

Required  
 **Local**  
 Notice

### **SUPPORT SERVICES GOALS**

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

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

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

Adoption date: August 24, 2017

[ ] Required  
 [X] Local  
 [ ] Notice

## SCHOOL BUILDING SAFETY

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

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

1. Appoint a Health and Safety Committee composed of, but not limited to, representation from district administration, school staff, bargaining units and parents that shall participate in monitoring the condition of occupied school buildings to assure that they are safe and maintained in a state of good repair.
2. Review and approve all annual building inspections and building condition surveys.
3. Take immediate action to remedy serious conditions in school buildings affecting health and safety and report such conditions to the Commissioner of Education.

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

Cross-ref: 7100, Facilities Planning  
 7365, Construction Safety  
 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)

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[ ] Required  
 [ ] Local  
 [ X ] Notice

## **PESTICIDES AND PEST MANAGEMENT**

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

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

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

### *Notification of Pesticide Application*

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

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

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

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

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

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

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 ( ) Notice

## **SCHOOL SAFETY PLANS AND TEAMS**

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

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

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

### Comprehensive district-wide school safety team and plan

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

### Building-level safety team and emergency response plans

Each Building Principal shall be responsible for annually appointing a school safety team that includes representation from teachers, administrators,

parent organizations, school safety personnel, other school personnel, local law enforcement officials, local ambulance and other emergency response agencies. The school safety team shall be responsible for the development and review of a building-level emergency response plan for each district building. The plan(s) shall address communication, emergency response (including ensuring that local responders have access to floor plans, blueprints, and other appropriate maps of school property and the immediate surrounding area), and evacuation at the building level and shall include all components required by law and regulation.

Within each building, the school safety team shall designate:

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

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

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

#### Annual Review and Report

All plans shall be reviewed and updated, if necessary, by the appropriate safety team by May 1 every year. In conducting the review, the teams shall consider any changes in organization, local conditions and other factors including an evaluation of the results of the annual test of the emergency response procedures which may necessitate updating of plans. If the plan requires no changes, then it shall remain in effect. If the district-wide plan requires change, then the updated plan shall be submitted to the Board of Education in time to allow 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. If the building-level plan requires change, a summary of it will be made available for public comment and public hearing. All plans must be adopted by the Board of Education by July 1.

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

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

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

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### **UNSAFE SCHOOL TRANSFER CHOICE**

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

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

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

#### **Notification of Transfer Rights**

The Superintendent shall notify parents of all students in a school designated as persistently dangerous. Where there is more than one school in the district at a grade level, the Superintendent shall notify the parents of any student who becomes a victim of a violent criminal offense on school grounds, of their child’s right to transfer out of the school they currently attend. The notice shall:

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

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

sent first class mail within 24 hours of any such determination by the Superintendent.

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

### **Procedures for Transfer**

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

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

A student who transfers because he or she became the victim of a violent criminal offense at his or her school of origin remains at the school transferred to until he or she completes the highest grade level there.

Upon parental request, any student who exercised his or her right to transfer to a safe school may return to the school of origin. Any such transfer back will be effective at the start of classes in the next school year following the request.

### **Transportation**

The district shall provide transportation to students transferring to a safe school within the transportation limits established under New York's Education Law.

### **Procedures for Determining Whether a Student Has Become the Victim of a Violent Criminal Offense on School Grounds**

In accordance with district procedures for the reporting of violations that constitute crimes, the Building Principal or designee shall promptly notify both local law enforcement and the Superintendent of all reports that involve the infliction of a serious physical injury upon another, a sex offense involving forcible compulsion, or any other offense that involves the use or threatened use of a deadly weapon under applicable provisions of New York's Penal Law.

Following receipt of any such report, the Superintendent shall proceed to determine whether any of the students involved in the reported incident has become the victim of a violent criminal offense on school grounds. In making this determination, the Superintendent shall:

1. consult with any law enforcement agency investigating the alleged violent criminal offense, and document his or her consultation with law enforcement officials,
2. consider any reports or records provided by law enforcement agencies investigating the situation, and
3. consult with the district's attorney prior to making any final determination,
4. document his or her findings.

