Buffalo City School District

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SUBJECT: ANNUAL ITEMIZED ESTIMATE OF NECESSARY FUNDS

The Board of Education shall prepare annually an itemized estimate for the current or ensuing fiscal year of such sum of money as it may deem necessary for the purposes stated in law and/or regulation, after crediting thereto the amount anticipated in the next apportionment of school funds from the state and the estimated amount to be received from all other sources.

Such itemized estimates shall be filed with the city official authorized to receive department estimates, and shall be acted upon by such officer and the Common Council.

After the adoption of the budget, the Common Council shall include the amount of approved itemized estimates in the tax and assessment roll of the city, which shall be collected in the same manner and at the same time as other taxes of the city are collected, and placed to the credit of the Board of Education.

The Board may, to meet emergencies which may arise, submit to the Common Council a special estimate of extraordinary expenses necessary to meet such emergencies. Such estimates shall contain a complete statement of the purposes for which the items are requested and the necessity therefore in accordance with the procedures enumerated in Education Law.

The Common Council shall have power to make the appropriations requested by the Board in such special estimate.

Education Law § 2576

Adopted: 4/24/02
SUBJECT: ADMINISTRATION OF THE BUDGET

The Superintendent, working in conjunction with the administrative staff, is responsible to the Board for the administration of the budget.

a) He or she will acquaint District employees with the final provisions of the program budget and guide them in planning to operate efficiently and economically within these provisions.

b) Under his or her direction, the District will maintain those records of accounting control as are required by the New York State Uniform System of Accounts for School Districts, the Board, and other procedures, as are deemed necessary. He or she will keep the various operational units informed through periodic reports as to the status of their individual budgets.

c) A budget appropriation and Board approval in accordance with District procurement policies, where applicable, is required prior to the expenditure of District funds.

Budget Transfers

Within monetary limits as established by the Board, the Superintendent is authorized to transfer funds within the budget. Whenever changes are made, they are to be incorporated into regular financial reporting to the Board.

Education Law § 1718
8 NYCRR § 170.2(l)
SUBJECT: ACCEPTANCE OF GIFTS, GRANTS, AND BEQUESTS TO THE DISTRICT

The Board may accept gifts, donations, grants, or bequests (collectively "gifts") of money, real or personal property, as well as other merchandise that add to the overall welfare of the District, provided that acceptance is in accordance with existing laws and regulations. Donations to the school are fully tax deductible so long as the gift is used exclusively for public purposes in accordance with USC Section 170(c). The Board may refuse any gift that constitutes a conflict of interest, gives an appearance of impropriety, or is not in its best interests. The Board will safeguard the District, the staff, and students from commercial exploitation, from special interest groups, and the like.

The Board will not accept any gifts which will place encumbrances on future Boards, or result in unreasonable additional or hidden costs to the District. The Board may, if it deems it necessary, request that gifts of equipment, facilities, or any item that requires upkeep and maintenance include funds to carry out maintenance for the foreseeable life of the donation.

The Board will not formally consider the acceptance of gifts until and unless it receives the offer in writing from the donor or grantor or their attorney or financial advisor. Any gifts donated to the Board and accepted on behalf of the District must be by official action and resolution passed by Board majority. The Board would prefer the gift to be a general offer rather than a specific one. Consequently, the Board would suggest that the donor or grantor work first with the school administrators in determining the nature of the gift prior to formal consideration for acceptance by the Board. However, the Board, in its discretion, may direct the Superintendent to apply the gift for the benefit of a specific school or school program.

The Board is prohibited, in accordance with the New York State Constitution, from making gifts or charitable contributions with District funds.

Gifts of money to the District will be annually accounted for under the trust and agency account in the bank designated by the Board.

All gifts become District property. A letter of appreciation, signed by the President of the Board and the Superintendent, will be sent to a donor or grantor in recognition of his or her contribution to the District. Letters will be sent in a timely manner and will acknowledge the possible tax deduction available to donors whose gifts qualify under IRS regulations.

New York State Constitution Article 8, § 1
Education Law §§ 1709(12), 1709(12-a) and 1718(2)
General Municipal Law § 805-a(1)
SUBJECT: VENDING MACHINES

The Board of Education may permit the placement of vending machines in the schools if, in the opinion of the Superintendent or his/her designee, such vending machines are deemed proper and appropriate, and are operated in accordance with applicable law and regulations. The number and type of vending machines must also receive prior approval of the Superintendent or his/her designee. However, the Board of Education retains sole and final authority as to the selection of the vendor and the placement of vending machines or similar apparatus on School District property. The Chief Financial Officer or their designee is charged with establishing and maintaining appropriate accounting procedures for District owned/leased vending machines, or machines under the control of extracurricular student organizations, in accordance with applicable law or regulation.

Whether the District owns or leases vending machines, the District must purchase the items to be dispensed through the machines in accordance with competitive bidding requirements if mandated by law.

The Board of Education also prohibits any arrangements between District employees or student organizations and vending machine vendors to do anything other than provide the services of the vendor's machines as authorized pursuant to contract or service agreement.

In accordance with Education Law, vending machines accessible to students which sell certain sweetened foods, including but not limited to, sweetened soda water; chewing gum; candy including hard candy, jellies, gums, marshmallow candies, licorice, and candy coated popcorn; and water ices except those which contain fruit juices, must be inoperative from the beginning of the school day until the end of the last scheduled meal period each school day. Vending machines selling fruit juices in accordance with federal and state regulations may operate during school lunch hours.

Districts that participate in the National School Lunch and Breakfast Programs must ensure that any moneys received from the sale of competitive foods from vending machines in the cafeteria area are applied only to the benefit of the school lunch program, the school, or to duly authorized student organizations.

Vending Machines: Extracurricular Student Organizations

Any extracurricular student organization wishing to place a vending machine on District property shall receive prior approval of the Superintendent or his/her designee, with final authorization by the Board of Education as to the vendor and the location for the machine.

All vending machines under the control of extracurricular student organizations shall be registered in the name of the applicable Board appointed Extracurricular Activity Advisor and the School District. All moneys collected by such vending machines shall be deposited with the Board designated Treasurer of the extraclassroom activities fund. Further, all receipts and inventory reports of each vending machine must be kept by the Extracurricular Activity Advisor and the student(s) appointed by the extracurricular organization, and recorded on appropriate forms.

