

## **SUPPORT SERVICES GOALS**

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

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

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

Adoption date: December 10, 1998

Reviewed: May 11, 2015

Revised: August 15, 2023

## HEALTH AND SAFETY PROGRAM

The Board of Trustees recognizes that the safety of students, employees and the public is paramount in all school operations. Safety will not be sacrificed in the interest of time or money. All students, employees and the public are to comply with all safety laws or ordinances. Unsafe conditions observed by an employee are to be promptly reported to the administration and will be corrected immediately. All employees are responsible for safety and are to file safety and health hazard reports with the District's Health and Safety Committee whenever hazards on the job are encountered.

The Board authorizes the Health and Safety Committee to identify potential loss areas, select and implement safety and control programs to deal with potential problem areas and monitor the effectiveness of the selected programs.

The Health and Safety Committee is to address and provide guidance on the following principle areas of concern:

1. accidents and incidents;
2. inspection of the building and grounds;
3. inspection of District vehicles;
4. establishment of loss control procedures;
5. implementation of insurer recommendations;
6. review of safety programs in all areas of school operations; and
7. providing employees with safety information.

Each of these areas is to be analyzed by using the following risk and safety management steps:

1. identify problem areas;
2. select alternative solutions;
3. choose the appropriate solution;
4. implement the solution; and
5. monitor results and institute change, if necessary.

The programs shall incorporate the following objectives:

1. accident prevention through effective supervision of the District's services and student activities while educating students and District employees to develop good safety habits;
2. fire prevention by avoiding careless misuse of materials;
3. prevention of boiler explosions through proper maintenance and inspection procedures; and
4. prevention of burglary, robbery, vandalism, and theft through provisions of proper controls and safeguards related to equipment and money.

The Health and Safety Committee is to meet quarterly to review all safety and health hazard reports by employees, accident reports, workers' compensation claims, reports and recommendations of safety and health inspectors, and other matters the Coordinator of the Health and Safety Committee places on the agenda. The Health and Safety Committee is to investigate all federal and state-mandated employee safety and health training requirements and report its findings and recommendations to the Board as required.

Cross-ref: 5450, Student Safety

Adoption date: December 10 1998

Revised: January 9, 2001

Reviewed: May 11, 2015

Revised: August 15, 2023

## HEALTH AND SAFETY PROGRAM REGULATION

The Board of Trustees 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 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.

The Board of Trustees authorizes that the District's Health and Safety Committee shall be comprised of the following representatives:

1. a volunteer fireperson. Due to their training, they will be aware of fire hazards and have a primary interest in safety;
2. custodians and cleaners. They have the advantage of seeing most of the physical plant on a regular basis. They also have the knowledge, skills and responsibility to recognize and correct problems;
3. the school nurse. They have first hand knowledge of incidents and accidents occurring at the school;
4. the Head Bus Driver. They are constantly aware of all situations involving all areas of transportation; and

5. the superintendent. Their overall expertise will provide the necessary liaison for the entire safety network.

In addition, each employee organization recognized or certified as bargaining agent for any District employees under the Taylor Law may designate such an employee to serve on an unpaid, ex officio basis, with the Health and Safety Committee.

The School Business Manager shall be the Coordinator of the Health and Safety Committee. They shall be responsible for the management of the entire safety program of the District.

The major functions of the position shall include:

1. the coordination of the Health and Safety Committee;
2. the review and revision of the district's safety policy;
3. the selection of District employees to serve on the Health and Safety Committee;
4. the establishment of the agenda of the Health and Safety Committee;
5. the review of safety engineering recommendations of insurers;
6. the development of plans for safety (e.g. major loss plans); and
7. the assumption of overall responsibility for safety in operations.

The Coordinator of the Health and Safety Committee are to receive all complaints and accompany all slate inspectors under the State Occupational Safety and Health Act, fire inspections under the Education Law and similar requirements.

Adoption date: December 10, 1998

Revised: January 9, 2001

Reviewed: May 11, 2015

Revised: August 15, 2023

**HEALTH AND SAFETY PROGRAM EXHIBIT**

Edinburg Common School  
4 Johnson Road  
Edinburg, N.Y. 12134-5390  
(518) 863-8412

Michelle Ellis  
Superintendent

Sandy L. Moore  
School Business Manager  
Director of Health and Safety

ECS Health and Safety Committee

Per policy #8100, the Board of Trustees recognizes that the health and safety of students, employees, and the public is paramount in all school operations. Unsafe conditions observed by an employee are to be promptly reported to the Districts Health and Safety Committee.

Please complete the form below and submit it to Sandy L. Moore:

Name \_\_\_\_\_ Position \_\_\_\_\_ Date \_\_\_\_\_

1. Identify problem area (be specific):

2. Suggested solution:

Comments:

The Health and Safety Committee met on \_\_\_\_\_ to review the problem area described above. The following solution is offered:

and shall be implemented by: \_\_\_\_\_

Signature, Health and Safety Committee

Date

Adoption date: January 9, 2001

Reviewed: May 11, 2015

Revised: August 15, 2023

**SCHOOL BUILDING SAFETY**

The Board of Trustees recognizes that a safe, secure and healthy school environment is necessary to promote effective learning. The Board is committed to ensuring that the school building is properly maintained and preserved and provides 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 which shall perform the functions listed in Policy 8112, Health and Safety Committee;
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.

The superintendent will develop 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: January 9, 2001

Reviewed: May 11, 2015

Revised: March 21, 2016

Revised: August 15, 2023

## BUILDING AND GROUNDS INSPECTION REGULATION

Each year, the superintendent shall ensure that fire and structural inspections are conducted, as required by the State of New York.

### *Fire Inspections*

1. An inspection is to be completed and the report of the inspection, together with completed New York State forms and any recommendations for changes or improvements, shall be delivered to the superintendent.
2. The superintendent shall study the recommendations for changes and improvements contained in the inspection report, after which, the superintendent shall:
  - a. prepare a time schedule for the completion of recommendations requiring only labor and materials already at hand. These recommendations are to be implemented as soon as possible.
  - b. prepare an estimated cost of material, labor, and time to complete all recommendations that require the purchase of material and equipment.
3. The superintendent shall present the full report and their recommendations on this matter to the Board at the first regular meeting following completion of the report. The report shall include: the recommendations of the Fire Inspector, the orders issued to the building administrator, the recommendations implemented under 2(a), the report of recommendations under Kb) of Board action.
4. Within 20 days after the fire inspection report has been filed with the school authorities the Board must give public notice of the filing in substantially the form prescribed in the statute. If the fire department or company responsible for protection of the school building did not make the inspection, then a copy of the above notice must be mailed to the chief of such department or company. The notice must be published at least once in the official newspaper, or, if there is no official newspaper, in one having general circulation in the school District, the notice must be posted in ten conspicuous places in the District. If the report shows any alleged deficiencies, the Board must give at least a five day notice by mail to the chief of the fire department or fire company responsible for fire protection of the school building of the date and place of the meeting of the Board, which is to be held within 30 days after publication or posting of the notice.

### *Structural Inspections*

1. The superintendent in consultation with the Director of Health and Safety shall assemble a team composed of the custodian, a code enforcement official and other appropriate individuals to conduct an annual visual structural inspection of the school building. The inspection is to be completed prior to June 30.
2. The team shall examine exterior wall components, doors, windows, retaining walls, roofs and interior building components for evidence of movement, deterioration and structural failure. In addition, the Superintendent may require an examination of heating, plumbing, electrical and other building systems.



## 8110-R

3. The results of this examination shall be reported to the superintendent. The superintendent shall present the report and their recommendations to the Board at the first regular meeting following completion of the report.
4. If the inspection discloses evidence of a possible defective structural condition, the team shall immediately notify the superintendent. They shall promptly inform the Board, which must immediately retain a licensed architect or licensed professional engineer to inspect the condition and determine if structural modifications are necessary.
5. The architect or engineer will present a written report of all findings to the Board, which must act to correct any deficiencies.
6. The superintendent, in consultation with the Director of Health and Safety, will prepare an estimate of the costs involved in correcting any deficiencies. The Director of Health and Safety shall also determine whether the District is entitled to state aid for any inspections conducted by licensed architects or engineers which resulted from the annual visual inspection.
7. All annual inspection reports and all subsequent architectural or engineering reports will be kept by the District for six years after the building no longer exists, but not less than twenty-one years, whichever is longer.

Ref: Education Law §807-a  
8 NYCRR 66155.3: 155.4 § State  
Uniform Fire Prevention and  
Building Code (9 NYCRR Parts  
600-125(T))

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## REPORTING OF HAZARDS

The Board of Trustees recognizes its responsibility to provide an environment which is reasonably secure from known hazards. The Board therefore directs the superintendent and all professional and support staff members to comply with occupational safety and health regulations, including the Hazard Communication Standard and "Right-to-Know" legislation.

The superintendent will direct appropriate personnel to develop and oversee a written hazard communication program. Such program will include the following:

1. the acquisition, maintenance and review of Material Safety Data Sheets (MSDS's) for all known hazardous materials on district property;
2. the compilation of a hazardous materials inventory;
3. employee training in hazardous materials management and protection; and
4. the recording of all incidents involving exposure to known hazardous materials. Records of employees who have been exposed to substances with enforceable exposure standards shall be kept for 40 years.

The District will comply with the requirements for the visual notification of pesticide spraying as set forth in the Environmental Conservation Law.

It is the responsibility of the entire school community to report any unsafe building or equipment conditions to the main office as soon as possible. In addition, designated administrators will provide notice of hazardous materials to current and former employees within 72 hours of a request.

If students observe other students acting in an unsafe manner, this behavior should be reported to the nearest available staff member.

Cross-ref: 1120, School District Records 7700, Facilities Renovations 8115, Pesticides and Pest Management 8120, Accident Prevention and Safety Procedures

Ref: 29 CFR §1910.1200 and 12 NYCRR Part 800 (Hazard Communication Standard) 40 CFR §763.95  
Public Health Law, Article 48 and Labor Law, Article 28 ("Right-to-Know" Law) Environmental Conservation Law §33-0101 *State v. GTE Valeron Corp*, 155 AD2d 166 (1990) 12 NYCRR §801.3

Note Policy added

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Reviewed: May 11, 2015

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## REPORTING OF HAZARDS REGULATION

The Hazard Communication Program is intended to address the issue of evaluating and communicating hazard information to District employees. The following summarizes the responsibilities of those persons most directly involved with the successful implementation of this program.