A criminal conviction is not required for the Superintendent of Schools to make a determination that a student indeed has become the victim of a violent criminal offense on school grounds. However, a Superintendent's determination that a violent criminal offense has occurred cannot be used as evidence in any student disciplinary proceeding initiated against either the alleged victim or the perpetrator of the offense.

Upon a finding that a student has become the victim of a criminal violent offense on school grounds, the Superintendent will provide the student's parents with notice of the student's right to transfer to a safe school in accordance with the notice procedures established by this policy above. The Superintendent will document compliance with the notification requirements and the procedures followed to carry out the student's transfer if the parents elect to have the student transfer to another school.

#### Appeal of a Superintendent's Determination Regarding a Violent Criminal Offense

Parents may appeal to the Board of Education a Superintendent's determination regarding whether their child has become the victim of a violent criminal offense on school grounds.

Cross-ref: 5300, Code of Conduct  
5710, Violent or Disruptive Incident Reporting

Ref: 20 USC §7912(a)  
Education Law §2802(7)  
Penal Law §10.00(1), (12)  
8 NYCRR §120.5

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Required  
 Local  
 Notice

## USE OF SURVEILLANCE CAMERAS ON SCHOOL PROPERTY

The Board of Education 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. Surveillance cameras are intended to monitor student behavior, promote student and staff safety, and to deter vandalism and other criminal activity. However, this does not preclude other uses deemed appropriate by the Board of Education. Recordings may be used as evidence of misconduct in disciplinary proceedings, as permitted by law.

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 his/her 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 his/her 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 district's custodian of the recording. 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 entrances 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 district calendar, employee handbook and student 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

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

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

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

### Comprehensive Maintenance Plan

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

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

### Building Condition Surveys

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

### Annual Visual Inspections

A visual inspection of building system components in each occupied district building will take place annually except for years in which a Building Condition Survey is performed. The inspection will be conducted by a team including the Facilities Director or his/her designee, the district's architect, and a member of the Health and Safety Committee. The inspection will be completed by November 15th of each year and the report will be maintained in the Facilities Director's office.

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

### Fire Safety Inspections

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

### Safety Rating System

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

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

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

Ref: 29 CFR §§ 1910 et seq. (OSHA Hazard Communication)  
40 CFR Part 763 (Asbestos Hazard Emergency Response Act)

Education Law §§ 409-d (Comprehensive Public School Safety Program); 409-e (Uniform Code of Public School Buildings Inspections, Safety Rating and Monitoring); 807-a (Fire Inspections)

Labor Law §§ 875-883(toxic substances)

Public Health Law §§ 4800-4808 (Right to Know, toxic substances)

Environmental Conservation Law § 33-0725 (Pesticides)

6 NYCRR Part 325 (Pesticides)

8 NYCRR §§ 155.1(Educational Facilities); 155.4 (Uniform Code of Public School Buildings Inspection, Safety Rating and Monitoring); 155.8 (Fire and Building Safety Inspections)

9 NYCRR Parts 600-1250 (Uniform Fire Prevention & Building Code)

12 NYCRR Part 56 (Industrial Code Rule concerning asbestos)

*Appeal of Anibaldi*, 33 Educ. Dep't Rep. 166 (1993) (district required to monitor student's physical symptoms when air quality caused health problems)

*Guidelines for the Evaluation and Control of Lead-Based point Hazards in Housing*, U.S. Department of Housing and Urban Development, Washington D.C., June 1995)

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

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### **AUTHORIZED USE OF SCHOOL-OWNED MATERIALS AND EQUIPMENT**

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

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

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

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

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

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

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

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 [X] Local  
 [ ] Notice

### USE OF CELL PHONES

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

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

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

As with any district-owned equipment, employees must take proper care of cell phones and take all reasonable precautions against damage, loss, or theft. Any damage, loss, or theft must be reported immediately to the Business Office. Since employees are responsible for the safe return of district-owned cell phones, employees who use district-owned cell phones may be liable for damages or losses which occur during the period of its use. District-owned cell phones shall be returned immediately upon the employee's retirement/termination of employment, or upon request. Employees who fail to return a district owned cell phone upon retirement/termination of employment or at the district's request will be billed for the actual cost of the cell phone and for all charges made after retirement/termination of employment or the district's request.