(Continued)
SUBJECT: VENDING MACHINES (Cont’d.)

Additionally, reports for each machine shall be made at least quarterly to the Board of Education; however, inventory and receipt reports (including sales/cost records) shall also be maintained and submitted to the Chief Financial Officer on a regular basis. If the accounting and inventory reports for any vending machine are inadequate as determined by the Chief Financial Officer, then approval for that machine may be withdrawn by the Board. Any rebate money for sales on a vending machine shall be made payable to the School District and the extracurricular student organization. Such rebates are to be reflected on the reports regularly submitted to the Chief Financial Officer and on the quarterly reports to the Board of Education.

Education Law §§ 915 and 1725
General Municipal Law § 103
8 NYCRR Part 172
The Safeguarding, Accounting and Auditing of Extraclassroom Activities Fund,
State Education Department, 1992

Adopted: 4/24/02
SUBJECT: DISPOSAL OF DISTRICT PERSONAL PROPERTY

Equipment

District equipment that is obsolete, surplus, or unusable by the District will be disposed of in such a manner that is advantageous to the District and compliant with environmental laws.

The Superintendent or designee will be responsible for selling the equipment in such a way so as to maximize the net proceeds of sale which may include a bona fide public sale preceded by adequate public notice. If it is determined that reasonable attempts to dispose of the equipment have been made and those attempts have not produced an adequate return, the Superintendent or designee may dispose of the equipment in any manner which he or she deems appropriate, provided that such equipment may not be taken by, given to, or sold at a bargain price to District employees, their relatives, friends or associates.

All Disposals will be submitted on a form prescribed by the Chief Financial Officer and shall follow regulations and procedures established by the Superintendent or designee.

Textbooks

Textbooks may lose their value to the educational program because of changes in the curriculum or because they contain outdated material or are in poor condition. If textbooks are no longer useful or usable, the procedures for disposal will adhere to the following order of preference:

a) Sale of textbooks. If reasonable attempts to dispose of surplus textbooks fail to produce monetary return to the District; then

b) Donation to charitable organizations; or

c) Recycle through appropriate means.

Education Law §§ 1604(4), 1604(30), 1604(36), 1709(9), 1709(11), 2503, 2511, and 2512
General Municipal Law §§ 51 and 800, et seq.

Adoption Date
SUBJECT: BONDING OF EMPLOYEES AND BOARD MEMBERS

Other school personnel and members of the Board authorized or required to handle District revenues, issue purchase orders to vendors or issue vendor payments may be covered by a blanket undertaking provided by the District in those amounts as approved by the Board based upon the recommendations of the Superintendent or designee and in accordance with law.

The premiums on such bonds shall be paid by the Board of Education.

Education Law §§ 1709(20-a), 1720, 2130(5), 2526, 2527 and 2584
Public Officers Law § 11(2)
8 NYCRR § 170.2(d)
SUBJECT: EXPENDITURES OF DISTRICT FUNDS

The Board authorizes the Director of Purchase to expend school funds as appropriated by approved operational and capital budgets, and by the adoption of special resolutions. He or she will make expenditures in accordance with applicable law and in a manner that will achieve the maximum benefit from each dollar expended.

All claims will be properly audited before payment by the Claims Auditor who must attest to the existence of evidence of indebtedness to support the claim.

Complete records of all expenditures will be maintained for future analysis and reporting within the time frame required by the Records Disposition Law or regulation.

Arts and Cultural Affairs Law § 57.19
Education Law §§ 1720 and 2523
8 NYCRR § 185

NOTE: Refer also to Policies #5321 -- Use of the District Credit Card
#5322 -- District Cell Phone Use
#5323 -- Reimbursement for Meals/Refreshments
#6161 -- Conference/Travel Expense Reimbursement
SUBJECT: USE OF THE DISTRICT CREDIT CARD

The School District may issue a credit card or cards in its name for the use of its officers and certain designated employees for authorized, reimbursable, school business related expenses. The aggregate credit limit for all of the cards shall not exceed $200,000. The Director of Purchase shall maintain the parent card for all designated employee cards and the aggregate credit limit shall not exceed $150,000. The maximum credit limit on each individual card shall not exceed $15,000. The Director of Purchase or designee may also use a separate card, restricted to hotel, air and ground travel, which shall not exceed a $50,000 credit limit. All personnel must submit purchase orders for those school business related expenses, such as charges for attendance at conference, travel expenses, and lodging, where cost must be fairly and accurately estimated prior to the actual incurring of expenses.

Assignment of credit card and credit limits shall be at the discretion of the Chief Financial Officer or the Superintendent.

Expenses incurred on each credit card shall be paid in such a manner as to avoid interest charges by following purchasing procedures in a timely manner when the card is used. Card holders shall follow established procedures for documenting purchases. Any individual who makes an unauthorized purchase with a School District credit card shall lose access to the credit card, shall be required to reimburse the School District for the purchase and shall be subject to disciplinary proceedings.

Adopted: 5/25/06
Revised: 3/11/09; 8/26/09; 6/8/11
SUBJECT: DISTRICT CELL PHONE USE

The Buffalo Board of Education recognizes that certain individuals will be required to carry District-owned cell phones in order to meet their job responsibilities as determined by the Superintendent or designee.

Employees shall make every attempt to use their District-owned cell phones for business purposes only. Employees shall follow the acceptable use policy for cell phones and electronic devices. In the event personal usage is unavoidable, the employee shall reimburse the District promptly. District cell phones are not to be used by anyone other than the District employee to whom the phone is assigned.

Improper use of a District-owned cell phone will result in the revocation of cell phone privileges as determined by the Superintendent or designee.

Adopted: 11/1/06
SUBJECT: REIMBURSEMENT FOR MEALS/REFRESHMENTS

Travel Outside of District

District officials and employees are entitled to reimbursement for necessary expenses incurred in the performance of their official duties. However, meals of public officers and employees shall not be reimbursed or paid by the District unless the officer or employee is traveling outside his or her regular work area on official business for an extended period of time, generally meaning overnight. All requests for reimbursement must document who attended the meetings and how the meetings fit these conditions.

Staff or Board Meetings and District Events

The Board recognizes that at certain times it may be appropriate to provide meals and/or refreshments at District meetings and/or events which are being held for an educational purpose. Prior approval of the Superintendent or designee must be obtained for food and beverages provided at meetings or activities which will be charged to the District.

