

## SCHOOL BUILDING SAFETY

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

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

1. Appoint a Health and Safety Committee composed of representation from district administration, school staff, bargaining units and parents that shall participate in monitoring the condition of occupied school buildings to assure that they are safe and maintained in a state of good repair.
2. Review and approve all building condition surveys.
3. Take immediate action to remedy serious conditions in school buildings affecting health and safety and report such conditions to the Commissioner of Education.
4. A visual inspection will be completed annually.

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

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

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

Adoption date: February 6, 2019

## HEALTH AND SAFETY COMMITTEE

The Board of Education recognizes the importance of the participation of district staff and parents in promoting a safe, secure and healthy school environment. In accordance with Commissioner's regulations, the Board will appoint a Health and Safety Committee composed of representation from district officials, staff, bargaining units and parents.

The committee will participate in monitoring the condition of occupied school buildings to assure that they are safe and maintained in a state of good repair. The Superintendent of Schools will ensure that the committee is appropriately involved in all of the activities required by the Commissioner's regulations. Specifically, the committee will:

1. Participate in the investigation and disposition of health and safety complaints.
2. Consult with district officials in completing safety ratings of all occupied school buildings.
3. Monitor safety during school construction projects including periodic meetings to review issues and address complaints related to health and safety resulting from the project.
4. Upon completion of a construction project, conduct a walk-through inspection to ensure the area is ready to be reopened for use.

### Expanded Health and Safety Committee

During construction projects, the Health and Safety Committee will be expanded to include the architect, construction manager and contractor. This expanded committee will:

1. Participate in the investigation and disposition of health and safety complaints regarding the construction or maintenance project.
2. Meet periodically to review issues and address complaints regarding health and safety arising from construction.
3. Monitor safety during construction projects.
4. After the work is completed, conduct a walk-through inspection to confirm that the area is ready to be reopened for use.

Ref.: 8 NYCRR Part 155 (Educational Facilities)

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## PESTICIDES AND PEST MANAGEMENT

The Board of Education is committed to maintaining the integrity of school buildings and grounds while protecting the health and safety of students and staff and maintaining a productive learning environment.

The Board recognizes that pests can pose a significant risk to health and property and there may be significant risks inherent in using chemical pesticides in the school environment. Generally, pesticides will not be used on district playgrounds, turf, athletic or playing fields, unless there is an emergency. Emergencies will be handled in accordance with applicable law and regulation.

Structural and landscape pests can pose significant problems for people and property. Weeds and infestations can destroy playing fields and playgrounds and more importantly, cause severe allergic reactions. Pesticides can pose risks to people, property, and the environment. It is therefore the policy of the School District to incorporate Integrated Pest Management (IPM) procedures for control of weeds, structural and landscape pests, for all school buildings and grounds in accordance with the Commissioner's regulations. Integrated pest management is a systematic approach to managing pests, focusing on long term prevention or suppression with minimal impact on human health, the environment and non-targeted organisms. The objective of this program is to provide necessary pest control while using the least toxic approach to all pests, weeds and infestations.

### Pest/Pesticide Management Plan

The district will manage weeds and pests to:

1. Reduce any potential human health hazard or threat to public safety.
2. Prevent loss or damage to school structures or property.
3. Prevent pests from spreading into the community, or to plant and animal populations beyond the site.
4. Enhance the quality of life for students, staff, and others.

### Integrated Pest Management (IPM) Coordinator

An IPM Coordinator will be appointed by the Superintendent of Schools. The Coordinator will be responsible for implementing the IPM policy and plan. The coordinator's responsibilities will include the following:

1. Recording all pest sightings by school staff and students.
2. Recording all pesticide use and utilizing the least toxic approach.
3. Meeting with a local pest control expert, such as a pesticide contractor to share information on what pest problems are present in the school.
4. Assuring that all of the expert's recommendations on maintenance and sanitation are carried out where feasible.
5. Assuring that pesticide use is done when school is not in session or when the area can be completely secured against access by school staff and

students for a standard seventy-two (72) hours, or as required by the pesticide being used.

6. Evaluating the school's progress in the IPM plan.
7. Notifying parents, staff and neighbors who request notification of any applications of pesticides forty-eight (48) hours before they occur. The IPM Coordinator will serve as the District's Pesticide Representative.

### Pesticide Use on Common Areas

Pesticides will not be used on playgrounds, turf, athletic or playing fields, in effect, all lawn areas of the school. In these common areas where children gather and play, pesticide alternatives will be used whenever possible and effective. The prohibition does not apply to indoor use or the application to building structures.

An exception may be made for emergency applications of pesticide only when approved in advance by the School Board. The Board may consult with the local Health Department on public health related emergency determinations. They may also consult with the Department of Environmental Conservation (DEC) for environmental emergency determinations. Emergency determinations should only be sought for one-time pesticide application in a specific situation, which presents a true emergency. The guidance document from DEC provides clarification on emergency determinations. It can be found at: [http://www.dec.ny.gov/docs/materials\\_minerals\\_pdf/guidancech85.pdf](http://www.dec.ny.gov/docs/materials_minerals_pdf/guidancech85.pdf).

Some types of pesticides and alternatives, those deemed safe in federal regulation, may be allowable on playing fields and playgrounds in certain circumstances. The District will develop regulations governing the use of pesticides and their alternatives on school grounds.

### Fertilizer Use

State Environmental Conservation Law §§17-2104-17-2105, restrict use of fertilizers as follows:

1. Fertilizer use is prohibited between December 1 and April 1 annually.
2. The use of fertilizers is prohibited within twenty (20) feet of any surface water except:
  - a. Where a continuous natural vegetation buffer, at least ten (10) feet wide, separates lawn and water.
  - b. Where a spreader guard, deflector shield or drop spreader is used, then the application may not occur within three feet of any surface water.
3. The use of phosphorus fertilizers are prohibited on lawns or other non-agricultural turf with the following exceptions:

- a. The use of phosphorus fertilizers are needed to establish a new lawn; or
  - b. A soil test shows that phosphorus fertilizers are needed for growth.
4. Fertilizer cannot be used on any impervious surfaces and if such an application occurs, it must be cleaned immediately and legally applied or placed in an appropriate container.

#### Notification of Pesticide Application

The District's IPM Coordinator or designated Pesticide Representative will give prior written notice of all pesticide applications to anyone who has asked to receive such notice. All district staff and parents/guardians will be notified of pesticide applications performed at any school facility. A notice will be sent at the beginning of the school year which will include:

1. Notification of periodic pesticide applications throughout school year.
2. The availability of 48-hour prior written notification of pesticide applications to parents and staff who request such notice. The District will maintain a list of those people who wish to receive forty- eight (48) hour notice before pesticide applications and will ensure that a system is developed to deliver such notice in a timely fashion to all affected. The notification system may be by mail or email, and will ensure that a back-up method is available to notify those for whom the regular system is unworkable.
3. Instructions on how to register with the school to receive this prior written notification.
4. The name and number of the school representative who can provide further information.

The district shall also provide additional written notification to all parents and staff three (3) times per year to inform them of any pesticide applications that have occurred: within ten (10) days of the end of the school year, within two (2) school days of the end of winter recess and within two (2) days of the end of spring recess.

#### Recordkeeping

Records of pesticide use will be maintained on site for three (3) years. Records will be completed on the day of pesticide use. In addition, pest surveillance records will be maintained to help verify the need for pesticide treatments. Annual reports of any applications must be sent to DEC.

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

Ref: Environmental Conservation Law, Art.33 (Pesticides); §§17-2104-2105  
Education Law §§409-h (Requirements for Notification of Pesticide Applications); 409-k (Pesticide Alternatives)  
6 NYCRR Part 325 (Application of Pesticides)

8 NYCRR §155.4 (Uniform Code of Public School Building Inspections,  
Safety Rating and Monitoring)

*Desmond Americana v. Jorling*, 153 AD2d 4 (3rd Dept. 1989)

*IPM Workbook for New York State Schools*, Cornell Cooperative  
Extension Community IPM Program with support from New York State  
Dept. of Environmental Conservation, August 1998

Adoption date: February 6, 2019

## OPIOID OVERDOSE PREVENTION

The Board of Education recognizes that many factors, including the use and misuse of prescription painkillers, can lead to the dependence on and addiction to opiates, and that such dependence and addiction can lead to overdose and death among the general public, including district students and staff. The Board wishes to minimize these deaths by the use of opioid overdose prevention measures. The signs and symptoms of opioid overdose (e.g., shallow breathing, unconsciousness, unresponsive to stimulation, pinpoint pupils, blue skin on lips and under nails) shall be displayed in school buildings with instructions to contact emergency responders. The district will provide training to all staff and students on the signs and symptoms of an opioid overdose.

The Board approves the district to participate in a local New York State Department of Health (NYSDOH)-registered Opioid Overdose Prevention Program by the Dutchess County Department of Health as an opioid antagonist recipient. The Board permits any school employee to volunteer to receive training from this program. School nurses may become volunteer trained responders, but may only act as trained responders when not functioning as a nurse. The Program shall issue shared access to communal NYSDOH-provided naloxone (also known as Narcan, among other names) nasal spray kits to trained responders. Employees wishing to volunteer to become trained responders must contact the school nurse, who shall arrange with the Program Director for training for the administration of intranasal naloxone. Volunteer trained responders may administer naloxone to a student or staff displaying opioid overdose symptoms, along with contacting emergency responders pursuant to the naloxone training. All provided naloxone kit shall be stored as specified by the Program. Naloxone shall be accessible during school hours and during on-site school-sponsored activities. The district shall comply with all recordkeeping, inventory, documentation and notification requirements of the Program. The Superintendent shall receive a list of all trained responders in the district from Building Principals, and Building Principals and school nurses shall maintain a list of all trained responders in their buildings.

Ref: Education Law §§922 (volunteer naloxone responder); 6527 (emergency treatment of anaphylaxis and opioid overdose); 3023 (liability coverage); 6909 (administration of naloxone by nurses)  
 Public Health Law §3309 (volunteer naloxone responder)  
 8 NYCRR §§ 64.7 (administration of naloxone); Part 136 (school health services program, including naloxone)  
 10 NYCRR §80.138 (volunteer naloxone responder)  
*Guidance for Implementing Opioid Overdose Prevention Measures in Schools*, New York State Education Department, 8/11/15, [www.schoolhealthservicesny.com/files/filesystem/guidance\\_on\\_opioid\\_overdose\\_prevention\\_in\\_the\\_schools\\_final.pdf](http://www.schoolhealthservicesny.com/files/filesystem/guidance_on_opioid_overdose_prevention_in_the_schools_final.pdf)  
*Opioid Overdose Prevention: Guidelines for Policies and Procedures*, New York State Department of Health, March 2014, [www.health.ny.gov/diseases/aids/general/opioid\\_overdose\\_prevention/docs/policies\\_and\\_procedures.pdf](http://www.health.ny.gov/diseases/aids/general/opioid_overdose_prevention/docs/policies_and_procedures.pdf)

Adoption date: February 6, 2019

**OPIOID OVERDOSE PREVENTION REGULATION**

The district shall follow the procedures established by the Dutchess County Department of Health Opioid Overdose Prevention Program, registered with the New York State Department of Health (NYSDOH), for the use of naloxone, including: placement, storage, inventory and re-ordering, documenting and reporting incidents of usage, and volunteer responder training.

Every administration of naloxone shall be reported to the Clinical Director and Program Director of the Opioid Overdose Prevention Program in which the district is participating, as well as the school nurse.

The district shall maintain a current list of all trained volunteer responders by building location, that includes the date of the person's most recent training), located in the nurse's office. Trained responders are encouraged to review their training in the year between the refresher training.

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## 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 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 will 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 will also address risk reduction/prevention, response and recovery with respect to a variety of types of emergencies and violent incidents in district schools, and will address school closures and continuity of operations in the context of epidemics/pandemics, in either the plans themselves or in addenda to the plans.