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

Ref: Fourth Amendment, U.S. Constitution  
 Fourteenth Amendment, U.S. Constitution  
 City of Ontario, California v. Quon 130 S.Ct.2619 (2010)

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Required  
 Local  
 Notice

## USE OF CREDIT CARDS AND COMMERCIAL ACCOUNT CARDS

The Board of Education does not permit the use of district credit cards.

To facilitate efficient operation by the Buildings and Grounds Department, the following commercial account cards will be provided:

1. Home Depot
2. Ace Hardware

All Home Depot and Ace Hardware purchases must be accompanied by an authorized purchase order.

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

Users must take proper care of these commercial account 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 commercial account 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 commercial account card revocation and discipline of the employee.

Users must submit detailed documentation, including itemized receipts for actual and necessary expenses which have been incurred in connection with school-related business for which the commercial account card has been used.

The Superintendent of Schools, in consultation with the Assistant Superintendent of Business and the district's Purchasing Agent, shall establish regulations governing the issuance and use of commercial account cards. Each cardholder shall be apprised of the procedures governing the use of the credit card and a copy of this policy and accompanying regulations shall be given to each cardholder.

The Assistant Superintendent of Business shall periodically, but no less than twice a year, monitor the use of each commercial account card and report any serious problems and/or discrepancies directly to the Superintendent and the Board.

Cross-ref:      6700, Purchasing  
                     6830, Expense Reimbursement

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 [X] Local  
 [ ] Notice

## TRANSPORTATION

### State Law

State Law mandates that transportation be provided at public expense for all children attending public and non-public school if the distance from the child's home to the school attended is greater than two miles for grades K through eight and greater than three miles for grades nine through twelve, and be provided for each such child up to a distance of fifteen (15) miles. Distance is the sole criterion for eligibility for transportation. State Law and Commissioner of Education decisions have been very consistent in not granting transportation on any basis except distance from home to school and requiring that all students in a given grade level be treated equally. The only exception to this rule relates to children with disabilities whose eligibility is based upon the needs of the individual student.

### Local Policy

Transportation at public expense will be provided to all children attending a public or non-public school if the distance to the school is greater than the minimum limits noted below when measured from the roadway opposite the child's front door via public roads or walks to the point of measurement at each school site. Measurements are determined using the district designated routing software which is updated regularly. This measurement is made from home to school. Transportation shall be provided from home to school and school to home only, except as individually authorized by the Superintendent of Schools at no added cost to the district.

Transportation will be provided to students based on the following guidelines:

Kindergarten through grade five:	over one-half (0.5) mile
Grades six through eight:	over 0.88 of a mile
Grades nine through twelve:	over 1.24 miles

Local policy, as stated, is operative only when the general public has approved a budget which includes allocations for the service.

Appeals

After established administrative channels of appeal have been utilized, any person feeling aggrieved as a result of the implementation of the rules noted above may appeal to the Commissioner of Education in writing and request corrective action. This appeal, and all papers and documents related thereto, must also be served on the officer or officers whose act or decision is the subject of complaint.

Ref: Education Law §§310; 1709(25)(27); 3620-3627; 3635; 4402(4)

Adoption date: July 1994  
Revised January 1999  
Revised December 1999  
Revised August 24, 2017

## TRANSPORTATION REGULATION

A permanent bus pass will be issued to all eligible bus riders in Grades K-12. Transportation will be denied without a bus pass. In case of a lost bus pass, a duplicate will be issued and the district may impose a fine of \$5.00.

