any violation, my access privileges may be revoked, school/district disciplinary actions may be taken and/or appropriate legal proceedings may be instituted against me.

Name (please print):______________________________ Phone:________________

Signature:____________________________________ Date:________________

Disclaimer: Although the District has taken reasonable precautions, we cannot guarantee nor can we be responsible for the security, accuracy or appropriateness of content distributed through our network. The District will not be liable for financial or legal obligations arising from the unauthorized use of our system.

Amended 2/13/07
Reaffirmed 10/21/08, 3/20/12
Bring Your Own Device

The Board supports the use of the Internet, e-mail or the West Hempstead School District network, and other computer networks in the District's instructional program in order to support the District's curriculum, the educational community, projects between schools, facilitate learning and teaching through interpersonal communications, access to information, research and collaboration.

For purposes of this policy, the term network shall be interpreted to include any and all District owned computers, servers, any hardware or software, the District’s local area network (LAN), all wireless access points, the District's Intranet, self-contained electronic mail systems and any other elements of the District’s computer, telecommunications or electronic communication/information systems.

“Network guest” is defined as any individual who utilizes the District’s Information Technology Resources via guest network access or the guest login process.

The use of network facilities shall be consistent with the curriculum adopted by the District, as well as the varied instructional needs, learning styles, abilities, and developmental levels of students.

The electronic information available to students and staff does not imply endorsement of the content by the District, nor does the District guarantee the accuracy of information received on the Internet. The District shall not be responsible for any information that may be lost, damaged or unavailable when using the network or for any information that is retrieved via the Internet.

The District shall not be responsible for any unauthorized charges or fees resulting from access to the Internet.

The District reserves the right to restrict or prevent access via its network and other technology to sources or sites deemed inappropriate by any means, including filtering software or services, the right to log network use and to monitor fileserver space utilization by District users and the right to view content. Users should have no expectation of privacy with respect to District access or review of file content, e-mail or work utilization.

The Board establishes that use of the Internet, e-mail or the District network is a privilege, not a right; inappropriate, unauthorized and illegal use will result in the cancellation of those privileges and appropriate disciplinary action.
Copies of this policy shall be distributed to all faculty and staff members who must sign a written or electronic acknowledgement of its receipt. All students and their parents/guardians must sign an acknowledgement of receipt and review of this policy annually.

The District shall make every effort to ensure that the District's network is used responsibly by students, staff and network guests as an educational resource.

Administrators, teachers and staff have a professional responsibility to work together to help students develop the intellectual skills necessary to discriminate among information sources, to identify information appropriate to their age and developmental levels and to evaluate and use the information to meet their educational goals.

Students, staff and network guests have the responsibility to respect and protect the rights of every other user in the District and on the Internet.

It shall be the responsibility of the Superintendent or his/her designee to develop and publish written administrative procedures and/or administrative guidelines for the implementation of this policy, including developing rules and regulations for appropriate network use, a network agreement form, security measures including password procedures, measures designed to restrict access to harmful or inappropriate matter on the Internet, procedures for promoting the safety and security of students when using electronic mail and prevention of unauthorized access and any other matter deemed necessary or advisable to implement this policy.

Network accounts will be used only by the authorized owner of the account for its authorized purpose and may not be shared with anyone. Network users shall respect the privacy of other users on the system.

Adopted 8/20/13
INSTRUCTION (Series 6000)

Schedules

Released Time for Special Instruction 6113
Drills for Emergencies REPEALED 2012 6114
Daily Opening Exercises 6115

Instructional Arrangements

School Trips (with Administrative Regulations) 6132
Homework: Elementary Schools REPEALED 12/16 6133
Books, Equipment and Materials - Lost or Damaged 6134
Repair and Maintenance Charges for Musical Instruments 6135
Advertising Material 6136
Detention REPEALED 12/16 6137
Guide to the Treatment of Religious Holidays in Schools REPEALED 12/12 6138
Animal Dissection 6140

System-Wide Services

Cafeteria Services - School Lunch Program 6144

Program Extensions

Education of Children with Disabilities 6150
Special Education - High School Individualized Education Program Diplomas 6151
English as a New Language – Statement of Assurances 6152
Home Teaching – REPEALED 2011 6153
Summer School 6154
Equivalence in Instructional Staff and Materials 6155
Programs for English Language Learners 6156
(with Administrative Regulations)
Academic Intervention Services 6157
Homebound Instruction 6158

Outside Agencies

Education of Homeless Children and Unaccompanied Youth 6160
(with Administrative Regulations)

Release of Class Lists REPEALED 12/12 6162

Special Education Additions

Programs for Students with Disabilities Under IDEA and Article 89 6200
Provision of Special Education Services in the Least Restrictive Environment 6200.1
School Wide pre-Referral Approaches and Interventions 6200.2
Preschool Special Education 6200.3
Availability of Alternative Format Instructional Materials for Students with Disabilities 6200.4
District-Wide and Statewide Assessments of Students with Disabilities 6200.5
Impartial Hearing Officer Appointment and Compensation 6200.6
Public Report on Revisions to District Policies, Practices and Procedures upon a Finding of Significant Disproportionality 6200.7
Declassification of Students with Disabilities 6200.8
Special Education Personnel 6200.9
Allocation of Space for Special Education Programs 6200.10

**Adult**

Adult Continuing Education 6300

Participation by Staff Members in Certain Adult Program Courses REPEALED 12/12 6360

**Educational Meetings**

Meals and Refreshments 6510

2018
Released Time for Special Instruction

Students will not be released during the regular school day in order to attend private lessons of any type not under the jurisdiction of the school district, except that students will be permitted to attend religious instruction as outlined in Section 3210 of the Education Law and the Commissioner's Regulation 109.2.

Students will be permitted to be released from an assigned classroom in order to attend another scheduled activity in accordance with District Attendance Policy 5120.

Adopted 10/20/59
Reaffirmed 10/19/93
Amended 10/16/12
Daily Opening Exercises

The school day for pupils shall begin with the recitation of the Pledge of Allegiance, followed by a 30-second period of silence.

Pupils shall be instructed by their teacher that the 30-second period of silence may be used for quiet and private contemplation or meditation.

Pupils shall be encouraged to stand during the Pledge of Allegiance.

Adopted 11/7/61
Amended 10/19/93, 12/16/14
School Trips

Field Trips

The Board of Education recognizes that field trips that are educational, cultural or recreational are an important ingredient in the instructional program in schools.

For purposes of this Policy, a field trip shall be defined as any journey by a group of students away from the school premises, under the supervision of a teacher, which is an integral part of an approved course or related to extracurricular activities and conducted for the purpose of affording a first-hand educational, cultural or recreational experience not available in the classroom.

Field trips are a part of the curriculum of the schools and attendance on field trips is governed by the same rules as attendance in regular classroom activities. The school system shall obtain written permission from parent/guardian for students going on school sponsored field trips.

The Superintendent shall prepare procedures for the operation of a field trip activity. Field trip support shall be determined annually by the Board during its budget deliberations.

Overnight Trips

The Board of Education recognizes the valuable nature of education/curriculum based trips. On occasion, such trips may need to be overnight trips. Any trip of this nature must be submitted to the Board of Education for its approval at least six (6) months in advance to ensure that the Board has ample time to review the trip and address any concerns and seek further information.

The Superintendent of Schools will develop administrative regulations to administer this policy.

Transportation

When the District provides transportation to students on a school-sponsored field trip, extracurricular activity or any other similar event, it shall provide transportation back to either the point of departure or to the appropriate school in the District unless:
1. the parent or legal guardian of a student participating in such event has provided the District with a written notice authorizing an alternative form of return transportation for the student; or
2. intervening circumstances make such transportation impractical.

Where intervening circumstances have made transportation back to the point of departure or to the appropriate school in the District impractical, a representative of the District shall remain with the student until such student’s parent or legal guardian has been contacted and the student has been delivered to his/her parent or legal guardian.
ADMINISTRATIVE REGULATIONS RE: STUDENT TRIPS

The West Hempstead Board of Education recognizes the education value of field trips. As such, the following administrative regulations have been developed to assist in the coordination and supervision of such trips.

The regulations below are to be followed as applicable for day and overnight field trips:

1. All field trip proposals are to be presented to the building principal in writing by the teachers and/or department directors (chairpersons) recommending the trip.
2. At all educational levels, all trips must be approved by the building principal.
3. At the secondary level all trips must be approved by the department director prior to submission to the building principal.
4. All overnight trips must be approved by: the departmental director (chairperson), the building principal, the Superintendent of Schools and the Board of Education.
5. Overnight trips must be submitted for Board of Education approval at least six (6) months in advance.
6. Permission slips are to be issued and required for every field trip. The originals of these forms are to be kept at the building and duplicates made for the chaperones of the trip.
7. All permission slips must include the students’ names, parents’ name, emergency numbers (home, work and cell), as well as any medical conditions that may exist.
8. Day field trips should have the following student to chaperone ratios: K-2 – 5:1, 3-5 – 10:1, 6-8 – 12:1, 9-12 – 15:1.
9. Itineraries for all trips, from departure to return, are to be provided in advance of any such trips to the parents and are to be on file in the sponsoring building. Itineraries are to include all activities.
10. Overnight trips should have a student to chaperone ratio of 10:1. Overnight trips are only applicable to the Middle and High Schools, unless the Board of Education approves otherwise upon application.
11. Prior to any overnight trip, a parental meeting must take place, with at least one parent representing each student. At this meeting, the itinerary of the trip, hotel accommodations, emergency numbers, the code of conduct and the like will be reviewed with both parents and students.
12. If students are being housed overnight in a “field house” setting, two (2) chaperones shall be assigned to that area.
13. For all overnight trips, hotel accommodations, addresses and phone numbers of the hotel and lead chaperone are to be provided to the parents.
14. For overnight trips, the principal or designee should ascertain the availability of medical/nursing services in those areas the students will be visiting throughout the duration of the trip. When possible, a nurse should act as a chaperone during these trips.
15. For all trips, the principal or designee should ascertain any specific medical needs of particular students and address them with the parent/guardian of the student involved. This must take place in advance of the trip so that necessary conversations and arrangements may take place.

16. Buses for field trips are to be arranged for by the District Transportation Office in conjunction with the building principals. Where coach buses are to be utilized, all inspection records, drivers’ records and clearances are to be collected and placed on file in the sponsoring building.

17. The building principal is always to be on site when an overnight trip is departing. For day trips, if the principal is not available, a designee may serve in his/her place. Principals should endeavor to be on site when the overnight trip returns as well. This is a must should there have been any issues with the trip or bus transportation while the students were away. A designee may serve in this capacity for day trips.

18. Lead chaperones are to immediately notify the building principals of any issues and/or concerns that may develop during the course of a field trip. Building principals are to ensure that they are accessible at all times while a trip is in progress.

The District reserves the right to amend these regulations as necessary and recognizes that each principal may add building regulations, as appropriate, to these District regulations.

Adopted 10/21/08
Amended 12/20/16
Homework: Elementary Schools

Homework will be regularly assigned in grades K through 5.

Adopted 3/7/61
Amended 10/19/93
Books, Equipment and Materials - Lost or Damaged

Pupils are responsible for all books, equipment, and materials issued to them.

Books lost during the first year of use by the District shall be paid for at the single-copy catalog price by the pupil to whom the book was issued. Thereafter lost books shall be paid for by the pupil to whom the book was issued at their depreciated value, as determined by the school principal.

Restitution for all other equipment and materials lost and/or damaged, shall be made by the pupil to whom the equipment and/or materials were issued at appropriate amounts, as determined by the school principal.

If the pupil has paid for the loss of a book, equipment and/or materials, refunds shall be made for such items that are found and returned to the District within a reasonable time as determined by the school principal.

Adopted 11/7/61
Amended 10/19/93, 12/16/14
Repair and Maintenance Charges for Musical Instruments

Repair and maintenance charges may be charged to students using musical instruments borrowed from the district, in accordance with the following schedule:

Grade 4 – 12  $20 per instrument per year
Maximum $40 per family

Regulations for the use of musical instruments will be approved by the Board of Education.

Adopted 1/21/69
Amended 10/19/93, 2/12/02
Advertising Material

Teachers shall not disseminate to pupils any commercial sales advertising materials except those approved by the Superintendent of Schools.

Adopted 9/6/60
Amended 10/19/93
Reaffirmed 12/16/14
Detention

The administration shall promulgate regulations providing for detention of students.

Adopted 9/5/61
Amended 10/19/93
Animal Dissection

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

Any student expressing a moral or religious objection to the performance or witnessing of the dissection of an animals, whether wholly or in part, shall be provided the opportunity to undertake and complete an alternative project that shall be approved by the student’s teacher, provided, however, that such objection is substantiated in writing by the student’s parent or legal guardian. Students who perform alternative projects and do not perform or witness the dissection of animals shall not be penalized.

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

Ref: Education Law §809(4)

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

Adopted 10/18/11
West Hempstead High School
Science Department

You are enrolled in _____________________________ (insert title of class), which includes animal dissection. You have the right to opt out of the animal dissection on moral or religious grounds. In order to do so, your parent/guardian must substantiate your objection in writing to the Building Principal and teacher, and you must complete an alternate project approved by the teacher.

Please verify your intent to implement the right to opt out of dissection law by returning the signed bottom portion of this form.

Date: ______________________

Please excuse _____________________________ from participating in or observing animal dissection. She/he is willing to do an alternative project of equal time and effort.

__________________________    __________________________
Student’s Name (Last, First)    Parent/Guardian Signature

Adopted 10/18/11
Cafeteria Services - School Lunch Program

The school lunch program shall be used as an opportunity to promote good personal hygiene and well balanced nutritional habits as an extension of the educational program of the West Hempstead Union Free School District.

Such school lunch program shall be operated on a self-sustaining basis.

Cross Ref:  5151 - Student Wellness

Adopted 9/6/60
Amended 10/7/75, 10/19/93, 2/14/17
Education of Children with Disabilities

I. Definition and Identification

1. A pupil with disabilities is a person under the age of 21 who is entitled to attend the public schools and who is found to be eligible for special education programs, services, aids and supports in accordance with Part 200 of the Commissioner’s Regulations.

2. The Director of Pupil Personnel Services will locate and identify all students with disabilities who reside in the district and are entitled to attend public school or preschool program during the next school year. A register of such children will be maintained and revised annually by the Committee on Special Education or Committee on Preschool Education as appropriate and identification may be combined with the required school census. The register will be submitted to the Board of Education annually.

II. The Committee on Special Education

1. The Board of Education will establish a Committee on Special Education in accordance with Part 200 of the Regulations of the Commissioner of Education.

2. Members of the CSE serve at the pleasure of the Board of Education, and those who are neither employees nor under contract with the school district shall serve without compensation but may be reimbursed for approved expenses.

3. The CSE will receive referrals of pupils suspected of having a disability, conduct an appropriate evaluation, make determinations of student eligibility and, where appropriate, recommend appropriate services, programs, aids and supports in accordance with Part 200 of the Regulations of the Commissioner of Education.

4. The CSE is responsible for making an annual report on the status of each child in special education on the basis of annual or at least triennial re-evaluations.

5. The CSE will report annually to the Board of Education on the adequacy of special education programs and services.
III. Referral

1. A pupil suspected of having a disability must be referred in writing to the chairperson of the school district's CSE or to the building administrator of the school which the pupil attends or is eligible to attend.

2. The CSE shall process referrals and perform evaluations in accordance with Part 200 of the Regulations of the Commissioner of Education.

IV. Individual Evaluation

1. An individual evaluation of each pupil referred to the CSE shall be conducted at no cost to the parents and shall include all appropriate assessments and examinations in accordance with Part 200 of the Regulations of the Commissioner of Education.

2. A comprehensive re-evaluation will be conducted at least every three years following the initial evaluation of the child found to be eligible for special education programs, services, aids and supports.

V. The Individualized Education Program (IEP)

1. The CSE shall develop Individualized Education Programs where required by Part 200 of the Regulations of the Commissioner of Education.

2. Individualized Education Programs shall be developed in accordance with Part 200 of the Regulations of the Commissioner of Education.

3. The IEP will be reviewed at least annually.

VI. Special Services, Programs and Placement

1. Special services or programs including transportation, transitional support services, related services, resource room and special class programs may be provided within the District or by contract with another school district, BOCES, or a private school approved by the Commissioner of Education. When necessary, such programs may also be provided in a pupil's home or in a hospital.
2. Students with disabling conditions will be educated in the least restrictive environment. This requires that students should be mainstreamed or integrated into regular school classes and programs to the maximum extent appropriate.

3. Students with disabling conditions should have appropriate access to all school programs including extracurricular programs.

VII. Procedural Safeguards – Due Process

1. The CSE shall implement the procedural safeguards in accordance with Part 200 of the Regulations of the Commissioner of Education.