In accordance with state law and regulation, the district will 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 will 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, and parent organizations, school safety personnel and other school personnel (including bus drivers and monitors). This team is responsible for the development and annual review of the comprehensive district-wide school safety plan. The plan will cover all district school buildings and will 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 will include all those elements required by law and regulation.

The district-wide safety plan will include contracts or memoranda of understanding that define the relationship between the district, personnel, students, visitors, law enforcement, and public or private security personnel. These contracts or memoranda will be consistent with the Code of Conduct, and will define the roles, responsibilities, and involvement in the schools of law enforcement or security personnel. The role of school discipline will be clearly delegated to school administration.

The Board may also appoint a student representative to the district-wide school safety team. However, no confidential building-level emergency response plans will be shared with the student member, nor will 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 designee will be the district's chief emergency officer, and will coordinate communication between school staff and law enforcement and first responders. The chief emergency officer will 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 will 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 will ensure that the district-wide plan is coordinated with the building-level plans, and will ensure that required evacuation and lock-down drills are conducted.

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

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

Building-level emergency response plans will 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 must 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.

During emergencies, staff are authorized to temporarily cover classroom door vision panels when it is likely to protect staff and students. For example, covering vision panels may prevent an intruder from determining if a classroom is occupied, thereby discouraging attempts to gain access. During emergencies, staff are also authorized to temporarily block doors to slow the access of intruders. Building-level emergency response plans must address the temporary covering of door vision panels and the temporary blocking of doors during emergencies.

The Building Principal is 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) are confidential and not subject to disclosure under the Freedom of Information Law or any other law.

### **Threat Assessment Teams**

The Building Principal, in consultation with the Superintendent, will 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 will 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 will meet regularly. The team will be mindful of the need for discretion and observance of confidentiality requirements.

Students will be encouraged to bring their concerns to any district employee. If a district employee becomes aware of a threat to the school community, they must inform the Building Principal, who 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 will receive appropriate training.

### **Annual Review and Reporting**

All plans will be annually reviewed and updated, if necessary, by the appropriate team by July 15th. In conducting the review, the teams will 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 will remain in effect. If the district-wide plan requires change, then the updated

plan will be submitted to the Board of Education in time to allow 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 1st.

The Superintendent of Schools is responsible for submitting the district-level school safety plan and any amendments to the plan to the Commissioner within 30 days after its adoption, no later than October 1st of each year. The district-wide plan will be posted on the district's website. Each Building Principal is responsible for submitting the building-level emergency response plan for the building, and any amendments to the plan, to the appropriate local law enforcement agency and the state police within 30 days after its adoption, but no later than October 15th of each year until the 2020-2021 school year, when it must be submitted by October 1st of each year.

Cross-ref: 0115, Bullying and Harassment Prevention and Intervention  
5300, Code of Conduct  
9700, Staff Development

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

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## PANDEMIC PLANNING

The Board of Education recognizes the public's concern over the possibility of a contagious disease outbreak and acknowledges that it is in the best interests of its students, employees and the community to prepare for such a scenario. To this end, the Board directs the Superintendent of Schools to:

1. Implement infection prevention control procedures that could help limit the spread of contagious diseases at schools in the district, including but not limited to:
  - encouraging, through classroom instruction at every grade level and posters, good hygiene habits recommended by public health experts to help protect the school community from contagious diseases (e.g., washing hands frequently with soap and water, coughing/sneezing into tissues or the crook of the elbow instead of one's hand, utilizing alcohol-based/waterless hygiene products and avoiding shaking hands).
  - providing a description of warning signs and symptoms of contagious diseases infections and instruct parents and employees that students and staff displaying such symptoms should not report to school.
  - providing sufficient and accessible infection prevention supplies including soap, alcohol-based/waterless hygiene products, tissues and receptacles for their disposal.
  - following the recommendations of federal, state and local authorities regarding properly cleaning and sanitizing the schools.
  - observing required or recommended social distancing measures (keeping adequate physical space between people as much as possible), utilizing physical barriers, screening people before or during entry to school, and following required or recommended wearing of face coverings.
  
2. Work with school administrators, district medical personnel, local county health representatives, teachers, guidance counselors, and other staff and parent representatives as appropriate, to prepare, as part of the district's existing emergency/safety plan, a contagious disease preparedness plan. Such plan will include, but not be limited to:
  - Describing the potential impact of an outbreak on student learning (such as student and staff absences), school closing, school trips, and extracurricular activities based on having various levels of illness among students and staff and the alternative means of delivering education (e.g., educating students through the Internet, long-distance learning, sending assignments home, telephone conference calls, etc.), along with plans to assess student progress once school resumes.

- Ensuring continuity of meal programs during school closure, which may involve utilizing school vehicles or satellite pickup points.
  - Establishing procedures for caring for, isolating, and/or transporting students and staff who become ill with contagious diseases while in school, and their return to school after illness.
  - Establishing liberal, non-punitive attendance policies for students unique to an outbreak of contagious diseases.
  - Developing a process for gathering and analyzing the latest information and recommendations from health experts (for example, from the Centers for Disease Control, the New York State Health Department, the County Health Department, etc.) which will inform district policymakers' decisions.
  - Developing a process for communicating information concerning the outbreak of contagious diseases to the school community on a continuing basis. Such efforts may include preparing an information letter for distribution to parents and guardians of students advising them of the dangers of contagious diseases and the steps that may be taken to reduce the risk of infection, and/or establishing a section on the district's website to communicate information about the district's policy concerning contagious diseases and links to relevant governmental websites.
  - Coordinating the district's plan with the local and state health departments as well as the State Education Department and area BOCES.
  - Assigning responsibility for the activities listed above to appropriate staff.
3. Facilitate discussions with all negotiating units representing employees of the district to determine whether it is appropriate to consider opening up negotiations for the limited purpose of bargaining over the inclusion in collective bargaining agreements of provisions related to sick time and absences on the part of employees, who have been either diagnosed as having contracted contagious diseases that has caused the outbreak or who have family members who have contracted the contagious diseases that has caused the outbreak.

In the event that the district implements its emergency plan in response to a pandemic, the Superintendent will keep the Board regularly informed regarding any actions taken and information gathered.

Cross-ref: 5100, Student Attendance  
5420, Student Health Services  
8130, School Safety Plans and Teams

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September 16, 2020

## **BUILDINGS AND GROUNDS MAINTENANCE AND INSPECTION**

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

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

### Comprehensive Maintenance Plan

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

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

### Building Condition Surveys

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

### Annual Visual Inspections

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

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

### Fire Safety Inspections

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

### Safety Rating System

A safety rating keyed to the structural integrity and overall safety of each occupied school building will be provided on an annual basis in consultation with the Health and Safety Committee. Safety ratings will be based on the safety rating system developed by the Commissioner and will comply with all statutory and regulatory requirements.

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

Cross-ref: 6100, Annual Budget  
7100, Facilities Planning  
7365, Construction Safety  
8110, School Building Safety  
8112, Health and Safety Committee  
8115, Pesticides and Pest Management

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

*IPM Workbook for New York State Schools*, Cornell Cooperative Extension  
Community IPM Program with support from New York State Dept. of  
Environmental Conservation, August 1998

Adoption date: February 6, 2019

## OPERATION OF MOTOR-DRIVEN VEHICLES ON DISTRICT PROPERTY

The use of motor-driven vehicles, including cars, snowmobiles, mini-bikes, motorcycles, all-terrain vehicles (ATVs) and other such vehicles is prohibited on any school grounds or areas except for authorized school functions or purposes.

The driving of motor vehicles not licensed for highway use is prohibited on school property.

The Board authorizes the Superintendent, his/her designee, or the local Police Department, to remove and store any vehicle or trailer:

1. Parked in a parking area, driveway, or road during snowstorms, flood, fires or other public emergencies;
2. Found unattended in a fire lane;
3. Found unattended in a parking area, driveway or road where it constitutes an obstruction to traffic; or
4. Found abandoned in a parking area, driveway or road.

The Board authorizes the local Police Department to issue tickets for violation of district traffic rules as appropriate under Vehicle and Traffic Law.

The owner of any vehicle ticketed or removed from district property shall be responsible for payment of all charges levied by the local Police Department or private towing companies.

Cross-ref: 5454, Student Automobile Use

Ref: Vehicle and Traffic Law § 1670

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## AUTHORIZED USE OF SCHOOL-OWNED MATERIALS AND EQUIPMENT

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

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

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

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

Individuals borrowing district-owned equipment shall be fully liable for any damage or loss occurring to the equipment during the period of its use, and shall be responsible for its safe return. In addition, since Board members, officers and employees are issued district owned equipment in connection with their work responsibilities, the individual using the district owned equipment shall not have an expectation of privacy with respect to information contained on the device (e.g., computer files, images, messages).

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

Cross-ref:      8332, Use of District Owned Cell Phones  
                     8630, Computer Resources and Data Management

Adoption date: February 6, 2019

## USE OF CELL PHONES

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

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

Cell phones are to be used for school district business purposes only and may not be used by anyone other than the School District employee. Failure to follow these guidelines may result in revocation of the phone and discipline of the employee. In addition, since employees are issued district-owned cell phones in connection with their work responsibilities, employees shall not have an expectation of privacy with respect to information contained on the device (e.g., text messages, records of phone calls).

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

An annual amount will be deducted from the paycheck of each employee who is issued a district-owned cell phone. This amount will be divided equally over 24 paychecks. This deduction covers the use of this cell phone for personal phone calls made by the employee.

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

Ref: Fourth Amendment, U.S. Constitution  
Fourteenth Amendment, U.S. Constitution  
*City of Ontario, California v. Quon*, 560 U.S. 746 (2010)

Adoption date: February 6, 2019

## USE OF CREDIT CARDS

The Board of Education permits the use of district credit cards by certain school officials and Board members to pay for actual and necessary expenses incurred in the performance of work related duties for the district. A list of those individuals that will be issued a district credit card will be maintained in the Business Office and reported to the Board each year at its annual organizational meeting in July. All credit cards will be in the name of the school district. The Board will annually determine the credit limit for such cards.

The terms of use must include that the district preserves its right to refuse to pay any claim or portion thereof that is not expressly authorized, does not constitute a proper district share, or supersedes any laws, rules, regulations or policies otherwise applicable. In addition, the Board will ensure that no claim shall be paid unless an itemized voucher approved by the officer whose action gave rise or origin to the claim, shall have been presented to the Claims Auditor, and shall have been audited and allowed.

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

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

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

Each cardholder shall be apprised of the procedures governing the use of the credit card, and a copy of this policy and accompanying regulations shall be given to each cardholder. Users must submit detailed documentation, including itemized receipts for commodities, services, travel and/or other actual and necessary expenses which have been incurred in connection with school related business for which the credit card has been used.

The Business Official shall monitor the use of each credit card monthly and report any serious problems and/or discrepancies directly to the Superintendent and the Board.

Cross-ref: 6700, Purchasing  
6830, Expense Reimbursement

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

Adoption date: February 6, 2019

## STUDENT TRANSPORTATION

The Board of Education affirms its goal of providing a safe and economical transportation system for district students. Transportation shall be provided at district expense to those students who are eligible as authorized by state law or the district's voters.

The major objectives in the management of the student transportation program shall include the following:

1. to provide efficient, effective and safe service;
2. to ensure that all students whose disability or distance from school **or** eligibility due to homelessness or foster care placement (where the student is attending his/her school of origin in the district) requires them to receive necessary transportation do, in fact, receive it;
3. to adapt the system to the demands of the instructional program;
4. to maintain transportation vehicles in the best possible condition;
5. to review at least once a year school bus schedules and routing plans to ensure that maximum efficiency and safety are maintained; and
6. to review at least once a year the eligibility for transportation of students residing in the district, to ensure that all entitled to the services receive them.

For some homeless children, a local social services district provides for, arranges, or pays for transportation. For children in foster care, the district shall work with state and/or local social services agencies to develop procedures to provide prompt and cost-effective transportation to their school of origin, for the duration of their time in foster care, when that is in the child's best interest.