### Lines of Authority

The Assistant Superintendent for Business is directly responsible for the Transportation Department of the school district. The Director of Transportation oversees the daily operation of the department.

### Scheduling Problems

All complaints concerning scheduling should be forwarded to the Director of Transportation. In the event that an emergency situation exists, every attempt should be made to contact a central administrator. Telephone calls can be made, by building administrators, directly to transportation contractors when central office personnel are not available.

### Non-Public School Students

Students attending non-public schools will be transported to locations within fifteen (15) miles of their residence. Mileage restrictions established by State Education Law will be followed. The distance between a student's home determines eligibility for transportation to the non-public school he/she legally attends.

Any parent desiring transportation for a student to a non-public school must file a written request for said transportation on or before April 1, proceeding the fall term of the school year, except that parent(s) moving into the district after that time have 30 days after establishing residency to file a written request. First time enrollees in a private or parochial school shall be permitted to submit their application by June 30. If a parent misses a filing date and makes a late filing, transportation services will be provided only upon the recommendation of the administration and approval of the Board of Education.

### Eligibility Requirements

1. Elementary students attending Grades K-5 who live over one-half (0.5) mile and for non-public school students who live over one-half (0.5) mile and not more than fifteen (15) miles from school attending.

2. Secondary students attending Grades 6-8 who live over 0.88 of a mile and for non-public school students who live over 0.88 of a mile and not more than 15 miles from school attending.
3. Secondary students attending Grades 9-12 who live over 1.24 miles and for non-public school students who live over 1.24 miles and not more than 15 miles from school attending.

#### Measuring Distances

Students' eligibility for transportation will be determined by measuring the nearest available route from home to school. The measurement starting point begins on the roadway opposite the front door of the residence to the roadway opposite the front door of the school attending. In the case of the Wantagh Middle School, the roadway opposite the common driveway to the colonnade will be the determining factor.

#### Late Bus Requirements

Late buses will be provided to accommodate students involved in after-school activities, provided the number of students requesting is six (6) or more at their respective schools.

If there are fewer than six (6) students requesting late bus transportation, transportation services may be provided only upon the recommendation of the administration and approval of the Board of Education and only if there is no additional cost to the district.

If a late bus was provided and the number in a new school year falls below six (6), the Director of Transportation will notify the affected private or parochial school in the spring, or when it is discovered.

#### Special Transportation for Students with Disabilities

If a child has a disability and attends a special school, and the arrangements for transportation to this school have been made through the Committee on Special Education, then no special request for transportation is required. If a child has a temporary disability (accident, seasonal health problems, etc.) and the parents feel that special transportation should be provided, they should contact the Nurse of the school that the child attends through the Committee on Special Education procedures and complete the appropriate documents requesting the service.

Ref: Education law §§310; 1709(24), (25), (27); 3620-3627; 3635; 4402(4); 4404; 4405 (2)

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Revised December 1999  
Revised November 2006  
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Revised July 2015  
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## SCHOOL BUS SCHEDULING AND ROUTING

### Transportation to Locations other than the Student's Home

Transportation shall be provided from home to school and school to home except in special cases as authorized by the Superintendent of Schools. Such transportation may be authorized on an annual basis at no added cost to the district. In addition, the Superintendent may establish procedures for temporary changes to transportation on a day-to-day basis.

Requests shall be submitted in writing by the parent or legal guardian to the Principal of the school in question. The Principal, if he/she approves, shall refer such request to the Director of Transportation who will process the request assuring that:

1. the written request is signed by the parent or legal guardian and delineates the specific location other than the home to which the student should be transported;
2. any further change shall be for purposes of restoring transportation to the legal home of the student, except in special cases as authorized by the Superintendent;
3. there shall be no incremental costs to the district; and
4. the requested bus stop shall be on an established route emanating from the school in question.

After the Assistant Superintendent for Business has established that all of the above criteria have been met, the request shall be forwarded to the Superintendent for approval and implementation shall follow.