### *Director of Health and Safety –*

1. Develops and oversees the implementation of a written hazard communication program in accordance with the Federal Hazards Communication standard.
2. Provides employees with training on hazardous materials and the measures required to maintain optimum protection while working with these agents.
3. Reviews Material Safety Data Sheets for all products currently in use or being considered for use.
4. Material Safety Data Sheets for all hazardous materials are maintained by HFM BOCES.
5. Requests specific chemical information when such material has been designated as a trade secret by a manufacturer or supplier.
6. Establishes procedures to maintain the confidentiality of trade secret information.
7. Generates and maintains inventory listings of all hazardous materials present and provides updates where and when necessary.
8. Acts as employee contact for obtaining Material Safety Data Sheets from the State Health Department and/or manufacturers/suppliers of materials currently in use or being considered for use.
9. Compiles Material Safety Data Sheets for each hazardous material used and obtains updates when necessary.
10. Ensures that Material Safety Data Sheets are readily accessible to employees, and will provide such information within 72 hours of an employee request.
11. Ensures that each container identified as holding a hazardous material is properly labeled as to the identity of its contents and appropriate hazard warnings, including building materials containing asbestos.

### *Staff Members*

1. Actively participate in mandated training programs and comply with training provisions.
2. Familiarize themselves with the Material Safety Data Sheets of those hazardous materials with which they work.
3. Use those measures that have been distributed to protect themselves from adverse exposure to hazardous materials.

**8111-R**

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## PESTICIDES AND PEST MANAGEMENT

The Board of Trustees 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. Provisions will be made for a least toxic approach to integrated pest management (IPM) for all school buildings and grounds in accordance with the Commissioners regulations. Integrated pest management is a systematic approach to managing pests focusing on long term prevention or suppression with minimal impact on human health, the environment and non-targeted organisms.

### *Notification of Pesticide Application*

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

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

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

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

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

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

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Revised: January 9, 2021 date:  
Reviewed: May 11 2015  
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## ACCIDENT PREVENTION AND SAFETY PROCEDURES

The Board of Trustees seeks to ensure the safety of students and employees of the District while on District property.

The following safety procedures shall be observed to prevent accidents on the school premises:

1. immediately report any conditions involving equipment or buildings which may be dangerous to student or employee health or welfare;
2. immediately report any unsafe practices by anyone in the building or on the grounds;
3. ride bicycles only on the roadways, not the sidewalks. Pleasure riding on the school grounds is prohibited during school hours; and
4. observe the 15 mile per hour speed limit on school grounds.

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

### *Eye Safety Devices*

Eye safety devices shall be provided for all students, instructors and visitors who are engaged in or observing the use of materials or equipment which may potentially damage the eyesight of those involved. Such activities and materials are listed in Section 141.10 of the Commissioner's Regulations. The Board directs the Superintendent to establish regulations for education in eye safety and for the wearing of appropriate eye safety devices.

Cross-ref: 5450, Student Safety  
8111, Reporting of Hazards  
8414, School Bus Safety

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

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## FIRST AID

School health personnel are responsible for giving first aid or emergency treatment in case of sudden illness or injury to a pupil or staff members. In case of a student's illness or injury, the school shall attempt to place the student in the care of a parent, guardian, or person designated by the parent or guardian in such cases, as soon as possible, yet the school must retain jurisdiction over and responsibility for the student until this has been done.

The school physician shall develop and distribute Medical First Aid standing orders and procedures for the nurse or other personnel to follow in emergencies. These procedures shall incorporate the following requirements:

1. no treatment except first aid is permitted in school;
2. a master first aid kit shall be kept and properly maintained in the school and each school bus;
3. no prescribed drugs shall be administered by school personnel unless ordered by a physician;
4. parents shall be asked to sign and submit an emergency medical authorization which shall indicate the procedure they wish the school to follow in the event of a medical emergency involving their child;
5. in all cases where the nature of an illness or an injury appears serious, the parent or guardian will be contacted if possible, and the instructions on the child's emergency card followed. In extreme emergencies, arrangements may be made for the child's immediate hospitalization whether or not the parent or guardian can be reached.

Ref: Education Law 333023; 3212-a; 6527(4)(a); 6909

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## **ACCIDENT REPORTS**

All accidents occurring in a classroom, on school property, or on buses, regardless of seriousness, must be reported to the school administration as promptly as possible.

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## SCHOOL SAFETY PLAN AND TEAM

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

### *School Safety Plan Team*

The Board will annually appoint a District-wide, school safety team that includes, but is not limited to a representative from the following constituencies: the Board, teachers, administrators, parent organizations, school safety personnel and other school personnel (including bus drivers and monitors), local law enforcement officials, local ambulance and other emergency response agencies. 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 wide 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 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 lockdown drills are conducted.

The emergency response team shall be responsible for the development and review of a building-level emergency response plan for each District building. The plans will address response to emergency situations, such as those requiring evacuation, sheltering, and lock-down at the building level and shall include all components required by law and regulation. The 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.

#### *Threat Assessment Teams*

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 school nurse, school counselor, local mental health and social service providers, law enforcement 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 Superintendent who will convene the threat assessment team. The Building Superintendent may request the participation of the following additional individuals who may have specific knowledge of the potential perpetrator: supervisors, teachers, students, and parents. The Threat assessment team will receive appropriate training.

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

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

#### *Annual Review and Report*

All plans will be annually reviewed and updated, if necessary, by the appropriate team by July 15. In conducting the review, the team 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 changes, then the updated plan will be submitted to the Board of Trustees 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 Trustees by September 1.

The superintendent of schools be 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 1 of each year. The District-wide plan will be posted on the District's website. The Building Emergency Response Plan and any amendments to the plan will be filed in the office and with the appropriate law enforcement agency and the state police within 30 days after its adoption, but no later than October.

#### *Confidentiality*

To maintain security and in accordance with law, the plan shall be confidential and shall not be subject to disclosure under the Freedom of Information Law or any other law.

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)  
*Project SAVE Guidance Document for School Safety Plans*, New York State Education Department, April 2001  
*School Safety Plans Guidance*, New York State Education Department,

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Reviewed: May 11, 2015  
Revised: September 12, 2016  
Approved: September 21, 2017  
Revised: April 7, 2020  
Revised: August 15, 2023

## EMERGENCY PLANS REGULATION

The superintendent is the District Emergency Coordinator. The Coordinator has general responsibility for coordination, overview and decision making in implementing the District's Health and Safety Plan. Upon notification of an emergency, it is the Coordinator's duty to activate the Plan as they believe appropriate.

In carrying out his responsibilities pursuant to Board of Trustees policy and the regulations of the Commissioner of Education, a Health and Safety Committee is hereby established. The Committee is responsible for developing and overseeing the Plan.

The School Business Manager, who shall also serve as the chairperson of the Committee, the other members of the Committee shall be:

1. a representative of the faculty designated by the Superintendent:
2. the Head Bus Driver:
3. the Custodian: and
4. the Building Nurse.

Other members of the staff, student body or the community shall be called upon to serve or provide advice as is deemed appropriate by the superintendent. It is expected that all faculty and staff will cooperate to the maximum extent with the Committee and carry out all assigned responsibilities under the Emergency Management Plan.

The Committee will meet at times designated by the Coordinator to develop the Plan. Included in the Plan shall be:

1. definitions of "emergency" and procedures to be followed to activate the Plan:
2. designation of a control center in anticipation of or in response to an emergency:
3. identification of potential emergencies:
4. identification of appropriate responses to emergencies:
5. procedures for coordinating the use of District resources and personnel during emergencies:
6. identification of District resources which may be available for use during an emergency:
7. a system for informing everyone within the District of the emergency:
8. plans for taking the following actions, if appropriate: school cancellation: early dismissal: evacuation: and sheltering:
9. pertinent information about the school (including information on school Population. number of staff, transportation needs and the business and home telephone numbers of key employees of the District and others, as appropriate):
10. procedures for obtaining advice and assistance from local government officials: and
11. any other information deemed relevant by the Committee. The Committee will examine and consider other recommended information for inclusion in the plan, including the recommendations of the State Education Department.

## **8130-R**

The School Business Manager is responsible for ensuring that, by October 1 of each year, all staff and students are provided with written information about emergency procedures. The Coordinator will also ensure that at least once every school year there be a test of the Plan for sheltering and early dismissal at a time not to occur more than 15 minutes earlier than the normal dismissal time. The Coordinator will ensure that parents or persons in parental relation shall be notified at least one week prior to the drill.

Adoption date: December 10, 1998

Reviewed: May 11, 2015

Reviewed: September 12, 2016

Revised: August 15, 2023

## **EXTREME RISK PROTECTION ORDERS (THE “RED FLAG LAW”)**

Extreme risk protection orders are court orders that restrict the ability of a person, who is judged likely to engage in conduct that would result in serious physical harm to him/herself or others, to purchase or possess firearms, rifles or shotguns, or attempt to do so.

Under state law, Building Principals are permitted to petition the state Supreme Court for extreme risk protection orders for students currently enrolled in their building, or students who were enrolled in their building in the six months immediately before filing the petition (referred to in this policy as “currently-enrolled” and “recently-enrolled” students, respectively).

When District staff members have reason to believe, either personally or through information received by others, that a currently-enrolled or recently-enrolled student is likely to engage in conduct that would result in serious physical harm to him/herself or others, they are encouraged to report their concerns to the Building Principal or his/her designee. This is in keeping with employees’ general responsibility for student safety, as well as their own interests for maintaining a safe working and learning environment.

Any other person, including but not limited to students, parents, and community members, may also bring their concerns to the Building Principal or his/her designee that a currently-enrolled or recently-enrolled student is likely to engage in conduct that would result in serious physical harm to him/herself or others.

If the superintendent or his/her designee is absent from the building, their designee will be the main point of contact to report concerns.

When the superintendent receives concerns from persons under this policy, the Superintendent will contact the school attorney, and determine the appropriateness of petitioning the court for an extreme risk protection order.

When determining whether it is appropriate to petition the court for an extreme risk protection order, the District will consider, among other things, the following factors as they relate to the student:

1. Threats or acts of violence or physical force made against him/herself or another person;
2. Violating or allegedly violating orders of protection (i.e., restraining orders);
3. Pending criminal convictions or charges involving weapons;
4. Recklessly using, displaying, or brandishing a firearm, rifle or shotgun;
5. Violating previous extreme risk protection orders;
6. Evidence of recent or current drug or alcohol abuse; and
7. Evidence that the student has recently acquired a firearm, rifle, shotgun, other deadly weapon (including but not limited to knives, clubs, and metal knuckles), dangerous instrument (including items capable of causing death or serious physical injury, when used for that purpose), or ammunition.

Additionally, superintendent is directed to contact local law enforcement, in accordance with the Code of Conduct, District-wide school safety plan, and building-level emergency response plan.

The superintendent and school District attorney may designate, in writing, certain other employees at that school to petition the court for the extreme risk protection order. Such employees include: teachers, school guidance counselors, school psychologists, school social workers, school nurse, any other personnel required to hold a teaching or administrative license or certificate, and certain coaches (those who are full or part-time paid employees required to hold either a temporary coaching license or professional coaching certificate).

Under Education Law section 3023, the District must defend and indemnify employees against lawsuits for negligence, accidental bodily injury or property damage where the employee is performing his/her duties within the scope of employment.