Any such expenditures must be appropriately documented with an itemized receipt and information showing the date and purpose of the meeting, food served, who attended the meetings and why the attendees needed food and/or refreshments to conduct District business. These requirements must be met for meals/refreshments provided by the school lunch fund or local vendors, charged to District credit cards, and/or reimbursed to a District official.

In no case will the costs for meals exceed the current federal per diem meal rates for the geographic area.

Expenditures for purchase of alcoholic beverages will not be considered a proper and necessary expense.

NOTE: Refer also to Policy #6161 -- Conference/Travel Expense Reimbursement
SUBJECT: CHANGE ORDER APPROVAL AND AUTHORIZATION PROCESS

This policy addresses the processing and approval of change orders.

In no case shall a change order be authorized if there are not sufficient funds available in either the capital projects fund or the bond fund to cover the cost of the change order.

The Buffalo Plant Operations

The Board of Education authorizes the Chief Operating Officer, the Chief Financial Officer, or the Superintendent the responsibility for approval of change orders dependent on the value of the change order. The monetary limits for approval of change orders shall follow the limits listed below.

Change order approval process shall be as follows:

<table>
<thead>
<tr>
<th>Dollar Limit</th>
<th>Authorization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to $100,000</td>
<td>Chief Operating Officer</td>
</tr>
<tr>
<td>$100,000 to $250,000 or Emergency Approval</td>
<td>Chief Financial Officer and Superintendent or Designee</td>
</tr>
<tr>
<td>$250,000 or more</td>
<td>School Board</td>
</tr>
</tbody>
</table>

The threshold amounts represent the cumulative value of change orders per contract.

Quarterly update will be provided to the Board summarizing all change orders approved during the previous quarter.

Contracts for Commodities and Services

For contracts over $20,000, the Board of Education authorizes the Superintendent or designee the responsibility of approving monetary change orders for contracts up to $1,000, with amounts over $1,000 requiring Board approval.

Adopted: 1/23/13
SUBJECT: PURCHASING POLICY

Purchasing Authority

The District's purchasing activities will be part of the responsibilities of the Purchase Department, under the general supervision of the Director of Purchase designated by the Board of Education. The Director of Purchase is authorized to enter into cooperative bidding and cooperative purchasing arrangements to meet the various needs of the District. No purchase of goods or services will be made by individuals or organizations in the District, including individual schools, that involve expenditures of District funds or pass through funds without first securing approval from the Director of Purchase.

A Requisition is a formal request from a District department to the Director of Purchase to initiate the procurement process for the purchase of goods or services. It is a request, not a guarantee that a purchase will be made.

A determination of need, as evidenced by inclusion in the District Budget or by Board appropriation, shall precede creation of the requisition.

A Purchase Order is the document that authorizes a vendor to deliver described goods and services at a specified price. Purchase orders are approved and issued by the Director of Purchase.

All purchases requiring public advertising and competitive bidding or offering, or purchases that aggregate to an amount in excess of the dollar thresholds requiring public advertising and competitive bidding or offering, will be awarded by resolution of the Board. In accordance with Board policy, advertising and outreach shall include minority and women owned enterprises.

Except as authorized by law, no Board member or employee of the District will have an interest in any contract entered into by the District. Those involved in the selection, evaluation, approval, or post-award administration of offerer proposals will certify that they have no real or apparent conflicts of interest in accordance with Board Policy #6110.

Competitive Bidding and Offering and Purchase of Goods and Services

Except as otherwise provided by law, all contracts for public work (encompassing labor and construction services) involving an expenditure of more than $35,000 and all purchase contracts (for commodities such as equipment, materials, supplies) involving an expenditure of more than $20,000 will be awarded by the District to the lowest responsible bidder furnishing the required security after advertisement for sealed bids.

As such, contracts for commodities shall be awarded on the basis of lowest price to a responsible and responsive offerer upon approval of the Board of Education.

Responsive shall mean the offer meets the minimum specifications or requirements as prescribed by the solicitation.

(Continued)
SUBJECT: PURCHASING POLICY (Cont'd.)

Responsible shall mean financial ability, legal capacity, integrity and past performance of the offerer. Offerers who violate the policy on restrictions on contact during the procurement process may be disqualified as lacking integrity.

However, purchase contracts which include service work, technology, or contracts for services (excluding purchase contracts necessary for the completion of a public works contract or pursuant to Article 8 of labor law) may be awarded on the basis of “best value” to a responsive and responsible bidder or offerer.

Best value awards require written justification and documentation showing that quality, cost, and efficiency is optimized amongst the responsive and responsible offerers.

Selection and award of an offer shall be in a manner consistent with the provisions set forth in the solicitation. In the event two offers are found to be substantially equivalent, price shall be the basis for determining the award recipient.

It is required that the bids or offers conform to the specifications in the solicitation or else they may be deemed non-responsive. The District may, in its discretion, reject all bids or offers and re-advertise for new bids or offers in a manner consistent with New York State law.

Procurement of Specific Make, Model or Brand (Standardization)

Upon the adoption of a standardization resolution by a vote of at least 6/9 of all Board members, purchase contracts for a particular brand, make, model, type or kind of equipment, materials, supplies or services of more than $20,000 may be awarded by the Board to the lowest responsible bidder or offerer (or best value, where applicable) furnishing the required security after advertisement for sealed bids in the manner provided in law. This resolution must state that, for reasons of efficiency or economy, there is a need for standardization and must contain a full explanation of those reasons. Upon the adoption of a valid standardization resolution, the District may provide in its specifications for a particular make or brand to the exclusion of others.

Where the procurement is not limited to a particular brand, make or model, the solicitation may make reference to a particular brand, make, or model as a reference to describe specification requirements of function, style or capacity and will also seek the product’s “equivalent” or a product with “equal characteristics.”

Electronic Procurement

Electronic receipt of bids or offers shall be permitted when included in a solicitation, and when in compliance with article three of the state technology law, and any rules and regulations promulgated and guidelines developed thereunder and, at a minimum, must (a) document the time and date of receipt of each bid and offer received electronically; (b) authenticate the identity of the sender; (c) ensure the
SUBJECT: PURCHASING POLICY (Cont'd.)

security of the information transmitted; and (d) ensure the confidentiality of the bid or offer until the time and date established for the opening of bids or offers. The timely submission of an electronic bid or offer in compliance with instructions provided for such submission in the advertisement for bids or offers and/or the specifications shall be the responsibility solely of each bidder or offerer or prospective bidder or offerer.