2. The CSE will invite the parent(s) or guardian of a child to all CSE meetings and conferences.

3. The CSE will prepare and make available a register of public or private agencies in Nassau County from which parent(s) or a guardian may obtain an independent evaluation of a child.

4. In the process of evaluating and placing children with disabling conditions, all District employees will protect the confidentiality of the parent(s) and child.

5. Arrangements will be made for surrogate parents to appear on behalf of the child under circumstances where the child's natural parents are unknown or unavailable or where the child is a ward of the state.

VIII. Program Quality

1. Inservice training will be provided as needed for school personnel who work with students with disabling conditions.

2. The K-12 special education curriculum will be reviewed regularly to insure that it meets the District's objectives and complies with Board of Regents requirements. The curriculum will include a practical career education program incorporating a work-study component and provide a transition from school to work for those students who will benefit from such a program.
IX. **Meeting Federal and State Requirements**

1. The Director of Pupil Personnel Services will prepare the Special Education Plan for submission to the State Education Department as required.

2. The Director of Pupil Personnel Services will maintain a summary of child data on file for the Board of Education and submit such summaries to the New York State Education Department as required.

Adopted 10/19/93
Amended 12/20/11
Special Education – High School Individualized Education Program Diplomas

The West Hempstead Union Free School District shall comply with all federal and state requirements concerning the education of children with disabling conditions.

A student with a disabling condition who has attained the age of 21 and has achieved the educational goals contained in his current Individualized Education Program shall be awarded a high school Individualized Education Program diploma. Upon application of a student with a disabling condition, or the student's parent, an Individualized Education Program diploma shall be issued if the student has attended school, or received a substantially equivalent education elsewhere, for twelve (12) years exclusive of kindergarten, if the student has achieved the educational goals specified in the student's current Individualized Education Program.

Each high school Individualized Education Program diploma shall indicate on its face that it is awarded on the basis of the student's successful achievement of the educational goals specified in the student's current Individualized Education Program as recommended by the committee on the disabled.

If a student receiving a high school Individualized Education Program diploma is less than 21 years of age, the diploma shall be accompanied by a written assurance of the student's continued right to attend public school until the end of the school year in which the student reaches age 21 or until the student has earned a high school diploma, whichever is earlier.

The committee on the disabled shall review the progress of all disabled students who will attain the age of 21 years prior to the end of the current school year and those disabled students who have received twelve (12) years of education for whom an application for a high school Individualized Education Program diploma has been made. The committee on the disabled shall notify the Superintendent of those students eligible to receive a high school Individualized Education diploma.

The Superintendent shall notify the Board of Education, prior to graduation ceremonies in June, which students are eligible to receive a high school Individualized Education Program diploma. The Board shall direct that Individualized Education Program diploma be issued to eligible students.

Adopted 8/19/86
Amended 10/19/93, 12/20/11
English as a New Language – Statement of Assurances

The West Hempstead Union Free School District shall not deprive or discriminate against any limited English pupil who by reason of foreign birth or ancestry, speaks a language other than English. As such, the District is committed to the assurance of equity and excellence in an established Limited English Program (LEP) at each school.

The West Hempstead Union Free School District recognizes the fact that limited English pupils are entitled to all appropriate and support services in order to achieve and maintain a satisfactory level of academic performance. All new entrants will be screened to determine which pupils are possible LEP students. An initial identification will be completed within ten (10) days of enrollment. The initial identification procedure includes administering a home language survey and appropriate diagnostic testing to determine both English and academic proficiency. All LEP students will be evaluated annually as to performance in content areas and in regard to overall academic progress. Furthermore, all LEP students who are suspected of having handicapping condition, will be referred to the Committee on Special Education and a bilingual multi-disciplinary assessment will be conducted.

Parents will be notified of their child's placement in the district-wide LEP program. District personnel will make every effort to meet with parents at least twice a year in order to review student's progress and future placement. All school-related information pertaining to an individual student will be provided to parents of LEP pupils in the language of their choice.

All LEP students are ensured access to appropriate instructional and support services and will have equal opportunities to participate in all school programs and extra-curricular activities. These include, but are not limited to, guidance, counseling, remedial education, special education, vocational education and gifted education.

Adopted 8/21/90
Amended 3/19/91, 2/14/17
Reaffirmed 10/19/93
Summer School

The Superintendent of Schools is authorized to establish a summer program for the District. The emphasis of this program shall be enrichment of the normal academic program and such remedial and skills courses as deemed advisable by the administration.

Adopted 6/5/62
Amended 12/16/75, 10/19/93
Reaffirmed 12/18/12
Equivalence in Instructional Staff and Materials

In accordance with federal regulations, the Board of Education will ensure equivalence among District schools in teachers, administrators and auxiliary personnel; and in the provision of curricular materials and instructional supplies. The Superintendent of Schools shall follow the State Education Department guidelines in determining such equivalence on an annual basis and report to the Board on the status of District schools with regard to equivalence.

References: Section 1120A(c) of the Elementary and Secondary Education Act

Adopted 12/20/11
Programs for English Language Learners

The Board of Education believes that students who, by reason of foreign birth or ancestry, have limited English proficiency (referred to here as “English Language Learners” or ELLs), 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 take steps to identify ELL students and provide ELL students with an appropriate program of either Bilingual Education or English as a New Language.

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 students are:

1. screened to determine if the student is an ELL, in accordance with Parts 117 and 154 of the Commissioner's Regulations, a process that will include interviews and assessments and will assign each ELL student to the appropriate subpopulation (Newcomer, Developing, Long Term, Former English Language Learners, English Language Learners with Disabilities or students with inconsistent/interrupted formal education);
2. identified, as appropriate, as an ELL student with a disability;
3. annually evaluated to determine continued ELL eligibility. Included in the evaluation shall be each student's performance in English language proficiency and academic progress in content areas;
4. assured of access to appropriate instructional and support services, including guidance programs within the timeframes provided by Commissioner’s Regulations; and
5. 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 of Education is provided with a comprehensive plan that describes the District’s ELL program and includes all information specified in the Commissioner's Regulations, before the start of each school year. The District will also provide assurances that the District is providing appropriate school-related information to the parents (or persons in parental relation) of ELL students in English and the language they best understand.

The District will provide an orientation program annually for parents of newly enrolled ELL students in a language or mode of communication that the parent best understands. In addition, the District will meet individually with ELL parents at least once a year to discuss the goals of the ELL program, their child’s language development progress; their child’s English language proficiency assessment results and language development needs in all content areas (in both their native language and English), in addition to regular parent/teacher meetings.
In addition, the Superintendent shall ensure that all teachers employed in any Bilingual and/or English as a New Language Program are properly certified in accordance with the Commissioner's Regulations, and that all staff receive appropriate professional development on ELL students.

Cross-ref: 6200, Programs for Students with Disabilities Under IDEA and Article 89 Policy 6152 English as a New Language – Statement of Assurances

Ref: Education Law §3204
English Acquisition, Language Enhancement, and Academic Achievement Act, 20 USC §§6801 et seq
8 NYCRR §§80-2.9; 80-2.10; Part 117; Part 154
ADMINISTRATIVE REGULATIONS/
SAMPLE LETTERS

PROGRAMS FOR ENGLISH LANGUAGE LEARNERS EXHIBIT
PLACEMENT IN A LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM
FOR NEW STUDENTS – PARENTAL NOTIFICATION

Dear Parent/Guardian:

Your child (insert child’s name) has been identified as an “English Language Learner,” a student in need of help to learn English and the District is recommending placement in a (insert name of program). We have determined (insert child’s name) eligibility, and placed (him or her) in such a program based on (insert reasons). Please review this letter, choose one of the options (see below) and sign and return the attached form within 10 school days.

(Child’s name) is performing at (insert status of child’s academic achievement). We have determined (his or her) level of English proficiency at (insert level) based on (insert how the district assessed that level).

We believe that placement in a (insert name of English instruction program) will help (insert child’s name) both to learn English and increase (his/her) level of academic performance. (Child’s name) will receive all required core content in all programs offered, and participation in a Bilingual Education of English as a New Language Program will not restrict (Child’s name) access to extracurricular activities offered by the school or District. Attached is a series of questions and answers we hope will help you better understand the program in which we have placed (insert child’s name) and the benefits of that program.

The District will offer an orientation session for parents. We encourage you to attend. At the orientation, we will provide you with information about New York State’s Learning Standards, assessments and the school’s expectations for English Language Learners, as well as the program goals and requirements for bilingual education and English as a New Language Programs. In between meetings we are always ready to listen and respond to any questions and recommendations you might have. District staff will also meet with you individually once a year, in addition to regular parent/teacher meetings, to discuss the goals of the program, your child’s language development progress, English language proficiency assessment results, and language development needs in all content areas.

However, you should know that you have the right to:

1. decline (insert Child’s name) participation in the instructional bilingual program and request that (insert child’s name) participate in the District’s English as a New Language Program;
2. request placement in another available district bilingual education program where it is the case that your child’s current school building is not required to provide a bilingual education program;

3. accept the District’s recommended placement.

If you have any questions about this notice or the attached information, please contact (insert the name of the Building Principal or the program’s coordinator). All of us in the District look forward to working with you to help (insert child’s name) improve (his or her) English and overall academic skills.

Sincerely,

Building Principal
Questions and Answers About Your Child’s English Instruction Educational Program

If the district receives Title I or Title III funds, the district is required to provide parents information found in the exhibit below. The district can provide this information in another way, but federal regulations require that it be provided to parents/guardians.

1. What methods of instruction will be used in my child’s program?

2. Does the District offer any other programs for English language learners?

3. How do these other programs differ from the one offered my child in terms of methods of instruction, content, instructional goals and the use of English and a native language in instruction?

4. How will this program meet the educational strengths and needs of my child?

5. How will my child’s program specifically help (him or her) learn English and meet age appropriate academic achievement standards for grade promotion and graduation?

6. What are the specific exit requirements of my child’s program? What is the expected rate of transition into non-ELL classrooms? What is the expected graduation rate from high schools receiving Title I funds?

7. My child is classified as a student with a disability. How will my child’s English learning program meet the objectives set out in (his or her) individualized education program?

Adoption date: 10/20/15
Amended 9/19/17
PLACEMENT IN A LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM – PARENT RESPONSE FORM.

NOTE: This form must be returned within 10 school days.

I, as parent/guardian of (insert child’s name), acknowledge receipt of the District’s notification regarding my child’s eligibility for an English Language Learner program. I elect the following option:

(check one box)

☐ I accept the District’s recommended placement.

☐ I decline the District’s recommended placement in its instructional bilingual program and request placement in the District’s English as a New Language Program.

☐ I request my child’s placement in a different district ELL program, (insert the name of the preferred program).

_________________________________
Print Name (Parent)

_________________________________        ______________________
Parent Signature     Date

Mail to: (district provide mailing address)
Or email to: (provide district email address)
Academic Intervention Services

The Board of Education is committed to providing academic intervention services to students at risk of not meeting the state learning standards. Such services may include additional instruction supplementing the instruction provided in the general curriculum and/or student support services such as guidance, counseling, attendance and study skills needed to support improved academic performance. Academic intervention services are intended to assist students who are at risk of not achieving the state learning standards in English language arts, mathematics, social studies and/or science, or who are at risk of not gaining the knowledge and skills needed to meet or exceed designated performance levels on state assessments. Academic intervention services shall be made available to students with disabilities on the same basis as nondisabled students, provided, however, that such services shall be provided to the extent consistent with the individualized education program (IEP) developed for such student pursuant to Section 4402 of the Education Law.

Grades K–2

Schools will provide academic intervention services to students in grades K–2 when such students:

1. Are determined through a District-developed or District-adopted procedure that meets state criteria and is applied uniformly at each grade level, to lack reading readiness based on an appraisal of the student, including his/her knowledge of sounds and letters; or
2. Are determined, through a District-developed or District-adopted procedure applied uniformly at each grade level, to be at risk of not achieving the state designated performance level in English language arts and/or mathematics.

Grades 3–8

Eligibility for academic intervention services will be determined based on a two-step identification process:

1. First, students who score below a median scale score between a level 2/partially proficient and a level 3/proficient on a grade 3–8 English language arts (ELA) or mathematics state assessment as determined by the Commissioner, shall be considered for academic intervention services. Students scoring at or above the median scale score determined by the Commissioner but below a level
3/proficient score shall not be required to receive academic intervention services unless the District, in its discretion, determines that such services are needed.

2. The District will then use a District-developed procedure, uniformly applied at each grade level, for determining which students identified based on scores shall receive academic intervention services after it considers a student’s scores on multiple measures of student performance, which may include the following measures:
   a. Developmental reading assessments for grades K–6
   b. New York State English as a Second Language Achievement Test (NYSESLAT)
   c. Benchmark and lesson-embedded assessments for reading and mathematics in grades K–6 based on teacher designed and selected assessments
   d. Common formative assessments that provide information about students’ skills
   e. Unit and lesson assessments for ELA, mathematics, science, social studies and languages other than English (LOTE) for grades 7–8; and/or
   f. Results of psycho-educational evaluations based on a variety of assessments and inventories.

Schools will also provide academic intervention services to students who are limited English proficient (LEP) and are determined, through a District-developed or District-adopted procedure uniformly applied to LEP students, to be at risk of not achieving state learning standards in English language arts, mathematics, social studies and/or science, through English or the student's native language.

Schools will also provide academic intervention services to students who are determined, through a District-developed or District-adopted procedure uniformly applied, to be at risk of not achieving state standards in English language arts, mathematics, social studies and/or science.

**Grades 9–12**

Schools will provide academic intervention services when students:

1. Score below the state designated performance level on one or more of the state intermediate assessments in ELA, mathematics or science, or the state designated performance level on any one of the state examinations in ELA, mathematics, social studies or science that are required for graduation;

2. Are LEP and are determined, through a District-developed or District-adopted procedure uniformly applied to LEP students, to be at risk of not achieving state learning standards in English language arts, mathematics, social studies and/or science, through English or the student's native language; or
3. Are determined, through a District-developed or District-adopted procedure uniformly applied, to be at risk of not achieving state learning standards in English language arts, mathematics, social studies and/or science.

**Provision of Academic Intervention Services**

Eligible students will receive services consistent with law and regulations, which shall commence no later than the beginning of the semester following a determination that a student is eligible for such services. Services shall continue until a student's performance: (a) meets or exceeds the state designated performance level on the next state assessment; or (b) is shown to be likely to meet or exceed the state designated performance level on the next state assessment through achievement on the District-selected assessments of the levels specified in the District’s description of academic intervention services (or AIS Plan).

In lieu of providing academic intervention services to eligible students, the District may provide a response to intervention (RTI) program in accordance with applicable regulation promulgated by the Commissioner of Education.

**Parental Notification and Involvement**

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

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

**Notification on Ending of Services:** The Principal will notify the parent(s) in writing when academic intervention services are no longer needed.

In addition, the District/schools will provide for ongoing communication with parents of students receiving academic intervention services, which must include (a) an opportunity to consult with the student’s regular classroom teacher(s) and other professional staff providing academic intervention services at least once per semester during the regular school year; (b) reports on the student’s progress at least once each quarter during the regular school year by mail, telephone, telecommunications or other means; and (c) information on ways to work with their child to improve achievement, monitor their child’s progress, and work with educators to improve the student’s achievement.

All parental notifications and communications will be provided in English and translated, when appropriate, into the native language or mode of communication of the parent.
Description and Review of Academic Intervention Services

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

- the District-wide procedures used to determine the need for academic intervention services;
- the academic intervention instructional and/or support services to be provided;
- whether instructional services and/or support services are offered during the regular school day or during an extended school day or year; and
- the criteria for ending services, including, if appropriate, performance levels that students must obtain on district-selected assessments.

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

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

Homebound instruction is a service provided to students who are unable to attend school due to medical, emotional or disciplinary reasons. Secondary students receive instruction for two (2) hours per day and elementary students receive one (1) hour per day. Students receive credit for their work while on homebound instruction.

The District makes provisions for homebound instruction upon referral from the Medical Director or the Director of Pupil Personnel Services following the guidelines established by the Superintendent of Schools for placing a student on homebound instruction.

Homebound instruction will strive to keep the student on pace to rejoin his/her class and maintain academic progress. The Board recognizes that students who are out of school for extended periods of time are at risk of falling behind academically and/or losing connection to the school community. The Board directs the administration to evaluate periodically whether homebound instruction is effective in keeping students on track to graduate, and if not, to take steps to improve instruction and implement approaches and/or offer services that support the transition back to school.

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

Adopted: 2/14/17
Education of Homeless Children and Unaccompanied Youth

Identification of Homeless Children and Unaccompanied Youth

The Board of Education recognizes its responsibility under federal (McKinney-Vento) and state laws and regulations to identify homeless children within the District, encourage their enrollment and eliminate existing barriers to their identification, education, attendance or success in school, which may exist in District practices. The Board will provide homeless children attending the District’s schools with access to the same free and appropriate public education and other school programs and activities, including publicly funded preschool education, as other children. To assist in determining eligibility for services under the McKinney-Vento Act, the District will utilize a housing questionnaire for all enrolling students, and those reporting a change of address, which asks for a description of the current living arrangements.