The district may provide transportation to and from one alternate location in accordance with regulation, 8410-R, Student Transportation Regulation.

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.

Ref: Education Law §§305(14); 1501-b; 1807; 3602(7); 3623; 3635 et seq.  
*Matter of Handicapped Child*, 24 EDR 41 (1984)  
*Matter of Zakrezewski*, 22 EDR 381 (1983)  
*Matter of Nowak*, 22 EDR 91 (1982)  
*Matter of Fox*, 19 EDR 439 (1980)

Adoption date: July 13, 2016  
 Revised: September 5, 2018  
 Readopted: February 6, 2019  
 Revised: August 12, 2020

## STUDENT TRANSPORTATION REGULATION

The Pine Plains Central Schools will provide transportation for district students in grades Pre-K through 12, whose distance from school, disability or eligibility under federal and state law for homeless or foster children requires it, to and from school and their legal residence.

In addition, the district may provide transportation to and from one alternate location in accordance with the following regulations:

- 1. Due to the COVID-19 pandemic, a transportation request form must be completed and submitted to the Transportation Department for every District student for the 2020-2021 school year. Forms must be received no later than 2 weeks prior to the requested transportation date. These forms are necessary to determine bus routes and student transportation needs in accordance with guidelines as recommended by the Centers for Disease Control and Prevention (CDC) and Department of Health (DOH).*
- 2. Due to the COVID-19 pandemic, daily bus passes will not be permitted during the 2020-2021 school year, until further notice.*

Adoption date: July 13, 2016  
Revised: September 5, 2018  
Readopted: February 6, 2019  
Revised: August 12, 2020

## **SCHOOL BUS SCHEDULING AND ROUTING**

Bus routes are authorized by the Board of Education and any requests for a change must be submitted to the Superintendent of Schools or his/her designee. Authorized bus stops shall be located at convenient intervals in places where students may embark and disembark the buses, cross highways, and await the arrival of buses in the utmost safety allowed by road conditions.

Transportation services shall be provided to meet the needs of the students of the district within specified limits and areas established by the Board.

Adoption date: February 6, 2019

**SCHOOL BUS SCHEDULING AND ROUTING REGULATION**

The Board of Education shall authorize transportation subject to the following provisions:

- a. Students living .7 of a mile or more shall be transported to and from school daily.
  1. Pre-Kindergarten and kindergarten students will be transported door to door or as close thereto as feasible.
  2. For safety purposes, students that live within .7 of a mile, but are required to cross a state highway to walk to school, will be transported.
- b. Buses will not go onto an intersecting road unless the family or families involved live more than .7 of a mile from the intersection.
- c. Group pick-ups will be made whenever possible, at the discretion of the administration.
- d. Bus routes are established at the beginning of the school year and changed by the administration to improve the route or accommodate new students.
- e. Drivers are to be instructed not to wait for students.
- f. If the student lives on a dead-end road and the distance is more than .7 of a mile from the main route, a cleared turn-around must be provided. In the event of a good turn-around within the .7 of a mile, it shall be used.
- g. Special presentations on bus safety are to be given to both students and bus drivers periodically and emergency drills shall be conducted in accordance with the Regulations of the Commissioner.
- h. Questions on bus problems will be presented initially to the administration.
- i. It will be within the discretion of the bus driver as to whether or not to enter a particular road at any given time.
- j. The administration shall determine the route to be used in the transporting of students to and from school in a manner that provides minimal risk to students and efficient use of buses.
- k. In measuring distances to qualify students for bus pick-up, driveways will be used as the point of pick-up. Closer to the school it will be from the driveway to the school entrance (where the bus normally stops).
- l. The responsibility for administering the transportation program in the District shall rest with the Superintendent of Schools or his/her designee.
- m. All candidates for bus driving positions shall be required to pass a medical examination before appointment and annually or more frequently as needed thereafter. The medical examination shall be made by a physician selected by the school district.
- n. School buses shall be maintained in a clean condition at all times; windows are to be opened only half-way.
- o. School buses shall be used to transport students to and from school for extracurricular activities approved by the Superintendent in accordance with regulations established by the Board.

- p. Special transportation requests from parents will be honored when possible. Requests shall be in written form (and kept to a minimum) for approval by the Principal or his/her designee.
- q. Only registered students in the District are permitted to ride school buses. Other individuals may secure permission by writing to the Superintendent.
- r. After regular dismissal, late buses may be provided. Late bus schedules and stops shall be developed by the Supervisor of Transportation and/or Head Bus Driver. Students shall be discharged only at scheduled bus stops unless they live directly on the route. Any change in the bus schedule will be announced over the public address system one (1) day in advance of the change. There will be no late bus (5 O'clock bus) runs on Fridays, as well as on the following days when:
  - school is not in session.
  - weather or road conditions prohibit.
  - there is an emergency school closing.

Adoption date: February 6, 2019

## TRANSPORTATION FOR NONPUBLIC SCHOOL STUDENTS

Transportation requests for students attending nonpublic schools should be received by the district no later than the April 1st preceding the beginning of the next school year. If a student moves into the district later than April 1st, the request should be received within thirty days of establishing residence in the district, but preferably no later than August 1<sup>st</sup>. Nonpublic students who are being provided transportation will be sent transportation request forms by the district no later than March 1<sup>st</sup>.

All late requests, however, shall be considered by the Board of Education on the basis of each case's merits. Criteria used by the Board in judging whether to accept a late request may include but not be limited to the following:

1. whether transportation will require an additional cost, and, if so,
2. the reasonableness of the excuse for the late request.

Ref: Education Law §3635  
*Appeal of Boyle*, 31 EDR 208 (1991)  
*Matter of Ward*, 29 EDR 153 (1989)  
*Matter of Alletto*, 25 EDR 14 (1985)

Adoption date: February 6, 2019

## SCHOOL BUS SAFETY

The safe transportation of students to and from school is of primary concern in the administration of the school bus program. All state laws and regulations pertaining to the safe use of school buses shall be observed by drivers, students and school personnel.

To assure the safety and security of students boarding or exiting school buses on school property, it shall be unlawful for a driver of a vehicle to pass a stopped school bus when the red bus signal is in operation.

The Transportation Supervisor, in cooperation with the Principals, has the responsibility of developing and publishing safety rules to be followed by drivers and passengers, including rules of student conduct. In order to ensure maximum safety to those riding school buses, it is necessary that students and drivers cooperate in this effort. There is no substitute for training to develop safe habits in pedestrian and vehicular traffic.

All buses and other vehicles owned and operated by the School District will have frequent safety inspections, and will be serviced regularly. The Transportation Supervisor will maintain a comprehensive record of all maintenance performed on each vehicle.

Every bus driver is required to report promptly any school bus accident involving death, injury, or property damage. All accidents, regardless of damage involved, must be reported at once to the Transportation Supervisor.

### Use of Cell Phones and Portable Electronic Devices Prohibited

Use of portable electronic devices by a school bus driver at times the vehicle is in operation on the roadway poses a potential safety risk and may also violate state law. All school bus drivers are prohibited from using portable electronic devices both while the bus is in operation and while students are on the bus.

Personal cell phones are to be placed in the "off" position when in the possession of the school bus driver while the bus is in operation. Cell phones may be used in case of emergency.

The following terms are defined as:

- a. "Portable electronic device" shall mean any mobile telephone (hand held or "hands free"), personal digital assistant (PDA), portable device with mobile data access, laptop computer, pager, broadband personal communication device, two-way messaging device, electronic game, or portable computing device.

- b. "Using" shall mean holding a portable electronic device while viewing, taking or transmitting images, playing games, or composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving e-mail, text messages, or other electronic data.
- c. "In operation" shall mean that the bus engine is running, whether in motion or not.

Cross-ref: 5300, Code of Conduct  
8130, School Safety Plans and Teams  
8416, Special Use of School Buses

Ref: Education Law §§2; 1501-b; 1502; 3602(7)(b); 3623; 3625-a; 3636  
8 NYCRR §156.3(h)  
Vehicle and Traffic Law §§509-a(7), 509-1(1-b), 1174(a) and 1174(b)

Adoption date: February 6, 2019

## BUS DRIVER QUALIFICATIONS AND TRAINING

Only employees who have acquired the appropriate commercial driver's license (CDL) and who have complied with the regulations of the Commissioners of Motor Vehicles and Education may drive students to and from home on regularly scheduled routes. No other person may operate a school bus on a scheduled route for the purpose of transporting students to and from home.

For an individual to be qualified as a school bus driver, he or she must:

- be at least 21 years of age;
- have a currently valid driver's commercial driver's license (CDL);
- pass required physical examination and physical requirements tests;
- furnish at least three statements attesting to his/her good moral character and reliability (these statements must be from three different people not related to the applicant by blood or marriage);
- not be disqualified to drive a school bus because of a conviction, violation or infraction listed in sections 509-c or 509-cc of the Vehicle and Traffic Law, or under any other provision of Article 19-A of that law; and
- meet all other licensing and training requirements for driving a school bus.

All school bus driver candidates will be fingerprinted so the district can obtain any criminal record from state and federal authorities. In addition, the district will check the driving and employment records of each bus driver, in a manner prescribed by the Commissioner of Motor Vehicles. Training on school bus safety practices and the special needs of children with disabilities will be given as required by the regulations of the Commissioner of Education.

Ref: Education Law §3624  
Vehicle and Traffic Law, Article 19-A  
8 NYCRR §156.3, as amended  
15 NYCRR Part 6

Adoption date: February 6, 2019

## VIDEO CAMERAS ON SCHOOL BUSES

The Board of Education recognizes its responsibility to maintain and improve discipline and to insure the safety and welfare of its staff and students on school transportation vehicles.

After having carefully considered and balanced the rights of privacy with the district's duty to ensure discipline, health, welfare and safety of staff and students on school transportation vehicles, the Board authorizes the use of video cameras on its school buses.

Video cameras may be used to monitor student behavior on school vehicles transporting students to and from school or extracurricular activities.

Students in violation of bus conduct rules shall be subject to disciplinary action in accordance with established Board policy and regulations governing student conduct and discipline.

The district shall comply with all applicable state and federal laws related to student records when such recordings are considered for retention as part of the student's record.

Video recordings shall be used primarily for the purpose of evidence for disciplining of students. However, the district may use such recordings for any other purpose it deems appropriate.

The Superintendent of Schools is directed to develop regulations governing the use of video cameras in accordance with the provision of law and established Board policies and regulations.

Ref: 20 U.S.C. §1232g (FERPA)  
Arts & Cultural Affairs Law, Art. 57-A (Local Government Records Law)  
Public Officers Law §87  
8 NYCRR Part 156.9(d)  
Records Retention & Disposition Schedules for Use by School Districts,  
Schedule ED-1 (1991)

Adoption date: February 6, 2019

## **ALCOHOL AND DRUG TESTING OF DRIVERS**

The Board of Education recognizes the dangers inherent in alcohol and controlled substance use by employees, especially those in safety-sensitive positions. To ensure the safety of its students, the Board requires alcohol and controlled substance testing of certain "drivers," operators of "other school buses," and any other employee who is subject to such testing, in accordance with and as set forth in the applicable federal and state requirements.

### **Definitions**

1. "Driver" includes any person who operates a commercial motor vehicle. This includes, but is not limited to: Full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.
2. "Other school buses" include those covered by applicable federal regulations (see list below) and any other motor vehicle either owned by the district or by a private company, operated to transport students, children of students, teachers, and other supervisory persons to or from school or school activities.

### **Testing Responsibilities**

Consistent with federal regulations, the district shall directly, by contract, or through a consortium, implement and conduct a program to provide alcohol and controlled substance testing of drivers who operate a commercial motor vehicle, perform in a safety-sensitive position, and are required to hold a commercial driver's license. Employees holding such positions include:

1. drivers of vehicles designed to transport 16 or more passengers, including the driver;
2. drivers of commercial motor vehicles whose manufacturer's rating is 26,001 lbs. or more; or
3. any other employee who may drive or service a listed vehicle (e.g. a mechanic who performs test drives, repairs, inspects, or loads or unloads a vehicle listed in 1 or 2 above).