Restrictions on Contact

From the time of earliest posting or advertisement of an invitation for bids, request for proposal or other solicitation, until the subject contract is awarded by approval of the Board of Education, offerers or any one on behalf of the offering entity are restricted from contacting the District, the Board of Education, its agents or employees with the intent to influence the District’s conduct or decisions regarding the subject procurement. Only permissible contacts are permitted as outlined by NY State Finance Law 139-J and 139-K or as prescribed by the solicitation.

The District regulations shall address reporting of inappropriate contacts during the restricted period of procurements and the steps to address same.

A bidder or offerer who has been determined to violate this policy may be disqualified from the contract award.

Purchasing Process

The Board of Education recognizes its responsibility to assure that the procurement of goods and services not required to be made pursuant to competitive bidding requirements, are still procured in a manner so as to:

a) Assure the prudent and economical use of public monies in the best interests of the taxpayer and to obtain the maximum value possible out of every dollar spent, and apply those dollars strictly to needs;

b) Facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and

c) Guard against favoritism, improvidence, extravagance, fraud, and corruption.

As such, the District’s administrative regulations shall set forth procedures for the procurement of goods and services not required to be competitively bid, and shall provide the procedures regarding the type of procurement method to be utilized depending on the type of purchase being made. Additionally, the regulations shall set forth the required documentation necessary for each procurement.

Any unintentional failure to fully comply with the provisions of this policy will not be grounds to void action taken or give rise to a cause of action against the District or any District employee.

(Continued)
SUBJECT: PURCHASING POLICY (Cont'd.)

Procurement methods include:

a) **Invitation for Bids**: Method of procurement to be utilized when the award shall be based on lowest price only (for example, Commodities).

b) **Requests for Proposal**: Method of procurement to be utilized where price is not the sole determinative factor (for example, Services).

c) **"Piggybacking" Contract/Purchase**: The District may, in its discretion, purchase certain goods and services (apparatus, materials, equipment, and supplies) at costs beyond the above-referenced thresholds through the use of contracts let by the United States or any agency thereof, any state, and any county, political subdivision, or district of any state.

d) **OGS contracts, including Mini-bids authorized under OGS contracts**: purchases made through the New York State Office of General Services (OGS) centralized contracts.

e) **Electronic Reverse Auctions** as authorized under the NYS OGS.

f) **Discretionary Purchases**: purchases made under the statutory threshold. Discretionary purchases shall be made pursuant to District regulations.

g) **Preferred Sources**: purchases made from preferred sources as outlined by NY State Finance Law §162.

h) **Professional Services Contracts**: Professional services are generally those services that require specialized skills, training, professional judgment, expertise, and creativity. Examples include attorneys, architects, and engineers. Although, the procurement of professional services falls within an exception to competitive bidding, whenever possible, the District will require the use of requests for proposals (RFP).

i) **Sole Source**: procurement in only which one entity has the required commodities or services to offer.

j) **Single Source Contract Awards**: although two or more offerers exist, only one offerer is capable of supplying the required commodities or services in the best interests to the District and for reasonable costs, as justified in writing setting forth the material and substantial reasons as to why.

k) **Emergency Contract/Purchase**: The Superintendent may authorize purchases within the approved budget without bidding if required by an emergency or otherwise permitted by law. Emergencies are defined as an urgent and unexpected requirement where health and public safety or the conservation of public resources are at risk.

l) Any other procurement method authorized by law.

(Continued)
SUBJECT: PURCHASING POLICY (Cont'd.)

Negotiation

The District may enter into post bid/offer negotiations with the lowest responsible bidder or best value offerer, who would otherwise be entitled to a contract award, so long as there are no material specifications altered or any other compromises made to the bidder or any fraud, favoritism or corruption, in order to gain a reduction in cost. Failed negotiations may result in an alternate award.

Bid Protest

Any persons who perceive themselves to be injured or aggrieved by the result of an award must submit a timely bid protest pursuant to the terms set forth in the regulations.

Periodic Reporting and Annual Review

Periodic reporting to the Board will be developed detailing contracts awarded that are below the formal bidding thresholds of this policy. Periodic reporting to the Board will be developed outlining MWBE progress in alignment with policy 5414 - Minority and/or Women Owned Business Enterprise Policy.

Comments concerning the District's bidding and purchasing policies and procedures will be solicited from those District employees involved in the procurement process from time to time.

The Board will annually review its bidding and purchasing policies and procedures. The Chief Financial Officer will be responsible for conducting an annual review of such policies and for an evaluation of the internal control structure established to ensure compliance with the procurement policy.

8 New York Code of Rules and Regulations, Section 170.2
General Municipal Law Articles 5-A and 18
State Finance Law §§ 139-j, 139-k, 162, 163, and 163-b
Education Law §§ 1604, 1709, 1950, 2503, 2554, and 3602
General Municipal Law §§ 104-b and 119-o

NOTE: Refer also to Policies #5412 -- Alternative Formats for Instructional Materials
#5413 – Procurement: Uniform Grant Guidance for Federal Awards
#5414 – Minority and/or Women Owned Business Enterprise Policy

Adopted: 3/20/19
SUBJECT: ALTERNATIVE FORMATS FOR INSTRUCTIONAL MATERIALS

Preference in the purchase of instructional materials will be given to vendors who agree to provide materials in a usable alternative format (i.e., any medium or format, other than a traditional print textbook, for presentation of instructional materials that is needed as an accommodation for each student with a disability, including students requiring Section 504 Accommodation Plans, enrolled in the District). Alternative formats include, but are not limited to, Braille, large print, open and closed captioned, audio, or an electronic file in an approved format as defined in Commissioner's regulations.

The District will ensure that each student who requires instructional materials in an alternate format will receive it in a timely manner and in a format that meets NIMAS standards.

The District will establish a plan to ensure that instructional materials in a usable alternative format for each student with a disability (including students requiring Section 504 Accommodation Plans) are based upon the student's educational needs and course selections, and will be available at the same time as those instructional materials are available to non-disabled students.