The superintendent or their designee is directed to take appropriate steps to notify District staff of the provisions of this policy. This includes ensuring that employees are trained and knowledgeable about when and how to properly utilize the law to best protect the school from violence. Staff will be notified of who is designated to file extreme risk protection orders in the building or District.



Cross-ref:

5300, Code of Conduct

8130, School Safety Plans and Teams

Ref:

Civil Practice Law and Rules Article 63-A

Education Law §3023

Adoption Date: January 14, 2020

Revised: August 15, 2023

## **Workplace Violence Prevention Policy**

The Edinburg Common School District is committed to the safety and security of its employees. Workplace violence presents a serious occupational safety hazard to our agency, staff, and clients.

Workplace Violence is defined as any physical assault or act of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment including but not limited to any attempt or threat, whether verbal or physical, to inflict physical injury upon an employee: any intentional display of force which would give an employee reason to fear or expect bodily harm intentional and wrongful physical contact with a person without his or her consent that entails some injury; or stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has arisen through the course of employment.

Acts of violence against any of our employees where any work related duty is performed will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients and visitors, following all policies, procedures and practices, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of New York State Labor Law Art. 2 §27-b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law includes a workplace evaluation that is designed to identify the risks of workplace violence to which our employees could be exposed. Authorized Employee Representative(s) will, at a minimum, be involved in:

- evaluating the physical environment;
- developing the Workplace Violence Prevention Program; and
- reviewing workplace violence incident reports at least annually to identify trends in the types of incidents reported, if any, and reviewing the effectiveness of the mitigating actions taken.

All employees will participate in the annual Workplace Violence Prevention Training Program. The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. All personnel are responsible for notifying the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

Designated Contact Person: Ms. Michelle Ellis, Superintendent  
Phone: 518-863-8412  
E-mail: [mellis@edinburgcs.org](mailto:mellis@edinburgcs.org)

1st Reading: February 13, 2024  
2nd Reading:  
3rd Reading and Adopted: April 16, 2024

**Edinburg Common School Workplace Violence Incident  
Report  
Appendix 1**

1. Date of Incident: \_\_\_\_\_

2. Time of day/shift when the incident occurred: \_\_\_\_\_

3. Workplace location where incident occurred: \_\_\_\_\_

4. Provide a detailed description of the incident including: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Events leading up to the incident and how the incident ended;

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Names and job title of involved employee(s);

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Nature and extent of injuries arising from the incident;

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Saratoga County Workplace Violence Incident Report

Name of witnesses;

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Name and title of supervisor at the time;

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Name of employee reporting the incident (optional);

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Print additional sheets if necessary.









## 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.
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 shall include, but not be limited to:
  - Protocols that are substantially consistent with section 27-c of the Labor Law, including: designating essential positions needed to work on-site; telecommuting for non-essential employees; staggered shifts of essential employees; procuring, storing, and accessing personal protective equipment; preventing the spread in the District by those who are exposed to, show symptoms of, or test positive for the disease (including leave available to employees for testing, treatment, isolation, or quarantine); documenting hours and locations of individuals in order to track the disease and identify those who may have been exposed to the disease; identifying emergency housing for

essential employees; and other requirements of the state Department of Health.

- 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 who become ill with contagious diseases while in school.
- 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 shall keep the Board regularly informed regarding any actions taken and information gathered. The Board may temporarily suspend other policies to the extent necessary to comply with executive orders and other governmental guidance during the pandemic.

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

Adoption date: April 7, 2020  
Revised: August 10, 2021  
Revised: August 15, 2023

## **LOCK DOWN DRILLS**

The superintendent shall be responsible for conducting lock-down drills to prepare students and staff to respond to the highest level of threat with the most urgent action and the least margin for error. The goal is to conduct drills where we immediately clear hallways, lock doors, take positions out of sight and to practice our ability to put the building into protective posture as quickly as possible. If possible, law enforcement should be involved in the drills to help prepare students and staff for their interactions and release from lock-down by uniformed officers. The school shall be well versed in lock-out and shelter in place protocols. At least two lock-down drills will be held prior to December 31 each year with the remaining two being held prior to the last day of school in June.

## **FIRE AND EMERGENCY DRILLS**

The superintendent in coordination with the Director of Health and Safety shall be responsible for conducting fire drills in order to instruct students and staff in exiting the school building in an emergency in the shortest time possible and without confusion and panic. Fire drills shall include instruction on fire drill exits and fire alarm boxes, as well as fire drill procedures. Such drills or rapid dismissals shall be held at least twelve times in each year, eight of the required fire drills shall be held before December 31. (Some drills should be scheduled during lunch/breakfast/transition times.) At least one-third of all such required drills shall be through use of fire escapes on the school building where fire escapes are provided. At least two additional drills shall be held during summer school in the building where summer school is conducted, and one such drill shall be held during the first week of summer school.

The school shall maintain a detailed floorplan for exiting the building during fire drills and real fires. Such floorplan and a detailed description of exits and routes to follow shall be included in the school's faculty handbook.

Cross-ref: 5450, Student Safety  
8130, Emergency Plans

Ref: Education Law §807

Adoption date: December 10, 1998

Reviewed: May 11, 2015

Revised: September 12, 2016

Revised: August 15, 2023

## **FIRE DRILLS REGULATION**

The Emergency Fire Procedure will be as follows:

1. When the fire alarm sounds, all students and teachers are to exit the building quietly, walking in a single file along the route that is posted in each room. Teachers are to familiarize themselves and their students with the designated exit route.
2. Teachers are to turn off the lights and close the classroom doors on the way out.
3. Classes are to wait quietly on the blacktop area until dismissed by the Superintendent.

Adoption date: December 10, 1998  
Reviewed: May 11, 2015  
Reviewed: September 12, 2013  
Revised: August 15, 2023

## BOMB THREATS

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

A bomb threat is a criminal act and will be treated as one. Any bomb threat to the District will be taken seriously; no bomb threat will be treated as a hoax or a prank. The District will vigorously pursue disciplinary action against any student or staff member caught reporting a bomb threat consistent with the provisions of the student code of conduct, state law or any applicable collective bargaining agreement. In addition, the District will urge law enforcement officials to prosecute any person caught reporting a bomb threat to the fullest extent of the law. Further, the District shall seek restitution from the parent or guardian of any minor child between the ages of 10 and 18 who falsely reports a bomb threat or places a bomb for the expense of responding to the false report or incident.

The Superintendent shall establish procedures to be followed by all staff and students in the event of a bomb threat. The procedures shall be made a part of each schools emergency management plan. The procedures shall include a requirement that any person receiving information about a bomb threat must immediately notify the building administrator or his/her designee who will, in turn, immediately notify the appropriate law enforcement and initiate the planned actions to move all occupants out of harms way. All appropriate staff shall be given a copy of the procedures, and the Superintendent shall ensure that all staff receive training on their respective roles and responsibilities in the event of a bomb threat.

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

Cross-ref: 5450, Student Safety  
8130, Emergency Plans  
8134, Emergency Closings  
8135, Safe Schools

Ref: Education Law §807 (Fire Drills)  
General Obligations Law § 3-112 (Liability of parents and legal guardians for certain damages; liability is limited to \$5,000)  
Penal Law §§ 240.55; 240.55; 240.60 (Falsely reporting an incident in the third, second and first degree, respectively); 240.61; 240.62 (Placing a false bomb in the second and first degree, respectively)  
8 NYCRR § 155.17 (School Emergency Management Plans)  
***Revised Bomb Threat Response Guideline, New York State Education Department and New York State Police, February 1999***

Adoption date: December 10, 1998

Revised: December 16, 1999

Revised: January 9, 2001

Reviewed: May 11, 2015

Revised: August 15, 2023

**BOMB THREATS REGULATION**

## Established Bomb Threat Incident Plan

1. Person receiving call
  - a. Upon receipt of bomb threat by telephone:
    1. Question the caller as to:  
Where, specifically, is bomb located?  
What does the bomb look like?  
When, exactly, is bomb set to go off?  
What materials are in the bomb?  
Why is caller doing this?  
Who is the caller?
    2. Write down answers to the above.
    3. Listen for identifying speech characteristics; male/female;  
young/old.
  - b. Notify the police (or fire department) immediately: Follow their instructions.
  - c. Notify the Superintendent.
2. Superintendent
  - a. Develop an Emergency Evacuation Plan: Include routes of travel within the building to designated outdoor assembly areas and roll-call procedures
  - b. Notify the staff and students to evacuate part or all of the building, as appropriate.  
**DO NOT MENTION "BOMB SCARE."**
    1. Use the public address system, NOT the fire alarm.
3. Superintendent or Director of Health and Safety
  - a. Upon the arrival of the police/fire department, advise them of the situation and follow their instructions.
  - b. Director of Health and Safety is to advise the superintendent.
4. Police/Fire Department: Terminate the emergency.
5. Superintendent
  - a. Use the public address system (if available) and the student transportation system.
  - b. Resume, curtail or cease building operation, as appropriate: Notify the staff and students.
  - c. Prepare a written report of the incident and submit to the Board of Trustees.

**8133-R**

Adoption date: December 10, 1998  
Reviewed: May 11, 2015  
Revised: August 15, 2023



**BOMB THREATS EXHIBIT**

Time of Call \_\_\_\_\_ a.m./p.m.      Date \_

Person Receiving Call

Superintendent Alerted

Other Personnel Alerted

MESSAGE AS RECEIVED: \_\_\_\_\_

(use back of form if necessary)

**QUESTIONS PERSON RECEIVING CALL MUST ASK:**

WHERE, specifically, is bomb located?

WHAT does the bomb look like?

WHEN, exactly, is bomb set to go off?

WHAT materials are in the bomb?

WHY is caller doing this?

WHO is the caller?

WILL THE CALLER REPEAT THE MESSAGE? (Check against initial message, as above)

If the caller hangs up, place call on "HOLD."

Identify the following characteristics of the call, to the extent applicable:

Any identifiable noises in background? \_\_\_ traffic \_\_\_ music \_\_\_ voices

Other

Did the caller sound \_\_\_ calm? \_\_\_ angry? \_\_\_ loud? \_\_\_ quiet?

Did the caller's voice sound \_\_\_ male? \_\_\_ female? \_\_\_ young? \_\_\_ old?

Any identifiable accent? \_\_\_ Any mispronounced words?

IMPORTANT PHONE NUMBERS:

SUPERINTENDENT:

POLICE: \_\_\_\_\_ DIRECTOR OF HEALTH AND SAFETY

OTHERS:

Adoption date: December 10, 1998

Reviewed: May 11, 2015

Revised: August 15, 2023

## EMERGENCY CLOSINGS

The superintendent of Schools may close the schools or dismiss students/staff early when hazardous weather or other emergencies threaten the health or safety of students and personnel. The superintendent may delegate this authority to another staff member in the event of his/her absence. Such action is never to be taken lightly, for public education is one of the principal functions of the community and should be maintained at a normal level except in extreme circumstances.