Controlled substance and alcohol tests will be conducted for operators of all "other school buses" consistent with the procedures applicable to the implementation of federal regulations. Volunteers who drive a bus with passengers fewer than 30 days per year are not subject to such testing.

Generally, the required testing will be conducted at or prior to the time of employment and randomly throughout the school year. However, drivers are subject to additional testing under federal regulations when a supervisor has a reasonable suspicion that a driver has engaged in prohibited alcohol or controlled substance use; after certain accidents; prior to return to duty when the driver has been found to violate district policy and federal regulations; and after the driver's return to duty.

**Driving Prohibition**

In accordance with federal and state law, a driver may not drive if he or she:

1. possesses, consumes or is reasonably believed to possess or have consumed alcohol or a controlled substance, while on duty;
2. uses or is under the influence of alcohol or a controlled substance that is not lawfully prescribed within six hours or less before duty;
3. has an alcohol concentration of 0.02 or higher, or tests positive for a controlled substance; or
4. refuses to take a required alcohol or controlled substance test.

Also, no driver shall use alcohol after being involved in an accident in which there was a fatality or in which the driver was cited for a moving violation and a vehicle was towed from the scene or an injury was treated away from the scene until he/she has been tested or 8 hours have passed, whichever occurs first.

**Enforcement of Driving Prohibitions**

The school district will not require or permit drivers of vehicles listed above, as well as operators of all "other school buses" defined above, to be on duty or operate a listed vehicle or other school bus, if it appears that they have consumed a drug/controlled substance (except those lawfully prescribed) or alcohol within the preceding eight hours. This shall be based on the person's general appearance, conduct, or other substantiating evidence. Those who maintain, repair, or garage listed vehicles or school buses that involves incidental driving without passengers, are exempt from this requirement, but are still prohibited from consuming controlled substances and alcohol within six hours of going on duty.

**Response to Positive Testing Results**

Any driver who is tested and found to have an alcohol concentration of at least 0.02, but less than 0.04, shall be removed from the position until his or her next regularly scheduled duty period, but not less than 24 hours following administration of the test. Any driver found to have violated this requirement may be disciplined in accordance with the provisions of the applicable collective bargaining agreement, district policy, and/or law. Operators of "other school buses" subject to random testing pursuant to New York Law will be subject to the same consequences based upon an alcohol concentration of at least 0.02 but less than 0.04 as drivers listed above.

If a driver has an alcohol concentration of 0.04 or greater, or has engaged in prohibited alcohol or controlled substance use, he or she will be removed from driving duties, and referred to a substance abuse professional. The driver may be required to complete a treatment program and/or be disciplined pursuant to district policy and/or collective bargaining agreement. No driver who has abused controlled substances and/or alcohol may return to duty unless he/she has successfully passed a required return to duty test. Thereafter, the driver will be subject to follow-up testing. Operators of "other school buses" subject to random testing pursuant to New York Law will be subject to the same consequences

based upon an alcohol concentration of 0.04 or greater or a positive drug test as drivers listed above.

### **Re-Testing**

Should the district receive a dilute test result in which the creatinine concentration is greater than 5mg/dL in the case of any pre-employment, return-to-duty, follow-up, reasonable suspicion, or random test, it is the policy of the district that the individual shall be re-tested and that re-test will become the test of record.

### **Policy Distribution**

The Superintendent of Schools shall ensure that a copy of this policy, the district's policy on misuse of alcohol and use of controlled substances, information on alcohol and drug abuse and treatment resources and any other information prescribed by federal regulations is provided to all drivers *and operators of "other school buses"* prior to the initiation of the testing program and to each driver or operator of "other school buses" subsequently hired or transferred to a position subject to testing.

Cross-ref: 8414.1, Bus Driver Qualifications and Training  
9320, Drug-Free Workplace  
9610, Staff Substance Abuse

Ref: Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§31136; 31306  
49 U.S.C. §521(b)  
49 CFR Part 391 (Qualifications/Disqualifications)  
49 CFR Part 382 (Drug Testing Requirements)  
49 CFR Part 40 (Testing Procedures)  
49 CFR §395.2 (On-duty time defined)  
Vehicle and Traffic Law §§509-1; 1192; 1193  
*Will v. Frontier CSD Bd. of Educ.*, 97 N.Y.2d 690 (2002)

Adoption date: April 5, 2017

Revised date: April 4, 2018

Readopted: February 6, 2019

## **ALCOHOL AND DRUG-TESTING OF DRIVERS REGULATION**

Any employee who operates a commercial motor vehicle, or other "school bus," or is in a related safety-sensitive function described below shall be subject to alcohol and controlled substance testing in accordance with this regulations and applicable federal regulations and state law. An employee having any questions concerning the district's policy or regulation, state law or applicable federal regulations shall contact the Superintendent of Schools.

Any treatment, rehabilitation program or discipline will be provided in accordance with district policy and/or collective bargaining agreements.

### **I. Definitions**

#### **A: Employees Covered Under Federal Law**

Employees covered under federal law include district employees who operate a commercial motor vehicle, perform in a related safety-sensitive position, and are required to obtain a commercial driver's license. Such employees include:

1. drivers of vehicles designed to transport 16 or more passengers, including the driver;
2. drivers of commercial motor vehicles whose manufacturer's rating is 26,001 lbs. or more; or
3. any other employee who may drive or service a vehicle listed in 1 or 2 above (e.g., a mechanic who performs test drives, repairs, inspects or loads or unloads a listed vehicle).

Such employees include, but are not limited to full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed or under lease to an employer or who operate a commercial motor vehicle at the direction or with the consent of the district.

#### **B. Employees Covered Under State Law**

Operators of "other school buses" are subject to testing as described in section III below. Other "school buses" include both those covered by applicable federal regulations as stated above, and any other motor vehicle either owned by the district or by a private company, operated to transport students, children of students, teachers, and other supervisory persons to or from school or school activities.

Certain specified employees will not be considered operators of "other school buses." They include:

1. Volunteers who drive a school bus with passengers fewer than 30 days per year; and
2. Employees engaged in the maintenance, repair or garaging of buses, who in the course of their duties must incidentally drive a vehicle not covered under federal law without passengers.

C. **Safety Sensitive Function**

An employee is performing a safety-sensitive function that is covered by federal regulations when:

1. waiting to be dispatched, unless the driver has been relieved from duty;
2. inspecting, servicing or conditioning any commercial motor vehicle;
3. driving a commercial motor vehicle;
4. attending a vehicle being loaded or unloaded;
5. performing the driver requirements of the federal regulations pertaining to accidents; and
6. attending to a disabled vehicle.

II. **Driver Prohibitions and Consequences**

Employees covered under federal law are required to be in compliance with district policy and regulation at the following times:

1. when performing any on-duty safety-sensitive functions, including all time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility; and
2. during all time spent providing a breath sample, saliva sample or urine specimen and travel time to and from the collection site in order to comply with random, reasonable suspicion, post-accident, return-to-duty or follow-up testing.

Employees covered under both federal and state law are prohibited from driving a listed vehicle or performing other safety-sensitive duties if the employee:

1. possesses, consumes or is reasonably believed to possess or have consumed alcohol or a controlled substance, while on duty;
2. has consumed or is under the influence of alcohol or a controlled substance that is not lawfully prescribed within six hours before duty;
3. has an alcohol concentration of 0.02 or higher, or tests positive for controlled substances; or
4. refuses to take a required alcohol or controlled substance test. Refusal to submit shall mean the failure to provide adequate breath or urine without a valid medical explanation, receipt of verified adulterated or substituted drug test result, or to engage in conduct that clearly obstructs the testing process, such as a failure to arrive

for the drug testing or failure to sign the alcohol testing form prior to specimen collection.

In addition, an employee covered under federal law is prohibited from consuming alcohol within eight hours after being involved in an accident, or before undergoing a post-accident test, if such a test is required. Illegal drug use by drivers is prohibited on or off duty. It is the responsibility of the employee to report prescription drug use to the employer.

Drivers who violated the above prohibitions will be subject to the following enforcement actions:

1. Employees covered under federal law will be removed from their safety-sensitive functions if they violate the district's policy or federal regulations pertaining to the possession or consumption of alcohol or controlled substances.
2. The Supervisor of Transportation or his/her designee will not require or permit employees covered under state law to be on duty or operate a listed vehicle or other school bus, if it appears that they have consumed a drug/controlled substance (except those lawfully prescribed) or alcohol within the preceding eight hours. This shall be based on the person's general appearance, conduct, or other substantiating evidence. Those who maintain, repair, or garage listed vehicles or school buses that involves incidental driving without passengers, are exempt from this requirement, but are still prohibited from consuming controlled substances and alcohol within six hours of going on duty.
3. Any covered employee who tests 0.02 or greater but less than 0.04 will be removed from driving and other safety-sensitive duties until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.
4. In the event that any covered employee has a breath alcohol concentration of 0.04 or greater, has tested positive for a controlled substance or has refused to take a test, he or she will, in addition to immediate removal from driving and any other safety-related duties, not be returned to duty until he or she:
  - has been evaluated by a substance abuse professional;
  - has complied with any treatment recommendations; and
  - has received a satisfactory result from a return to duty test.
5. Upon return to duty, the employee will be subject to follow-up testing.

While New York Law permits the use of medical marijuana, federal law still prohibits its use. Any driver tested under the federal

regulations, who tests positive for marijuana, even if such use is based upon a lawful certification under state law, will be found to have violated the federal regulations (DOT Office of Drug and Alcohol Policy and Compliance, Medical Marijuana Notice (Oct. 2009) at: <https://www.transportation.gov/odapc/medical-marijuana-notice>).

### III. **Types of Testing**

The Superintendent of Schools and the Director of Transportation shall ensure that the following alcohol and drug tests are conducted and that any employee who is required to take such a test is notified prior to the test that it is required pursuant to federal regulations. Notice will also be given in the case of pre-employment alcohol testing, that such test is required by state law.

1. **Pre-employment:** Controlled substance and alcohol tests will be conducted before all applicants are hired or after an offer to hire, but before actually performing safety-sensitive functions for the first time. These tests will also be given when employees covered under federal or state law transfer to a safety-sensitive function.
2. **Post-accident:** Alcohol and controlled substance tests will be conducted if a driver covered under federal law is involved in an accident in which:
  - a. there has been a fatality; OR
  - b. the driver has received a citation for a moving violation in connection with the accident pursuant to the time limitations specified in the regulation AND EITHER
    1. there is an injury treated away from the scene of the accident; or
    2. there is a disabled vehicle towed from the scene.
3. **Reasonable Suspicion:** Alcohol and controlled substance tests will be conducted when the Transportation Supervisor or other school official who has completed the minimum two hours of training has a reasonable suspicion that the driver covered under federal law has violated district policy and regulation. A “reasonable suspicion” must be based on specific, contemporaneous, articulable observations concerning the driver’s behavior, appearance, speech or body odors that are characteristic of controlled substance or alcohol misuse. Alcohol tests can only be done just before, during or just after the employee covered under federal law drives a listed vehicle or performs other safety-sensitive duties. The supervisor who makes the determination of reasonable suspicion cannot do the testing.
4. **Random Testing:** For employees covered under federal law, random alcohol tests shall be conducted annually at a minimum rate established annually by the Federal Motor Carrier Safety Administration. Random alcohol tests must be conducted just before, during or just after the employee drives a listed vehicle or

performs other safety-sensitive duties. For employees covered under federal law, random controlled substance tests shall be conducted annually at a minimum rate established annually by the Federal Motor Carrier Safety Administration. Random controlled substance tests may be conducted at any time. Random alcohol and controlled substance tests must be unannounced and spread reasonably throughout the calendar year.