The Plan will:

a) Specify that the District gives a preference in the purchase of instructional materials it has selected for its students to those vendors who agree to provide such instructional materials in alternative formats;

b) Specify when an electronic file is provided, how the format will be accessed by students and/or how the District will convert to an accessible format;

c) Specify the process to be used when ordering materials to identify the needs of students with disabilities residing in the District for alternative format materials;

d) Specify ordering timelines to ensure that alternative format materials are available at the same time as regular format materials are available; and

e) Include procedures so that when students with disabilities move into the District during the school year, the process to obtain needed materials in alternative formats for those students is initiated without delay.

20 USC § 1474(e)(3)(B)
8 NYCRR §§ 200.2(b)(10), 200.2(c)(2) and 200.2(i)

Adoption Date
SUBJECT: PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS

The District will follow all applicable requirements in the Uniform Grant Guidance (2 CFR Part 200) whenever it procures goods or services using federal grant funds awarded through formula and/or discretionary grants, including funds awarded by the United States Department of Education as grants or funds awarded to a pass-through entity, such as the New York State Education Department, for subgrants.

Uniform Grant Guidance Requirements

Under the Uniform Grant Guidance, the District will, among other things:

a) Use its own documented procurement procedures which reflect applicable state, local and tribal laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in the Uniform Grant Guidance.

b) Establish and maintain effective internal controls that provide reasonable assurance that the District is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. Internal controls means a process, implemented by the District, designed to provide reasonable assurance regarding the achievement of objectives in the following categories:

1. Effectiveness and efficiency of operations;
2. Reliability of reporting for internal and external use; and
3. Compliance with applicable laws and regulations.

c) Comply with federal statutes, regulations, and the terms and conditions of the federal awards.

d) Evaluate and monitor the District's compliance with statutes, regulations, and the terms and conditions of federal awards.

e) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.

f) Take reasonable measures to safeguard protected personally identifiable information and other information the federal awarding agency or pass-through entity designates as sensitive or the District considers sensitive consistent with applicable federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.

g) Maintain oversight to ensure contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(Continued)
SUBJECT: PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS (Cont'd.)

h) Maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts.

i) Have procurement procedures in place to avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase.

j) Award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to matters such as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

k) Maintain records that sufficiently detail the history of the procurement including, but not limited to:

1. Rationale for the method of procurement;
2. Selection of contract type;
3. Contractor selection or rejection; and
4. The basis for the contract price.

l) Use time and material contracts, only after a determination that no other contract is suitable and the contract includes a ceiling price that the contractor exceeds at its own risk.

m) Conduct all procurement transactions in a manner providing full and open competition consistent with the standards of the Uniform Grant Guidance.

n) Conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference.

o) Have written procedures for procurement to ensure that all solicitations:

1. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured; and
2. Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids.

(Continued)
SUBJECT: PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS (Cont'd.)

p) Ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition.

q) Use one of the following methods of procurement, which include:

1. Micro-purchases;
2. Small purchase procedures;
3. Sealed bids;
4. Competitive proposals; and
5. Noncompetitive proposals.

r) Have a written method for conducting technical evaluations of the proposals received and for selecting recipients.

s) Take all necessary affirmative steps to assure that minority businesses, women’s business enterprises, and labor surplus area firms are used when possible.

t) Include in all contracts made by the District the applicable provisions contained in Appendix II of the Uniform Grant Guidance -- Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.

u) Perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications.

v) Negotiate profit as a separate element of the price for each contract in which there is not price competition and in all cases where an analysis is performed.

w) Comply with the non-procurement debarment and suspension standards which prohibit awarding contracts to parties listed on the government-wide exclusions in the System for Award Management (SAM).

2 CFR Part 200, App. II

(Continued)
SUBJECT: PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS (Cont'd.)

NOTE: Refer also to Policies #5410 -- Purchasing Policy
#5570 -- Financial Accountability
#5670 -- Records Management
#6110 -- Code of Ethics for Board Members and All District Personnel
#6161 -- Conference/Travel Expense Reimbursement

Adopted: 2/13/19
SUBJECT: MINORITY AND/OR WOMEN OWNED BUSINESS ENTERPRISE

Purpose of Policy

It is the policy of the Buffalo City School District (the "BCSD") to ensure maximum feasible participation of certified minority- and women-owned business enterprises ("MWBE's"), i.e., independent business concerns which are at least 51 percent owned and controlled by minority group members (citizens of the United States or permanent resident aliens who are Black, Hispanic, Asian, or Native American), and women-owned business enterprises (citizens of the United States or permanent resident aliens in which 51 percent of the business is owned and controlled by a woman) in projects that receive District support.

The BCSD will promote equality of economic opportunities for MWBEs and to eliminate barriers to their participation when contracting with BCSD. The BCSD will ensure that MWBEs are given the opportunity to demonstrate their ability to provide the District with commodities and services at competitive prices.

The District shall take measures to enhance the ability of MWBE's to compete for contracts and to ensure their meaningful participation in the procurement process. Such measures shall include but are not limited to:

a) Wherever feasible, participate in and implement outreach initiatives, such as, conferences, contractor fairs and other forums held to enhance the ability of minority and women-owned business enterprises to compete for BCSD contracts.

b) Make all reasonable efforts to include MWBE's in bidder lists.

Definitions

a) Business enterprise: Any entity, including a sole proprietorship, partnership, limited liability partnership, limited liability company or corporation, including not-for-profit corporations, which is authorized to and engages in lawful business transactions in accordance with New York law.

b) Certified enterprise or certified business: A business enterprise which has been certified by the Erie County/City of Buffalo Joint MBE/WBE Certification Committee or a business enterprise certified by New York MWBE Certification.

c) District: Buffalo City School District including its Board of Education.

d) Joint Venture: A contractual agreement joining together two or more business enterprises, one of which is a certified minority- or woman-owned business enterprise, for the purpose of performing on a District contract. The certified minority- or woman-owned business enterprise must provide a percentage of value added services representing an equitable interest in the joint venture. All parties agree to share in the profits and losses of the business endeavor according to their percentage of equitable interest.