Schools will not be closed merely to avoid inconvenience. While it may be prudent, under certain circumstances, to excuse all students from attending school, to delay the opening hour, or to dismiss students early, the superintendent has the responsibility to ensure that administrative, supervisory, and operational activity is continued to the extent possible. School closing and delayed starting times will be announced over local television stations. If no report is heard, it can be assumed the schools are in session, and are opening on time.

In making the decision to close schools, the superintendent may consider many factors, including the following, which relate to the safety and health of children:

1. weather conditions, both existing and predicted;
2. driving, traffic, and parking conditions affecting public and private transportation facilities;
3. actual occurrence or imminent possibility of any emergency condition that would make the operation of schools difficult or dangerous; and
4. inability of teaching personnel to report for duty, which might result in inadequate supervision of students.

Among the other factors the superintendent may consider are advice from traffic and weather authorities, Highway Superintendent, and school officials.

Students, parents, and staff will be informed early in each school year of the procedures that will be used to notify them in case of emergency closing.

Ref: Education Law §3604(7)

Adoption date: December 10, 1998  
Revised: July 10, 2001  
Revised: May 11, 2015  
Revised: August 15, 2023

## SAFE SCHOOLS

The Board of Trustees is committed to the prevention of violence against people or property in the schools or at school activities, whether by students, staff or others. While committed to the protection of each person's constitutional rights, including due process rights, the Board does not condone lawlessness. Any individual committing violent acts in or on school property will be disciplined according to applicable Board policy and regulations.

Staff members who implement this or any other Board policy will receive the full support of the Board and the administration.

The Board may establish an advisory committee to review specific policies, regulations, plans and procedures in order to ensure a comprehensive and effective program to prevent and punish vandalism and violence occurring in the schools and on District property. Simultaneously with the work of the committee, the Superintendent and appropriate school administrators shall review the practice at school and shall submit a separate report to the Board including any findings and recommendations on the implementation of committee suggestions on these and other policies, regulations, plans and procedures concerning safety. Members of the advisory committee\* shall include a Board member, the Superintendent, appropriate school personnel, a student representative, parents, and other community representatives. All members shall be appointed by the Board.

The advisory committee shall examine the policies, regulations, plans and procedures concerning:

1. student conduct and discipline;
2. the maintenance of public order on school property;
3. the banning of weapons on school property;
4. drug and alcohol abuse;
5. school emergency management;
6. coordination efforts with law enforcement agencies;
7. searches and seizures by school officials;
8. training for staff and students in conflict resolution and violence prevention;  
and
9. building security measures including procedures governing visitors to the school and access to the school building.

The advisory committee shall review these and other policies, regulations, plans, and procedures, as directed, to ensure that they are:

1. consistent with law and regulation;
2. clear, complete and enforceable; and
3. appropriately disseminated to students, staff, parents and are available to the general public.

The advisory committee shall report its findings and recommendations to the Board prior to public release. Final reports shall be delivered to the Board at a meeting scheduled by the Board to receive the report.

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

Cross ref: 1240, Visitors to the Schools 1520, Public  
Conduct on School Property 5162, Student  
Dismissal Precautions 5305, Eligibility for  
Extracurricular Activity  
5310, Student Discipline  
5311, Student Rights and Responsibilities  
5312, Prohibited Conduct  
  
5312.1, Drug and Alcohol Abuse  
5312.2, Dangerous Weapons in School  
5313, Penalties  
5313.2, In-School Suspension  
5313.3, Student Suspension 5320, Student  
Conduct on School Buses 5330, Searches and  
Interrogations 8130, Emergency Plan  
  
8211, Access to Buildings  
8212, Vandalism

Adoption date: December 10, 1998

Reviewed: May 11, 2015

Revised: August 15, 2023

**SAFE SCHOOLS EXHIBIT**  
CHARGE TO THE ADVISORY COMMITTEE ON SAFE SCHOOLS

The Board of Trustees welcomes the participation of all committee members in this effort to ensure a safe, healthy and wholesome environment for students and staff, in which respect for the rights and property of others fostered.

The Committee is to review and make recommendations on specific policies. Regulations, and practices of the District directed at preventing or controlling vandalism or violence in the school. The efforts shall assist the Board in establishing a system-wide anti-violence program.

Each of the identified policies, regulations, plans, and procedures shall be reviewed to ensure that they are:

1. consistent with law and regulation;
2. clear, complete and enforceable; and
3. appropriately disseminated to students, staff, parents and are available to the general public, upon request.

*Issues for Review*

I. Student Conduct and Discipline

Commissioner's regulations require each Board to adopt student conduct and discipline policies which include:

1. a student bill of rights and responsibilities;
2. a discipline code for student behavior; and
3. a range of penalties that may be imposed for violation of the discipline code.

In addition to the above, the Committee shall also review the District's policies and procedures governing student drug and alcohol abuse, vandalism, as well as student conduct on school buses and at sporting events. The advisory committee should ensure that:

1. there are written codes of expected behavior communicated to students and parents; .....
2. the discipline policies include warnings that anyone engaging in violent acts on school property risks serious penalties;
3. due process and appeal procedures are clearly stated and provided;
4. parents and students are fully aware of the District's policy on drug and alcohol abuse and that there are procedures in place for referring students for treatment; and ...
5. students and parents are held financially liable for willful acts of vandalism.

II. Public Order on School Property

State Education Law requires the school District to adopt rules and regulations for the maintenance of public order on school property and to provide a program for the enforcement of such rules. The rules and regulations, including all amendments, must be filed with the Board of Regents and the Commissioner.

The committee shall review this policy to ensure that it comprehensively defines the conduct that is prohibited and the enforcement program. The committee should further ensure that the policy is disseminated to appropriate persons.

III. Training for Students and Staff

The committee shall establish whether or not students and staff are receiving training and, if so, whether it is effective. Training for students should be provided in an age-appropriate manner, addressing non-violent means for handling frustrations, preparing students for the future, and reducing the potential for violence on school property.

Teachers and administrators should be receiving instruction to assist them in the early identification and handling of discipline problems, covering such issues as the methods for breaking up fights and obtaining help in a hurry.

IV. Searches and Seizures

The District should have a policy stating its right, in certain instances, to conduct a search of a student and his/her possessions for a weapon (or other contraband) and seize it. Particular attention should be given to determining whether the policy provides sufficient direction to staff to protect them from being charged with violating a student's constitutional rights. The committee should also ensure that staff is receiving adequate training in this area.

V. Health and Safety Plans

The committee should review the Health and Safety plan by October 1 and updates the plan every year, as required; and whether the plan provides adequate direction in the case of rioting or other violence in or near the school.

VI. Weapons on School Property

The committee should ensure that the District has a policy banning dangerous weapons in school which is sufficient and properly enforced, containing adequate penalties for its violation, and about which students are informed.

Federal and state law requires school Districts apply a suspension of at least one year for any student who is determined to have brought a weapon to school. (The penalty may be modified by the Superintendent or the Board on a case-by-case basis.)

VII. Involvement of Parents and Community

Parents and the community may serve as valuable resources in helping to make the anti-violence program work. The committee shall determine whether parents and the public are made aware of the District's policies, regulations, and practices in preventing violence and are involved in the program as appropriate.

VIII. Coordination with Appropriate Law Enforcement Agencies

The committee should also examine whether the District's program is coordinated with local authorities to ensure adequate police protection at District events and quick police response when necessary. Efforts may also be made to see if the district should work with members of the local police to help students understand how law enforcement agencies work to prevent violence.

IX. Building Security

The committee should examine the school's security measures including procedures governing access to the school building, student dismissal precautions and visitors to the school.

*Summary*

The advisory committee shall report its findings and recommendations to the Board, by October 1 and prior to public release.

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

Adoption date: December 10, 1998

Reviewed: May 11, 2015

Revised: August 15, 2023

## **BUILDING AND GROUNDS MANAGEMENT**

The Director of Health and Safety shall serve under the Superintendent. They shall have charge of all repairs, alterations and improvement to the school building and grounds.

### *Operation of Facilities*

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

The Board of Trustees recognizes its responsibility to provide equipment, supplies and contractual services of high quality.

### *Maintenance of Facilities*

The Board, through the superintendent and designated District staff, shall protect the District's investment in plant and facilities through a systematic maintenance program.

Such program shall include periodic preventive maintenance activities, long-range maintenance schedules and emergency repair procedures. It is further expected that all maintenance work will be carried out in a manner that will cause minimal interference with the District educational program.

Adoption date: December 10, 1998

Reviewed: May 11, 2015

Revised: August 15, 2023



**BUILDINGS AND GROUNDS SECURITY**

The Board of Trustees shall make every effort to provide a safe and secure environment to all persons (staff, students, and/or visitors), who lawfully enter upon District property or who travel lawfully in District vehicles.

The Board directs the Superintendent to establish and implement written regulations which will:

1. identify those staff members who will be responsible for the effective administration of the regulations;
2. provide staff time and other necessary resources for the effective administration of such regulations;
3. establish a periodic written review of the activities of the staff to ensure compliance with applicable laws and regulations;
4. establish an on-going mechanism to provide effective review of safety and security concerns of staff, students and affected public; and
5. provide for periodic reports to the Board regarding the significant aspects of safety and security of the District.

Adoption date: December 10, 1998

Reviewed: May 11, 2015

Revised: August 15, 2023

## USE OF SURVEILLANCE CAMERAS ON SCHOOL PROPERTY

The Board of Trustees is responsible for maintaining and fostering student discipline, as well as safeguarding the facilities and property of the District. The Board further recognizes the importance of student, staff and visitor privacy. After careful consideration, the Board supports the use of surveillance cameras on school grounds. Cameras are an important component of the District's overall approach to safety, which also includes identification badges, locks, lighting, alarms, etc. The surveillance cameras are intended to monitor student behavior, promote student and staff safety, and to deter vandalism. However, this does not preclude other uses deemed appropriate by the Board of Trustees. Recordings may be used as evidence of misconduct in disciplinary proceedings.

District surveillance cameras will only be used in public areas where there is no "reasonable expectation of privacy." Audio recordings shall not be utilized by School District employees without the express permission of the superintendent or their designee; however, such prohibition does not preclude the use of audio recordings by law enforcement officials in accordance with their duties and/or as otherwise authorized by law.

Any video recording used for surveillance purposes in school buildings and/or on school property shall be the sole property of the District. The superintendent or their designee shall be the custodian of such recordings. All video recordings will be stored in their original form and secured to avoid tampering and protect confidentiality. The district shall comply with all applicable state and federal laws related to student records in retaining these recordings.

Requests to view a video recording must be made in writing to the superintendent or his/her designee. If the request is granted, viewing shall occur in the presence of the IT Network Manager and the Superintendent. Under no circumstances will the video be duplicated and/or removed from district premises, unless in accordance with a court order and/or subpoena.