New York law requires employees covered by state law to be tested in conformance with federal regulations 49 CFR Part 382. Although federal regulations permit employers to perform random testing beyond what they require, a separate pool must be maintained for those employees covered by state law who do not meet federal requirements. The separate pool for these employees will be subject to testing at the same minimum rate annually established for drivers subject to the Federal Motor Carrier Safety Administration regulations.

5. **Return-to-Duty Testing:** Any covered employee who refused to take a test or has engaged in prohibited alcohol and controlled substance use, except for alcohol concentration of between 0.02 and 0.04, shall be required to take an alcohol or controlled substance test and achieve a satisfactory result before returning to duty in the safety-sensitive position. If removal was due to alcohol use, a satisfactory result will be less than 0.02 alcohol concentration. If removal was due to controlled substance use, a satisfactory result will be one that it is verified as negative. The test will not be administered until the employee has been evaluated by a substance abuse professional and has complied with any treatment recommendations.
6. **Follow-Up Testing:** After any covered employee who was found to violate the district's policy against alcohol and controlled substance use returns to duty, he or she will be subject to at least six unannounced tests in the first 12 months following the employee's return to duty. Follow-up testing may be extended for up to 60 months from the date of the employee's return to duty. Follow-up alcohol testing may only be conducted before, during or after the driver has performed his or her driving duties.

#### IV. Testing Procedures

##### A. Alcohol Testing Procedures

Alcohol testing will be conducted with evidential breath testing (EBT) devices approved by the National Highway Traffic Safety Administration. An approved non-evidential screening device may be used to perform screening tests but not for confirmation alcohol tests. The employee and the Breath Alcohol Technician conducting the test must complete the alcohol testing form to ensure that the results are properly recorded.

1. Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a “negative” test.
2. If the alcohol concentration is 0.02 or greater, a second or confirmation test must be conducted. The confirmation test must be conducted using an EBT that meets the requirements of federal regulations.
3. If the confirmation test results indicate an alcohol concentration from 0.02 to 0.03999, the employee will be restricted from duty for at least 24 hours from the time of the test.
4. If the confirmation test results indicate an alcohol concentration equal to or greater than 0.04, the employee will be removed from all safety-sensitive duties and no return to duty will be permitted until the employee has successfully passed required return-to-duty tests. The employee must also be reviewed by a Substance Abuse Professional and comply with his/her recommendations. Follow-up tests will also be required.
5. For post-accident testing, the results of breath or blood tests conducted by law enforcement officials will be accepted as long as the testing conforms to federal and state requirements for alcohol testing and the results are made available to the district.

All testing procedures will conform to the requirements outlined in federal regulations (49 CFR Part 40) for ensuring the accuracy, reliability and confidentiality of test results. These procedures include training and proficiency requirements for Breath Alcohol Technicians, quality assurance plans for the EBT devices including calibration, requirements for suitable test location, and protection of employee test records.

**B. Drug Testing Procedures**

The employee must provide a urine specimen at a collection site that meets federal requirements which will be analyzed at a laboratory certified and monitored by the U.S. Dept. of Health and Human Services.

1. Regulations require that each urine specimen be divided into one “primary” specimen and one “split” specimen.
2. All urine specimens are analyzed for the following drugs or drug metabolites (by-products of the body metabolizing a drug):
  - a. Marijuana (metabolites)
  - b. Cocaine metabolites
  - c. Amphetamines (including methamphetamines, MDA and MDMA)

- d. Opioids (including natural opiates such as codeine, morphine, heroin, and semi-synthetic opioids such as hydrocodone, hydromorphone, oxycodone, and oxymorphone)
- e. Phencyclidine (PCP)
3. If the primary specimen confirms the presence of one or more of these drugs, the employee has 72 hours to request that the split specimen be sent to another certified lab for analysis. [Note: The employee must be removed from driving duties at this time--pursuant to federal regulations, the driver's removal cannot await the result of split sample.]
4. All drug test results will be reviewed and interpreted by a physician (also called a Medical Review Officer) before they are reported to the district.
5. If the laboratory reports a positive result to the Medical Review Officer (MRO), the MRO shall interview the employee to determine if there is an alternative medical explanation for the drugs found in the employee's urine specimen. If the employee provides appropriate documentation and the MRO determines that it is legitimate medical use of a prohibited drug, the drug test result is reported as negative.
6. If the MRO reports a positive drug result, the employee must be evaluated by a substance abuse professional and follow his/her recommendations prior to taking a return-to-duty test. Follow-up testing is also required.
7. For post-accident testing, the results of urine tests conducted by law enforcement officials will be accepted as long as the testing conforms to federal and state requirements for controlled substance testing and the results are made available to the district.

All controlled substance testing shall comply with the requirements of the federal regulations (49 CFR Part 40) including procedures for the proper identification, security and custody of the sample, use of certified laboratories, assurance that all drug test results are reviewed and interpreted by a physician, and ensuring confidentiality of employee test records.

V. **Dilute Specimen Testing**

If the district receives a drug test result which is negative but dilute and the creatinine concentration is greater than 5mg/dl, the district shall require a re-test to be conducted in each of the following cases:

- Pre-employment tests
- Return-to-duty tests
- Follow-up tests
- Reasonable suspicion tests
- Random tests

The result of the re-test shall become the test of record. If the employee refuses to take the re-test it will be considered the same as a positive test result.

VI. **Training**

The Supervisor of Transportation and every other person designated to determine whether reasonable suspicion exists to require an employee covered by federal law to undergo reasonable suspicion testing must receive at least one hour of training on alcohol misuse and at least one additional hour of training on controlled substance use which they will use in making their determinations.

VII. **Recordkeeping and Reporting**

The Transportation Supervisor shall ensure that alcohol and drug testing records are maintained pursuant to applicable regulation and are available, if requested, for submission to the federal government or any State or local officials with regulatory authority over the employer or any of its drivers.

The following personal information must be reported to the Department of Transportation (DOT) Clearinghouse for employees subject to DOT testing:

- a verified positive, adulterated or substituted drug test result;
- an alcohol confirmation tests with a concentration of 0.04 or higher;
- a refusal to submit to any test required by the regulations;
- An employer's report of actual knowledge of on duty alcohol use, pre-duty alcohol use, alcohol use following an accident, and controlled substance use;
- A substance abuse professional's report of the successful completion of the return-to-duty process;
- A negative return-to-duty test; and
- An employer report of completion of follow-up testing.

VIII. **Required Notification**

Every covered employee shall receive information about the signs, symptoms, and effects of alcohol misuse and controlled substance use as well as a copy of the district's policy and procedures, the consequences of testing positive and who to contact within the district to seek further information and/or assistance.

Each covered employee is required to sign a statement certifying that he/she has received this information. The district shall maintain the original signed certification until the employee's employment is discontinued. The district will provide a copy of the certification to the covered employee upon request.

IX. **Penalties**

Any treatment, rehabilitation program or discipline will be provided in accordance with applicable law and regulations, district policy and/or collective bargaining agreements.

Any employer or driver who violates the requirements of the federal regulations of the Omnibus Transportation Employee Testing Act of 1991 may be subject to civil penalties.

In addition, in accordance with New York State law, a driver convicted of driving a listed vehicle with one or more student passengers while impaired by the use of drugs or alcohol will have his/her license revoked for one year and is subject to fines ranging from \$500 to \$5,000 and/or imprisonment. Any driver convicted more than once in 10 years for such crimes will have his/her license revoked for three years and is subject to a fine of \$1,000 to \$5,000 and/or imprisonment.

Adoption date: April 5, 2017

Revision date: April 4, 2018

Readopted: February 6, 2019

**ALCOHOL AND DRUG TESTING PROGRAM  
ACKNOWLEDGMENT FORM**

I, \_\_\_\_\_, have received, read and understand the Alcohol and Drug Testing Program policy and regulation. I consent to submit to the alcohol and drug testing program as required by law and district policy and regulation.

I understand that if I am being required to submit to a pre-employment alcohol test or a dilute specimen re-test, such test is required pursuant to district policy for employment with the district and not pursuant to federal regulations.

I understand that if I violate district policy, regulation or the law, I may be subject to discipline up to and including termination or I may be required to successfully participate in a substance abuse evaluation and, if recommended, a substance abuse treatment program. If I am required to and fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program, I understand I may be subject to discipline up to and including termination.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

Adoption date: February 6, 2019

## **IDLING PROHIBITION FOR BUSES AND OTHER SCHOOL VEHICLES**

Allowing vehicles to idle (i.e., stopped with the engine running) produces unnecessary exhaust gas, which contains harmful chemicals and pollutants. In addition to negatively impacting the environment, these substances can cause cancer and other health problems, especially in children. Idling vehicles is not necessary to properly run or maintain vehicles, and in fact increases engine wear and wastes fuel.

Recognizing these factors, the Board of Education shall take steps to reduce the idling of school buses and other school vehicles. In compliance with Education Law §3637 and Commissioner's Regulations §156.3(h), this policy shall govern the idling of school buses and all other school vehicles, whether owned, leased, or contracted for by the district.

Anyone operating a school bus or other school vehicle must turn off the engine (no idling) in the following instances:

- while waiting for passengers to load and unload on school grounds;
- when the vehicle is parked or standing on school grounds, or in front of or adjacent to any school; or
- during sporting and other school events.

However, idling may be permitted under the following conditions:

- when necessary to maintain an appropriate temperature for passenger comfort (if auxiliary heaters are not available);
- when necessary for mechanical work, or to keep the windshield clear of ice; or
- when necessary during emergencies to operate a wheelchair lift.

The district shall provide notice of these requirements to all school personnel within 5 school days after the start of the school year, or within 5 school days of beginning employment in the district.

When operating any school vehicle, drivers are encouraged to allow adequate space between their vehicle and any heavy duty motor vehicle in front of them. This will reduce the effect of exhaust emissions of the front vehicle on the air quality inside the school vehicle. When planning field trips and transportation routes, the Board also encourages using newer school vehicles for longer trips and older vehicles for shorter trips, when newer vehicles have lower emissions.

### Bus Loading and Unloading Practices

Each Building Principal is responsible for developing and implementing a plan for loading and unloading buses in a safe and prompt manner that minimizes exposure to bus exhaust emissions.

When designing new or renovated school facilities, projects shall take into account the goal of prompt loading and unloading of buses.

When possible, drivers must park diagonally to minimize exhaust from the bus from entering adjacent buses or school buildings. Additionally, all staff shall instruct students to board the bus promptly in the afternoon to reduce loading time.

#### Contracts for Student Transportation

If the district contracts with private vendors for student transportation services, any such contract entered into on or after August 21, 2008 shall include a provision requiring compliance by the vendor with the state's bus idling laws and regulations and this policy.

#### Monitoring and Review

The Superintendent of Schools and the Transportation Supervisor shall be responsible for monitoring compliance with the requirements of law and regulations summarized in this policy.

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

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

Adoption date: February 6, 2019

**USE OF SCHOOL BUSES BY COMMUNITY GROUPS**

Upon formal application to and approval by the Board of Education buses may be rented to a municipal corporation; to a senior citizen center recognized and funded by the Office for the Aging; to any not-for-profit organization which provides recreational youth services or neighborhood recreation centers. Such rentals can be made only for times when vehicles are not needed for student transport. The Board reserves the right to accept or reject any application filed, in addition to determining the maximum number of passengers other than students that may ride any school bus.

Ref: Education Law §1501-b

Adoption date: February 6, 2019

## SCHOOL-OWNED VEHICLES

Any employee or member of the Board of Education who holds a valid New York State driver's license and who obtain the approval of the Superintendent of Schools may drive school-owned vehicles to attend meetings, conferences, and other school-related events. The use of any school-owned vehicles for personal business shall not be authorized. It is the responsibility of such persons to obey all traffic laws. Therefore, the district will not pay traffic and/or parking fines for persons authorized to drive for the district.

Extenuating circumstances will be decided by the Board of Education on an individual basis.