Definition of Homeless Children and Unaccompanied Youth

A homeless child is a child who lacks a fixed, regular and adequate nighttime residence or who has a primary nighttime location in a public or private shelter designed to provide temporary living accommodations, or a place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. This definition also includes a child who shares the housing of others due to loss of housing, economic hardship or similar reason; lives in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations; lives in a car, park, public space or abandoned building, substandard housing, bus or train station or similar setting; has been abandoned in a hospital; or is a migratory child who qualifies as homeless.

An unaccompanied youth is a homeless child for whom no parent or person in parental relation is available.

Enrollment of Homeless Children and Unaccompanied Youth

A homeless child or youth has the right to designate one of the following as the District within which the homeless child shall be entitled to attend; the (1) school district of origin (i.e., the school district in which the child was attending or was entitled to attend when circumstances arose, which caused such child to be homeless; (2) the school district of current location (i.e., school district in which the hotel, motel or other temporary housing arrangement is located); or (3) a school district participating in a regional placement plan. Such schools include publicly funded preschools administered by the District or the State Education Department (SED).

The homeless child is entitled to attend the designated school district on a tuition-free basis for the duration of this/her homelessness. If the child becomes permanently housed, the child is entitled to continue to attend in the same school building until the end of the school year and
for one additional year if that year constitutes the child’s terminal year in such building. If a homeless child completes the final grade level in his/her school or origin, the child may also attend the designated receiving school at the next grade level.

The Superintendent of Schools shall develop procedures necessary to expedite the homeless child's access to the designated school. Such procedures shall include:

1. **Admission:** Upon designation, the District shall immediately admit the homeless child to school, even if the child is unable to produce records normally required for enrollment, such as previous academic records, medical or immunization records; however, the District may temporarily exclude a child from attendance if there are actual symptoms of a communicable disease that poses a significant risk of transmission to others), proof of age or residency or other documentation and even if there is a dispute with the child’s parents regarding school selection or enrollment. During a dispute, the student may continue attending the school until final resolution of the dispute, including all available appeals.

Homeless children will have the same opportunity as other children to enroll in and succeed in the District’s schools. They will not be placed in separate schools or programs based on their status as homeless. The District shall eliminate barriers to identification, enrollment and retention of homeless children, including barriers to enrollment and retention due to outstanding fee, fines or absences.

2. **Transportation:** The District shall provide transportation for homeless students currently attending the District’s schools as required by applicable law, as described in the accompanying Regulation 6160-AR.

3. **School Records:** For homeless students attending school out of the District, the District shall, within five (5) days of receipt of a request for records, forward a complete copy of the homeless child's records including proof of age, academic records, evaluation, immunization records and guardianship paper, if applicable. For homeless students attending school in the District, the District shall request the student’s records (academic, medical, etc.) from the school the student last attended.

4. **Coordination:** The District shall coordinate with local social services agencies and other entities providing services to homeless children and their families for the provision of services to homeless children, and shall coordinate with other school districts on issues of prompt identification, transportation, transfer of records and other inter-district activities. This shall include ensuring the provision of appropriate services to homeless students with disabilities who are eligible for services under either Section 504 or IDEA.
A portion of the District’s Title I, Part A funds shall be set aside for homeless children and youth to provide educationally related support services and services not ordinarily provided to other students.

Information about a homeless child’s living situation shall be treated as a student education record, and shall not be deemed to be directory information under FERPA.

5. **Homeless Liaison**: The Superintendent shall also designate a McKinney-Vento liaison for homeless children and ensure that this person is aware of, and able to carry out, his/her responsibilities under the law. The Superintendent shall ensure that the liaison received appropriate professional development on identifying and meeting the needs of homeless students, including the definitions of terms related to homelessness.

The liaison’s responsibilities shall include, but not be limited to:

1. Informing parents/guardians of homeless children of the educational and related opportunities available to them, and are provided with meaningful opportunities to participate in the education of their children.

2. Informing parents/guardians and unaccompanied youth of all transportation services available to them, and are assisted in accessing them.

3. Assisting parents/guardians of homeless children in promptly resolving disputes regarding services under this policy and enrollment;

4. Coordinating the identification of homeless children, including homeless preschoolers, with school personnel, through outreach and in coordination with shelters and social service agencies and other appropriate entities;

5. Ensuring that homeless children are enrolled in educational programs, including, but not limited to, Head Start and preschool services to which they are eligible, as well as referrals to health care and other appropriate services for homeless children and their families.

6. Disseminating public notice of the educational rights of homeless children in locations frequented by homeless unaccompanied youth and parents/guardians of homeless children, including schools, shelters public libraries and soup kitchens, in a manner and form understandable to them.

7. Ensuring staff who provide services to homeless students receive required professional development and support on identifying and meeting the needs of homeless students.
8. Informing homeless unaccompanied youth are informed of their rights, are enrolled in school, and have opportunities to meet the same state standards set for all students, including receiving credit for full or partial coursework earned in a prior school pursuant to Commissioner’s regulations.

Other District Responsibilities

In accordance with law and regulation, the District will offer a prompt dispute resolution process as set forth in accompanying administrative regulations. A student shall be entitled to continued enrollment in the District’s schools and transportation, pending resolution of the dispute and all available appeals.

In accordance with Commissioner’s regulations, the District shall collect and transmit to the Commissioner information necessary to assess the educational needs of homeless children within the State.

Cross Ref: 5110 - School Admissions
           5151B - Student Health Services

Ref: 20 USC §6313(c)
     42 USC §§11431, et seq.
     Education Law §§207; 305; 3202; 3205; 3209
     Executive Law §§532-b; 532-e
     Social Services Law §§17; 62; 397
     8 NYCRR §§100.2; 175.6

Adopted: 2/14/12
Amended: 12/20/16, 7/12/18
HOMELESS CHILDREN - ADMINISTRATIVE REGULATIONS

Each school in the District shall maintain forms provided by the Commissioner of Education for designating a homeless child’s district of attendance. These forms must be immediately provided to any homeless child or parent or guardian who seeks to enroll a child in school. The District’s McKinney-Vento liaison for homeless students shall assist the homeless child and/or parent or guardian in understanding their rights under the law and provide them with information regarding the educational and related opportunities available to them.

School placement decisions for homeless children will be based on the “best interest of the child” and shall (1) presume that keeping the child in the school of origin (the school the child attended when he/she became homeless) is in the child’s best interest except when doing so is contract to the wishes of the parent or guardian or unaccompanied youth; and (2) consider student-centered factors, such as the effect of mobility on student achievement, education, health and safety of the child.

If the District determines that it is in the best interest of the student to attend a school other than the school or origin or a school requested by the parent or guardian, the Superintendent or designee shall provide the parent or guardian (or child, if an unaccompanied youth) with a written explanation of its decision, together with a statement regarding the right to appeal the placement, which shall be in a manner and form understandable to them, including information regarding the right to appeal. The Superintendent or designee shall refer any such dispute to the District’s McKinney-Vento liaison for resolution. The student must be enrolled in the school sought by the parent/guardian or unaccompanied youth and provided with requested transportation pending final resolution of the dispute, including all available appeals.

Admission Procedures

Upon identifying a student experiencing homelessness, the Superintendent of Schools or designee shall immediately:

1. ensure that a designation form is given to the parent/guardian or unaccompanied youth and review the designation form to ensure that it is complete;
2. admit the homeless child even if the child or his/her parent or guardian is unable to produce records normally required for enrollment, or the student has missed application or enrollment deadlines, or there is an unresolved dispute regarding eligibility, school selection or enrollment;
3. where applicable, make a written request to the school district where a copy of the child’s records are located for a copy of the homeless child’s school records;
4. notify the McKinney-Vento liaison for homeless children of the child’s admission. The liaison shall:
a. notify the child and/or the parent or guardian of the educational and related opportunities available to homeless children including transportation to the school of origin and help arrange for transportation and other services, such as those under Title I, Section 504, IDEA and federal school meals;
b. ensure that the child receives the educational services for which they are eligible, including Head Start and Early Head Start, early intervention services and preschool programs administered by the District;
c. make necessary referrals for the homeless children or their families to health care services, dental services, mental health services, substance abuse services, housing services and other appropriate services;
d. ensure that any enrollment disputes are mediated promptly and in accordance with law.
e. when assisting unaccompanied youth in placement or enrollment decisions, give priority to the views of such youth, provide notice to such youth of the right to appeal, and inform them of their status as “independent students” for purposes of applying for federal financial aid for college and assist with that process; and
f. assist in obtaining required immunizations, health screenings, immunization records or health records.

The Superintendent or designee shall forward a copy of the designation form to the Commissioner of Education and the school district of origin where applicable.

Transportation

Unless the homeless child is entitled to transportation provided by the Department of Social Services or Office of Children and Family Services, the District shall provide transportation services to the child in accordance with applicable law. Where the District is designated by the parent/guardian or unaccompanied youth as the school of origin (including a publicly funded preschool administered by the District or the State Education Department), the District shall provide transportation, up to 50 miles each way, even if such service is not available to permanently housed students. Such transportation will continue for the duration of the homelessness and shall not be in excess of 50 miles one way, unless the Commissioner of Education determines that it is in the best interest of the child. Where the District is designated by the parent/guardian or unaccompanied youth as the school district of current location, the District shall provide transportation to such child on the same basis as a resident student.

Transportation must be provided when the District receives notice of a child’s homeless status, as well as during the pendency of disputes. If a child is receiving transportation to his/her school of origin and obtains permanent housing during the school year, the student has the right to continued transportation services to the school of origin until the
end of the academic year, as well as one additional year if it is the student’s final grade level or terminal year in a building.

If the District recommends that a homeless child attend a summer educational program or extracurricular activity, and lack of transportation is a barrier to participation, the District shall provide transportation.

**Dispute Resolution Process**

If, after the Superintendent reviews the designation form (STAC-202), he/she finds that the student is either not homeless, not entitled to attend the District’s school, or not entitled to transportation (if requested) the Superintendent or designee will do the following:

1. Contact the District’s McKinney-Vento liaison to assist in dispute resolution process.
2. Contact the student and parent (if available) and inform them of their opportunity to provide more information prior to the District making a final determination.

If, after consideration of any additional information and input from the McKinney-Vento liaison, the Superintendent makes a final determination that a student is not homeless, or not entitled to enrollment or transportation, he/she must provide the student's parent or guardian, or the student, if the student is an unaccompanied youth, with written notice that the student is not entitled to their request. This written notice must also:

1. state the rationale/basis for the District's determination;
2. state the date as of which the student will be excluded from the District's schools (or transportation);
3. advise that the District's final determination may be appealed to the Commissioner of Education;
4. provide the name and contact information for the District's McKinney-Vento liaison;
5. inform the student's parent/guardian or the student, if the student is an unaccompanied youth, that the District's McKinney-Vento liaison is required to assist him/her in filing such an appeal; and
6. include, as an attachment, the form needed to file an appeal to the Commissioner of Education.

The Superintendent must ensure that the District's final decision is delivered to the parent/guardian, or unaccompanied youth in a timely manner. The student must remain enrolled and provided with transportation (if requested) until the District makes a final determination and for a minimum of 30 days after the determination to give the student's parent/guardian or unaccompanied youth the opportunity to appeal to the Commissioner.
If the parent/guardian or student commences an appeal to the Commissioner within 30 days of the final determination, the homeless child or youth will be permitted to continue to attend the school she/he is enrolled in at the time of the appeal and/or receive transportation to that school until the Commissioner renders a decision.

Adopted: 12/20/16
Amended 7/12/18
The Board of Education shall make available to all students eligible under the Individuals with Disabilities Education Act and Article 89 of the Education Law, and their implementing regulations, a free appropriate public education in the least restrictive environment appropriate to meet their individual needs.

The Board acknowledges its responsibility to offer, at public expense, special education and related services, which are designed to provide educational benefits to students in conformity with their Individualized Education Program. Special education services or programs will be designed to enable a student with disabilities to have access to the general education curriculum to the extent appropriate to his/her needs.

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

1. Appoint a committee on special education (CSE) and, as appropriate, CSE subcommittees to ensure the identification and placement of eligible students with disabilities.

2. Based upon the recommendation of the CSE, arrange for special education programs within legally prescribed time frames. Should it disagree with the recommendation of the CSE, the Board, upon notice to the parents involved, and in accordance with the procedures set forth in the Regulations of the Commissioner of Education, may forward its concerns to the CSE, or reconvene a second CSE for review of and revisions to the original recommendation as appropriate.

Testing and evaluation procedures will be used for the identification and placement of students with disabilities, which meet the requirements of federal and state law and regulations. As part of the periodic reevaluation of a student with disabilities, the CSE will determine if the child continues to have a particular category of disability, or continued need for special education and related services. The continued eligibility for services of a student previously classified as a student with disabilities will be determined in accordance with the procedures set forth in federal and state law and regulations.

Parents of students with disabilities and their children will be provided with notice of the procedural safeguards available to them and their children. The District will use the procedural safeguard notice prescribed by the Commissioner of Education and make the notice available in the manner prescribed by the Commissioner’s Regulations. Students with disabilities and their parents will be afforded the procedural safeguard rights set forth in the notice.
To ensure the appropriate delivery of services to students with disabilities in the District, the Superintendent of Schools shall ensure that:

1. All children with disabilities residing in the District, including those attending private school, are identified, located and evaluated.
2. School-wide approaches and pre-referral interventions including, but not limited to, academic intervention services, are implemented in order to remediate a student’s performance prior to initiating a referral to special education.
3. The CSE is informed of the process prescribed by law and regulations for the appropriate classification and declassification of students with disabilities.

The Superintendent shall ensure that personally identifiable data and information or records pertaining to students with disabilities remain confidential as required by law and regulations.

The Superintendent shall also develop and maintain a professional development plan so that professional and paraprofessional staff working with students with disabilities possess the skills and knowledge necessary to meet the needs of students with disabilities.

References:  
Education Law §4401 et seq. (Article 89)  
20 U.S.C. §§1400 et seq. (IDEA)  
34 CFR Part 300  
8 NYCRR Part 200

Adopted 12/20/11
Provision of Special Education Services in the Least Restrictive Environment

The Board of Education recognizes its responsibility to ensure that students with disabilities eligible for special education programs and services under the IDEA (Individual with Disabilities Education Act) and Article 89 of New York’s Education Law receive those services in the least restrictive environment appropriate to meet their individual educational needs.

Therefore, the District will not place students with disabilities in special classes or separate schools, or otherwise remove them from the regular educational environment unless the nature or severity of their disability is such that their education cannot be achieved satisfactorily in regular classes, even with the use of supplementary aids and services. In addition, the District will provide special services or programs to enable students with disabilities to be involved in and progress in the general curriculum, to the extent appropriate to their needs.

To fulfill its responsibility to educate students with disabilities in the least restrictive environment, the District will implement the provisions of Section 200.6 of the New York State Department of Education Commissioner’s regulations.

Furthermore, and pursuant to those provisions, students with disabilities placed together for purposes of receiving special education will be grouped by similarity of individual needs including their range of academic achievement, functional performance and learning characteristics; social and physical development and management needs.

The Superintendent will establish a process for ensuring that the CSE (Committee on Special Education) or CSE Subcommittee Chairperson, as appropriate, obtains an up-to-date copy of those provisions at the beginning of each school year, and copies of any amendments that become effective during the school year.

The Board also recognizes that the least restrictive environment requirements established by applicable law and regulations also extend to nonacademic settings. Therefore, the District will provide students with disabilities the opportunity to participate with non-disabled students in school-sponsored co-curricular and extracurricular activities, to the maximum extent appropriate to each individual student’s needs. The District also will provide students with disabilities with supplementary aids and services that the CSE or CSE Subcommittee, as applicable, determines to be appropriate and necessary for the students to participate in such activities.

References: Individuals with Disabilities Education Act (IDEA) 20 USC §§1400 et seq.
8 NYCRR §§200.2(b)(4); 200.6
8 NYCRR § 200.1(cc)
Education Law §§ 4401 et seq. (Article 89)

Adopted 12/20/11
School Wide Pre-Referral Approaches and Interventions

The Board of Education recognizes that the provision of academic and behavioral supports and targeted interventions for students who are not making academic progress at expected levels in the general curriculum may improve a student’s performance, and help avert the need for referral for possible classification as a student with a disability. Therefore, the District will implement on a school-wide basis practices appropriate to enable all of the District’s students to succeed in the general education environment.