The District will post appropriate signage at entrance to the school notifying students, staff and the general public of the district's use of surveillance cameras. Students and staff will receive additional notification. Such notification may include publication in the parent handbook and employee handbook.

The superintendent is authorized to develop such regulations and procedures as may be necessary to implement this policy.

Ref: 20 U.S.C. §1232g (Family Educational Rights & Privacy Act)  
Arts & Cultural Affairs Law Art. 57-A Public Officers Law §87  
Records Retention & Disposition Schedules for Use by School Districts,  
Schedule ED-1

Adoption date: December 11, 2007

Reviewed: May 11, 2015

Revised: August 15, 2023

**ACCESS TO BUILDING**

The following school officials shall have keys to the school building:

- Superintendent
- Superintendent's Secretary
- School Business Manager
- Head Custodian
- Tax Collector (when needed)
- Coaches (in season only)
- Classroom Teachers
- Tech Manager
- Fire Department

Only the above officials may gain access to the school building after school hours, and then only for the purpose of conducting school-related business.

Cross-ref: 8135, Safe Schools

Adoption date: December 10, 1998

Revised: May 11, 2015

Revised: August 15, 2023

## VANDALISM

School buildings and grounds are built and maintained with taxes levied on the Districts taxpayers, and all damage caused must be paid for in the same way. Therefore, the Board of Trustees encourages all citizens, students, and staff to cooperate in reporting any incidents of vandalism and, if known, the names of those responsible to the Superintendent.

Students who are caught vandalizing property may be suspended. The Board may determine that legal action against the parent or guardian of a student caught vandalizing District property should be brought to recover the cost of damages\* caused by the students acts. The Board will direct the school attorney to institute and prosecute such suit.

The Board will also determine whether to offer monetary rewards\*\* for information leading to the arrest and conviction of persons connected to the vandalism of District property.

Cross-ref: 8135, Safe Schools

Ref: General Obligations Law §3-112  
Education Law §§1604(38); 1709(38)

\* State law permits parental liability for up to five thousand dollars (\$5,000) \*\* State law permits monetary rewards for up to one thousand dollars (\$1,000)

Adoption date: December 10, 1998  
Reviewed: May 11, 2015  
Revised: August 15, 2023

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

To accommodate the Districts educational program, the Board of Trustees is committed to providing suitable and adequate facilities. To this end, proper maintenance and inspection procedures are essential. The Board directs the Superintendent 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 Districts buildings and grounds maintenance and inspection procedures:

### *Comprehensive Maintenance Plan*

A comprehensive maintenance plan 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 every five years.

### *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 the 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.

The Superintendent shall, on an on-going basis, undertake their own inspection of the school building 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); 3807-  
a (Fire Inspections) Labor Law 33 875§-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. Dept. Rep. 166 (1993) (district required to  
monitor students 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: January 9, 2001  
Reviewed: May 11, 2015 Revised:  
December 16, 2015  
Revised: August 15, 2023

**TRAFFIC AND PARKING ON SCHOOL PROPERTY**

The Superintendent is instructed to develop regulations concerning traffic and parking controls on roads, driveways and parking lots accessory to the school and playground. Such regulations shall take into account the need to ensure the safety of all students, school personnel and anyone else on school property or on roads, driveways and parking lots adjacent to such school property.

Adoption date: December 10, 1998

Reviewed: May 11, 2015

Revised: August 15, 2023

## **USE OF DISTRICT-OWNED CELL PHONES**

The Board of Education recognizes that certain District employees will be required to carry district-owned cell phones in order to assist them in meeting position responsibilities.

A list of district-owned cell phones shall be maintained in the Business Office. The user shall pay all cell phone contracts. The District may give a stipend to the user to help bear the cost of the wireless plan (business calls and e-mail) with prior Board approval.

As with any District-owned equipment, proper care of cell phones must be taken and all reasonable precautions against damage, loss, or theft. Any damage, loss, or theft must be reported immediately to the Business Office.

Adoption date: January 10, 2006

Reviewed: May 11, 2015

Revised: August 15, 2023



## USE OF CREDIT CARDS

The Board of Trustees 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 sign-out sheet accompanied by a purchase order will be maintained in the Business Office. All credit cards will be in the name of the school District.

The District shall establish a credit line not to exceed \$3,000 for each card issued and an aggregate credit limit of \$3,000 for all cards issued to the District.

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

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

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

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

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.

Each cardholder shall be apprised by the Business Manager of the procedures governing the use of the credit card and a copy of this policy.

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

Cross-ref: 6700, Purchasing  
6830, Expense Reimbursement

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

Adoption date: January 10, 2006

Reviewed: May 11, 2015

Revised: August 15, 2023

## STUDENT TRANSPORTATION

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

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

1. to provide efficient, effective and safe service to District students on a District route and does not necessitate rerouting a bus route.
2. to ensure that all students whose handicap or distance from school 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 physical 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.

The Superintendent 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.

Cross-ref: 5320, Student Conduct on School Buses

Ref: Education Law §§305(14); 1807; 3602(7); 3635 et seq.  
*Matter of Handicapped Child*, 24 EDR 41 *Matter of Zakrezewski*, 22 EDR 391 *Matter of Nowak*, 22 EDR 91 *Matter of Fox*, 19 EDR 439

Adoption date: December 10, 1998

Revision date: April 12, 2011

Reviewed: May 11, 2015

Revised: August 15, 2023

**STUDENT TRANSPORTATION REGULATION**

1. Assistance with regular bus routing may be provided to neighboring school Districts at their request on an individual basis
2. Any student (except those living within one mile of Edinburg School who have parental permission to walk) leaving from the Northville School in the afternoon on an Edinburg school bus must continue on an Edinburg school bus until they reach home or a predesignated drop-off point. Predesignated drop-off points shall require a written note from a parent or legal guardian and will be filed in the Edinburg School's Central Office.
3. When in transit, no Northville student shall enter Edinburg School without permission.
4. No Edinburg student shall enter Edinburg School before the arrival of the school secretary.
5. Edinburg students will only be dropped off at home without an older student or adult present in grade 4 or higher with written permission from the parent.
6. Transportation will be provided for non-resident students if and only if existing bus routing is used, and there is sufficient room on the bus.
7. At the start of each school year, families will select one (1) drop off location and one (1) alternate location for the school year.
8. In addition, all resident and non-resident families must designate an emergency drop off location in the event there is a true emergency where we cannot make any phone calls to contact parents.

Adoption date: December 10, 1998  
Revised: November 14, 2000  
Revised: July 8, 2003  
Reviewed: September 9, 2013  
Reviewed: May 11, 2015  
Revised: June 12, 2017  
Revised: August 15, 2023

## SCHOOL BUS SCHEDULING AND ROUTING

The District Head Bus Driver shall establish bus routes. 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.

Adoption date: December 10, 1998

Reviewed: May 11, 2015

Revised: August 15, 2023

**SCHOOL BUS SCHEDULING AND ROUTING REGULATION**

The District Head Bus Driver shall establish bus routes.

1. Limitations. Bus routes will be established in accordance with New York State laws.
2. Side Roads. Transportation will be provided on side roads that are maintained by town highway departments unless the lack of maintenance makes it unsafe for drivers and students to be traversing these roads. Examples of unsafe conditions are flooding, road erosion, ice, snow, and mud.
3. Private Roads. Transportation will not be provided on highways that have not been dedicated and/or maintained by town, county, and/or state highway departments.
4. Turnarounds. Turnarounds will not be established unless adequate space is available and this space is properly maintained.
5. District Map. Maps will be used to determine the transportation requirements necessary to satisfy the needs established by state law, Board policy, and voter mandate. This map will clearly show routes traveled. The map will be reviewed annually.

Adoption date: December 10, 1998  
Reviewed: May 11, 2015  
Revised: August 15, 2023

**TRANSPORTATION FOR NONPUBLIC SCHOOL STUDENTS**

Transportation requests for students attending nonpublic schools should be received by the District no later than the April 1 preceding the beginning of the next school year. If a student moves into the District later than April 1, the request should be received within 30 days of establishing residence in the District, but preferably no later than August 1.

All late requests, however, shall be considered by the Board of Trustees 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.
3. student lives beyond the limits established for resident students (15 mile limit)

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: December 10, 1998  
Revised: May 11, 2015  
Revised: August 15, 2023

## SCHOOL BUS SAFETY

The superintendent shall cooperate with the governmental agencies on matters of safety. They shall establish and check loading and unloading procedures at the school and student conduct on buses. The Superintendent shall arrange for a minimum of three bus emergency drills during the school year, including instruction in the use of windows as a means of escape in case of fire or accident, with the first occurring during the first week of school, the second between November 1 and December 31, and the third between March 1 and April 30.

The drills must include instruction and practice in the location, use, and operation of the emergency door, fire extinguishers, first aid equipment, and windows as a means of escape in case of fire or accident. Drills must also include instruction in safe boarding and exiting procedures, with specific emphasis on when and how to approach, board, disembark, move away from the bus after disembarking, and in the importance of orderly conduct by school bus passengers.

Such instruction and the conduct of the drills shall be given by a member of the teaching or student transportation staff selected by the superintendent. ~~Instructors will be assisted by the bus driver.~~

Students attending public and nonpublic schools who do not participate in the bus drills as required by the Regulations of the Commissioner also shall be provided with drills on school buses, or as an alternative, shall be provided with classroom instruction covering the content of such drills.

No drills shall be conducted when buses are in route.

The superintendent shall certify on the annual report to the State Education Department that the District has complied with the above requirements.

Cross-ref: 5320, Student Conduct on School Buses  
5450, Student Safety  
8120, Accident Prevention and Safety Procedures 8416,  
Special Use of School Buses

Ref: Education Law §§2; 1501-b; 1502; 3602(7) (b); 3623; 3625-a; 3636  
8NYCRR § 156.3(h)

Adoption date: December 10, 1998

Reviewed: May 11 2015

Revised: August 15, 2023



## SCHOOL BUS SAFETY REGULATION

The Board of Trustees places upon the bus driver the responsibility for the protection of the children on their bus. They have full authority to enforce the rules and regulations listed below which are considered necessary to maintain the safety of the children.

### *Preparing to Ride*

1. Students are to be waiting on their driveway 5 minutes before their bus is scheduled to arrive (bus route times are approximate)
2. As a bus approaches, students are to stand well back from the edge of the road until the bus has stopped completely.
3. If a student is on the opposite side of the road when a bus stops, students are not to leave the edge of the road until signaled to do so by the bus driver.
4. Students are to be constantly alert to traffic situations.
5. Students are to always pass at least ten feet in front of a bus when crossing from the opposite side of the road.