Ref: Education Law §3635  
General Municipal Law §77B  
Vehicle and Traffic Law §§142; 375; 509(a)-(o)  
*Matter of Tomasso*, 23 EDR 120 (1983)  
17 Op. St. Compt. 24

Adoption date: February 6, 2019

## **“CHARGING” SCHOOL MEALS AND PROHIBITION AGAINST SHAMING**

The Board of Education recognizes that on occasion, students may not have enough funds for a meal. To ensure that students do not go hungry the Board 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 in this policy.

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

1. allow only regular reimbursable meals to be charged, excluding extras, à la carte items, side dishes, additional meals, and snacks (“competitive foods”); and
2. use a computer-generated point of sale system, which identifies and records all meals as well as collects repayments.

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.”

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.

If school food authorities (SFAs) suspect that a student may be abusing this policy, written notice will be provided to the parent/guardian.

Students who cannot pay for a meal or who have unpaid meal debt shall not be publicly identified or stigmatized (including wristbands 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. However, the district may discretely notify students of their account balances, and why certain items (e.g., à la carte, etc.) could not be provided with charged meals.

### Student Account Balance Notification

The district's payment system allows for automatic replenishment when a balance reaches a certain amount set by the parent/guardian. The district shall encourage parents/guardians to utilize this option.

Parents/guardians shall be discretely notified of student account balances regularly. When a student's account balance falls to \$5.00 (five dollars) and whenever a meal is charged, the district will discretely notify the parent/guardian of the balance, and the process to refill the 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.

The district shall discretely notify parents/guardians of students with negative balances of at least five meals, determine if the student is directly certified to be eligible for free meals, and attempt to reach the parent/guardian to assist them 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 appropriate assistance. 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 school 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 is so eligible, it shall 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.

### 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

parents/guardians 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/guardian to return remaining funds. Parents/guardians 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 six months shall be absorbed by the school meal account.

### Staff

Staff members are allowed to purchase food from the district's food services. However, all purchases must be paid for at the point of sale cash, or payment account. 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 requirements of Education Law section 908.

Cross-ref: 8520, Free and Reduced Price Meal Services

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  
 USDA Report to Congress, *Review of Local Policies on Meal Charges and Provision of Alternate Meals*, June 2016, [www.fns.usda.gov/sites/default/files/cn/unpaidmealcharges-report.pdf](http://www.fns.usda.gov/sites/default/files/cn/unpaidmealcharges-report.pdf)  
*Unpaid Meal Charges: Local Meal Charge Policies*, USDA FNS Memo SP 46-2016 (07/08/16), [www.fns.usda.gov/unpaid-meal-charges-local-meal-charge-policies](http://www.fns.usda.gov/unpaid-meal-charges-local-meal-charge-policies)

*Unpaid Meal Charges: Guidance and Q&A*, USDA FNS Memo SP 57-2016 (09/16/16), <https://fns-prod.azureedge.net/sites/default/files/cn/SP57-2016os.pdf>

*Unpaid Meal Charges: Guidance and Q&A*, USDA FNS Memo SP 23-2017 (03/23/17), <https://fns-prod.azureedge.net/sites/default/files/cn/SP23-2017os.pdf>

*Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payments*, USDA FNS Memo SP 47-2016 (07/08/16), [www.fns.usda.gov/sites/default/files/cn/SP47-2016os.pdf](http://www.fns.usda.gov/sites/default/files/cn/SP47-2016os.pdf)

*Overcoming the Unpaid Meal Challenge - Proven Strategies from Our Nation's Schools*, USDA FNS Guidance Document (May 2017), <https://fns-prod.azureedge.net/sites/default/files/cn/SP29-2017a1.pdf>

*New York State Legislation - Prohibition Against Meal Shaming*, NYSED Memo (5/1/18), <http://www.cn.nysed.gov/content/prohibition-against-meal-shaming>

*Meal Charge Plan Template*, NYSED (5/1/18), <http://www.cn.nysed.gov/content/meal-charge-and-prohibition-against-meal-shaming-policy-template>

Adoption date: July 5, 2017  
Revised: September 5, 2018  
Readopted: February 6, 2019

## **FREE AND REDUCED PRICE MEAL 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] meal 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 price] 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 School Food Service Director prior to any determination of eligibility.
- c. The parent or guardian will be informed of the School Food Service Director's determination within one week of receiving a properly completed application.

Applications will be kept confidential.

Upon written request, the Superintendent 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 categorically directly certified as eligible for free [and reduced price] meals and to comply with state law, three times per school year the School Food Service Director will review the list made available by the State Education Department of children ages three to 18 who are in households receiving federal food assistance, Medicaid benefits (for certain recipients), 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.

The Building Principal in conjunction with the School Food Service Director will establish meal time procedures that both protect the anonymity of the student and allow for proper accounting.

### Community Eligibility

If the district can show that the percentage of students directly certified as eligible for free school meals at any one school, or group of schools, or the entire school district, is at least 40%, the district may elect for the school, schools, or district to participate in the Community Eligibility option. Pursuant to federal law and regulations, the school would provide all students at that school or schools with free breakfast and lunch, pursuant to federal regulations. The district would receive federal reimbursement corresponding to the percentage of eligible students. If the reimbursement received by the district is not sufficient to cover total nonprofit school food service program costs, non-federal funds must be used to pay the difference.

Pursuant to federal regulations, under the Community Eligibility option, student eligibility is based on household receipt of food assistance (Supplemental Nutrition Assistance Program (SNAP) or Food Distribution Program on Indian Reservations (FDPIR)), income assistance (TANF), or Medicaid benefits (for certain income levels), student participation in Head Start, or recognition of the student as homeless, runaway, migrant, or in foster care.

All affected households will receive prior notification that the school is operating under the Community Eligibility provision.

Ref: National School Lunch Act of 1946, as amended, (42 U.S.C. §§1751-1760)  
 Child Nutrition Act of 1966, as amended, (42 USC §§1771 et seq.)  
 7 CFR Part 245 (245.2, Definitions; 245.5, public announcement; 245.6, categorical eligibility and direct certification/verification.)  
 Social Services Law §95(7)  
 U.S. Department of Education guidance document, *The Community Eligibility Provision and Selected Requirements Under Title I*, January 2014, [www.ed.gov/programs/titleiparta/13-0381guidance.doc](http://www.ed.gov/programs/titleiparta/13-0381guidance.doc).

Adoption date: February 6, 2019

## COMPUTER RESOURCES AND DATA MANAGEMENT

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

### General Provisions

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

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

The Superintendent, working with the Director of Technology, shall establish regulations governing the use and security of the district's computer resources (computer resources include all devices that process data, including but not limited to, laptops, fax machines, copiers and scanners). The security and integrity of the district computer network and data is a serious concern to the Board and the district will make every reasonable effort to maintain the security of the system. All users of the district's computer resources shall comply with this policy and regulation, as well as the district's computer acceptable use policy. Failure to comply may result in disciplinary action, as well as suspension and/or revocation of computer access privileges.

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

### Management of Computer Records

The Board recognizes that since district data is managed by computer, it is critical to exercise appropriate control over computer records, including financial, personnel and student information. The Superintendent, working with the

Director of Technology and the district's business official, shall establish procedures governing management of computer records taking into account whether the records are stored onsite on district servers or on remote servers in the "cloud".

The procedures will address:

- passwords,
- system administration,
- separation of duties,
- remote access,
- encryption,
- user access and permissions appropriate to job titles and duties,
- disposal of computer equipment and resources (including deleting district data or destroying the equipment),
- inventory of computer resources (including hardware and software),
- data back-up (including archiving of e-mail),
- record retention, and
- disaster recovery plans and notification plans.

If the district contracts with a third-party vendor for computing services, the Superintendent, in consultation Director of Technology, Business Official and School Attorney, will ensure that all agreements address the procedures listed above, as applicable.

#### Review and Dissemination

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

Cross-ref:      1120, School District Records  
                      4526, Computer Use for Instruction  
                      4526.1, Internet Safety  
                      6600, Fiscal Accounting and Reporting  
                      6700, Purchasing  
                      6900, Disposal of District Property  
                      8635, Information Security Breach and Notification

Adoption date: February 6, 2019

## COMPUTER RESOURCES AND DATA MANAGEMENT REGULATION

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

### I. Administration

- The Superintendent of Schools shall designate a computer network coordinator to oversee the district's computer network.
- The computer network coordinator shall monitor and examine all network activities, as appropriate, to ensure proper use of the system.
- The computer network coordinator shall develop and implement procedures for data back-up and storage. These procedures will facilitate the disaster recovery and notification plan and will comply with the requirements for records retention in compliance with the district's policy on School District Records (1120). [If the district is utilizing Cloud Computing, then the following language should be considered to be added to the previous sentence: taking into account the use of onsite storage or storage in the cloud].
- The computer network coordinator shall be responsible for disseminating and interpreting district policy and regulations governing use of the district's network at the building level with all network users.
- The computer network coordinator shall provide employee training for proper use of the network and will ensure that staff supervising students using the district's network provide similar training to their students, including providing copies of district policy and regulations ( including policy 4526, Computer Use in Instruction) governing use of the district's network.
- The computer network coordinator shall take reasonable steps to protect the network from viruses, other software, and network security risks that would comprise the network.
- All student and employee agreements to abide by district policy and regulations and parental consent forms shall be kept on file in the district office.
- Consistent with applicable internal controls, the Superintendent in conjunction with the school business official and the computer network coordinator, will ensure the proper segregation of duties in assigning responsibilities for computer resources and data management.

### II. Internet Access

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

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

### III. Acceptable Use and Conduct

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

- Access to the district's computer network is provided solely for educational and/or research purposes and management of district operations consistent with the district's mission and goals.
- Use of the district's computer network is a privilege, not a right. Inappropriate use may result in the suspension or revocation of that privilege.
- Each individual in whose name an access account is issued is responsible at all times for its proper use.
- All network users will be issued a login name and password. Passwords must be changed periodically.
- Only those network users with permission from the principal or computer network coordinator may access the district's system from off-site (e.g., from home).
- All network users are expected to abide by the generally accepted rules of network etiquette. This includes being polite and using only appropriate language. Abusive language, vulgarities and swear words are all inappropriate.
- Network users identifying a security problem on the district's network must notify appropriate staff. Any network user identified as a security risk or having a history of violations of district computer use guidelines may be denied access to the district's network.

#### IV. Prohibited Activity and Uses

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

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

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

V. No Privacy Guarantee

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

VI. Sanctions

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

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

VII. District Responsibilities

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

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

The district will take reasonable steps to protect the information on the network and provide a secure network for data storage and use, including ensuring that contracts with vendors address data security issues and that district officials provide appropriate oversight. Even though the district may use technical and/or manual means to regulate access and information, these methods do not provide a foolproof means of enforcing the provisions of the district policy and regulation.

Adoption date: February 6, 2019

## **INFORMATION AND DATA PRIVACY SECURITY, BREACH AND NOTIFICATION**

The Board of Education acknowledges the heightened concern regarding the rise in identity theft and the need for secure networks and prompt notification when security breaches occur. The Board adopts the National Institute for Standards and Technology Cybersecurity Framework Version 1.1 (NIST CSF) for data security and protection. The Data Privacy Officer is responsible for ensuring the district's systems follow NIST CSF and adopt technologies, safeguards and practices which align with it. This will include an assessment of the district's current cybersecurity state, their target future cybersecurity state, opportunities for improvement, progress toward the target state, and communication about cyber security risk.

The Board will designate a Data Protection Officer to be responsible for the implementation of the policies and procedures required in Education Law §2-d and its accompanying regulations, and to serve as the point of contact for data security and privacy district. This appointment will be made at the annual organizational meeting.

The Board directs the Superintendent of Schools, in accordance with appropriate business and technology personnel, and the Data Protection Officer (where applicable) to establish regulations which address:

- the protections of “personally identifiable information” of student and teachers/principal under Education Law §2-d and Part 121 of the Commissioner of Education;
  - the protections of “private information” under State Technology Law §208 and the NY SHIELD Act; and
  - procedures to notify persons affected by breaches or unauthorized access of protected information.
- I. Student and Teacher/Principal “Personally Identifiable Information” under Education Law §2-d

### A. General Provisions

PII as applied to student data is as defined in Family Educational Rights and Privacy Act (Policy 5500), which includes certain types of information that could identify a student, and is listed in the accompanying regulation 8635-R. PII as applied to teacher and principal data, means results of Annual Professional Performance Reviews that identify the individual teachers and principals, which are confidential under Education Law §§3012-c and 3012-d, except where required to be disclosed under state law and regulations.