Adoption date: July, 1994  
 Revised: August 24, 2017

(X) Required  
 (X) Local  
 (X) Notice

### ALCOHOL AND DRUG TESTING OF BUS DRIVERS

The Board of Education recognizes the dangers inherent in alcohol and controlled substance use by employees especially those in safety-sensitive positions. To ensure the safety of its students and to comply with federal regulations, the Board requires alcohol and controlled substance testing of school bus drivers and other covered 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 buses designed to transport sixteen (16) or more passengers, including the driver;
2. drivers of commercial motor vehicles whose manufacturer’s rating is 26,001 lbs. or more; and
3. any other employee who may drive or service a district vehicle (e.g. a mechanic who performs test drives, repairs, inspects, or loads or unloads 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 0.01, 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.

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.

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

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

Cross-ref:      9320, Drug-Free Workplace  
                     9610, Staff Substance Abuse

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

Adoption date: August 24, 2017

## 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 district's policy or regulation, state law or the federal regulations shall contact the Superintendent of Schools.

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

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

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

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 Supervisor of Transportation or his/her designee shall prohibit an employee from driving or servicing a school bus or other district\_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 0.01 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 0.01 or greater but less than 0.04 will be removed from driving and other safety-sensitive duties until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

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 of Schools and the Director of Transportation 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.
2. 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.
3. Reasonable Suspicion: Alcohol and controlled substance tests will be conducted if the Transportation Supervisor 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 suspicion” must be based on specific, contemporaneous, articulable observations concerning the driver’s behavior, appearance, speech or body odors that are characteristic of controlled substance or alcohol misuse. Alcohol tests can only be done just before, during or just after the employee drives a school bus listed vehicle 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 or services a bus or district 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 0.01 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 0.01 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, he or she will be subject to at least six unannounced tests in the first 12 months following the employee's return to duty. Follow-up testing may be extended for up to 60 months from the date of the employee's return to duty. Follow-up alcohol testing may only be conducted before, during or after the driver has performed his or her driving duties.

#### *IV. Testing Procedures*

##### *A. Alcohol Testing Procedures*

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

1. Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.01 alcohol concentration is considered a "negative" test.

2. If the alcohol concentration is 0.01 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 0.01 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 federally approved analysis such as chromatography/mass spectrometry (GC/MS or LC/MS).
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 or liquid 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. *Dilute Specimen Testing*

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

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

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

*VI. Recordkeeping and Reporting*

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

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

Adoption date: August 24, 2017

**ALCOHOL AND DRUG TESTING PROGRAM  
ACKNOWLEDGMENT FORM**

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

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

*NOTE: The paragraph above includes dilute specimen re-tests, which should only be included if that is what the district elects to do.*

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: August 24, 2017

Required  
 Local  
 Notice

**SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)**  
Meal Charge and Prohibition Against Meal Shaming Policy

The Wantagh Union Free School District participates in the National School Lunch Program and School Breakfast Program to receive commodities and subsidies from the U.S. Department of Agriculture. In return, the Wantagh Union Free School District provides free and reduced-price meals to elementary and secondary students in its schools and serves meals that meet federal requirements.

The Superintendent or designee will carry out the rules of the School Lunch and Breakfast Programs. The Wantagh Union Free School District's Reviewing Official and Verification Official or the Department of Social Services Office of Temporary and Disability Assistance (ODTA) will determine student eligibility. Appeals regarding eligibility should be submitted to the Wantagh Union Free School District's Hearing Official.

The Wantagh Union Free School District may allow free or reduced-priced meals for qualifying Wantagh Union Free School District students after receiving a written application from the students' parent or guardian or a "direct certification letter" from the (ODTA). Applications will be provided by the Wantagh Union Free School District to all families.

School officials must also determine eligibility for free or reduced-price meals by using the Direct Certification Matching process. Any student residing in a household receiving federal assistance through the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance to Needy Families (TANF), or Medicaid is automatically eligible for free meals (and milk); eligible families will not have to complete further applications. The District will notify parents or guardians of eligibility, giving them the opportunity to decline free meals (and milk).