(Continued)
SUBJECT: MINORITY AND/OR WOMEN OWNED BUSINESS ENTERPRISE (Cont’d.)

e) Minority Group Member: A United States citizen or permanent resident alien who is and can
demonstrate membership in one of the following groups:

1. Black persons having origins in any of the African racial groups;
2. Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central American or South
   American descent of either Native American or Latin American origin, regardless of race;
3. Native American or Alaskan native persons having origins in any of the original peoples of
   North America; or
4. Asian and Pacific Islander persons having origins in any of the Far East countries, South East
   Asia, the Indian Subcontinent or the Pacific Islands.

f) Minority-owned business enterprise: A business enterprise that is:

1. At least 51 percent owned by one or more United States citizens or permanent resident aliens
   who are minority group members;
2. An enterprise in which such minority ownership is real, substantial and continuing;
3. An enterprise in which such minority ownership has and exercises the authority to control
   and operate, independently, the day-to-day business decisions of the business enterprise; and
4. An enterprise authorized to do business in this State and is independently owned and
   operated.

g) Women-owned business enterprise: A business enterprise that is:

1. At least 51 percent owned by one or more United States citizens or permanent resident aliens
   who are women;
2. An enterprise in which the ownership interest of such women is real, substantial and
   continuing;
3. An enterprise in which such women ownership has and exercises the authority to control and
   operate, independently, the day-to-day business decisions of the enterprise;
4. An enterprise authorized to do business in this State and which is independently owned and
   operated;

(Continued)
SUBJECT: MINORITY AND/OR WOMEN OWNED BUSINESS ENTERPRISE (Cont'd.)

h) Contractor: An individual, a business enterprise, including a sole proprietorship, a Partnership, a limited liability corporation or corporation, or any other to a BCSD contract, or a bidder in conjunction with the award of a BCSD contract.

i) Utilization Plan: Shall mean a plan prepared by a contractor and submitted in connection with a proposed BCSD contract. The utilization plan shall identify any subcontractors and/or certified minority- and/or women-owned business enterprises, if known, who have committed to perform work in connection with the proposed BCSD contract, including any components of the contract scope of work in which the MWBE and subcontractors will perform. The utilization plan shall specifically contact a list, including the name, a contact person, address and phone number of each certified enterprise which the contractor intends to subcontract.

j) Equal Employment Opportunities (EEO): Shall mean the conscientious and active efforts by a contractor to afford opportunities to minority group members and women without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

k) Subcontract: A contract in which a portion of the contractor's obligation under the BCSD contract is undertaken or assumed by a business enterprise not controlled by the prime contractor.

Application

This policy applies to every Board member and employee of the District, and it shall take effect immediately.

Consideration of Other Laws and Regulations

The Board affirms its commitment to adhere to all applicable provisions of law. This policy does not supersede the requirements of any applicable law, regulation, or order.

MWBE Participation Goal

The MWBE participation goal is 25% of the total dollar amount of this contract as awarded. Only MWBE firms that are certified by the Erie County/City of Buffalo Joint MBE/WBE Certification Committee or New York State MWBE Certification can be used to fulfill this goal.

The contract dollar value thresholds for purchases of commodities/services greater than $25,000, and construction and construction-related contracts greater than $100,000. Contracts that meet or exceed the minimum thresholds must be assessed for MWBE goals.

(Continued)
SUBJECT: MINORITY AND/OR WOMEN OWNED BUSINESS ENTERPRISE (Cont'd.)

The Goal Setting Methodology

MWBE goals are defined as the percentage of aggregate District expenditures targeted for the participation of certified MWBEs sought to be included in BCSD procurement opportunities as prime contractors, subcontractors, suppliers, consultants, joint ventures or similar arrangements. Goals may be expressed as contract goals.

When calculating contract-specific goals the MWBE designee shall:

a) Determine whether goals are feasible in the participation of certified MWBEs in the procurement or contract opportunity.

b) Conduct a vendor and spend analysis to determine whether there are NYS and Joint Commission certified MWBEs that are available to participate in the contract.

c) Determine whether, based upon commodity codes relevant to procurement, there are NYS and Joint Commission certified MWBEs that have indicated their availability.

d) Prepare a list of potential MWBEs who have indicated an interest in the procurement or contract.

Factors to Consider when Establishing Contract Goals

a) MWBE designee shall establish goals for participation of certified MWBEs on all BCSD contracts, where applicable.

b) MWBE designee must consider the following factors:

1. The contract and subcontract scope of work;

2. The number and type of certified MWBEs available to perform the BCSD contract work;

3. The total dollar value of the work required by the BCSD contract, in relation to the dollar value of subcontracts of the contract scope of work; and

4. The potential subcontract opportunities available in a contract and the availability of certified MWBEs to respond to the potential subcontract opportunities.

Designation of Responsibility

The Superintendent shall appoint an employee within the District's Purchase Department as a MWBE designee who shall be responsible for the District's compliance with the MWBE program and the monitoring for compliance on contracts.

(Continued)
SUBJECT: MINORITY AND/OR WOMEN OWNED BUSINESS ENTERPRISE (Cont'd.)

Good Faith Efforts, Requests for Modification or Waiver of a Contract's MWBE Participation Goal

The District shall not grant automatic waivers of goal requirements on a District contract but may grant a partial or total waiver of the goal requirement upon the submission of a waiver form to the District's Purchase Department designee by a contractor to document the contractor's good faith efforts. The Procurement Department designee will then evaluate the good faith efforts once the waiver form is received by a contractor.

a) Contractors must document their good faith efforts toward utilizing certified minority and women owned business enterprises, including but not limited to those certified MWBEs identified within a utilization plan. A contractor must make the following documented efforts:

1. Must provide copies of solicitations of certified minority and women owned business enterprises appearing in the NYS directory or the Joint Commission which were solicited to provide bids and any responses thereto;

2. Must document if the contractor did not receive solicitations from certified MWBEs and if solicitations were received, the contractor must provide the specific reasons that such enterprise was not selected;

3. Must provide documentation to show that it advertised or published an advertisement in an appropriate general circulation, trade and minority – or women-orientated publications;

4. Must show the specific steps taken to reasonably structure the contract scope of work for the purpose of subcontracting with, or obtaining supplies from, certified MWBEs;

5. Selecting portions of the work to be performed by MWBEs in order to increase the likelihood the goal will be achieved;

6. Must show any documentation of any negotiations between the contractor and/or certified MWBEs for the purpose of establishing the goal requirement; and

7. Any other information determined to be relevant by the District or the contractor.

Annual Report

On the first Board meeting in November of each year, the CFO shall issue a report to the Board detailing the total amount of funds awarded to MWBE certified contractors in the prior fiscal year, broken down by contract type for participation of certified MWBEs and equal employment opportunity (EEO) participation on all BCSD contracts. The annual report shall also include information on any partial or total waivers provided to contractors.