### *On the Bus*

Students are to:

1. enter or leave a bus only when the door is fully opened;
2. take their turn and avoid pushing upon entering or leaving a bus;
3. take their seats promptly and remain in them until the bus stops;
4. keep their feet under the seats of the bus;
5. keep their hands off the persons and the property of other children;
6. keep their books, lunch box, etc., out of the aisle;
7. avoid loud, boisterous talk and other noises that might distract the driver; and
8. never tamper with the emergency door, windows or roof hatch.

In every case, it is the duty of the bus driver to immediately report any instance of serious misconduct of any rider. The bus driver shall fill in a bus conduct report form. The parents/guardians may be notified by telephone and letter. For a first offense, the rider will receive a warning. If an offense is of a serious enough nature, it may result in an immediate loss of bus privileges for a length of time determined by the school. In the case of second offense, the rider may be deprived of bus pick-up for two days (see policy 5320, Student Conduct on School Buses). In cases where such offenses continue, the penalty may be one week or longer.

Under no circumstances is any rider to be put off the bus during the run. In all cases, bus conduct reports will be sent home to parents/guardians after each offense. When you are denied the privilege of riding the bus you are still responsible to attend school. Illegal absences will be reported to social services or the child protective agency for court action.

**8414-R**

Adoption date: December 10, 1998

Revised: November 8, 2005

Revised: April 8, 2014

Reviewed: May 11, 2015

Revised: August 15, 2023

## **BUS DRIVER QUALIFICATIONS AND TRAINING**

Only employees who have the appropriate license for the vehicle operated and who have complied with the regulations of the Commissioners of Motor Vehicles, Transportation and Education may drive students to and from home on regularly scheduled bus 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 their 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.

None other than the above-mentioned persons may drive a school owned vehicle having a student capacity greater than 15 passengers on regularly scheduled routes. School vehicles having capacities of fewer than 15 passengers may be driven by employees hired as bus drivers as well as State Education Department-certified members of the instructional staff. The latter, however, may not drive on regularly scheduled routes. State Education Department certified staff members transporting students in school-owned vehicles must also comply with requirements of the Commissioners of Motor Vehicles, Transportation, and Education.

All school bus drivers must acquire the appropriate Commercial Drivers License pursuant to New York State law. Volunteer bus drivers (who operate a bus designed to carry 14 or fewer passengers and drive less than 30 days per year) will be exempt from this (CDL) requirement. Such drivers may not drive regularly scheduled bus routes. 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.

The Board of Trustees also recognizes the importance of the contact time and relationships between bus drivers and students. In regard to this, opportunities for in-service programs for staff concerning the danger signs of child abuse and neglect will be extended to include the bus driving staff.

Ref: Education Law §3624  
Vehicle and Traffic Law, Article 19-A  
8 NYCRR §156.3, as amended  
15NYCRRPart6

Adoption date: December 10, 1998

Revision date: December 14, 2010

Reviewed: May 11, 2015

Revised: August 15, 2023

## VIDEO CAMERAS ON SCHOOL BUSES

The Board of Trustees 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 Districts duty to ensure discipline, health, welfare and safety of staff and students on school transportation vehicles, the Board supports the use of video cameras on its school buses.

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

Entering or riding a District school bus constitutes consent to the audio and videoing recording.

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 students record.

Audio/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 Audio/Video cameras in accordance with the provision of law and established Board policies and regulations

Cross-ref:        1120, School District Records 5300,  
                         Student Conduct 5310, Student Discipline  
                         5320, Student Conduct on School Buses  
                         5500, Student Records

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: December 10, 1998

Revised: May 5, 2009

Reviewed: May 11, 2015

Revised: August 15, 2023

**VIDEO CAMERAS ON SCHOOL BUSES REGULATION**

The following regulation will govern the use of video cameras on school buses:

1. Audio/Video cameras may be used on school buses transporting students to and from school or extracurricular activities at the discretion of the superintendent.
2. Staff and students are prohibited from tampering or otherwise interfering with audio/video camera equipment.
3. The District will notify students, their parents or guardians, and staff at the beginning of each school year that audio/video cameras may be used on school buses transporting students to and from school and extracurricular activities. The notice will include a copy of the Board of Trustees audio/video camera policy and regulations (#8210.1).
4. Audio/Video recordings will be maintained as long as the District deems it necessary to do so.
5. The District will comply with the provisions of federal law regarding student records requirements as applicable in the Districts use of audio/video recordings. Audio/Video recordings considered for retention as part of a student's record will be maintained in accordance with established student record procedures governing access, review and release of student and other school District records.
6. All audio/video recordings will be stored and secured to avoid tampering and ensure confidentiality.
7. A written log will be maintained of the date of viewing and the signature of the viewer.
8. Audio/Video recordings will be stored for 14 days after initial recording, whereupon such recordings may be released for erasure.
9. Review of audio/video tapes will be conducted by the Transportation Manager and the superintendent or his/her designee.
10. Viewing will be permitted only at school related sites including the administrative offices, school building, or transportation office.

Adoption date: December 10, 1998

Revised: May 5, 2009

Reviewed: May 11, 2015

Revised: August 15, 2023

## ALCOHOL AND DRUG TESTING OF DRIVERS

The Board of Trustees 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 and to comply with federal regulations, the Board requires alcohol and controlled substance testing of certain District employees, mainly drivers.

A “driver” is defined as 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.

The District shall directly, by contract, or through a consortium, implement and conduct a program to provide alcohol and controlled substance testing of employees who operate a commercial motor vehicle, perform in a safety-sensitive position, and are required to hold 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 manufacturers 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 a listed vehicle).

Controlled substance and alcohol tests\* will be conducted at the time of employment and randomly throughout the school year. In addition, testing will be conducted when a supervisor has a reasonable suspicion that an employee has engaged in prohibited alcohol or controlled substance use; after certain accidents; prior to return to duty when the employee has been found to violate District policy and federal regulations; and after the employee’s return to duty.

In accordance with federal and state law, a bus driver will not be permitted to 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 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 bus 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.

Any employee 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 employee 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.

\*The District has the option to require pre-employment *alcohol* testing as part of District policy. However, pre-employment controlled substance testing and random alcohol and controlled substance tests are mandatory under federal regulations.

### 8414.3

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 employee 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.

The Head Bus Driver 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 prior to the initiation of the testing program and to each driver 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. 3331136;  
31306  
49 U.S.C. §521(b) 49 CFR Part 382  
49CFRPart40 49 CFR 3395.20 Vehicle and  
Traffic Law, §§509-1; 1192; 1193

Adoption date: December 10, 1998  
Reviewed: May 11, 2015  
Revised: January 11, 2016  
Revised: January 11, 2017  
Revised: August 15, 2023



## ALCOHOL AND DRUG-TESTING OF BUS DRIVERS REGULATION

Any employee who operates a commercial motor vehicle and is in a safety-sensitive function shall be subject to alcohol and controlled substance testing. An employee having any questions concerning the Districts policy or regulation, state law or the federal regulations shall contact the superintendent.

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

### I. Covered Employees

Covered employees include District employees who operate a commercial motor vehicle, perform in a 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 manufacturers 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, 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.

Drivers 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. A driver is performing a safety-sensitive function 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.

Covered employees are required to be in compliance with District policy and regulation:

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.

## II. Prohibitions and Consequences

The Head Bus Driver or their designee shall prohibit an employee 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 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 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.

An employee 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.

Any 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 drivers next regularly scheduled duty period, but not less than 24 hours following administration of the test.

In the event that an 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:

1. has been evaluated by a substance abuse professional;
2. has complied with any treatment recommendations; and
3. has received a satisfactory result from a return to duty test.

Upon return to duty, the employee will be subject to follow-up testing.

## III. Types of Testing

The superintendent and the Head Bus Driver shall ensure that the following alcohol and drug tests are implemented and that any employee who is required to take an alcohol or controlled substance test shall be notified prior to the test that it is required pursuant to federal regulations or, in the case of pre-employment alcohol testing, District policy.

1. Pre-employment: Controlled substance and alcohol\* tests will be conducted before 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 transfer to a safety-sensitive function.

3. Post-accident: Alcohol and controlled substance tests will be conducted if a driver 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 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.

\*The District has the option whether to require pre-employment *alcohol* testing as part of District policy. However, pre-employment controlled substance testing is mandatory under federal regulations.

3. Reasonable Suspicion: Alcohol and controlled substance tests will be conducted if the Transportation Coordinator or other school official who has completed the minimum two hours of training has a reasonable suspicion that the driver has violated District policy and regulation. A reasonable suspicions 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 drives a school bus or performs other safety-sensitive duties. The supervisor who makes the determination of reasonable suspicion cannot do the testing.
4. Random Testing: Random alcohol tests shall be conducted annually at a minimum rate of 25 percent of the average number of positions subject to such testing pursuant to federal regulation. Random alcohol tests must be conducted just before, during or just after the employee drives a listed vehicle or performs other safety-sensitive duties.  
Random controlled substance tests shall be conducted annually at a minimum rate of 50 percent of the average number of positions subject to such testing pursuant to federal regulation. 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.
5. Return-to-Duty Testing: An 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 an employee who was found to violate the District's policy against alcohol and controlled substance use returns to duty, they will be subject to at least six unannounced tests in the first 12 months following the employees return to duty. Follow-up testing may be extended for up to 60 months from the date of the employees return to duty. Follow-up alcohol testing may only be conducted before, during or after the driver has performed their 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 prints out the results, date and time, a sequential test number, and the name and serial number of the EBT to ensure the reliability of the results.
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 with 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 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:
  - a. Marijuana (THC metabolite)
  - b. Cocaine
  - c. Amphetamines
  - d. Opiates (including heroin)
  - 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. If the screening test has a drug-positive result, a confirmation test will then be performed for each identified drug using gas chromatography/mass spectrometry (GC/MS) analysis.
5. 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.
6. 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.
7. 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.
8. For post-accident testing, the results of urine tests conducted by law enforcement officials will be accepted as long as the testing conforms with 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, gas chromatography/mass spectrometry analysis testing, assurance that all drug test results are reviewed and interpreted by a physician, and ensuring confidentiality of employee test records.

V. Training

The Head Bus Driver and every other person designated to determine whether reasonable suspicion exists to require an employee 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.

VI. Recordkeeping and Reporting

The Health and Safety Director shall ensure that alcohol and drug testing records are maintained 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.

VII. Required Notification

Every affected 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 they have received this information. The District shall maintain the original signed certification until the employees employment is discontinued. The District will provide a copy of the certification to the covered employee upon request.

VIII. Penalties

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 their license revoked for one year and is subject to fines ranging from \$500 to \$5,000 and/or imprisonment. Any bus driver convicted more than once in 10 years for such crimes will have their license revoked for three years and is subject to a fine of \$1,000 to \$5,000 and/or imprisonment.