Child Nutrition Program Authorization

Since the Wantagh Union Free School District participates in one or more Child Nutrition Program, the Superintendent has developed rules which address:

- What can be charged;
- The system used for identifying and recording charged meals;
- The system used for collection of repayments; and
- Ongoing communication of this policy to parents and students. The Wantagh Union Free School District's meal-charge policy and procedures will be distributed to all households that transfer into the Wantagh Union Free School District during the school year. The policy and procedures may vary by grade. The Wantagh Union Free School District will also provide details regarding payment methods on its website.

## I. Purpose – Charging Meals

The goal of the Wantagh Union Free School District 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.

Unpaid charges place a large financial burden on our district. The purpose of this policy is to ensure compliance with federal requirements for the USDA Child Nutrition Program and, and to provide oversight and accountability for the collection of outstanding student meal balances to ensure that the student is not stigmatized, distressed or embarrassed.

The intent of this policy is to establish procedures to address unpaid meal charges throughout the Wantagh Union Free School District in a way that does not stigmatize, distress or embarrass students. The provisions of this policy pertain to regular priced reimbursable school breakfast, lunch and snack (if applicable in the future) meals only. The Wantagh Union Free School District provides this policy as a courtesy to those students if they forget or lose their money. Charging of items outside of the reimbursable meals (a la carte items, adult meals, snacks, ice cream, etc.) is expressly prohibited.

## II. Policy

**Free Meal Benefit** - Free and Reduced eligible students will be allowed to receive a free breakfast and lunch meal of their choice each day. A la carte items or other similar items must be paid/prepaid.

**Full Pay Students** - Students will pay for breakfast and lunch meals at the school's published paid meal rates each day. The charged meals offered to students will be reimbursable meals available to all students, unless the student's parent or guardian has specifically provided written permission to the school to withhold a meal. A la carte items or other similar items must be paid/prepaid.

The Wantagh Union Free School District's point-of-sale system will track all charges and payments.

### ONGOING STAFF TRAINING:

Staff will be trained annually and throughout the year as needed on the procedures for managing meal charges using the NYSED Webinar or training programs provided by the Wantagh Union Free School District. Staff training includes ongoing eligibility certification for free or reduced price meals.

**PARENT NOTIFICATION:**

Unpaid meal charges will be addressed directly with the student's parent or guardian who is responsible for providing funds for meal purchases; discreet notifications of low, exhausted, or deficit balances will be sent at appropriate intervals during the school year. The notification may include a repayment schedule, but will not charge any interest or fees related to meals charged prior to being paid. Wantagh Union Free School District administration will further consider the benefits of attempted collections and the costs that would be expended in collection attempts. Parents/guardians will be discretely notified that a student's meal card or account balance is exhausted and has accrued meal charges, and the process to refill the student's account, within 5 days of the charge and then every school week thereafter until the account is replenished.

**PARENT OUTREACH:**

Staff will communicate with parents/guardians with five or more meal charges to determine eligibility for free or reduced price meals.

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.

School staff will contact the parent/guardian to aid 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. If a parent/guardian regularly fails to provide meal money and does not qualify for free or reduced price meals, then the district may take other actions as appropriate.

**MINIMIZING STUDENT DISTRESS:**

School and Food Service Management Company (FSMC) staff will not publicly identify or stigmatize any student on the serving line or discuss any outstanding meal debt in the presence of any other students.

Students who incur meal charges will not be overtly identified, will not be required to wear or carry any item that would identify unpaid meals, nor do chores or work to pay for meals.

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.

Should the Wantagh Union Free School District begin using electronic meal applications, the district 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 use administrative prerogative judiciously, only after using exhaustive efforts to obtain a completed application from the parent/guardian only with available information on family size and income that falls within approvable guidelines.

Schools will coordinate with the foster, homeless, migrant, runaway coordinators at least monthly to certify eligible students.