Adopted: 8/16/17
SUBJECT: ACCOUNTING OF FUNDS

Accounting and reporting procedures will be developed to facilitate analysis and evaluation of the District's financial status and fixed assets. The District will use the Uniform System of Accounts for School Districts. Books and records of the District will be maintained in accordance with statutory requirements. Provision will be made for the adequate storage, security, and disposition of all financial and inventory records.

Online Banking

The Board, through the City has entered into a written agreement with designated banks and trust companies for online banking and electronic or wire transfers, which includes the implementation of a security procedure for all transactions. Online transactions must be authorized by the District's Finance Office prior to the independent approval by the City Comptroller's office. The Chief Financial Officer, with a separate established user name and password, will have the authority to authorize online banking transactions entered by the Finance Office Clerks. An independent Finance Office Clerk, with a separate established user name and password, will be responsible for online banking transactions in the event the Chief Financial Officer is not available, or as a job responsibility delegated to him or her by the Chief Financial Officer. A monthly report of all online banking activity will be reviewed by staff independent of the online banking process and reconciled with the bank statement. Online banking will only take place on secure District computers located inside the Finance or Accounting Offices.

Electronic Transactions and Wire Transfers

Procedures will be implemented specifying who is authorized to initiate, approve, transmit, record, review, and reconcile electronic transactions. At least two individuals will be involved in each transaction. Authorization and transmitting functions will be segregated and, whenever possible, the recording function will be delegated to a third individual.

The District will enter into written wire transfer security agreements for District bank accounts which will include established procedures for authenticating wire transfer orders. All wire transfers must be authorized by the Chief Financial Officer or his or her designee. Dual approval controls will be established for all wire transfer orders. The Internal Auditor will periodically confirm that wire transfers have appropriate signatures, verification and authorization of proper personnel.

Education Law § 2116-a
General Municipal Law §§ 5, 5-a, 5-b, and 99-b
N.Y. UCC § 4-A-201

Adoption Date
SUBJECT: MAINTENANCE OF FUND BALANCE

General Provisions

The Board recognizes that the maintenance of a fund balance is essential to the financial integrity of the District insofar as it helps mitigate current and future risks and assists in ensuring stable tax rates. Consistent with this understanding, the Board adopts the following standards and practices.

Classification of Funds

The District will ensure that funds are classified consistent with Governmental Accounting Standards Board (GASB) Statement Number 54, Fund Balance Reporting and Governmental Fund Type Definitions. Consequently, fund balance amounts will be categorized as non-spendable, restricted, committed, assigned, or unassigned.

Unassigned Fund Balance

Minimum Unassigned Fund Balance

In order to maintain financial stability and protect against cash flow shortfalls, the Board will strive to maintain an unassigned fund balance of at least 2% of the current year's budgeted expenses. In the event such balance falls below the 2% floor, the District will seek to replenish deficiencies through reducing expenses and/or increasing revenue.

Fund Balance and Budget Development

The District's ability to maintain its unassigned fund balance in excess of the limits articulated above is contingent upon the development of a reasonable budget. Consequently, the District will develop and adopt budgets that, to the extent possible, reflect the anticipated revenues and expenditures.

Likewise, the District will ensure that appropriate reserve funds are established and utilized, consistent with applicable law and District policy, to ensure the fund balance is sufficient to meet District needs.

Compliance

The District will adhere to the reporting requirements of Article 3 of the General Municipal Law of the State of New York, and the practices set forth in GASB Statement Number 54.

NOTE: Refer also to Policy #5512 -- Reserve Funds

Adoption Date
SUBJECT: RESERVE FUNDS

Reserve funds (essentially a legally authorized savings account designated for a specific purpose) are an important component in the District's financial planning for future projects, acquisitions, and other lawful purposes. The District may establish and maintain reserve funds in accordance with New York State laws, Commissioner's regulations, and the rules or opinions issued by the Office of the New York State Comptroller. The District will comply with the reporting requirements of Article 3 of the General Municipal Law of the State of New York and the Governmental Accounting Standards Board (GASB) issued GASB Statement Number 54, *Fund Balance Reporting and Governmental Fund Type Definitions*.

Any and all District reserve funds will be properly established and maintained to promote the goals of creating an open, transparent, and accountable use of public funds. The District will authorize all payments or transfers into a reserve fund by express resolution. The District may engage independent experts and professionals, including, but not limited to, auditors, accountants, and other financial and legal counsel to monitor all reserve fund activity and prepare any and all reports that the Board may require.

Government Fund Type Assignment (GASB 54)

The District shall comply with the reporting requirements of Article 3 of General Municipal Law of the State of New York and the Governmental Accounting Standards Board (GASB) Statement Number 54, *Fund Balance Reporting and Governmental Fund Type Definitions*. The Board authorizes the Chief Financial Officer to complete the following actions as necessary to comply with the requirements of GASB 54:

a) When both restricted and unrestricted fund balance are available for expenditure, the District will expend first from funds classified under GASB 54 as unrestricted. When unrestricted funds are used for expenditure, unassigned funds will be used first, followed by assigned, and then committed. The use of restricted funds as classified by GASB 54 will occur after the exhaustion of unrestricted funds, unless the expenditure meets the legal purpose of a particular restricted reserve fund and the use of those monies is recommended by the Chief Financial Officer and is approved by a majority vote of the Board of Education.

b) The Board authorizes the Chief Financial Officer to make a determination of the assigned amounts of fund balance. Assigned funds represent amounts intended to be used for a specific purpose. For example, the amount appropriated through the budget process for the ensuing years budget.

c) The Board is the District's highest level of decision-making authority and the formal action that is required to be taken to establish, modify, or rescind a fund balance commitment is a resolution approved by the Board. The resolution must either be approved or rescinded, as applicable, prior to the last day of the fiscal year for which the commitment is made. The amount subject to the constraint may be determined in the subsequent period.