The Superintendent will identify and take steps to implement a variety of practices appropriate to comply with this policy. Consistent with applicable law and regulation, those practices may include, for example:

1. Providing early intervention services with funds available under the IDEA and which may be coordinated with similar activities conducted under the New York State Elementary and Secondary Education Act. Such services would be made available to students not currently identified as needing special education and related services, but who need additional support to succeed in a general education setting. This may include professional development that enables teachers and other staff to deliver scientifically based academic instruction and behavioral interventions, such as scientifically based literacy instruction and, where appropriate, instruction on the use of adaptive and instructional software. It also may include educational and behavioral evaluations, services and supports.

2. Implementation of a response to intervention (RTI) program that includes the minimum requirements established by the New York State Department of Education Commissioner’s regulations, and allows teachers and other staff to determine whether a student responds to scientific, research-based instruction or requires interventions beyond those provided to all students in the general education classroom.

3. Implementation of a Positive Behavioral Intervention and Support (PBIS) system that reduces school and classroom behavioral problems, and creates and maintains a safe and positive learning environment by promoting positive behavior in all students.

District implementation of any of the above practices will not impede or delay the appropriate evaluation of a student suspected of having a disability, and the student’s right to a free appropriate public education.

References: Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §§ 1413(f); 1414(b)(6)(B) 34 CFR §§ 300.226; 300.307(a)(2) 8 NYCRR §§ 100.2(ii); 200.2(b)(7)

Adopted 12/20/11
Preschool Special Education

The Board of Education recognizes the value of early intervention to address the needs of preschool children with disabilities. The Board further recognizes its responsibility to ensure that all resident preschool children with disabilities have the opportunity to participate in preschool programs, approved by the Commissioner of Education, from which they may benefit educationally. The Board authorizes the Superintendent of Schools to establish administrative practices and procedures, which shall include:

1. Locating, identifying, evaluating, referring and placing all preschool children (generally ages three and four) with disabilities. 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 appropriately qualified personnel to the CPSE, and ensuring that preschool education providers with whom the District contracts have appropriately trained and qualified personnel;
5. Maintaining lists of Impartial Hearing Officers and of State Education Department-approved special education programs within the county and adjacent counties in which the District is located;
6. Preparing and keeping on file summary reports of student data including the number of preschool students with disabilities served, as well as students referred but not served, and the reasons why they are not served; and
7. Reporting to the State Education Department the data on preschool children with disabilities as required, on a form prescribed by the Commissioner.

The duties described above will be carried out within the timeframe established by statute and regulation.

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, as 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’s 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.
In the event that a parent/guardian files a due process complaint, a meeting must be convened between the parent/guardian and representatives of the District to try and resolve the complaint within fifteen (15) days of the District receiving the notice, and before the initiation of an impartial hearing.

If an agreement cannot be reached, parent/guardians shall be offered mediation 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.

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.

34 CFR §§300.12; 300.503
Education Law §4410
8 NYCRR Part 200, 200.2, 200.5, 200.16

Adopted 12/20/11
Availability of Alternative Format Instructional Materials for Students with Disabilities

The Board of Education recognizes its responsibility to ensure that all the instructional materials used in the District’s schools are made available in a usable alternative format for students with disabilities in accordance with their individual educational needs and course selection at the same time as those materials are available to non-disabled students. In accordance with applicable law and regulations, any such alternative format procured by the District will meet the National Instructional Materials Accessibility Standard.

For purposes of this policy alternative format will mean any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a student with a disability enrolled in the school district, including but not limited to, Braille, large print, open and closed captioned, audio or an electronic file. An electronic file must be compatible with at least one alternative format conversion software program.

The Superintendent will develop a plan to ensure the availability of alternative format materials in accordance with the timeliness requirements of this policy. Such a plan will provide for:

1. Preference to vendors who agree to provide instructional materials in alternative formats, and to reflect this requirement in the bidding specifications used for the procurement of instructional materials. The same preference will be given to vendors of instructional materials ordered for the school library.

2. Consultation with appropriate school personnel regarding how students will access electronic files. The District’s technology staff will be notified of any need to convert electronic files into an accessible format such as Braille, large print, audio or alternative display.

3. The availability of hardware and/or software a student with disabilities in need of alternative format materials might require to access the instructional material.

4. The yearly review of the District’s ordering timelines for the purchase of instructional materials to ensure sufficient lead time for obtaining needed alternative format materials.

5. Notification to appropriate school personnel by the CSE, CSE subcommittee, CPSE and Section 504 Committee Chairperson whenever it is determined that a student needs instructional materials in alternative format. Such notice also will identify the particular alternative format needed, and any assistive technology devices or services the student might need to access the alternative format materials.
6. Notification by classroom teachers of the books they will be using in class and any list of required readings with sufficient lead time in anticipation of the District’s timelines for the purchase of instructional materials.

7. Consultation with the school librarian to make sure that specific library resources required by a student in need of alternative format materials to participate and progress in his/her selected courses are made available to the student in an accessible format.

8. Timely request of state assessments in alternative format.

References:

- Individuals with Disabilities Education Act (IDEA), 20 USC §§1474(e)(3)(B)
- NY Education Law §§1604(29-a); 1709(4-a), 1950(4-a), 2503(7-a), 2554(7-a), 3602(8)(b)
- 8 NYCRR §§ 200.2(b)(10)

Adopted 12/20/11
District-Wide and Statewide Assessments of Students with Disabilities

The Board of Education recognizes the importance of offering access and appropriate testing accommodations to eligible students so that they can participate in assessment programs on an equal basis with their non-disabled peers. Two elements that contribute to an effective assessment program are proper use of use of accommodations and use of universal design principles in developing and administering tests.

Testing Accommodations

Testing accommodations provide an opportunity for students with disabilities to:

- Participate in the instructional and assessment program;
- Demonstrate their strengths, knowledge and skills without being restricted by their disability; and
- Provide an accurate measure of the standards being assessed so that appropriate instruction and services can be provided.

Testing accommodations are changes made in the administration of the test in order to remove obstacles to the test-taking process that are presented by the disability without changing the constructs being tested. Examples of testing accommodations are: flexibility in scheduling/timing; flexibility in the setting for the administration of the test; changes in the method of presentation and changes in the method of response. Testing accommodations are neither intended nor permitted to: alter the construct being measured or invalidate the results, provide an unfair advantage for students with disabilities over students taking the test under standard conditions or substitute for knowledge or abilities that the student has not attained.

The Committee on Special Education, the Subcommittee on Special Education or the Committee on Preschool Special Education is responsible for recommending the appropriate test accommodations and including those recommendations on the student’s Individualized Education Program (IEP), Individualized Education Services Program (IESP) or Service Plan (SP). If it is determined that a student should participate in alternative assessments instead of the standard statewide or district-wide tests, the CSE must indicate the reasons for doing so on the IEP, IESP or SP. The 504 Multidisciplinary Committee will include the appropriate test accommodations as part of the 504 plan.

The recommendations will be reviewed annually by the CSE, CSE Subcommittee, CPSE or 504 team. The Board acknowledges the importance of integrating the assessment program with the instructional program and, to that end, encourages effective communication among District staff so that implementation is consistent and fair. The goal is to provide effective assessments that allow students to benefit from their educational program.
In some situations a building principal may authorize the use of testing accommodations in accordance with this policy. Those instances are limited to cases where a regular education student incurs a disability, such as, but not limited to, a broken arm, without sufficient time for the CSE, CPSE and/or Section 504 Committee to make a recommendation prior to a test. They do not include cases where the student is already being evaluated to determine his/her eligibility for status as a student with a disability. In exercising this authority, the building principal will rely on his/her professional judgment. He/she also may confer with CSE, CPSE and/or Section 504 Committee members.

**Universal Design Principles in District-Wide Assessments**

The Board of Education recognizes the benefits of using the principles of universal design to further the goal of ensuring equal access to district-wide assessments and to ensure the most accurate measure of the performance of all students. The Board directs the Superintendent, in consultation with appropriate school staff, to examine how universal design principles can be incorporated into the District’s assessment program and to facilitate its use to the extent feasible. Any steps taken in this regard will be consistent with this policy and applicable State Education Department policy and/or guidance on the use of universal design principles.

At a minimum, the Superintendent will explore how District assessments can be:

1. Made more usable by students with diverse abilities
2. Designed to better accommodate a wide range of individual preferences and abilities
3. Made more understandable
4. Made to communicate necessary information to students more effectively
5. Designed to minimize adverse consequences of accidental or unintended actions
6. Use more efficiently and comfortably with a minimum of student fatigue.

References:  Individuals with Disabilities Education Act (IDEA)
20 USC §§1401(35), 1412(a)(16)(E)
34 CFR § 300.44
Assistive Technology Act, 29 USC § 3002(19)
8 NYCRR §§ 200.1(jjj), 200.2(b)(13,14), 200.4(d)(2)(vi)

Adopted 12/20/11
Impartial Hearing Officer Appointment and Compensation

The Board of Education will appoint Impartial Hearing Officers (IHOs) as needed to hear complaints regarding the identification, evaluation or placement of students with disabilities, or the provision of a free appropriate public education to such a student in accordance with the rotational selection process and other applicable procedures described in Commissioner’s Regulations.

Selection

The updated list of certified IHOs for this county, as promulgated by the New York State Education Department, will be issued in connection with requests for impartial hearings. The list shall also include the names of those other certified IHOs whose names appear on the state list and who have indicated to the District their interest in serving as an IHO in the District.

Upon receipt of a request for an impartial hearing, the rotational selection process for the IHO shall be initiated immediately and always within two (2) business days after receipt by the District of such written request. Should an IHO decline appointment, or if within 24 hours the IHO fails to respond or is unreachable after reasonable means by the District Clerk or designee, such efforts will be documented through independently verifiable efforts. The District representative shall then proceed through the list to determine availability of the next successive IHO.

The District Clerk or other person so designated, under the direction of the Board President, shall initiate the selection process by contacting the Impartial Hearing Officer whose name first appears after the Impartial Hearing Officer who last served. The District Clerk or designee shall canvass the list in alphabetical order as prescribed by the Regulations of the Commissioner of Education until an appointment is accepted.

An IHO on the District’s rotational list may not accept appointment unless he/she is available to:

1. Make a determination on the sufficiency of the due process complaint that will be heard at the hearing within five (5) days of receiving such a request; and
2. Initiates the hearing within the first fourteen (14) days after either:

   - The date on which he/she receives written notice that the parents and the District waived their right to hold a resolution meeting to resolve their differences prior to commencement of the hearing, or met but were unable to reach agreement; or
   - The expiration of the thirty (30)-day period beginning with the receipt of the due process complaint, whichever occurs first.
Appointment

The Board President, or in his/her absence or inability the Vice President, will appoint an IHO immediately after the IHO selected from the rotational list indicates he/she is available.

The Board will rescind the appointment of an IHO and appoint a new one if, the parties to the hearing mutually agree that the IHO is either incapacitated or otherwise unavailable or unwilling to continue the hearing or issue a decision. The appointment of a new IHO in such an instance will be made in accordance with the selection and appointment procedures established by this policy.

Compensation

The District shall compensate an Impartial Hearing Officer for his/her services at the maximum rate established for such purpose by the Director of the Division of the Budget. Currently, this rate is $100.00 per hour for pre-hearing, hearing and post-hearing activities. In addition, Impartial Hearing Officers may be reimbursed for reasonable, actual and necessary expenses for automobile travel, meals and overnight lodging in accordance with the current District reimbursement rate set for District employees. Mailing costs associated with the hearing will also be reimbursed. The District will not reimburse Impartial Hearing Officers for administrative assistance, secretarial or other overhead expenses.

Cancellation

The District shall attempt to provide an Impartial Hearing Officer with two (2) business days’ advance notice of the cancellation or re-scheduling of an impartial hearing. Should the District request the cancellation or re-scheduling of a hearing date and fail to provide an Impartial Hearing Officer with two (2) days notice, the District agrees to pay the Impartial Hearing Officer a fee of $100.00. The District shall not be responsible for costs associated with a parent or guardian’s cancellation or adjournment of a hearing.

A copy of this policy will be forwarded to the Impartial Hearing Officer at the time of appointment.

Records relating to the IHO process including, but not limited to, the request for initiation and completion of each impartial hearing will be maintained by the District and such information will be reported to the Office of Vocational and Educational Services for Individuals with Disabilities of SED as required by Commissioner’s Regulations.

References: 8 NYCRR §§200.2; 200.5; 200.21

Adopted 12/20/11
Public Report on Revisions to District Policies, Practices and Procedures upon a Finding of Significant Disproportionality

The Board of Education recognizes that, despite the District’s best efforts, there may be times when there might be a disproportionate representation of racial and ethnic groups in its special education programs and services, and/or with respect to the suspension of students with disabilities. To minimize the risk of such an occurrence, the Board has endeavored to adopt policies, practices and procedures for the District that are consistent with the IDEA and Article 89 of New York’s Education law, and their implementing regulations.

Nonetheless, upon learning of a significant disproportionality either in the suspension, identification, classification and/or placement of the District’s students with disabilities, the Board will immediately review the District’s policies, practices and procedures to determine whether they are fully compliant with the requirements of the IDEA and Article 89, or require revisions. If changes are needed, the Board will take immediate steps to adopt and implement any and all necessary revisions.

The Board will inform the public of any revisions to the District’s policies, practices and procedures undertaken as a result of a finding of significant disproportionality. The Superintendent will notify school personnel responsible for implementing the revisions.

References: Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1412(a)(24), 1418(d)
34 CFR §§ 300.173, 300.646
8 NYCRR §§ 200.2(b)(15)

Adopted 12/20/11
Declassification of Students with Disabilities

The Board of Education recognizes that it may be appropriate to declassify some students with disabilities. A student may mature and develop skills such that they no longer require the special program, support services or accommodations offered by an Individualized Education Program (IEP), Individualized Education Services Program (IESP) or Services Plan (SP). The Committee on Special Education (CSE), the CSE Subcommittee or, the Committee on Preschool Special Education (CPSE), as applicable, is responsible for making this judgment, while adhering to the requirements of federal and state law and regulation.

Reevaluation

Prior to determining that a student is no longer eligible for special education services and should be placed in a full-time regular education program, the CSE, CSE Subcommittee or CPSE, as applicable, will conduct a declassification evaluation of the student in accordance with the process and procedures prescribed for the evaluation and reevaluation of students with disabilities, by applicable law and regulations. However, the CSE, CSE Subcommittee or CPSE members may determine after reviewing existing evaluation data that no additional information is needed to determine the student’s continued eligibility for services.

When a determination is made that no additional data is needed for reviewing a student’s continued eligibility for special education services, the CSE, CSE Subcommittee or CPSE Chairperson, as applicable, will notify the student’s parent of that determination and the reasons for it, and of their right to nonetheless request an assessment. Unless the student’s parents make such a request, the District will not conduct any further assessments.

The District will provide the student’s parents with a copy of the reevaluation report and documentation regarding the eligibility determination. Consistent with applicable law and regulation, the District will not conduct a declassification evaluation if the reason why a student is determined to be ineligible for special education services is that he/she has either:

1. Graduated with a regular high school or Regents diploma; or
2. Exceeded the age of eligibility for services.

However, in such an instance, the District will provide the student with a summary of his/her academic achievement and functional performance that also includes recommendations on how to assist the student in meeting his/her post-secondary goals.
Declassification Support Services

It is the goal of the Board of Education to provide an opportunity for the student to succeed in the transition to the regular education program. In order to facilitate that success, the CSE/CPSE may offer educational and support services for a period of time, not to exceed one year. Declassification support services may include:

1. For the student, psychological services, social work services, speech and language improvement services, non-career counseling and other appropriate support services
2. For the students’ teachers, the assistance of a teacher aide or a teaching assistant, and consultation with appropriate personnel.

The CSE/CPSE will ensure that the appropriate teachers and service providers are informed of the need for the transition services and will specify the nature and duration of those services.

References: 8 NYCRR §§ 200.2(b)(8), 200.4(b)(4)-(6), (c)(3)

Adopted 12/20/11
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. Solicit resumes from graduates of institutions of higher education that offer programs in special education
2. Seek candidates for teaching positions who are dually certified, to the extent possible
3. 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.

References: 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) and (12)

Adopted 12/20/11
Allocation of Space for Special Education Programs

The Board of Education recognizes its responsibility to ensure that appropriate space is available for:

1. Special programs and services provided to meet the needs of students and preschool students with disabilities both within its own facilities and in programs provided by the Board of Cooperative Educational Services (BOCES) that are attended by District residents; and
2. Serving students with disabilities in settings with non-disabled peers, as well.

The District will address such space allocation needs as part of its annual budget cycle, during the annual or any more frequent re-evaluation of its long-range educational facilities plan, and as part of the plan regarding the provision of services to students and preschool students with disabilities.

Through the Director of Pupil Personnel Services, the District also will share with the appropriate BOCES personnel information relevant for BOCES to determine its own facility space needs for serving the District’s resident students and preschool students with disabilities.