Students/Parents/Guardians may pay for meals in advance via [www.myschoolmeals.com](http://www.myschoolmeals.com) or with a check payable to Wantagh Union Free School District. Further details are available on the district webpage at [www.wantaghschools.org](http://www.wantaghschools.org). 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 student will be carried over to the next school year.

Refunds for withdrawn and graduating students require submission of a written or e-mailed request for a refund of any money remaining in their account. 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 Wantagh Union Free School District Food Service Program.

Staff members are allowed to purchase food from the district's food services. However, all purchases must be paid for at the point of sale. Staff members are not allowed to charge meals to be repaid later.

The district shall ensure that all district and food service management company staff with responsibilities under this policy will be trained on the provisions of this policy and the requirements of Education Law section 908.

Cross-ref:

8520, Free and Reduced Price Meal Services

Ref: 42 USC §1779 (Child Nutrition Act of 1966)  
42 USC §§1758(f)(1); 1766(a) (National School Lunch Act)

Adoption date: August 24, 2017

Revised: March 14, 2019

Required  
 Local  
 Notice

### **FREE AND REDUCED PRICE MEAL SERVICES**

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

#### Availability, Application & Notification

Notice of the availability of the free and reduced price meal programs will be sent to the homes of students, local media, the local unemployment office and large employers experiencing layoffs in the area from which the district draws its attendance. Any child who is a member of a family unit whose income is below the federally established scale shall be eligible to receive such services.

To apply for the free or reduced price meal program:

1. Application forms will be available in the main office of each school building and on the district web site and can be completed and submitted at any time during the year.
2. Completed forms must be submitted to the Building Principal of the school which the student attends prior to any determination of eligibility.
3. The parent or guardian will be informed of the determination within one business week of the Principal's receipt of a properly completed application.

Applications will be kept confidential.

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

In addition, in order to reach students who are categorically eligible for free and reduced price meals and to comply with state law, four times per school year the Assistant Superintendent for Business will review the list made available by the State Education Department of children ages three to eighteen who are in households receiving federal food assistance, Medicaid benefits (for certain recipients), or Temporary Assistance for Needy Families (TANF) to identify students within the district. The district will send a notice to those families apprising them of their student's eligibility to participate in the school meal programs without further application.

Parents may decline participation by informing the district in writing. If the service is declined, the student will be removed from the eligibility list.

The Building Principal in conjunction with the Assistant Superintendent for Business will establish meal-time procedures that both protect the anonymity of the student and allow for proper accounting.

### Community Eligibility

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

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

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

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

Adoption date: August 24, 2017

- Required
- Local
- Notice

## COMPUTER RESOURCES AND DATA MANAGEMENT

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

### General Provisions

The Director of Technology will oversee the use of district computer resources. The Superintendent and his/her designee(s) will prepare in-service programs for the training and development of district staff in computer skills, appropriate use of computers and for the incorporation of computer use in subject areas.

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

The Superintendent and his/her designee, working with the Director of Technology, shall establish regulations governing the use and security of the district's computer resources (computer resources include all devices that process data, including but not limited to, laptops, fax machines, copiers and scanners). The security and integrity of the district computer network and data is a serious concern to the Board and the district will make every reasonable effort to maintain the security of the system. All users of the district's computer resources shall comply with this policy and regulation, as well as the district's Acceptable Use Policy #4526. Failure to comply may result in disciplinary action, as well as suspension and/or revocation of computer access privileges.

All users of the district's computer resources must understand that use is a privilege, not a right, and that use entails responsibility. Users of the district's computer network must not expect, nor does the district guarantee, privacy for electronic mail (e-mail) or any use of the district's computer network. The district

reserves the right to access and view any material stored on district equipment or any material used in conjunction with the district's computer network.

### Management of Computer Records

The Board recognizes that since district data is managed by computer, it is critical to exercise appropriate control over computer records, including financial, personnel and student information. The Superintendent, working with the Director of Technology and the district's business official, shall establish procedures governing management of computer records taking into account whether the records are stored onsite on district servers or on remote servers in the "cloud".