Adoption date: December 10, 1998

Reviewed: May 11, 2015

Revised: January 11, 2016

Revised: January 11, 2017

Revised: August 15, 2023

**ALCOHOL AND DRUG TESTING PROGRAM  
ACKNOWLEDGMENT FORM**

I, \_\_\_\_\_, have received a copy, 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, 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: December 10, 1998  
Reviewed: May 11, 2015  
Revised: August 15, 2023

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

The Board of Trustees shall take steps to reduce 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;
- 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 medical equipment.

### **Bus Loading and Unloading Practices**

The superintendent 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.

### **Contracts for Student Transportation**

If the school District contracts with a private vendor for student transportation services the contract shall include the provision requiring compliance with the state's bus idling laws and regulations.

### **Monitoring and Review**

The Head Bus Driver shall be responsible for monitoring compliance with the requirements of law and regulations summarized in this policy and presented to the Board of Trustees at the annual Re-Organizational Meeting.

1<sup>st</sup> Reading: October 15, 2015  
 2<sup>nd</sup> Reading: November 5, 2015  
 3<sup>rd</sup> Reading: December 16, 2015  
 Adoption Date: December 16, 2015  
 Revised: August 15, 2023



**FIELD TRIP AND EXTRACURRICULAR  
ACTIVITY TRANSPORTATION**

Upon approval of the Head Bus Driver, school vehicles may be used to transport students on field trips or for extra-curricular activities within a radius of 75 miles from the school. The superintendent may also grant permission for trips outside of the mileage limitations. General bus procedures should be followed for extracurricular bus use.

Adoption date: December 10, 1998

Reviewed: May 11, 2015

Revised: August 15, 2023

## SPECIAL USE OF SCHOOL BUSES

The Board of Trustees permits some special uses of school buses, such as providing transportation to students during lunch hour or to extracurricular events. To this end, the Board directs the superintendent to review and approve all requests for any special use of school buses. The Board may approve the use of school buses and directs the superintendent to keep the Board informed of the party or group seeking to use a bus for these purposes.

Permission for all such use may be granted based after review of such factors as the nature and legality of the use, the anticipated time a particular bus will be needed and the ability of the District to meet its normal transportation commitments.

### *Special Transportation Services*

According to the Education Law, the Board has the authority to permit the following passengers to ride on school buses with District students during school hours:

1. residents enrolled in educational, vocational or other training programs;
2. employees of school Districts or other educational or training institutions; and
3. any not-for-profit organization providing transportation services in rural counties as defined by law for children participating in an agricultural child care program authorized by the Agriculture and Markets Law (only available in certain rural counties).

However, the following requirements shall be met before such passengers are permitted to ride:

1. an application must be filed by prospective passengers and approved by the Board;
2. seats must be available for all students while bus is in operation; and
3. the cost for passengers shall not exceed the cost for transporting regular District students to their destination.

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.

Cross-ref: 8414, School Bus Safety

Ref: Education Law §§1501-b; 1502; 3635; 4105(3)  
Transportation Law Article 2-F; §73(c)

Adoption date: December 10, 1998

Revised: March 9, 1999

Reviewed: May 11, 2015

Revised: August 15, 2023

## STUDENT TRANSPORTATION IN PRIVATE VEHICLES

The Board of Trustees recognizes that, in special circumstances, District employees may need to use private vehicles for school purposes. In particular, the superintendent or designee may authorize the transportation of students in private vehicles for the following reasons:

1. to transport a student or students to home, a hospital or other medical facility, in the event of illness or medical emergency; and/or
2. to transport a student or students to District-sponsored events when regular District transportation is unavailable.

Prior authorization may not be necessary in the event of an emergency. The District assumes no liability unless the employee has prior authorization for such transportation.

District administrators will exercise caution in authorizing transportation of students in private vehicles, since the District potentially assumes liability for any accident claim which exceeds the driver's automotive liability coverage. Any teacher or parent using a private vehicle to transport students on a regular basis must provide evidence of liability insurance, with the District named as an additional insured, in an amount deemed adequate by the superintendent or the School Business Manager.

Ref: Education Law §§3023; 3635

Adoption date: December 10, 1998

Reviewed: May 11, 2015

Revised: August 15, 2023

## TRANSPORTATION CONTRACTS

The Board of Trustees recognizes its responsibility to provide for the transportation of students in a safe, efficient and economical manner. The Board shall provide such transportation by contracting with a private entity to provide such service.

The Board directs the superintendent to seek such contracts by issuing a detailed request for proposals. The request for proposals must specify the criteria to be used in evaluating such proposals and the weightings assigned to each criterion for the purpose of evaluating the proposals. No single criterion can be weighted in excess of 50 percent of the total weight of all the criteria used.

Such criteria shall include, but not be limited to, the following:

1. the previous experience of the contractor in transporting students;
2. the name of each transportation company of which the contractor has been an
3. owner or a manager;
4. safety programs implemented by the contractor;
5. the driving history of employees of the contractor;
6. inspection records and model year of each of the contractor's buses;
7. bus maintenance records;
8. a financial analysis of the contractor;
9. record of compliance with motor vehicle insurance requirements; and
10. total cost of the proposal.

The superintendent shall submit the proposed request for proposals to the Board for its approval before such proposal is published.

Ref: Education Law §§305; 3624  
General Municipal Law §103 8  
NYCRR §156.12

Adoption date: December 3, 1997  
Reviewed: May 11, 2015  
Revised: August 15, 2023

## FOOD SERVICE MANAGEMENT

The Board of Trustees recognizes that school cafeterias are a part of the total school program. The Board shall, therefore, provide adequate facilities, resources and personnel for the provision of food services for all students in the District's school.

Food service management is the responsibility of the Food Service Manager. The school food service should be operated in the most economical, efficient and satisfactory method given the student's needs and the District's resources.

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

Ref: Education Law §305(14)(a)

Adoption date: December 10, 1998

Reviewed: May 11, 2015

Revised: August 15, 2023

## **EDINBURG COMMON SCHOOL MEAL CHARGE POLICY**

### **I. Purpose**

The goal of the Edinburg Common School Cafeteria is to provide student access to nutritious no- or low-cost meals each school day and to ensure that a pupil whose parent/guardian has unpaid school meal fees is not shamed or treated differently than a pupil whose parent/guardian does not have unpaid meal fees.

However, unpaid charges place a large financial burden on our school. The purpose of this policy is to insure compliance with federal requirements for the USDA Child Nutrition Program, and to provide oversight and accountability for the collection of outstanding student meal balances.

The intent of this policy is to ensure that the student is not stigmatized or embarrassed or distressed as well as establish procedures to address unpaid meal charges to the Edinburg Common School Cafeteria. The provisions of this policy pertain to regular priced school breakfast, lunch and snack (if applicable) meals only. The Edinburg Common School Cafeteria provides this policy as a courtesy to those students in the event that they forget or lose their lunch money. Charging of items outside of the reimbursable meals (a la carte items, adult meals, etc.) is expressly prohibited.

### **II. Policy**

- Free Meal Benefit – Free meal eligible students will be allowed to receive a free breakfast and lunch each day. A la carte purchases must be paid/prepaid.
- Reduced Meal Benefit - Reduced meal eligible students will be allowed to receive a breakfast for \$.25 and lunch for \$.25 each day. A student will be allowed to charge a maximum of four meals to their account after the balance reaches zero. The charged meals offered to students will be reimbursable meals that are available to all students.
- Meal Application – School staff will make two documented attempts to reach out to parents/guardians to complete a meal application in addition to the application and instructions provided in the school enrollment packet.
- Meal Application – School staff will contact the parent/guardian to offer assistance with completion of meal application to determine if there are other issues within the household causing the child to have insufficient funds, offering any other assistance that is appropriate.

## 8505

- Full Pay Students – Students will pay for meals at the school’s published paid meal rate each day. If a student is without meal money on a consistent basis, the administration will investigate the situation more closely and take further action as needed. If financial hardship exists, parents and families are encouraged to apply for free or reduced price meals for their child if applicable. A student will be allowed to charge a maximum of four meals to their account after the balance reaches zero. The charged meals offered to students will be reimbursable meals that are available to all students.
- Parents/Guardians are responsible for meal payment to the food service program. Discreet notices of low or deficit balances will be sent to parents/guardians at regular intervals during the school year.
- Students/Parents/Guardians may pay for meals in advance via a check payable to Edinburg Common School. Further details are available via the office. Funds should be maintained in accounts to minimize the possibility that a child may be without meal money on any given day. Any remaining funds for a particular student may/will be carried over to the next school year.
- Refunds for withdrawn, and graduating students; a written or e-mailed request for a refund of any money remaining in their account must be submitted. Students who are graduating at the end of the year will be given the option to transfer to a sibling’s account with a written request.
- Unclaimed Funds must be requested within one school year. Unclaimed funds will then become the property of the Edinburg Common School Food Service Program.
- Balances Owed collection of owed balances will follow the policies and procedures set forth below.
  - The Food Service Manager shall maintain charge records and review all monthly accounts with unpaid funds.
  - Automatic email/letters to any family that has unpaid funds greater than \$5.00 on a monthly basis, sent by the Food Service Manager.
  - If the balance climbs greater than \$25.00, the Business Office shall communicate the balance owed to the family, which informs the

- family that if the balance remains unpaid, the account may be turned over for collections efforts, including potentially Small Claims.
  - 
  - If the balance becomes greater than \$50.00, or if no payments are made on the debt for more than 4 months, then a letter from the superintendent is issued.
  
  - Finally, if the debt increases beyond \$100.00, or at the discretion of the superintendent, the District may request attorney/collections intervention, including potentially filing in Small Claims Court.
- Minimizing Students Distress:
    - School will not publicly identify or stigmatize any student on the line or discuss any outstanding meal debt in the presence of any other students.
    - Schools will not throw away a meal after it has been served because of the student's inability to pay for the meal or because of previous meal charges.
  
    - Schools will not take any action directed at a pupil to collect unpaid school meal fees.
  
    - Schools will deal directly with parents/guardians regarding unpaid school meal fees.
- Ongoing Eligibility Certification:
    - School staff will conduct direct certification with NYSSIS or using NYSED Roster Upload at least monthly to maximize free eligibility.
  
    - School staff will provide parents/guardians with free and reduced price application and instructions at the beginning of each school year in school enrollment packet.
  
    - Schools using electronic meal application will provide an explanation of the process in the school enrollment packet and instructions on how to request a paper application at no cost.



- Schools will provide at least two additional free and reduced price applications throughout the school year to families identified as owing meal charges.
- Schools will coordinate with the foster, homeless, migrant, runaway coordinators at least monthly to certify eligible students.

If a student is without meal money on a consistent basis, the administration will investigate the situation more closely and take further action as needed. If financial hardship exists, parents and families are encouraged to apply for free or reduced price meals for their child if applicable.

Approved BOT: 9/21/2017  
Revision Approval: 6/13/2018  
Revised: August 15, 2023

## FREE AND REDUCED PRICE FOOD SERVICES

The Board of Trustees recognizes that the nutrition of District students is an important factor in their educational progress. The Board, therefore, shall participate in federally funded school lunch programs, and shall provide free or reduced price food services to qualified district students.