As part of the process for ensuring the allocation of appropriate space for special education programs and services and serving students with disabilities in settings with non-disabled peers, the Superintendent, in consultation with the Director of Pupil Personnel Services will, at a minimum:

1. Periodically gather information regarding the number of students and preschool students with disabilities presently participating and anticipated to continue to participate in the District’s special education programs and services, the type of programming they presently receive and may receive in the future, as well as the setting in which those services are and/or will be provided.
2. Review the results of the District’s latest child find efforts, including child find activities conducted with respect to parentally placed nonpublic school students with disabilities.
3. Anticipate any projected increase in the number of students and preschool students with disabilities the District will be responsible for providing special education programs and services to, the anticipated type of services they will be receiving and settings in which those services will be provided.
4. Based on the above information, review current space capacity and identify any additional space requirements to meet both current and future needs.
References: Individuals with Disabilities Education Act (IDEA) 20 USC 1400 et seq.
Education Law §§3602(8)
8 NYCRR §§155.1(a); 200(c); 200.2(g)

Adopted 12/20/11
Adult Continuing Education

The Superintendent of Schools shall be responsible for the Adult Continuing Education Program. The Board of Education upon the recommendation of the Superintendent of Schools shall:

1. Appoint a Director to administer whatever program and/or portion of the Adult Continuing Education Program the Board operates/funds within a particular school year.

2. Appoint a Senior Citizens Program Director for the purpose of administering the Senior Citizens Program operated/funded as a part of the Adult Continuing Education Program within a particular school year.

Adopted 6/5/62
Amended 12/16/75, 12/21/94
Reaffirmed 12/18/12
Meals and Refreshments

The Board of Education recognizes that from time to time it may be appropriate to provide meals and/or refreshments at District meetings and/or events, which are being held for a District or an educational purpose.

Any expenditure made on such meals and/or refreshments must be approved in advance by the Superintendent.

All expenses must be appropriately documented with an itemized receipt, including the date, purpose of the meeting, and the group in attendance, and submitted to the District’s business office for the purposes of audit and possible reimbursement.

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

Adopted 2/28/06
Amended 2/14/17
# TABLE OF CONTENTS

**INTERNAL BOARD OPERATIONS (Series 8000)**

**Members**

- Reimbursement for Expenses 8230

**Methods of Operation**

- Adaptation, Modification, or Amendment of Policy Meetings 8310
- Procedure to be Followed by the Board Secretary to Keep Track 8341 of Board Business
- Procedure to be Followed in Assigning Items to Board Meeting Agendas 8343

- School Board Use of Electronic Mail 8345
- Membership in School Boards Associations 8350
- Reports to the Board 8360
- Building Inspection 8370
Reimbursement for Expenses

School District employees, officials and members of the Board of Education will be reimbursed for reasonable, actual and necessary out-of-pocket expenses that are legally authorized and incurred while traveling for school-related activities.

The Board of Education shall consider and approve conference attendance by Board members and the Superintendent of Schools. The Superintendent or his/her designee shall consider and approve conference attendance by District staff.

The claimant must complete and sign an expense voucher, attach all available receipts or other expense documentation, together with a copy of the approved conference attendance request form and report (if required), and submit the same to the appropriate administrator for consideration of reimbursement.

Board members may be reimbursed for out-of-pocket expenses incurred as a result of attendance at community events, which may be construed to be part of their Board responsibilities to the people of West Hempstead. These events may include attendance at PTA, Scholarship or West Hempstead Union Free School District sports teams “booster” club sponsored events and the like. All such expenses are to be approved in advance by the Board of Education.

Adopted 10/19/76
Amended 2/15/94
Amended 2/26/08
Adaptation, Modification or Amendment of Policy Meetings

Formulation of Policies

The formulation and adoption of written policies shall constitute the basic method by which the Board of Education shall exercise its leadership in the operation of the school system. The study and evaluation of reports concerning the execution of its written policies shall constitute the basic method by which the Board of Education shall exercise its supervision and control over the operation of the school system.

Choice of Items for Consideration

All items for consideration must be approved by the Board. Items will have the following priority on the agenda unless changed by Board action:

1. Matters receiving current attention of the Board where policy statements would clarify subsequent action.

2. Items requested for consideration by the Board.

3. Reconsideration of standing policy.

Agenda

The agenda for policy meetings will place previously considered items, which have been prepared for adoption or reconsideration, first and new items second. No worksheet shall be placed on the agenda for consideration or revision unless it has first been submitted to all Board Members.

The notice of the time and place of the meeting is to be publicized in our local papers at least one week prior to the policy meeting.

A copy of the agenda and worksheets will be sent to all professional and non-professional District employee organizations, the PTA, PTSA and SEPTA, the Student Representatives, and any other bona fide organization requesting such notification in writing on their letterhead (bona fide organization, for the purpose of this policy, means an organization qualified to use our school facilities). A statement will be made on the school website and calendar advising all residents that the agenda and copies of worksheets for all policy meetings will be available for inspection in the library one week prior to each policy meeting.

Notice of the time and place of all policy meetings of the Board will be posted on the doors to each school and on the District website one week prior to the meeting.
Preparation of Materials

Materials will be prepared by the Superintendent or other person designated by the Board and sent to Board Members at least five (5) days prior to the meeting night.

Order of Business at Regular and Adjourned Policy Meetings

Unless changed by a two-thirds vote of those present, the order of business for each regular and adjourned policy meeting of the Board of Education shall be as follows:

A. Convene
B. Pledge of Allegiance
C. Unfinished Policy Matters
D. New Policy Matters
E. Consideration of Policy Items for Future Meetings
F. Adjournment

Discussion

The members of the Board will discuss the various facets of each problem and indicate the issues and policy elements involved. Visitors at policy meetings will be encouraged to participate in discussion after each policy to present their views as individuals or representatives of groups or organizations.

1. The privilege of addressing the Board will be extended only to those visitors who are residents of the District, Island Park residents or employees (professional or otherwise) of the District.

2. Board Members will always receive preference in being recognized by the chairman.

3. Visitors may not engage in debate but shall be restricted to brief and concise questions and comments directed to the Board.
4. No visitor may speak a second time before all other visitors have had an opportunity to speak.

5. The chairman may terminate public participation on any item in the interest of time or order.

**Formal Adoption of Policy**

When discussion of a policy item has been terminated Board Members may make concluding statements defining their respective viewpoints, which they may subsequently submit in writing. The Superintendent or other Board designee shall then prepare a statement of policy, which in his opinion, constitutes a synthesis of Board opinion. Such statement shall be submitted to the Board and placed on the agenda of the next Regular Meeting for adoption. If the statement as written is not acceptable to a majority of Board Members it shall be referred back for rewriting.

The formal adoption of policies shall be recorded in the Minutes of the Board of Education. Only those written statements so adopted and so recorded shall be regarded as official Board policy.

**Official Copies**

Official copies of the adopted/revised policies will be made available on blue paper for inclusion in the policy binder of each Board Member, Administrator and the West Hempstead Library or electronically. The Board policies online will be updated as well.

**Definitions**

**Origination Sheet:** This is the first presentation of each given item as prepared by staff for distribution to the Board.

**Annotation Sheet:** This material may accompany origination sheets or working copies in order to clarify them or to provide background material which may be helpful.

**Proposed Policy:** This represents a proposed policy statement, which has been prepared by staff to reflect Board discussion. It is posted on the District website for public review and presented for consideration and approval by the Board.
Adopted Policy: This is a policy which has been officially approved at a Regular Board Meeting. It is printed on punched blue paper for inclusion in the policy binder and posted on the District webpage.

 Adopted 3/15/60
Amended 8/2/60, 9/8/62, 2/21/67, 12/16/75
  11/20/90, 2/23/93, 2/15/94, 2/27/96, 12/20/11
  11/19/13
The Procedure to be Followed by the Board Secretary to Keep Track of Board Business

Each piece of business that comes to the Board for deliberation and action shall be assigned a docket number by the Board Secretary, and thereafter all correspondence, reports, and other data relating to a given matter shall be captioned with the docket number appropriate to it, for convenience of identification by Board members and others.

A docket record is to be kept by the Board Secretary, which will include the date of the meeting, type of meeting, docket number, docket description, docket status (adopted, rejected, tabled) and the date the docket decision was made.

Adopted 9/20/60
Amended 2/15/94
Reaffirmed 2/14/12
The Procedure to Follow to Place an Item on a Board Meeting Agenda

Board Members may request that an item be placed on a Board agenda under "New Business", in one of two ways:

In the first instance, prior to a Board Meeting, and where possible prior to the distribution of the Board packet for the particular meeting, a Board Member may request that the District Clerk or the Superintendent of Schools place an item on the Board agenda. The Board Member must notify other Board Members of the request, and provide whatever explanatory materials he/she feels will be useful to the other Board Members.

In the second instance, at a Board Meeting, a Board Member may request that the President of the Board place an item on the Board's agenda for the particular meeting in session.

In either instance any item placed on the Board agenda will need at least the positive vote of two Board Members for the item to be discussed.

Adopted 11/6/62
Amended 2/15/94
Reaffirmed 10/16/12
School Board Use of Electronic Mail

Use of electronic mail (e-mail) by school Board members should conform to the same standards of judgment, propriety and ethics as other forms of school Board related communication, such that members shall not communicate with one another in violation of the Open Meeting Law, Public Officers Law Section 103. Board members shall comply with the following guidelines when using e-mail in the conduct of Board responsibilities:

1. The school Board shall not use e-mail as a substitute for deliberations at Board meetings or business properly confined to Board meetings.

2. Board members should be aware that e-mail and e-mail attachments received or prepared for use in Board business are likely to be regarded as public records, which may be inspected by any person upon request, unless otherwise made confidential by law. Accordingly, Board members shall retain all e-mails received by other Board members relating to Board business in accordance with the records retention policy, i.e. Records Retention and Disposition Schedule ED-1, 8 NYCRR 185.12 (Appendix I).

3. Board members shall avoid reference to confidential information about employees, students or other matters in e-mail communications due to the lack of security, and risk of unauthorized access to such confidential information, inherent in all Internet communications. Board members shall not disclose confidential student information or privileged and confidential communications to third parties via e-mail.

4. A quorum of Board members shall not use “instant messaging” when communicating with one another, nor shall Board members communicate with one another in an Internet chat room.

5. Board members shall not vote on any issue relating to Board business, or come to a collective decision regarding Board business based upon e-mail communications.

Ref: 8 NYCRR 185.12 (Appendix I), Records Retention and Disposition, Schedule ED-1 for Use by School Districts and BOCES

Adopted: 12/18/07
Amended 2/14/12
Membership in School Board Association

The Board of Education shall subscribe to membership and participate in the activities of the New York State School Boards Association and its Nassau County and Suffolk County subdivision, the Nassau-Suffolk School Boards Association.

The Board shall also participate in and/or join other educational associations as it deems appropriate.

Adopted 7/2/63
Amended 2/15/94, 10/16/12
## Reports to the Board

The administration shall furnish annually to the Board a series of reports on such matters and in such design as the Board may from time to time prescribe.

The series shall include the titles given below and the report for each title shall contain the information described under its title heading:

1. **Proposed Schools Calendar for the Ensuing School Year**

   In the spring semester of each year, the Superintendent shall present to the Board for its adoption a "Proposed School Calendar for the Ensuing School Year."

2. **List of School Events in the Ensuing School Year**

   At the time of presenting his "Proposed School Calendar for the Ensuing School Year," the Superintendent shall also present to the Board for its information, a "List of School Events in the Ensuing School Year."


   In the fall semester of each school year, the Superintendent of Schools shall present to the Board for its information the "Annual Financial Report of the Board of Education for the School Year Ended June 30." This presentation shall be made prior to the publication of the report as required by law.

4. **Pupil Attendance at Regular Day School**

   Prior to September 30th of each school year, the Superintendent of Schools shall present to the Board for its information a "Report on Pupil Attendance at Regular Day School Year Ended June 30."

5. **Report Upon Examination of Accounts**

   Upon receipt of the "Report Upon Examination of Accounts" annually, from the Board's auditors, the Director of Business shall have made or ask the auditors to provide, seven copies thereof, one for each member of the Board, and these shall be promptly distributed to them.
This policy is not meant to preclude the administration from making to the Board any other report on subjects not herein covered specifically.

Each report should be accompanied by a brief letter of transmittal, which should recite any noteworthy circumstances concerning its preparation or contents.

Adopted 9/5/61
Amended 2/15/94, 10/16/12
Buildings and Grounds Maintenance and Inspection

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

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

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

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

**Building Condition Surveys** - Each occupied District building will be assessed every five (5) years by a building condition survey. This survey will be conducted by a team that includes at least one (1) licensed architect or engineer and will include a list of all program spaces and inspection of building system components for evidence of movement, deterioration, structural failure, probable useful life, need for repair and maintenance and need for replacement. Building condition survey reports will be submitted to the Commissioner by January 15, 2001 and January 15th of every fifth year thereafter.

**Annual Visual Inspections** - A visual inspection of building system components in each occupied District building will take place annually except for years in which a Building Condition Survey is performed. The inspection will be conducted by a team including a local code enforcement official, the Facilities Director or his/her designee and a member of the Health and Safety Committee. The inspection will be completed by November 15th of each year and will be made available to the public. A corrective action plan will be developed by a licensed architect or engineer if a deficiency exists in the building.

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

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

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

**Ref:** 29 CFR 1910 et seq (OSHA Hazard Communication)  
40 CFR Part 763 (Asbestos Hazard Emergency Response Act)  
Education Law, 409-d (Comprehensive Public School Safety Program); 409-e (Uniform Code of Public School Buildings Inspections, Safety Rating and Monitoring); 807-a (Fire Inspections)  
Labor Law, 875-883 (toxic substances)  
Public Health Law, 409-e (Right to Know, toxic substances)  
Environmental Conservation Law, 33-0725 (Pesticides)  
6 NYCRR Part 325 (Pesticides)

8 NYCRR 155.1 (Educational Facilities); 155.4 (Uniform Code of Public School Buildings Inspection, Safety Rating and Monitoring); 155.8 (Fire and Building Safety Inspections)  
9 NYCRR Parts 600-1250 (Uniform Fire Prevention & Building Code)  
12 NYCRR Part 56 (Industrial Code Rule concerning asbestos)  
*Appeal of Anibaldi*, 33 Educ. Dep’t Rep. 166 (1993) (district required to monitor student’s physical symptoms when air quality caused health problems)  
*IPM Workbook for New York State Schools*, Cornell Cooperative Extension  
Community IPM Program with support from New York State Dept. of Environmental Conservation, August 1998

Adopted 2/1/66  
Amended 1/15/74, 10/21/75, 2/15/94, 12/18/12
## TABLE OF CONTENTS

**BY-LAWS OF THE BOARD (Series 9000)**

### Organization
- Organization of the Board 9110
- Elected Board Officers 9130
- Board Committees – REPEALED see 9145 9140
- Committees of the Board 9145
- Temporary Board Committees – REPEALED see 9145 9150
- Student Participation - Board Activities 9160

### Duties of the Board, Members of the Board, and Auxiliary Personnel
- Duties of the Board of Education REPEALED 12/12 9200
- Duties of the Board Secretary 9230
- Duties of the District Clerk 9231
- District Treasurer/Deputy Treasurer 9240
- Evaluation of Superintendent 9250
- Duties of the Attorney for the School Board 9260
- District Payroll Certification 9265
- Duties of the Auditor 9270
- Internal Audit Function 9275
- Claims Auditor 9277
- School Board Member Ethics 9280
Methods of Operation

Amendment of By-Laws 9310
Suspension of By-Laws 9320
Adoption of Administrative Regulations REPEALED 12/12 9330
Board Request for Information 9335
Notice of Meetings 9339
Regular Meetings 9340
Order of Business at Regular and Adjourned Business Meetings 9341
REPEALED - Combined with 8310 9342
Board Privilege of the Floor/Discussion Items 9343
Order of Business at Annual Organization Meeting 9345
Special Meetings - REPEALED 9347
Executive Sessions 9348
Rules of Order 9349
Quorum and Voting 9350
Annual Election and Budget Vote 9351
Signing of Checks 9410
Minutes 9420
School Board Elections 9510
Polling Places 9520
Organization of the Board

The Board of Education shall consist of seven (7) members who are elected by the qualified voters of the District at the annual election as prescribed by law. The terms shall be overlapping.

Members of the Board of Education shall serve for three (3) years beginning on the first day of July immediately following his/her election, provided an Oath of Office is on file with the District Clerk and each term shall expire on the thirtieth day of June of the third year.

The procedures for elections and the filling of vacancies shall be in Education Law 1709(17) and 2113.

Adopted 6/22/60
Amended 12/20/94, 2/14/17
Elected Board Officers

The elected officers of the District shall be a President and a Vice President. The President and Vice President of the Board of Education shall be nominated and elected by the simple majority of the Board at its Annual Reorganization Meeting in July. Each shall hold office until his/her successor shall have been duly chosen and shall qualify, or until his/her death or resignation, or until his/her position becomes vacant, as herein provided, or as provided in the Education Law.