The procedures will address:

1. passwords,
2. system administration,
3. separation of duties,
4. remote access,
5. encryption,
6. data back-up (including archiving of e-mail),
7. record retention, and
8. disaster recovery plans and notification plans.

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

### Review and Dissemination

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

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

Adoption date: August 24, 2017

## COMPUTER RESOURCES AND DATA MANAGEMENT REGULATION

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

### I. Administration

- The Director of Technology shall oversee the district's computer network.
- The Director of Technology shall monitor and examine all network activities, as appropriate, to ensure proper use of the system.
- The Director of Technology shall develop and implement procedures for data back-up and storage. These procedures will facilitate the disaster recovery and notification plan and will comply with the requirements for records retention in compliance with the district's policy on School District Records #1120 taking into account the use of onsite storage or storage in the cloud.
- The Superintendent, working in conjunction with the Director of Technology, shall be responsible for disseminating and interpreting district policy and regulations governing use of the district's network at the building level with all network users.
- The Superintendent and his/her designee(s) shall provide employee training for proper use of the network and will ensure that staff supervising students using the district's network provide similar training to their students, including providing copies of district policy and regulations (including policy #4526, Computer Use in Instruction) governing use of the district's network.
- The Director of Technology shall take reasonable steps to protect the network from viruses, other software, and network security risks that would comprise the network.
- All student and employee agreements to abide by district policy and regulations and parental consent forms shall be kept on file in the district office.
- Consistent with applicable internal controls, the Superintendent in conjunction with the Assistant Superintendent for Business and the Director of Technology, will ensure the proper segregation of duties in assigning responsibilities for computer resources and data management.

### II. Internet Access

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

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

### III. Acceptable Use and Conduct

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

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

#### IV. Prohibited Activity and Uses

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

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

- Using the network while your access privileges are suspended or revoked.
- Using the network in a fashion inconsistent with directions from teachers and other staff and generally accepted network etiquette.

V. No Privacy Guarantee

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

VI. Sanctions

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

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

VII. District Responsibilities

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

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

The district will take reasonable steps to protect the information on the network and provide a secure network for data storage and use, including ensuring that contracts with vendors address data security issues and that district

officials provide appropriate oversight. Even though the district may use technical and/or manual means to regulate access and information, these methods do not provide a foolproof means of enforcing the provisions of the district policy and regulation.

Adoption date: August 24, 2017

(X) Required  
 (X) Local  
 (X) Notice

## INFORMATION SECURITY BREACH AND NOTIFICATION

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

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

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

Any breach of the district’s 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 Education.

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

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

Adoption date: August 24, 2017

## INFORMATION SECURITY BREACH AND NOTIFICATION REGULATION

### Definitions

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

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

“Breach of the security of the system” shall mean 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.

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

### Procedure for Identifying Security Breaches

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

1. indications that the information is in the physical possession and control of an unauthorized person, such as removal of hard copies, lost or stolen computer, or other device containing information;
2. indications that the information has been downloaded, removed 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 any other factors which the district shall deem appropriate and relevant to such determination.

Security Breaches – Procedures and Methods for Notification

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

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

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

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

The required notice shall include:

- (a) district contact information,
- (b) a description of the categories information that were or are reasonably believed to have been acquired without authorization,
- (c) which specific elements of personal or private information were or are reasonably believed to have been acquired, and
- (d) what the district is doing about it.

This notice shall be directly provided to the affected individuals by either:

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

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

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

#### Notification of State and Other Agencies

Once notice has been made to affected New York State residents, the district shall notify the State Attorney General, the Department of State Division of Consumer Protection, 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 shall also notify consumer reporting agencies as to the timing, content and distribution of the notices and the approximate number of affected individuals. A list of consumer reporting agencies will be furnished, upon request, by the Office of the State Attorney General.

Adoption date: August 24, 2017