The Data Protection Officer will see that every use and disclosure of personally identifiable information (PII) by the district benefits students and the district (e.g., improve academic achievement, empower parents and students with information, and/or advance efficient and effective school operations). However, PII will not be included in public reports or other documents.

The district will protect the confidentiality of student and teacher/principal PII while stored or transferred using industry standard safeguards and best practices, such as encryption, firewalls, and passwords. The district will monitor its data systems, develop incident response plans, limit access to PII to district employees and third-party contractors who need such access to fulfill their professional responsibilities or contractual obligations, and destroy PII when it is no longer needed.

Certain federal laws and regulations provide additional rights regarding confidentiality of and access to student records, as well as permitted disclosures without consent, which are addressed in policy and regulation 5500, Student Records.

Under no circumstances will the district sell PII. It will not disclose PII for any marketing or commercial purpose, facilitate its use or disclosure by any other party for any marketing or commercial purpose, or permit another party to do so. Further, the district will take steps to minimize the collection, processing, and transmission of PII.

Except as required by law or in the case of enrollment data, the district will not report the following student data to the State Education Department:

1. juvenile delinquency records;
2. criminal records;
3. medical and health records; and
4. student biometric information.

The district has created and adopted a Parent's Bill of Rights for Data Privacy and Security (see Exhibit 8635-E). It has been published on the district's website at [www.ppcsd.org](http://www.ppcsd.org) and can be requested from the district clerk.

#### B. Third-party Contractors

The district will ensure that contracts with third-party contractors reflect that confidentiality of any student and/or teacher or principal PII be maintained in accordance with federal and state law and the district's data security and privacy policy.

Each third-party contractor that will receive student data or teacher or principal data must:

1. adopt technologies, safeguards and practices that align with the NIST CSF;

2. comply with the district's data security and privacy policy and applicable laws impacting the district;
3. limit internal access to PII to only those employees or sub-contractors that need access to provide the contracted services;
4. not use the PII for any purpose not explicitly authorized in its contract;
5. not disclose any PII to any other party without the prior written consent of the parent or eligible student (i.e., students who are eighteen years old or older):
  - a. except for authorized representatives of the third-party contractor to the extent they are carrying out the contract; or
  - b. unless required by statute or court order and the third party contractor provides notice of disclosure to the district, unless expressly prohibited.
6. maintain reasonable administrative, technical and physical safeguards to protect the security, confidentiality and integrity of PII in its custody;
7. use encryption to protect PII in its custody; and
8. not sell, use, or disclose PII for any marketing or commercial purpose, facilitate its use or disclosure by others for marketing or commercial purpose, or permit another party to do so. Third party contractors may release PII to subcontractors engaged to perform the contractor's obligations, but such subcontractors must abide by data protection obligations of state and federal law, and the contract with the district.

If the third-party contractor has a breach or unauthorized release of PII, it will promptly notify the district in the most expedient way possible without unreasonable delay but no more than seven calendar days after the breach's discovery.

### C. Third-Party Contractors' Data Security and Privacy Plan

The district will ensure that contracts with all third-party contractors include the third-party contractor's data security and privacy plan. This plan must be accepted by the district.

At a minimum, each plan will:

1. outline how all state, federal, and local data security and privacy contract requirements over the life of the contract will be met, consistent with this policy;
2. specify the safeguards and practices it has in place to protect PII;
3. demonstrate that it complies with the requirements of Section 121.3(c) of this Part;
4. specify how those who have access to student and/or teacher or principal data receive or will receive training on the federal and state laws governing confidentiality of such data prior to receiving access;
5. specify if the third-party contractor will utilize sub-contractors and how it will manage those relationships and contracts to ensure personally identifiable information is protected;

6. specify how the third-party contractor will manage data security and privacy incidents that implicate personally identifiable information including specifying any plans to identify breaches and unauthorized disclosures, and to promptly notify the district;
7. describe if, how and when data will be returned to the district, transitioned to a successor contractor, at the district's direction, deleted or destroyed by the third-party contractor when the contract is terminated or expires.

#### D. Training

The district will provide annual training on data privacy and security awareness to all employees who have access to student and teacher/principal PII.

#### E. Reporting

Any breach of the district's information storage or computerized data which compromises the security, confidentiality, or integrity of student or teacher/principal PII maintained by the district will be promptly reported to the Data Protection Officer, the Superintendent and the Board of Education.

#### F. Notifications

The Data Privacy Officer will report every discovery or report of a breach or unauthorized release of student, teacher or principal PII to the State's Chief Privacy Officer without unreasonable delay, but no more than 10 calendar days after such discovery.

The district will notify affected parents, eligible students, teachers and/or principals in the most expedient way possible and without unreasonable delay, but no more than 60 calendar days after the discovery of a breach or unauthorized release or third-party contractor notification.

However, if notification would interfere with an ongoing law enforcement investigation, or cause further disclosure of PII by disclosing an unfixed security vulnerability, the district will notify parents, eligible students, teachers and/or principals within seven calendar days after the security vulnerability has been remedied, or the risk of interference with the law enforcement investigation ends.

The Superintendent, in consultation with the Data Protection Officer, will establish procedures to provide notification of a breach or unauthorized release of student, teacher or principal PII, and establish and communicate to parents, eligible students, and district staff a process for filing complaints about breaches or unauthorized releases of student and teacher/principal PII.

## II. "Private Information" under State Technology Law §208

"Private information" is defined in State Technology Law §208, and includes certain types of information, outlined in the accompanying regulation, which would put an individual at risk for identity theft or permit access to private

accounts. "Private information" does not include information that can lawfully be made available to the general public pursuant to federal or state law or regulation.

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

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;
- 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.

### III. Employee "Personal Identifying Information" under Labor Law § 203-d

Pursuant to Labor Law §203-d, the district will not communicate employee "personal identifying information" to the general public. This includes:

1. social security number;
2. home address or telephone number;
3. personal email address;
4. Internet identification name or password;
5. parent's surname prior to marriage; and
6. drivers' license number.

In addition, the district will protect employee social security numbers in that such numbers will not be:

1. publicly posted or displayed;
2. visibly printed on any ID badge, card or time card;
3. placed in files with unrestricted access; or
4. used for occupational licensing purposes.

Employees with access to such information will be notified of these prohibitions and their obligations.

Cross-ref: 1120, District Records  
5500, Student Records  
8630, Computer Resources and Data Management

Ref: State Technology Law §§201-208  
Labor Law §203-d  
Education Law §2-d  
8 NYCRR Part 121

Adoption date: February 6, 2019  
Revision date: June 3, 2020

**INFORMATION AND DATA PRIVACY, SECURITY, BREACH AND NOTIFICATION REGULATION**

This regulation addresses information and data privacy, security, breach and notification requirements for student and teacher/principal personally identifiable information under Education Law §2-d, as well as private information under State Technology Law §208.

The district will inventory its computer programs and electronic files to determine the types of information that is maintained or used by the district, and review the safeguards in effect to secure and protect that information.

**I. Student and Teacher/Principal “Personally Identifiable Information” under Education Law §2-d**

**A. Definitions**

“Biometric record,” as applied to student PII, means one or more measurable biological or behavioral characteristics that can be used for automated recognition of person, which includes fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting.

“Breach” means the unauthorized acquisition, access, use, or disclosure of student PII and/or teacher or principal PII by or to a person not authorized to acquire, access, use, or receive the student and/or teacher or principal PII.

“Disclose” or Disclosure mean to permit access to, or the release, transfer, or other communication of PII by any means, including oral, written, or electronic, whether intended or unintended.

“Personally Identifiable Information” (PII) as applied to students means the following information for district students:

1. the student's name;
2. the name of the student's parent or other family members;
3. the address of the student or student's family;
4. a personal identifier, such as the student's social security number, student number, or biometric record;
5. other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
6. other information that, alone or in combination, is linked or linkable to a specific student that 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; or

7. information requested by a person who the district reasonably believes knows the identity of the student to whom the education record relates.

“Personally Identifiable Information” (PII) as applied to teachers and principals means results of Annual Professional Performance Reviews that identify the individual teachers and principals, which are confidential under Education Law §§3012-c and 3012-d, except where required to be disclosed under state law and regulations.

“Third-Party Contractor” means any person or entity, other than an educational agency (i.e., a school, school district, BOCES or State Education Department), that receives student or teacher/principal PII from the 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 for or on behalf of the educational agency, or audit or evaluation of publicly funded programs. This includes an educational partnership organization that and receives student and/or teacher/principal PII from a school district to carry out its responsibilities pursuant to Education Law §211-e (for persistently lowest-achieving schools or schools under registration review) and is not an educational agency. This also includes a not-for-profit corporation or other nonprofit organization, other than an educational agency.

#### B. Complaints of Breaches or Unauthorized Releases of PII

If a parent/guardian, eligible student, teacher, principal or other district employee believes or has evidence that student or teacher/principal PII has been breached or released without authorization, they must submit this complaint in writing to the district. Complaints may be received by the Data Privacy Officer, but may also be received by any district employee, who must immediately notify the Data Privacy Officer. This complaint process will be communicated to parents, eligible students, teachers, principals, and other district employees.

The district will acknowledge receipt of complaints promptly, commence an investigation, and take the necessary precautions to protect personally identifiable information.

Following its investigation of the complaint, the district will provide the individual who filed a complaint with its findings within a reasonable period of time. This period of time will be no more than 60 calendar days from the receipt of the complaint.

If the district requires additional time, or if the response may compromise security or impede a law enforcement investigation, the district will provide individual who filed a complaint with a written explanation that includes the approximate date when the district will respond to the complaint.

The district will maintain a record of all complaints of breaches or unauthorized releases of student data and their disposition in accordance with applicable data retention policies, including the Records Retention and Disposition Schedule ED-1.

### C. Notification of Student and Teacher/Principal PII Breaches

If a third-party contractor has a breach or unauthorized release of PII, it will promptly notify the Data Privacy Officer in the most expedient way possible, without unreasonable delay, but no more than seven calendar days after the breach's discovery.

The Data Privacy Officer will then notify the State Chief Privacy Officer of the breach or unauthorized release no more than 10 calendar days after it receives the third-party contractor's notification using a form or format prescribed by the State Education Department.

The Data Privacy Officer will report every discovery or report of a breach or unauthorized release of student, teacher or principal data to the Chief Privacy Officer without unreasonable delay, but no more than 10 calendar days after such discovery.

The district will notify affected parents, eligible students, teachers and/or principals in the most expedient way possible and without unreasonable delay, but no more than 60 calendar days after the discovery of a breach or unauthorized release or third-party contractor notification.

However, if notification would interfere with an ongoing law enforcement investigation or cause further disclosure of PII by disclosing an unfixed security vulnerability, the district will notify parents, eligible students, teachers and/or principals within seven calendar days after the security vulnerability has been remedied or the risk of interference with the law enforcement investigation ends.

Notifications will be clear, concise, use language that is plain and easy to understand, and to the extent available, include:

- a brief description of the breach or unauthorized release,
- the dates of the incident and the date of discovery, if known;
- a description of the types of PII affected;
- an estimate of the number of records affected;
- a brief description of the district's investigation or plan to investigate; and
- contact information for representatives who can assist parents or eligible students with additional questions.

Notification must be directly provided to the affected parent, eligible student, teacher or principal by first-class mail to their last known address; by email; or by telephone.

Where a breach or unauthorized release is attributed to a third-party contractor, the third-party contractor will pay for or promptly reimburse the district for the full cost of such notification.