In the event a vacancy occurs in the position of President or Vice President, a meeting of the Board of Education shall be held not later than ten (10) days following the creation of the vacancy, for the purpose of designating a successor.

Each shall have such functions or duties as provided for in Board policy, or as the Board of Education from time to time may determine, or as provided in the Education Law.

Duties of the President of the Board

The President shall have the usual powers and shall be charged with the ordinary duties pertaining to that office and those prescribed by Education Law. Duties of the President of the Board shall be as follows:

1. Preside at all meetings;
2. Act as chief fiscal officer of the Board;
3. Execute all documents on behalf of the Board;
4. Appoint all special, standing and ad hoc committees. The duties of each committee shall be outlined at the time of its appointment, and it shall be deemed dissolved when its final report has been made and acted upon by the Board. A committee shall consist of no more than three (3) members, appointed by the President, unless it is a committee of the whole.
5. Act as an ex-officio member of all committees;
6. Call special meetings he/she considers necessary or on request of any two (2) members of the Board or at the request of the Superintendent of Schools;
7. Vote together with other members of the Board on all questions, policies, and resolutions before the Board;

8. Along with other members, offer resolutions, and to discuss questions.

Duties of the Vice President

The Vice President shall be authorized to act for the President at the request of the President, or in his/her absence or inability to act, within statutory limitations. The Vice President shall perform all the duties of the President and, in so acting, shall have all the powers and be subject to all restrictions placed upon the President. In case of vacancy in the office of the President, the Vice President shall act as President until a President is elected.

Ref: Education Law 1709, 2105(6), 2502, 2504, 2553, 2563, 2590-b
New York State Constitution, Article 13-2

Adopted 6/22/60
Deleted Policy Numbers 9210 and 9220 and added to 9130
Amended 1/17/78, 2/28/95, 2/14/17
Committees of the Board

The Board and/or the President of the Board of Education may, at its discretion, establish committees for the purpose of undertaking a special task in connection with Board activity. The committees, however, cannot make legal decisions for the entire Board.

At the request of the Board, the President of the Board shall appoint temporary committees consisting of less than a quorum of the full membership for special purposes. These committees shall be discharged on the completion of their assignment. The President of the Board shall be an ex-officio member of such committees.

The Board of Education recognizes that it may be necessary from time to time to authorize advisory committees for the purpose of enlisting opinions and counsel of the general public. Such committees shall be appointed by the Board of Education. The Board has the right to accept, reject or modify all or any part of a committee recommendation.

Adopted 10/18/11
Replaces Policies 9140 and 9150
Student Participation - Board Activities

It is the intent of this Board of Education to encourage student participation by means of having at least one representative elected by the High School Student Council present at public Board of Education meetings.

Adopted 6/2/70
Amended 10/18/94, 2/14/17
Duties of the Board Secretary

It shall be the duty of the secretary to the Board of Education to perform the following functions:

1. Handle Correspondence
   a. Manage routine correspondence directly.
   b. Deal with other correspondence as follows:
      1) Route to Superintendent where appropriate.
      2) Draft replies in advance, when possible, for Board consideration.
      3) Seek instructions for reply when necessary.
      4) Write to those persons with whom the Board wishes direct contact.

2. Prepare for Board Meetings
   a. Prepare and/or distribute electronically to the members of the Board the agenda and other materials under the direction of the President of the Board, the Superintendent, and other administrators as designated by the Board or the Superintendent.
   b. Maintain a calendar of the Board's unfinished business and remind the Board of its own decisions concerning when to take up these items.
   c. Distribute electronic copies of adopted Policies and By-Laws and copies of Administrative Regulations to those in possession of Policy and Regulation handbooks.

3. Attend All Board Meetings
   a. See that meeting place is available and properly arranged for meetings.
b. Record Board decisions:

1) Record briefly the disposition of all matters on which the Board considered action, referring to the source of major written recommendations by title and date and topic number, if any.

2) Prepare, check and distribute minutes in advance for approval at next meeting.

4. Maintain Board’s Reference Files and Reference Shelf

a. Maintain up-to-date files:

1) Decisions (Board level only)

2) Financial Reports

3) Board's Publicity

4) Correspondence

5) File copy of all materials distributed for each Board meeting.

b. Maintain Board's reference library.

c. Maintain file of extra copies of adopted Policies and By-Laws of the Board and Administrative Regulations and distribute copies upon request of Board Members.

5. Act as secretary in matters pertaining to School Board policy.

6. Other Duties

a. Serve, if required, as secretary to such advisory committees as the Board may appoint from time to time.

b. Compile such data and undertake such investigations from time to time as the Board may designate.

Adopted 6/22/60
Amended 4/7/64
Reaffirmed 10/18/94, 11/19/13
District Clerk

The District Clerk will be appointed by the Board of Education at its annual Re-Organization Meeting and will serve for a period of one (1) year. The District Clerk shall, in addition to performing the duties prescribed by law, act as Clerk of the Board of Education and shall:

1. Attend all Business, Policy and Budget meetings of the Board;

2. Make and keep full and accurate minutes of all actions taken by the Board; record by name those Board members and District Administrators in attendance;

3. Obtain approval of the minutes by the Board at the next meeting and forward electronically copies of the minutes to each member of the Board and/or the Superintendent within fourteen (14) days of approval;

4. Send notices of Board meetings to its members; contact and communicate with members of the Board as may be required;

5. See that the proper legal notices and announcements are published; make sure that all announcements are published on all specification and items out on bid, in accordance with state law;

6. Maintain an up-to-date record of Board polices and by-laws;

7. Prepare and deliver to each Board member before each meeting thereof, an agenda setting forth all known items of business to be considered at the meeting, which said agenda shall originate with the Superintendent of Schools;

8. Deliver to, and collect from, the President (or Vice President) such papers for signature as may be necessary;

9. Keep a separate register of all changes in policies, rules and regulations passed by the Board under authority of the policy;

10. Distribute notices to the public announcing availability of copies of the budget to be present at the annual District meeting in compliance with the requirements of the State Education Law;
11. Administer Oaths of Office as required by Section 10, Public Officers Law;

12. Supervises all school district-wide budget votes, special elections and referendums.

13. Give written notice of appointment to persons appointed as Inspectors of Election;

14. Call all meetings to order in the absence of the President and Vice President; and

15. Perform such other duties, which may be assigned to the office by the Board.

Notice of any matters which the District Clerk wishes to present to a meeting of the Board shall be transmitted to the Board through the Superintendent for purposes of inclusion on the agenda. Duties of the District Clerk shall continue as presently set forth in the policy of the District and as set forth in the New York State Education Law.

Reference: Education Law 902, 2121, 2122, 2130
New York State School Boards Association Policy 2230

Adopted 6/22/60
Amended 11/15/77, 10/18/94, 11/19/13
Revised 12/18/07
District Treasurer/Deputy Treasurer

Function

The District Treasurer and the Deputy Treasurer are employed by and responsible to the Board of Education for the collection, control and disbursement of all District funds, and shall submit periodic reports as required by procedural regulations established pursuant hereto or as requested by the Board of Education or the Superintendent of Schools. In addition, the District Treasurer and the Deputy Treasurer shall execute an Oath of Office and perform all other duties of a fiscal nature required by law, Regulations of the Commissioner of Education, or assigned by the Board of Education or the Superintendent of Schools.

Fidelity Bond

The District Treasurer and the Deputy Treasurer shall be bonded by law for the faithful performance of his/her duties, with sufficient security, approved by the Board in such amount as may be determined by a duly adopted resolution of the Board. The premium for such bond shall be paid by the District.

Duties

The Board directs the District Treasurer and the Deputy Treasurer to keep it informed of the financial status of the District through monthly cash reconciliation and budget status reports and annual fiscal reports. The District Treasurer and the Deputy Treasurer should highlight any deviation in actual fiscal conditions from planned fiscal conditions and offer recommendations to the Board to remedy the situation.

The District Treasurer and the Deputy Treasurer shall perform the following duties imposed upon the office by policy, statute or law:

1. Deposit all sums of money received and collected in such bank or banks as are designated by the Board

2. Have charge and custody of, and be responsible for, all funds and securities of the District

3. Record, on provided forms, the financial transactions (cash) of the District as promulgated in the "Uniform System of Accounts for School Districts"

4. Respond to all reasonable requests for information within the scope of the Treasurer's duties from the Board or Superintendent of Schools
5. Render monthly reports to the Board of each fund showing:
   
   i. cash balance on hand at the beginning of the month;
   ii. receipts by source during the month;
   iii. total disbursements during the month;
   iv. cash balance on hand at the end of the month; and
   v. reconciliation with bank statements

6. Render a report to the Board at least quarterly (monthly in the event that budget transfers have been made since the last report) for each fund including no less than the revenue and appropriation accounts required in the annual state budget form. This report shall show the status of these accounts in at least the following detail:

   (1) Revenue accounts:
   
   i. estimated revenues;
   ii. amounts received to date of report;
   iii. (revenues estimated to be received during balance of the fiscal year

   (2) Appropriation accounts:
   
   i. original appropriations;
   ii. transfers and adjustments;
   iii. revised appropriations;
   iv. expenditures to date;
   v. outstanding encumbrances;
   vi. unencumbered balances

7. Utilize for each fund a pre-numbered receipt form, printed in duplicate, to be issued by the Treasurer, original thereof to payer and a copy retained by Treasurer

8. Sign checks and wire authorization forms for the disbursement of the funds of the District when authorized by the Board; including those for which facsimile signatures have been approved

9. Maintain records showing the daily activity for each fund in separate funds within the financial software utilized by the District

10. Record the following in a note register provided by the Board:
    
    i. dates of the Board resolutions authorizing notes;
    ii. types of notes;
iii. dates on which notes are drawn;
iv. numbers of the notes;
  v. banks from which the money was borrowed;
  vi. amounts of the notes;
  vii. the rates of interest;
  viii. dates of maturity;
 ix. dates the notes were paid; and
  x. the amounts of principal and interest paid.

11. Reconcile all online bank transactions

12. Discusses accounting and financial problems with the Assistant Superintendent for Business, and other responsible officials of the District

13. Perform other such duties as may be assigned to the office by the Board.

Cross Ref:  Revenue and Cash Management, 3375
Revenue and Cash Management, 3375AR
Investments 3443
Investments 3443AR

Adopted 6/21/60
Amended 12/20/94
Revised 12/19/17
Evaluation of Superintendent

The Board of Education recognizes that student achievement, District progress and community satisfaction with the schools are all in large part affected by the Superintendent’s performance. The Board also recognizes the Superintendent cannot function effectively without periodic feedback on performance, and is committed to ensuring that the Superintendent is evaluated annually as required by Commissioner’s regulations.

The procedures the Board uses for evaluating the Superintendent shall be filed in the District office and available for review by any individual no later than September 10th of each year.

Ref: 8 NYCRR 100.2 (o)(2)(v) (Performance Review of Superintendent)

Adopted 12/16/08
Amended 10/19/10
Duties of the Attorney for the School Board

The School Board Attorney shall act as legal advisor to the Board. Upon request he/she shall submit either written or verbal interpretations of the laws affecting the School Board or the School District.

He/she shall attend the regular monthly business meetings, the Annual District Meeting and such other meetings as the Board shall request him/her to attend.

He/she shall prepare or approve legal notices, contracts or such other legal documents as may be required in the administration of the District.

The duties contemplated within his/her annual retainer shall not include litigation either in the courts, before the Commissioner or before any administrative body, nor shall it include work in connection with bond issues other than tax or revenue anticipation notes.

Adopted 6/21/60
Amended 12/17/68, 10/18/94, 12/18/12
District Payroll Certification

The West Hempstead Board of Education hereby directs the Superintendent of Schools to review and certify the District payroll.

The Assistant Superintendent may do so when the Superintendent of Schools is absent.

Adopted: 12/16/08
Reaffirmed 2/14/17
Duties of the External Auditor

The Board of Education shall annually appoint an independent certified public accountant or public accountant firm to serve for one (1) year as auditor and shall set the annual salary for such audit.

It will be the duty of the District External Auditor to audit the records of all of the funds of the West Hempstead Union Free School District in accordance with generally accepted audit standards and state and federal audit guidelines. The Auditor will review the internal control and accounting procedures yearly. The Auditor will make himself/herself available to the School Board, the Superintendent and the administrative staff for purposes of consultations, advice and help on accounting problems and related matters as may arise, from time to time, during the course of the year. The Auditor will prepare and present to the Board written reports on his audits. These reports will include his/her specific recommendations. The Auditor will perform other duties as specified in the agreement between himself/herself and the District pursuant to Education Law Section 2116-a and 8 NYCRR 170.12.

Reference: Education Law, Section 1721
Hageny's 1958 Handbook, Chapter 4, Sec. 5, p. 29

Adopted 6/21/60
Amended 11/15/77, 10/18/94, 12/18/12
Internal Audit Function

The Board of Education recognizes its responsibility to ensure sound fiscal management of the District. To this end, the Board establishes an internal audit function to carry out the following tasks:

- Develop an annual risk assessment of District fiscal operations, which shall include but not be limited to:
  a. a review of financial policies and procedures;
  b. the testing and evaluation of District internal controls;

- An annual review and update of such risk assessment;

- Prepare reports, at least annually or more frequently as the Board may direct, which:
  a. analyze significant risk assessment findings;
  b. recommend changes for strengthening controls and reducing identified risks; and
  c. specify timeframes for implementation of such recommendations.

To fulfill this function, the District may use inter-municipal cooperative agreements, BOCES shared services or independent contractors as long as such personnel or entities performing the internal audit function comply with the Regulations of the Commissioner and meet professional auditing standards for independence between the auditor and the District. The District may also use existing personnel to fulfill this function, but only if such persons shall not have any responsibilities for other business operations of the District while performing such function and provided such persons possess the requisite degrees, certifications, knowledge and/or skills to perform the work and there is no conflict of interest or incompatibility of office or position.

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

Cross Ref: 3300, Audit Committees

Ref: Education Law §2116-b

Adopted 10/17/06
Amended 12/18/18
The Claims Auditor is an integral part of a properly designed system of internal controls. The position was created to carry out the important Board of Education responsibility to verify the appropriateness of all claims paid by the District.

The Board of Education will annually designate and appoint a Claims Auditor for the District. The Claims Auditor shall serve at the pleasure of the Board. The Claims Auditor shall report directly to the Board. The Board shall, at least once every five (5) years, consider proposals from interested parties (including the incumbent) qualified for the position of Claims Auditor.

The Claims Auditor is responsible for formally examining, allowing or rejecting all accounts, charges, claims or demands against the District. The auditing process should determine:

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

The Claims Auditor shall provide periodic written reports as may be requested by the Board.

No person shall be eligible for appointment as Claims Auditor who shall also be:

1. A member of the Board of Education;
2. The Clerk or Treasurer of the Board;
3. The Superintendent of Schools or other District official responsible for business management;
4. The person designated as the purchasing agent; or
5. Clerical or professional personnel directly involved in accounting and purchasing functions of the District;
6. The individual or entity responsible for the internal audit function;
7. The independent auditor responsible for the annual external audit; and/or
8. A close or immediate family member of an employee, officer or contractor providing services to the District. For purposes of this subparagraph, a “close family member” shall be defined as a parent, sibling or nondependent child, and an “immediate family member” shall be defined as a spouse, spouse equivalent, or dependent (whether or not related).
Cross Ref: 9275, Internal Audit Function

Ref: Education Law §§1604 (35); 1709(20-a); 1724; 2509; 2526; 2554(b)
8 NYCRR § 170.12(c)
*Matter of Levy, 22 EDR 550 (1983)*

Adopted: 2/26/08
Amended 12/18/18
School Board Member Ethics

As provided by law, the Board of Education recognizes that there are rules of ethical conduct for public officers and employees that must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this policy to promulgate these rules of ethical conduct for the officers and employees of the West Hempstead Union Free School District. These rules shall serve as a guide for the official conduct of the officers and employees of the West Hempstead Union Free School District. The rules of ethical conduct of this policy shall not conflict with, but shall be in addition to any prohibition of Article Eighteen of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

Definitions

1. "Municipal Officer or Employee" means an officer or employee of the West Hempstead Union Free School District, whether paid or unpaid, including members of any administrative board, commission or other agency thereof.

2. "Interest" means a pecuniary or material benefit accruing to a municipal officer or employee.

Standards of Conduct

Every officer or employee of the West Hempstead Union Free School District shall be subject to and abide by the following standards of conduct:

1. **Gifts** - He/she shall not directly or indirectly, solicit any personal gift, or, accept or receive any gift on his/her own behalf having a value of $75 (seventy-five dollars) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any form, or a gift of any value whatsoever under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her, or could reasonably be expected to influence him/her in the performance of his/her official duties or was intended as a reward for any official action on his/her part.