### 1. Eligibility Determination

The Food Service Manager shall make final determinations as to which children in attendance at their school are eligible to receive such services.

### 2. Standards of Eligibility

Any child who is a member of a family unit whose income is below the New York State Minimum Scale for family units of the same number shall be eligible to receive such services.

### 3. Application Procedures

- a. Application forms will be available in the main office of the school building.
- b. Completed forms must be submitted to the Food Service Manager prior to any determination of eligibility.
- c. The adult responsible for the child will be informed of the Food Service Manager's determination within one week of receiving a properly completed application.

### 4. Provision for Anonymity

Upon approval of the application for free food services, the Food Service Manager will introduce the recipient to the cashier, who will visually acknowledge the student thereafter. All reasonable effort will be extended in protecting the anonymity of the student in accordance with federal regulations governing such programs.

### 5. Provision for Appeal

Upon written request, the superintendent will hear appeals of determinations regarding such services in compliance with federal regulations governing the National School Lunch Program.

Cross-ref: 8500, Food Service Management

Ref: National School Lunch Act of 1946, as amended  
(42 U.S.C. 1751-1760) Child Nutrition Act of  
1966, Public Law 89-642, 80 Stat. 885, as  
amended

Adoption date: December 10, 1998

Reviewed: May 11, 2015

## INFORMATION SECURITY BREACH AND NOTIFICATION

The Board of Trustees 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 superintendent 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 the superintendent as 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. *optional language:* This appointment will be made at the annual organizational meeting]

The Board directs the superintendent of Schools as Data Protection Officer, 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 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.edinburgcs.org](http://www.edinburgcs.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 superintendent as the Data Protection Officer and the Board of Education.

#### F. Notifications

The Data Protection 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, as 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 personal information maintained by the District shall be promptly reported to the superintendent and the Board of Trustees.

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.
5. 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: May 8, 2007

Revised: February 8, 2011

Reviewed: May 11, 2015

Revised: December 16, 2015

Revised: June 9, 2020

Revised: August 15, 2023



## INFORMATION 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 Protection Officer, but may also be received by any District employee, who must immediately notify the Data Protection 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 Protection Officer in the most expedient way possible, without unreasonable delay, but no more than seven calendar days after the breach's discovery.

The Data Protection 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 Protection 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: May 8, 2007

Revision date: February 8, 2011

Reviewed: May 11, 2015

Revised: December 16, 2015

Revised: June 9, 2020

Revised: August 15, 2023

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

The Edinburg Common 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 Edinburg Common 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 superintendent. 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 518-474-0937.
- 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 the Records Access Officer.

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

The \_\_\_\_\_ has been engaged by the Edinburg Common School District to  
(insert name of contractor)

Provide services. In this capacity, the company may collect, process, manage, store or analyze student or teacher/principal personally identifiable information (PII).

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

The \_\_\_\_\_ will ensure that subcontractors or others that the company shares  
(insert the name of contractor)

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 \_\_\_\_\_ by contacting  
(insert name of contractor)

\_\_\_\_\_  
(insert contact information, including title, phone number, mailing address and email address).

The \_\_\_\_\_ will take reasonable measures to ensure the confidentiality of PII by  
(insert name of contractor)

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 \_\_\_\_\_ and ends on \_\_\_\_\_. Once  
(insert date) (insert date)

the contractor has completed its service to the District, records containing student PII will be  
(select one: destroyed or returned) by \_\_\_\_\_ via the following \_\_\_\_\_  
(insert date) (insert method if destroyed or format if returned).

Adoption date: June 9, 2020

Revised: August 15, 2023

## SCHOOL DISTRICT COMPLIANCE WITH COPYRIGHT LAW

The Board of Trustees acknowledges the necessity of complying with federal laws governing the use of copyrighted material.

Infringement on copyrighted material, whether prose, poetry, graphic images, music, video or computer code, is a serious offense against federal law and contrary to the ethical standards required of staff and students alike.

The Board, therefore, requires that all reproduction of copyrighted material be conducted strictly in accordance with applicable provisions of law. Unless otherwise allowed as "fair use" under federal law, permission must be acquired from the copyright owner prior to reproduction of material in any form.

Ref: 17 U.S.C. §§101; 106; 107; 117; 201; 302  
*Basic Books, Inc. v. Kinkos Graphics Corp.*, 758 F. Supp. 1522 (SDNY1991) H.R. Rep. No. 94-1476, 94th Cong., 2d Sess. (1976)

Adoption date: December 10, 1998

Reviewed: May 11, 2015

Revised: August 15, 2023

**SCHOOL DISTRICT COMPLIANCE  
WITH COPYRIGHT LAW REGULATION**

No copyrighted material may be reproduced or copied in any form except in accordance with the following rules:

1. Staff and students may make copies of material for personal reference and use.
2. Staff and students may make copies of material for distribution in class if:
  - a. the body of the material to be reproduced is no more than: 250 words of poetry; a single article, story or essay of up to 2500 words; an excerpt of up to 1000 words or 10% of a prose work, with a minimum of 500 words; or a single illustration from a book or periodical;
  - b. the reproduction is done at the inspiration of the teacher, decided close to the time of the use, and not at the direction of higher authority;
  - c. reproduction by either teacher or student does not exceed: one complete work or two excerpts from the same author or three from one collective work or periodical, but no more than 9 different reproductions of material, other than from news periodicals or newspapers, per semester; or one copy of each work per student;
  - d. the same work has not been reproduced by that teacher or student for any other class or during the preceding semester;
  - e. each reproduction bears a copyright notice, year of publication and name of the copyright owner.
3. No copies may be made from workbooks or other consumable works.
4. Each staff member will maintain a record of all copies made for distribution in his/her class, including the author, title, source and date of use. Such record will be preserved for at least twenty-four months, and made available to the superintendent on request.
5.
  - a. Staff may install/download proprietary computer software onto hard drives for normal use. The original CD and any other back-up copies thereof will be stored. No other copies will be made or used except as authorized by the specific license agreement.
  - b. Non-proprietary software may be copied by staff and students as desired.
  - c. Students will not copy District-owned proprietary software from District computers, nor install or use personal software, proprietary or non proprietary, on District computers.
6. Staff and students may make audio or video tapes of copyrighted material, including musical and dramatic works, only for classroom use, including evaluation and rehearsal, unless done in accordance with paragraph 7, below.
7.
  - a. Any other reproduction of copyrighted material will be made only after acquiring permission to do so from the copyright owner. This includes the creation of anthologies, collections and reviews for instructional use, and audio and video tapes for sale or other non-academic distribution.
  - b. The superintendent may approve the payment of licensing fees and/or royalties on a case-by-case basis, out of funds budgeted by the Board of Trustees.

Adoption date: December 10, 1998  
 Reviewed: May 11, 2015  
 Revised: August 15, 2023

## INSURANCE

The District shall purchase insurance coverage necessary to protect the District to an optimum extent from loss of property and judgments and awards arising out of liability claims. Records of all insurance policies shall be kept in the Main Office safe. The Board of Trustees shall select a broker who shall advise it in the administration of the insurance program. All actions involving the purchase of insurance shall be subject to Board approval.

The superintendent shall have general knowledge of the provisions of all insurance policies carried by the District. At time of accident or loss, he/she shall see that action is taken necessary to protect the interests of the school District.

The Board shall purchase with District funds the type and amount of insurance appropriate to protect itself as a corporate body, its individual members, its appointed officers, and its employees from financial loss arising out of any claim, demand, suit or judgment by reason of alleged negligence or other act resulting in accidental bodily injury to any person or accidental damage to the property of any person within or without the school building while the above-named insured are acting in the discharge of their duties within the scope of their employment and/or under the direction of the Board. Such purchase will take into account the price of insurance, appropriate deductibles, and other relevant factors.

Premiums for such accident insurance as is deemed appropriate for students in grades prekindergarten through sixth grade, intramural, and physical education sports activities, or while engaged in practice preparation for such games, sports, or contests will be paid from the General Fund.

The superintendent shall annually review the insurance program for the purpose of recommending to the Board adjustments in coverage resulting from, but not limited to, expansion of the District's risks, relevant new laws, and superseding conditions which make changes in coverage appropriate.

Ref: Education Law §§1709(8)(8-a)(8-b); 3023; 3028; 3811  
General Municipal Law §§6-n; 50-c and 50-e *Lyndv.*  
*Heffernan*, 286 AD 597 (3d Dept. 1955) *Surdellv. City*  
*of Oswego*, 91 Misc.2d 1041 (1977)

Adoption date: December 10, 1998

Reviewed: May 11, 2015

Revised: August 15, 2023

## ENERGY MANAGEMENT

The Board of Trustees may develop and implement both immediate and long-range plans designed to conserve District energy resources. Such plans will include overseeing energy consumption levels of all facilities, including transportation.

Recommendations may also be made for operations and maintenance procedures, as well as any capital expenditures necessary to achieve maximum cost-efficiency of all District energy use. Contingency plans may be developed in the event of an energy shortage.

The District will apply for any applicable grants to initiate and/or sustain its energy conservation program. Progress reports on the implementation of energy conservation measures may be made on an annual basis.

Cross-ref: 7700, Facilities Renovations

Ref: National Energy Conservation Act of 1978 (P.L. 95-619)  
Federal Institutional Conservation Program (10 CFR Part 455)  
State Energy Law, Articles 3; 5; 8; 11; 16  
9 NYCRR Parts 7810-7816 (State Energy Conservation Construction Code)

Adoption date: December 10, 1998

Reviewed: May 11, 2015

Revised: August 15, 2023

## RECYCLING PROGRAM

The Board of Trustees recognizes that the problem of solid waste disposal directly affects our environment and the quality of life-sustaining resources. The Board also believes that one function of the schools is to set an example in the stewardship of our natural resources and to develop responsible citizenship in students. Therefore, the District will act to make resource conservation an integral part of the physical operations of the District.

In its efforts to improve and encourage responsible solid waste management in the school and in the community, the Board supports a program of recycling and reuse of such waste materials. A District-wide recycling program may take into consideration the following:

1. resource conservation, including waste reduction, and encouraging the use of all products to their fullest extent prior to disposal;
2. minimization of the use of non-biodegradable products whenever possible;
3. a differentiation between biodegradable and non-biodegradable waste materials;
4. separation of waste materials into categories for recycling (i.e., paper, glass, aluminum, iron, plastic, etc.) and delivery of such materials to an appropriate recycling agency in cooperation with recycling efforts in the community;
5. whenever financially viable, the purchase and/or use of recycled products; and
6. participation of District students and staff on all levels in the recycling program. Such participation shall take into consideration any appropriate health, safety, and risk management concerns.

Adoption date: December 10, 1998

Reviewed: May 11, 2015

Revised: August 15, 2023