The unauthorized acquisition of student social security numbers, student ID numbers, or biometric records, when in combination with personal information such as names or other identifiers, may also constitute a breach under State Technology Law §208 if the information is not encrypted, and the acquisition compromises the security, confidentiality, or integrity of personal information maintained by the district. In that event, the district is not required to notify affected people twice, but must follow the procedures to notify state agencies under State Technology Law §208 outlined in section II of this regulation.

## II. “Private Information” under State Technology Law §208

### A. Definitions

“Private information” means either:

1. personal information consisting of any information in combination with any one or more of the following data elements, when either the data element or the personal information plus the data element is not encrypted or encrypted with an encryption key that has also been accessed or acquired:
  - Social security number;
  - Driver’s license number or non-driver identification card number;
  - Account number, credit or debit card number, in combination with any required security code, access code, password or other information which would permit access to an individual’s financial account;
  - account number or credit or debit card number, if that number could be used to access a person’s financial account without other information such as a password or code; or
  - biometric information (data generated by electronic measurements of a person’s physical characteristics, such as fingerprint, voice print, or retina or iris image) used to authenticate or ascertain a person’s identity; or
2. a user name or email address, along with a password, or security question and answer, that would permit access to an online account.

“Private information” does not include information that can lawfully be made available to the general public pursuant to federal or state law or regulation;

“Breach of the security of the system” means unauthorized acquisition or acquisition without valid authorization of physical or 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.

#### B. 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 will consider:

1. indications that the information is in the physical possession and control of an unauthorized person, such as removal of 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.

#### C. Notification of Breaches to Affected Persons

Once it has been determined that a security breach has occurred, the district will take the following steps:

1. If the breach involved computerized data owned or licensed by the district, the district will notify those New York State residents whose private information was, or is reasonably believed to have been accessed or acquired by a person without valid authorization. The disclosure to affected individuals will 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 integrity of the system. The district will consult with the New York State Office of Information Technology Services to determine the scope of the breach and restoration measures.
2. If the breach involved computer data maintained by the district, the district will 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 accessed or acquired by a person without valid authorization.

The required notice will include (a) district contact information, (b) a description of the categories information that were or are reasonably believed to have been accessed or acquired without authorization, (c) which specific elements of personal or private information were or are reasonably believed to have been acquired and (d) the telephone number and website of relevant state and federal agencies that provide information on security breach response and identity theft protection and prevention. This notice will 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, will 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.

However, the district is not required to notify individuals if the breach was inadvertently made by individuals authorized to access the information, and the district reasonably determines the breach will not result in misuse of the information, or financial or emotional harm to the affected persons. The district will document its determination in writing and maintain it for at least five years, and will send it to the State Attorney General within ten days of making the determination.

Additionally, if the district has already notified affected persons under any other federal or state laws or regulations regarding data breaches, including the federal Health Insurance Portability and Accountability Act, the federal Health Information Technology for Economic and Clinical Health (HI TECH) Act, or New York State Education Law §2-d, it is not required to notify them again. Notification to state and other agencies is still required.

#### D. Notification to State Agencies and Other Entities

Once notice has been made to affected New York State residents, the district shall notify the State Attorney General, the State Department of State, and the State Office of Information Technology Services 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 will 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.

If the district is required to notify the U.S. Secretary of Health and Human Services of a breach of unsecured protected health information under the federal Health Insurance Portability and Accountability Act (HIPAA) or the federal Health Information Technology for Economic and Clinical Health (HI TECH) Act, it will also notify the State Attorney General within five business days of notifying the Secretary.

Adoption date: February 6, 2019

Revision date: June 3, 2020

**PARENTS' BILL OF RIGHTS FOR STUDENT  
DATA PRIVACY AND SECURITY**

The Pine Plains Central School District, in recognition of the risk of identity theft and unwarranted invasion of privacy, affirms its commitment to safeguarding student personally identifiable information (PII) in educational records from unauthorized access or disclosure in accordance with State and Federal law. The Pine Plains Central School District establishes the following parental bill of rights:

- Student PII will be collected and disclosed only as necessary to achieve educational purposes in accordance with State and Federal Law.
- A student's personally identifiable information cannot be sold or released for any marketing or commercial purposes by the district or any a third party contractor. The district will not sell student personally identifiable information and will not release it for marketing or commercial purposes, other than directory information released by the district in accordance with district policy;
- Parents have the right to inspect and review the complete contents of their child's education record (for more information about how to exercise this right, see 5500-R);
- State and federal laws, such as NYS Education Law §2-d and the Family Educational Rights and Privacy Act, protect the confidentiality of students' personally identifiable information. Safeguards associated with industry standards and best practices, including but not limited to, encryption, firewalls, and password protection, must be in place when data is stored or transferred;
- A complete list of all student data elements collected by the State Education Department is available for public review at <http://nysed.gov.data-privacy-security> or by writing to: Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, NY 12234
- Parents have the right to have complaints about possible breaches and unauthorized disclosures of student data addressed. Complaints should be directed to The District Data Privacy Officer located at 2829 Church Street, Pine Plains, NY 12567. Complaints can also be directed to the New York State Education Department online at <http://nysed.gov.data-privacy-security>, by mail to the Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, NY 12234 or by email to [privacy@mail.nysed.gov](mailto:privacy@mail.nysed.gov) or by telephone at 5178-474-0937.

- Parents have the right to be notified in accordance to applicable laws and regulations if a breach or unauthorized release of their student's PII occurs.
- Parents can expect that educational agency workers who handle PII will receive annual training on applicable federal and state laws, regulations, educational agency's policies and safeguards which will be in alignment with industry standards and best practices to protect PII
- In the event that the District engages a third party provider to deliver student educational services, the contractor or subcontractors will be obligated to adhere to State and Federal Laws to safeguard student PII. Parents can request information about third party contractors by contacting District Data Privacy Officer located at 2829 Church Street, Pine Plains, NY 12567, or can access the information on the district's website [www.ppcsd.org](http://www.ppcsd.org).

\* \* \*

**PARENT BILL OF RIGHTS FOR STUDENT  
DATA PRIVACY AND SECURITY  
THIRD PARTY CONTRACTOR SUPPLEMENT**

The *(insert name of contractor)* has been engaged by the *(insert name of school district)* to provide services. In this capacity, the company may collect, process, manage, store or analyze student or teacher/principal personally identifiable information (PII).

The *(insert name of contractor)* will provide the district with *(describe specific purpose for which the PII will be used)*.

The *(insert the name of contractor)* will ensure that subcontractors or others that the company shares PII will abide by data protection and security requirements of district policy, and state and federal law and regulations by *(describe methods/procedures to safeguard data use by subcontractors)*.

PII will be stored *(describe the location in a manner that protects data security)*.

Parents may challenge the accuracy of PII held by *(insert name of contractor)* by contacting *(insert contact information, including title, phone number, mailing address and email address)*.

The *(insert name of contractor)* will take reasonable measures to ensure the confidentiality of PII by implementing the following *(describe the following, as applicable)*:

- Password protections
- Administrative procedures
- Encryption while PII is in motion and at rest
- Firewalls

The contractor's agreement with the district begins on *(insert date)* and ends on *(insert date)*. Once the contractor has completed its service to the district, records containing student PII will be *(select one: destroyed or returned)* by *(insert date)* via the following *(insert method if destroyed or format if returned)*.

Adoption date: June 3, 2020

## **DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES**

### Liability Protection Pursuant to Education Law

The Board of Education recognizes its statutory obligation to indemnify school district employees (and in certain circumstances, Board of Education members and volunteers) pursuant to the provisions of §§ 3023, 3028 and 3811 of the Education Law. For the purposes of this policy, the term "employee" shall be as defined in the applicable statute(s).

The district shall not be subject to the duty to defend unless the employee, within the time prescribed by statute, delivers appropriate notice of the claim to the Board.

- a. For purposes of Education Law §3811, the employee must give written notice within five (5) days after service of process upon him/her. The statute mandates only written notice of the claim to the Board; however, submission of relevant legal documents by the employee to the Board is also encouraged.
- b. For purposes of Education Law §§3023 and 3028, the employee must deliver the original or a copy of the relevant legal documents to the Board within ten (10) days after service of process upon him/her.

The district will provide legal defense and/or indemnification for all damages, costs, and reasonable expenses incurred in the defense of an action or proceeding if authorized pursuant to statute and provided that the alleged action or omission which occurred or allegedly occurred is covered by the appropriate statute(s). Furthermore, the district will not be required to provide indemnification protection and/or legal defense unless the employee was, at the time of the alleged incident, acting in the discharge of his/her duties within the scope of his/her employment or authorized volunteer duties and/or under the direction of the Board.

### Public Officers Law Section 18

The Board hereby also confers the benefits of §18 of the New York State Public Officers Law upon the "employees" of the district, as defined in §18 of the Public Officers Law; and the district assumes the liability for the costs incurred in accordance with the provisions of §18. The benefits accorded to district employees under §18 of the Public Officers Law shall supplement and be available in addition to defense or indemnification protection conferred by other enactments or provisions of law.

The term “employees” shall include members of the Board; the Superintendent; district officers; district employees; volunteers expressly authorized to participate in a district sponsored volunteer program; or any other person holding a position by election, appointment or employment in the service of the district, whether or not compensated. The term “employee” shall also include a former employee, his/her estate or judicially appointed representative.

Pursuant to the provisions of §18 of the Public Officers Law, and upon compliance by the employee with the requirements of this statute, the district shall provide for the defense of the employee in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the employee was acting within the scope of his/her public employment or duties. Furthermore, the district shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in a state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or claim arose occurred while the employee was acting within the scope of his/her public employment or duties. However, in the case of a settlement, the duty to indemnify and save harmless shall be conditioned upon the approval of the amount of the settlement by the Board.

The duty to defend and/or indemnify and save harmless, in accordance with §18 of the Public Officers Law, shall be conditioned upon the delivery by the employee to the school district attorney or to the Superintendent a written request to provide for his/her defense, together with the original or a copy of any summons, complaint, process, notice, demand or pleading within ten (10) days after he/she is served with such document. Pursuant to §18, the full cooperation of the employee in the defense of such action or proceeding and in the defense of any action or proceeding against the district based upon the same act or omission, and in the prosecution of any appeal, shall also be required as a condition for the district's duty to defend and/or indemnify and save harmless to exist.

#### Exceptions to Liability Coverage

Indemnification coverage and/or provision of legal defense by the district will not apply unless the actionable claim is of the type covered by the statute(s) and/or is not otherwise exempt from coverage pursuant to law. Additionally, indemnification coverage and/or the duty to provide a defense shall not arise where such action or proceeding is brought by or on behalf of the district.

Ref: Public Officers Law §18  
 Education Law §§1709(26), (34-b); 2560; 3023; 3028; 3811  
 General Municipal Law §§6-n; 52

Adoption date: February 6, 2019

## HEALTH INSURANCE

The Boards of Education will offer health insurance coverage to district employees in accordance with board policy 9540.1.

### Continuation of Medical Insurance Coverage at Termination of Employment

Under the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), employees and their dependents are eligible to continue their insurance coverage for up to eighteen (18) months when termination of their insurance is due to a reduction in their hours worked, or upon termination of their employment.

Dependents of employees are eligible to continue their insurance for up to thirty-six (36) months upon occurrence of one of the following events:

- Death of the covered employee
- Divorce or legal separation from the covered employee
- An employee becomes eligible for Medicare and ceases to participate in the employer-sponsored plan
- The dependents of a covered employee reach the maximum age for dependent coverage.

Those who are eligible to continue coverage have up to sixty (60) days to complete the Continuation of Coverage Election Form. They must pay the full cost of their premium plus administrative costs incurred by the District.

Cross-Ref: 9540.1, Offer of Health Insurance

Ref: 42 USC §§300e-9; 300bb-1-bb-8  
Education Law §§1604(31-a); 1709(34-a); 2503(10-a); 2554(16-a)  
General Municipal Law §92-a. Article 5-G  
Insurance Law §3221  
Public Health 4407(1)

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