2. **Confidential Information** - He/she shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interests.
3. **Representation Before One’s Own Agency** - He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he/she is an officer, member or employee or of any municipal agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer, or employee.

4. **Representation Before Any Agency for a Contingent Fee** - He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his/her municipality, whereby his/her compensation is to be dependent or contingent upon any action by such agency 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 Resolutions Submitted for Consideration of Board** - To the extent that he/she knows thereof, a member of the Board and any officer or employee of the West Hempstead Union Free School District, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board on any resolution 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/she has in the adoption of such resolution.

6. **Investments in conflict with Official Duties** - He/she shall not invest or hold any investment directly or indirectly in any financial business, commercial or other private transaction, which creates a conflict with his/her official duties.

7. **Private Employment** - He/she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interest when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.

8. **Separation from Service** - He/she shall not, after the termination of service or employment with such municipality, appear before any board or agency of the West Hempstead Union Free School District in relation to any case, proceeding or application in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration except as may be required by the Board or agency in completing or deciding such cases, proceedings or applications not completed during term of service.
9. **Disclosure of Interest in Contracts** – Any District officer or employee, as well as his/her spouse, who has, will have or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the District shall publicly disclose the nature and extent of such interest in writing to his/her immediate supervisor and to the Board of Education as soon as he/she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the Board minutes.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account demand or suit against the West Hempstead Union Free School District, or any agency thereof on behalf of himself/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

The Superintendent, as Chief Executive Officer of the West Hempstead Union Free School District, shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the school district within thirty (30) days after the effective date of this resolution. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her officer of employment. In addition, a copy of the General Municipal Law regarding conflicts of interest (Section 800-809) shall be posted in a conspicuous place to officers and employees. (GML Section 807) Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code, nor the enforcement of provisions thereof.

**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 this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

**Code of Ethics and Responsibilities for School Board Members** - A School Board Member, operating under the highest ethical standards, should:

1. observe and enforce state laws and regulations pertaining to education;
2. accept office as board member as a means of unselfish service;
3. transact school business only in duly convened sessions of the Board;
4. represent the entire community without fear or favor;
5. remember at all times that he/she is one of the team;
6. abide by all Board decisions once they are made and assist in carrying them out effectively;
7. delegate action when appropriate to the chief school administrator as the Board executive;
8. employ only competent, trained personnel and these only on the recommendation of the chief school administrator with the exception of the officers of the District appointed by the Board;
9. preserve the right and obligation of teachers to teach controversial issues fairly and without bias;
10. assure the opportunity for high quality education for every student;
11. maintain confidentiality of privileged information; and
12. instil respect for our country and fellowman.

Rules of Official Conduct of Individual Members

1. Attend all Board meetings unless prevented by illness or other unavoidable contingencies.
2. Refer all citizens of the district with complaints or suggestions to the appropriate administrative official and, when appropriate, coincidentally notify the Superintendent of Schools, prior to bringing the matter before the entire Board at a duly convened session.
3. Make all requests for reports through the Superintendent of Schools.
4. Whenever possible submit all new matters to the Board Secretary for distribution to the members of the Board and to the administrators involved, in sufficient time for placing such matter on the agenda of a meeting.

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.

Teachers shall be appointed by the Board of Education only on the recommendation of the Superintendent of Schools. No person who is related by blood or by marriage to any member of the Board at the time of initial appointment shall be appointed to teach in the District, except upon nomination of the Superintendent and the affirmative votes of two-thirds of the members of the Board.

**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.

A member of the Board who is duly notified and refuses or neglects to attend three (3) successive regular meetings of the Board, without sufficient cause, may by a majority vote of the Board be deemed to have vacated his/her office by reason of absence.

A member of the Board who no longer meets the qualifications to serve on the Board must withdraw from the Board at once. For example, a Board member who moves out of the District must withdraw from the Board on the day he/she moves since he/she no longer meets the residency requirement.

**New York State Code of Ethics for Educators**

**Statement of Purpose**

The Code of Ethics is a public statement by educators that sets clear expectations and principles to guide practice and inspire professional excellence. Educators believe a commonly held set of principles can assist in the individual exercise of professional judgment. This Code speaks to the core values of the profession. “Educator” as used throughout means all educators serving New York schools in positions requiring a certificate, including classroom teachers, school leaders and pupil personnel service providers.
Principle 1: Educators nurture the intellectual, physical, emotional, social, and civic potential of each student.

Educators promote growth in all students through the integration of intellectual, physical, emotional, social and civic learning. They respect the inherent dignity and worth of each individual. Educators help students to value their own identity, learn more about their cultural heritage, and practice social and civic responsibilities. They help students to reflect on their own learning and connect it to their life experience. They engage students in activities that encourage diverse approaches and solutions to issues, while providing a range of ways for students to demonstrate their abilities and learning. They foster the development of students who can analyze, synthesize, evaluate and communicate information effectively.

Principle 2: Educators create, support, and maintain challenging learning environments for all.

Educators apply their professional knowledge to promote student learning. They know the curriculum and utilize a range of strategies and assessments to address differences. Educators develop and implement programs based upon a strong understanding of human development and learning theory. They support a challenging learning environment. They advocate for necessary resources to teach to higher levels of learning. They establish and maintain clear standards of behavior and civility. Educators are role models, displaying the habits of mind and work necessary to develop and apply knowledge while simultaneously displaying a curiosity and enthusiasm for learning. They invite students to become active, inquisitive and discerning individuals who reflect upon and monitor their own learning.

Principle 3: Educators commit to their own learning in order to develop their practice.

Educators recognize that professional knowledge and development are the foundations of their practice. They know their subject matter, and they understand how students learn. Educators respect the reciprocal nature of learning between educators and students. They engage in a variety of individual and collaborative learning experiences essential to develop professionally and to promote student learning. They draw on and contribute to various forms of educational research to improve their own practice.
Principle 4: Educators collaborate with colleagues and other professionals in the interest of student learning.

Educators encourage and support their colleagues to build and maintain high standards. They participate in decisions regarding curriculum, instruction and assessment designs, and they share responsibility for the governance of schools. They cooperate with community agencies in using resources and building comprehensive services in support of students. Educators respect fellow professionals and believe that all have the right to teach and learn in a professional and supportive environment. They participate in the preparation and induction of new educators and in professional development for all staff.

Principle 5: Educators collaborate with parents and community, building trust and respecting confidentiality.

Educators partner with parents and other members of the community to enhance school programs and to promote student learning. They also recognize how cultural and linguistic heritage, gender, family and community shape experience and learning. Educators respect the private nature of the special knowledge they have about students and their families and use that knowledge only in the students' best interests. They advocate for fair opportunity for all children.

Principle 6: Educators advance the intellectual and ethical foundation of the learning community.

Educators recognize the obligations of the trust placed in them. They share the responsibility for understanding what is known, pursuing further knowledge, contributing to the generation of knowledge and translating knowledge into comprehensible forms. They help students understand that knowledge is often complex and sometimes paradoxical. Educators are confidantes, mentors and advocates for their students' growth and development. As models for youth and the public, they embody intellectual honesty, diplomacy, tact and fairness.

Adopted 7/5/60
Amended 2/28/95, 12/20/11, 12/18/12
Amendment of By-Laws

The By-Laws of the Board shall be subject to amendment only upon a majority vote of all the members of the Board present at a meeting in the call for which the proposed amendment has been set forth in writing.

Adopted 6/21/60
Amended 12/19/95
Reaffirmed 2/14/17
Suspension of By-Laws

The By-Laws of the Board shall be subject to suspension only upon a majority vote of all the members of the Board present at a meeting in the call for which the proposed suspension has been set forth in writing, or upon a vote of five (5) members of the Board when no such written notice has been given.

Adopted 6/21/60
Reaffirmed 11/21/95
Amended 2/14/17
Board Request for Information

1. Individual Board members will maintain their right to request pertinent information in order to discharge their responsibilities. All such requests shall be in writing and copies thereof will be forwarded to all Board members.

2. The Superintendent will promptly respond in writing with a timeline for providing the information requested.

3. In the event that the Superintendent believes any request is improper or overly burdensome, he will notify the Board of his position in that regard and schedule the matter for executive session discussion at the next meeting of the Board of Education.

4. The Board shall consult with counsel in Executive Session and will determine the extent to which the request for information is appropriate and may adopt a resolution in public session directing the Superintendent to comply with said request. Such resolution will contain a specific timeline for compliance.

5. This procedure shall yield to the dictates of Part 84 of the Commissioner’s Regulations in the event the subject of the request for information is in an employee personnel file.

Adopted 8/16/11
Notice of Meetings

For all regular and scheduled special meetings of the Board of Education, the District Clerk shall give adequate notice to all members and to the community, including posting notice of the time and place of meetings on the District website.

If a meeting is scheduled at least a week in advance, notice will be given or electronically transmitted to the news media at least 72 hours prior to the meeting. Said notice shall also be conspicuously posted in one or more designated public locations at least 72 hours prior to the meeting, including on the District’s website. A special meeting may be called upon 24-hour notice to Board members.

When a meeting is scheduled less than a week in advance, the Board shall provide or electronically transmit public notice to the extent practicable. Said notice shall be conspicuously posted in one or more designated public locations, including the District’s website.

If a Board Member intends to participate in a board meeting via videoconference, the public notice of the meeting will indicate that videoconferencing will be used, specify the location(s) for the meeting and state that the public may attend at any of the locations.

If a meeting will be streamed live over the internet, notice will indicate the internet address of the website streaming the meeting.

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

Adoption date: 10/16/18
Regular Meetings

General

All meetings shall be in open session, except in Executive Session where authorized by law.

Location of each meeting shall be decided by the Board of Education.

Meeting agendas shall be available five (5) days prior to the meeting, to the extent practicable.

District records available to the public pursuant to Article 6 of the New York State Public Officers Law, any proposed resolution, law, rule, regulation, policy or any amendment thereto, that is scheduled to be the subject of discussion by the Board of Education during an open meeting shall be made available prior to or at the meeting during which the records will be discussed, to the extent practicable, as required by Public Officers Law §103(e). Such documents shall also be posted on the District’s website prior to the meeting during which the records will be discussed as required by Public Officers Law §103(e).

Regular Business Meetings

The Board of Education shall meet in open session on the third Tuesday of every month unless school is not in session whereby the Board will choose another date. Items of business and matters other than policies shall be considered. However, the Board may move the formal adoption of policy that has been properly introduced and reviewed at previous policy meetings.

The public may ask questions or offer comments regarding the non-confidential agenda items to be moved during the Regular Business Meeting, prior to the Board of Education vote on each agenda item with the length of discussion to be determined by the Board:

1. The privilege of addressing the Board will be extended only to those visitors who are residents of the District, residents of Island Park, or employees (professional or otherwise) of the District.

2. Board Members will always receive preference in being recognized by the chairman.
3. Visitors may not engage in debate but shall be restricted to brief and concise questions and comments directed to the Board.

4. No visitor may speak a second time before all other visitors have had an opportunity to speak.

5. The chair may terminate public participation on any item in the interest of time or order.

If residents, Island Park residents or employees wish to address the Board on District matters other than those discussed at the meeting, they may do so at a specified time determined by the Board. (See also, Policy 9341, Order of Business at Regular and Adjourned Business Meetings.)

Any resident, Island Park resident or employee addressing the Board during the appropriate times designated in Policy 9341 will be limited to three (3) minutes on non-confidential agenda items. The period for resident, Island Park resident or employee participation shall be limited to a maximum of twenty (20) minutes total. The Board may then move for additional time if so desired by the Board in its sole discretion.

**Policy Meetings/Work Sessions**

The Board shall meet on the first Tuesday of each month designated to consider matters pertaining to its Board policies for the governing of school affairs or matters pertaining to the preparation of the budget or both. During such meetings, visitors will be permitted to address the Board concerning the specific policy or budget matters under discussion in accordance with Policy 8310, Adaptation, Modification or Amendment of Policy Meetings.

The Board shall publicize, by means of every convenient medium, the items of the budget to be considered at each meeting. Policy worksheets shall be publicized in accordance with Policy 8310, Adaptation, Modification or Amendment of Policy Meetings.

Ref: Public Officers Law §103
Public Officers Law, Art. 6
Policy 8310, Formulation of Policies
Policy 9341, Order of Business at Regular and Adjourned Business Meetings
Adopted 12/15/59
Amended 7/5/60, 9/4/62, 10/1/63, 12/20/77, 3/15/83, 2/23/93, 12/20/94, 2/15/11, 2/14/12
Reaffirmed 11/19/13, 10/20/15
Order of Business at Regular and Adjourned Business Meetings

Unless changed by a two-thirds vote of those present at each regular and adjourned Business Meeting of the Board of Education, the order of business shall be as follows:

A. Convene

B. Pledge of Allegiance

C. Routine Matters
   1. Approval of minutes of preceding meeting.
   2. Approval of Treasurer's Report
   3. Approval of Treasurer's recommendations
   4. Claims Auditor’s Report

D. Report of Committees

E. Superintendent's Report

F. Period for District Residents, Island Park Residents and Employees to Address the Board on Non-Confidential Agenda Items (Pursuant to Board Policy 9340)

G. Superintendent's Report and Recommendations

H. Business Official Report and Recommendations

I. Old Business

J. New Business

K. Board Privilege of the Floor

L. Future Meeting Dates

M. Second Period for District Residents, Island Park Residents and Employees to Address the Board on Non-Confidential Issues (Pursuant to Board Policy 9340)

N. Adjournment
Adopted 6/21/60
Amended 9/4/62, 12/20/94, 2/12/02, 10/21/03, 10/18/05
2/9/10, 8/16/11, 10/20/15
Board Privilege of the Floor/Discussion Items

The Board of Education recognizes that as part of carrying out their duties, individual Board members may wish to discuss matters pertinent to the educational mission of the school district. Additionally, Board members may choose to make note of, or announce, school district and/or community matters/events of particular interest to West Hempstead and Island Park residents, as well as employees.

In order to expedite this process “Board Privilege of the Floor/Discussion Items” shall be a formal part of each Regular Business Meeting agenda. Board Privilege of the Floor shall be utilized for brief announcements of public interest. Discussion items are to be utilized for matters pertaining exclusively to the educational mission of the school district. For purposes of meeting and discussion orderliness, topics for discussion shall be forwarded to the Superintendent of Schools and the Board President for inclusion on the next Regular Business Meeting agenda at least ten (10) days prior to the next business meeting and any background material may be forwarded to all Board members and Central Administration at the same time. The Board may also choose to hold an item for further discussion at a subsequent meeting or the Board may choose to move the matter as an action item.

Adopted 10/18/11
Order of Business at Annual Organization Meeting

The Board of Education recognizes its obligation to hold an annual reorganizational meeting. The purpose of the reorganizational meeting is to elect officers of the Board and make the proper appointments and designations of other District employees for the proper management of the 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 normally be held on the second Tuesday in 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. Unless changed by a two-thirds vote of those present, the order of business for each Annual Organization Meeting of the Board of Education shall be as follows:

I. Administration of Oath

The District Clerk 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 the District Clerk will 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
- Deputy District Treasurer
- District Clerk
- Deputy District Clerk
- Internal Claims Auditor
IV. Other Appointments

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

- Medical Inspector
- External Auditor
- Internal Auditor
- Records Management Officer
- Records Access Officer
- Deputy Purchasing Agent
- DASA Coordinators
- District Level DASA Coordinator
- Hearing Officers
- NYSSBA Advocacy Liaison
- Title IX/Section 504 Hearing Officer(s)
- Central Treasurer, Extra-classroom Activity Account
- Standing Committees (appointed by the President)

- Board Counsel
- Architect
- Financial Statement Accountant
- AHERA Compliance Officer
- Homeless Liaison
- Chief Emergency Officer
- Private School Book Rm Officer
- Wellness Coordinator
- Bond Counsel
- Residency Officer

V. Bonding of Personnel

The Board may bond the following personnel handling District funds:

- District Clerk
- Internal Claims Auditor
- District Treasurer
- Central Treasurer of Student Activity Account

- School Attorney
- Deputy Treasurer

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 designate authorized signatures on checks  
e. of Superintendent of Schools to approve budget transfers

VIII. **Other Items:**

a. establish rate for mileage reimbursement  
b. petty cash authorization  
c. other

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

Adopted 6/21/60  
Renumbered 7/5/60  
Amended 11/21/95, 2/12/02  
Revised 2/14/17
Executive Sessions

Executive Sessions shall be held pursuant to the provisions of the New York State Open Meetings Law. Accordingly, Executive Sessions shall only be called for those purposes delineated in the Open Meetings Law, i.e.:

a. matters which will imperil the public safety if disclosed;
b. any matter which may disclose the identity of a law enforcement agent or informer;
c. information relating to current or future investigation or prosecution of a criminal offense, which would imperil effective law enforcement if disclosed;
d. discussions regarding proposed, pending or current litigation;
e. collective negotiations pursuant to article fourteen of the Civil Service Law;
f. 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;
g. the preparation, grading or administration of examinations; and
h. the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by the District, but only when publicity would substantially affect the value thereof.

Executive Sessions can be requested by any member of the Board or the Superintendent of Schools. The vote to go into Executive Session shall be detailed enough to allow the public to understand the topic the Board will be discussing, without disclosing specifics. Discussion in Executive Session shall be limited to the topic(s) identified in the motion.

Individual Board members, acting on their own, shall not disclose matters discussed in Executive Session. However, the Board, acting as a whole, may decide to disclose such information where disclosure is not prohibited under law.

Ref: Public Officers Law §§103, 105
Education Law §§1606; 1708(3)

Cross-ref: 4100 Employee Code of Ethics

Adopted 6/21/60
Amended 9/4/62, 11/15/77, 12/19/95
Revised 2/14/12, 12/19/17
Rules of Order

It having been established that a majority of four (4) members of the Board of Education constitutes a quorum, not less than a majority of the whole number may perform and exercise such power, authority or duty.

For the purpose of this provision, the words, "whole number" shall be construed to mean the total number which the Board would have were there no vacancies and were none of the persons or officers disqualified from acting.

The affirmative vote of at least four (4) members voting is required to carry any resolution proposed.

The most recent edition of Robert’s Revised Rules of Order shall be the guide for the Board in determining questions of parliamentary procedure not expressly provided for herein.

Adopted 6/21/60
Amended 11/21/95, 8/16/11
Quorum and Voting

Four (4) members shall constitute a quorum for the transaction of business at any meeting of the Board of Education. If a quorum is not present within twenty (20) minutes after the time set for a meeting, the members then in attendance may adjourn, either indefinitely or to any date set previous to the next stated meeting. In the event a meeting is scheduled at least a week in advance, 72 hours notice to the media and posting is required. In the event a meeting is scheduled less than a week in advance, notice is required to the extent practical a reasonable time prior thereto.

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

Voting Method

Except as otherwise provided in the Education Law or in Board policy, the affirmative votes of four (4) members of the Board shall be required to carry any resolution or to approve any action. Unless a vote is unanimous, the ayes and nays of each members present shall be recorded in the minutes. Voting shall take place by voice or show of hands, on all questions unless otherwise provided by law or ordered by majority vote of the Board.

Adopted 6/21/60
Amended 12/19/95
Reaffirmed 12/18/12
Annual Election and Budget Vote

The date, time and place of the annual election and budget vote and public hearing shall be as required by applicable law and/or as designated by the Board of Education at a regular meeting each year.

The District Clerk shall publish a notice of the time and place of the annual election and budget vote four (4) times within the seven (7) weeks prior to the meeting. The first publication of the notice shall be at least 45 days prior to the meeting in two (2) newspapers having general circulation within the district.

The District budget newsletter shall also be used to communicate the notice of the annual election and budget vote, the qualifications of voters, and in addition detailed statements of the sums necessary for the various budgetary expenditures of the District.

A budget hearing must be held not more than thirty (30) or less than ten (10) days prior to the annual election and budget vote. The Board shall encourage attendance at the budget hearing by the use of various media sufficient to reach every resident of the District. The Board welcomes the assistance of interested individuals and groups in this endeavor.

Copies of the proposed budget must be available in each District school building and the public library for taxpayers, upon request, at least fourteen (14) days prior to the vote. Notice of the availability of copies of the budget must be included in the notice of the annual election and budget vote. The notice shall also contain a presentation and explanation of any special propositions that are being presented to the voters.

At the reorganization meeting, the Board shall have appointed a Board of Registration, registrars, and chief registrar necessary for the annual election and budget vote.

Propositions

The Education Law contains provisions relating to submission of petitions to the Board to place propositions on the ballot with the annual budget - propositions which may amend the budget. Pursuant to those provisions, the Board establishes the following guidelines:
1. Petitions for the submission of a proposition must contain a minimum of twenty-five (25) signatures of qualified voters of the district, or 5% of voters who voted in previous annual elections, whichever is greater.

2. Petitions must be presented to the District Clerk at least sixty (60) days prior to the election and budget vote to facilitate the preparation and printing of the ballots; and

3. 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.

**Candidate Petitions**

Petitions to become a candidate for a Board seat must contain twenty-five (25) signatures or a number equivalent to two (2%) percent of the qualified voters of the District who voted in the last election, whichever is greater.

Petitions must contain:

1. The candidate's name and residence;
2. Whether the candidate is being nominated for full or partial term;
3. The office the candidate is being nominated for; and
4. The incumbent's name.

Petitions must be presented to the District Clerk at least (30) days prior to the election and budget vote to facilitate the preparation and printing of the ballots.

No person may be nominated for more than one separate office.

Reference: Education Law 2002, 2017(5), (6), 2018(a), 2022(2), 2035(2)

Adopted 7/5/60
Amended 11/15/77, 2/27/96, 2/14/12
Signing of Checks

Authorization

Payments shall be made from funds in possession of the Treasurer/Deputy Treasurer only pursuant to a resolution of the Board, on voucher-order checks signed by the Treasurer/Deputy Treasurer.

Use of the Check-Signing Machine

All checks must be signed either by hand by the Treasurer/Deputy Treasurer, or by a machine provided by the Board of Education for check signing.

Rules Governing Use of Check-Signing Machine

1. The Treasurer/Deputy Treasurer shall retain a key to the machine and will not surrender or delegate the responsibility for retention of such key to any other individual or entity. The Treasurer/Deputy Treasurer shall be present and control the affixing of the signature by the check signing machine when checks are run through such machine.

2. The check signing machine shall be maintained in a protected area. This may be achieved either by locking the machine with the plate in it and placing the machine in a locked vault or by removing the plate from the machine and placing the plate in a locked vault.

3. A check signature register shall be maintained by the Treasurer/Deputy Treasurer which will record the first and last number of checks run, the date of the run, the sequential number of voided checks within each run and the signature of the Treasurer/Deputy Treasurer. Such check signature register shall be audited by an individual who is not a member of the business office staff. This audit shall be conducted at intervals approximating the payroll periods so that it is possible to verify the accuracy of the register against the machine’s tally counter.

4. The signing of blank checks is expressly forbidden.

5. All void or spoiled checks shall be marked accordingly and retained.
6. Reconciliations shall be made promptly (if practicable, reconciliation to be completed on the same day that cancelled checks are received from the bank).

7. Checks and the check-signing machine shall not be available to unauthorized individuals.

8. When checks are written at a BOCES location using data processing equipment, the unsigned checks, together with the corresponding warrant or payroll, should be returned to the school district promptly for reconciliation and signing. Under no circumstances shall the signature plate and key be retained by BOCES longer than required for BOCES to process the checks.

9. When a new plate is required, it is the responsibility of the Superintendent of Schools or his/her designee to supervise the destruction of the discarded plate.

Adopted 6/21/60
Amended 11/15/77, 4/28/81, 2/27/96
2/14/12
Minutes

The Board of Education shall maintain a complete and accurate set of minutes of each meeting. Such minutes shall constitute the official record of all proceedings of the Board and shall be open to public inspection via the District website within two (2) weeks of all public meetings.

Minutes of Regular and Special meetings of the Board shall be kept by the District Clerk of the Board as follows: date, time, place, members and staff present shall be recorded; summary of reports as presented shall be recorded. Written reports of the Superintendent and staff shall be incorporated as submitted. All motions, proposals, resolutions, and any other matters formally voted upon by the Board shall be recorded in Board minutes. Motions made, seconded, carried or defeated, with the record of ayes and nays, headings of subjects discussed, and points of order shall be recorded. Board members’ statements may be recorded in the minutes at the discretion of the Board. In recording such votes, the names of the Board members shall be called in alphabetical order.

Minutes will be completed and sent to the Board Members at least five (5) days prior to the next regular Board of Education meeting.

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

 Adopted 7/5/60
Amended 11/15/77, 2/27/96, 8/16/11, 11/19/13
School Board Elections

Nominees for positions as members of the Board of Education shall be elected at the annual election of the District in the manner prescribed by the Education Law. The election of members of the Board shall take place on a date prescribed by the Education Law Section 2022.

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.

Voting: 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.

For the purpose of voting, the District Clerk is authorized and directed to have the necessary ballots printed for the voting machines as many as may be required by the Education Law and by the voting machine rules as established by the Board.

Not less than ten (10) days prior to each Special or Annual meeting or election, the Board shall appoint at least two (2) qualified voters of the District to be in attendance during all voting hours at each voting machine (or ballot box) to be used, to act as inspectors of election at such meeting or election. 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.

The District Clerk shall give written notice of appointment to the persons so appointed. If a person appointed as inspector of election or assistant clerk refuses to accept such appointment, or fails to serve, the Board or District Clerk may appoint a qualified voter of the District to fill the vacancy. Additional inspectors of election and assistant clerks may be appointed in the same manner when, in the opinion of the District Clerk, special circumstances exist requiring the services of such additional inspectors. The inspectors of election shall, before the polls are opened, organize by naming one of their numbers as chief inspector of election. Each inspector of election shall be entitled to compensation at a rate to be fixed by the Board of Education for each day actually and necessarily spent upon the duties of his/her office.
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.

**Absentee Ballots**: The Board approves the use of absentee ballots when necessary. In order to vote in a Board Election on an Absentee Voter's Ballot, the following procedures should be followed:

1. An application for an absentee ballot shall include the applicant's name and residence address, including the street and number, if any, or town and rural delivery route, if any; that he/she is or will be, in the day of the District election, a qualified voter of the District in which he/she resides in that he/she will be, on such date, over eighteen (18) years of age, a citizen of the United States and has or will have resided in the District for thirty (30) days next preceding such date; whether he/she is registered in the District, that he/she will be unable to appear to vote in person on the day of the District election for which the absentee ballot is requested; and the reason for his/her inability to appear to vote in person.

2. A request for an absentee voter's ballot shall be made no later than seven (7) days prior to the date of election.

3. Absentee voter's ballots shall be received in sealed envelopes up to and including 5:00 p.m. on election day by the District Clerk.

4. After the election machines are tallied, the District Clerk shall open the sealed envelopes, count the votes for each candidate and add the absentee ballot totals to the machine totals.

In compliance with subdivision 2 of Section 2018-a of the Education Law, those whose registration record has been marked permanently disabled by the Board of Elections pursuant to the provisions of the Election Law shall be entitled to receive an absentee ballot without making separate application for such absentee ballot. The Board of Registration, upon being advised by the Board of Elections or with the list of registered voters that the registration record of the voter is marked "permanently disabled" shall send an absentee ballot to such voter at his/her last
known address by first-class mail with a request to the postal authorities not to forward the same but to return the same in five (5) days in the event it cannot be delivered to the addressee. The Board of Registration shall make an appropriate entry on the registration indicating the fact that an absentee ballot has been sent and the date of the mailing. Such policy shall be implemented by the District Clerk.

**Eligibility to Vote:** A person shall be entitled to vote in any District election and in all matters placed upon the official ballot, if such person is:

1. A citizen of the United States;
2. Eighteen (18) years of age;
3. A resident within the District for a period of thirty (30) days next preceding the election at which such person offers to vote; and
4. Listed upon current voter registration lists maintained by the Board of Elections which, pursuant to New York Election Law, are delivered to the District by such Board of Elections. A failure to register does not mean that an individual is not a qualified voter, but rather that he/she is ineligible to vote at the particular District election.

The Board shall designate the registration place and hours for District residents. The Board shall annually designate, not later than the thirtieth (30th) day following the annual meeting or election of the District, four (4) qualified voters to constitute a Board of Registration to serve until the thirtieth (30th) day after the annual meeting or election in the District in the following year. In the event that a vacancy should occur on the Board of Registration, the Board of Education at any time may designate a qualified voter of the District as a member of the Board of Registration for the District to fill the vacancy.

Each member of the Board of Registration shall be entitled to compensation at a rate to be fixed by the Board of Education for each day actually and necessarily spent upon the duties of his/her office. The Board of Registration of the District shall meet during the election of the District at the place where such election is held for the purpose of preparing a register for meetings or elections held. Such Board of Registration shall, in addition, meet on such day or days as shall be fixed by the Board of Education, the last day of which, however, shall not be more than fourteen (14) nor less than five (5) days preceding each school meeting or election in the District at such place in the District, and at such hours, as the Board of Education shall by resolution designate, which hours shall include at least four (4) consecutive hours between 7 a.m. and 8 p.m., for the purpose of preparing a register for such meeting or election.
The register shall, so far as is practical, be in the same form as the register of voters in an election district, for general elections in a city or village having five thousand (5,000) inhabitants or more, under the election law. The register shall be arranged by street and number or otherwise of each person named on the list shall be given, or if none, some description accurately locating such place of residence shall be given on such register. The District Clerk of such District shall attend with the Board of Registration. The Board of Registration and the District Clerk, shall, for the annual meeting or election of the District, prepare a register of the qualified voters of such District who shall present themselves personally for registration. Such Board of Registration shall in like manner prepare a register for each special school meeting, meeting, election, or elections in this District shall be used by them as the basis thereof. No person shall be entitled to vote thereat, whose name does not appear upon the register of the District in which he/she claims to be entitled to vote. In all cases, the Board of Education shall cause the District Clerk to give the notice required by the subdivision four of Section 2004 of this chapter.

As provided in Section 2019 of the Education Law, each annual or special election or meeting shall have a presiding chairperson appointed by the Board. Such chairperson shall have the responsibility of properly handling any challenges to the qualification of any voter.

Nominations: A candidate for the office of the Board of Education shall be nominated by petition. Each vacancy upon the Board to be filled shall be considered a separate specific office. A separate petition shall be required to nominate a candidate to each separate office. Each petition shall be directed to the District Clerk and shall be signed by at least twenty-five (25) qualified voters of the district or two (2%) percent of the voters who voted in the previous election, whichever is greater.

In addition, the petition shall describe the specific vacancy on the Board for which the candidate is nominated. Said description shall include at least the length of the term of office and the name of the last incumbent, if any. In the event that any such nominee shall withdraw his/her candidacy prior to the election, such person shall not be considered a candidate unless a new petition nominating such person in the same manner and within the same time limitations applicable to other candidates is filed with the District Clerk. Each petition shall be filed in the office of the District Clerk between the hours of 8:30 a.m. and 4:00 p.m. not later than thirty (30) days preceding the school meeting or election at which the candidates nominated are to be elected. No person shall be nominated by petition for more than one (1) separate office.
If a candidate for whom a nominating petition for the office of member of the Board has been duly filed withdraws such petition, dies or becomes otherwise ineligible to hold such office at a time which is later than fifteen (15) days before the last day for the filing of nominating petitions as provided in subdivision of Section 2018, the time for filing nominating petitions for such office shall be extended to 5:00 p.m. on the fifteenth (15th) day after the day on which such candidate withdrew, died or otherwise became ineligible to hold such office, provided that no such nominating petition may be filed after 5:00 p.m. on the seventh (7th) day preceding the date of the election.

The order of name of the candidates for each specific office shall be listed on the ballot labels in the order determined by lot. Such drawing shall be conducted by the District Clerk on the day after the last date for filing petitions. The Clerk is authorized to act as proxy for any candidate not present in person or represented by proxy for the drawing. The Board may reject nominations if the candidate is ineligible or has declared an unwillingness to serve.

**Electioneering:** In the interest of promoting orderly procedures on District registration and election dates, the Board shall follow those procedures which are in accord with the election practices of the State of New York. Therefore, no electioneering shall be permitted within the polling place, or within one hundred (100) feet therefrom in any public street, or within such distance in any place in a public manner on those days when the polls are open for voting on District matters, including, but not limited to, the annual school budget, candidates for the Board of Education, special propositions, etc. Similarly, no political banners, posters, placards, displays or handout items, except those provided by law, shall be allowed in or on the polling place, or within one hundred (100) feet therefrom. Furthermore, it is understood that the entrance doors to the building shall be used as the initial point from which distances shall be measured.

Entering or remaining in any designated restricted area during the entire day of any vote without permission from an election official is prohibited.

**Notification of Election:** The District Clerk shall forthwith notify in writing each person elected to the office of the Board of his/her election and that date thereof. Such persons shall be deemed to have accepted the office, unless within five (5) days after the service of such notice, he/she shall file a written refusal to serve with the District Clerk.

Ref: Education Law Section 2022

Adopted 6/21/60
Amended 11/15/77, 3/19/96, 2/14/12, 12/20/16
Polling Places

Voting on the Annual Budget, vacancies on the Board of Education, and any special propositions, shall take place at the West Hempstead Middle School Building.

Adopted 6/21/60
Amended 11/15/77, 2/27/96
Reaffirmed 12/18/12