(Continued)
SUBJECT:  RESERVE FUNDS (Cont'd.)

d) The Board recognizes the importance of maintaining a responsible, minimum amount of unassigned fund balance in the general fund and has therefore determined that it is the goal of the District to achieve and maintain a minimum unassigned fund balance in the general fund equal to four percent of the coinciding fiscal years budgeted expenditures, barring unusual or deliberate circumstances.

Periodic Review and Annual Report

The Board will periodically review all reserve funds. The District will also prepare and submit an annual report of all reserve funds to the Board. The annual report will include the following information for each reserve fund:

a) The type and description of the reserve fund;

b) The date the reserve fund was established and the amount of each sum paid into the fund;

c) The interest earned by the reserve fund;

d) Capital gains or losses resulting from the sale of investments of the reserve fund;

e) The total amount and date of each withdrawal from the reserve fund;

f) The total assets of the reserve fund showing cash balance and a schedule of investments; and
g) An analysis of the projected needs for the reserve fund in the upcoming fiscal year and a recommendation regarding funding those projected needs.

The Board will utilize the information in the annual report to make necessary decisions to adequately maintain and manage the District's reserve fund balances while mindful of its role and responsibility as a fiduciary of public funds.

Education Law § 3653

Adoption Date
SUBJECT: EXTRACLASSROOM ACTIVITY FUND

An extraclassroom activity (ECA) fund will be established for activities conducted by students whose financial support is raised other than by taxation or through charges of the Board. ECA fund management will give students opportunities to learn proper business practices and how to operate a successful business. The Board and designated District personnel will protect and provide oversight of ECA funds. ECA funds are those operated by and for the students. Moneys are collected voluntarily by pupils (e.g. through fundraising or sales) and spent by them as they see fit so long as they abide by established regulations.

All ECAs will be approved by the building principal. The building principal will maintain an up-to-date register of all ECAs that are approved or discontinued. Each ECA must have a faculty advisor appointed by the building principal. A central treasurer (school clerk) and the Audit Department will oversee all financial aspects of ECAs. The annual District audit will include all ECA funds and accounts.

All ECA funds will be handled in accordance with the financial procedures set forth in Safeguarding, Accounting and Auditing of Extraclassroom Activity Funds, Revised 2015, published by the New York State Education Department. All funds, commitments and contracts will be the sole responsibility of the ECA giving rise to the transaction, regardless of a change in advisors, membership, or officers.

Accurate ledgers will be kept. All moneys will be timely deposited, only in appropriate bank accounts set up by the District. These accounts are subject to audit at any time. All transactions involving ECA funds will be on a cash basis. No accounts will remain unpaid at the end of the school year. The District will invest funds in accordance with its investment policy.

The District's ECAs are prohibited from using its state sales-tax exemption. The central treasurer with assistance from the Audit Department is responsible for filing the periodic sales tax returns for the ECA funds.

Funds of discontinued ECAs, those inactive for one year, and those of graduating classes will revert to the account of the general student organization or student council, and will be expended in accordance with the organization's or council's constitution.

The building principals will follow regulations and procedures established by the Superintendent for safeguarding, accounting for, and auditing all money received and derived from ECAs.

The Superintendent will establish regulations addressing crowdfunding and other alternative sources of fundraising for student accounts and for grants received by the schools that are over one-thousand ($1,000) dollars that are consistent with Board Policy.

(Continued)
SUBJECT: EXTRACLASSROOM ACTIVITY FUND (Cont'd.)

Education Law § 207
8 NYCRR Part 172

NOTE: Refer also to Policies #5620 -- Fixed Asset Inventories, Accounting, and Tracking
#7450 -- Fundraising by Students

Adopted: 2/13/19
SUBJECT:  CASH IN SCHOOL BUILDINGS

Not more than $250, whether District or extraclassroom funds, will be held in the vault in the Main Office of each District school building. Under no circumstances will cash be left in classroom areas or desks. The District will not be responsible for funds left unprotected.

All funds, whether District or extraclassroom funds, will be deposited prior to close of school each week or on a more frequent basis as deemed necessary by the building administrator. Only authorized personnel designated by the building administrator will be allowed in the Main Office vault.

Education Law § 2503(1)
8 NYCRR § 170.4
SUBJECT: MAINTENANCE OF FISCAL EFFORT (TITLE I PROGRAMS)

As a Local Educational Agency (LEA), the District may receive its full allocation of Title I funds if its combined fiscal effort per student or the aggregate expenditures of state and local funds with respect to the provision of free public education in the District for the preceding fiscal year was not less than 90% of the combined fiscal effort per student or the aggregate expenditures for the second preceding fiscal year.

In determining the District's compliance with the maintenance of effort requirement, the State Educational Agency (SEA) will consider its expenditures from state and local funds for free public education. These include expenditures for administration, instruction, attendance, health services, student transportation services, plant operation and maintenance, fixed charges, and net expenditures to cover deficits for food services and student body activities.

The SEA will not consider the following expenditures in determining the District's compliance with the maintenance of effort requirements:

a) Any expenditures for community services, capital outlay, and debt service;

b) Any expenditures made from funds provided by the federal government for which the District is required to account to the federal government directly or through the SEA.

The Chief Financial Officer will review, as part of the budgeting process, this combined fiscal effort to ensure compliance.

Title I of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA) of 2015
34 CFR Part 200

Adoption Date
SUBJECT: ALLOCATION OF TITLE I, PART A FUNDS IN THE DISTRICT

Allocation of Funds

The District allocates the Title I, Part A funds it receives to District school buildings on the basis of the total number of students from low-income families in each eligible school attendance area or eligible school, as defined in law. Unless the District school building is participating in a school wide program, the District school building will only use Title I, Part A funds for programs that provide services to eligible children, as defined in law, identified as having the greatest need for special assistance.

The District will reserve from its allocation of Title I, Part A funds, such funds as are necessary to provide services comparable to those provided to students in District school buildings that receive Title I, Part A funds in order to serve:

a) Homeless children and youths, including educationally related support services to children in shelters and other locations where children may live;

b) Children in local institutions for neglected children; and

c) If appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day programs.

Funds Will Supplement Not Supplant

The District will ensure that Title I, Part A funds only supplement, not supplant, the funds that would, in the absence of such federal funds, be made available from state and local sources for the education of students participating in programs assisted by Title I, Part A funds.

Allocation Methodology

The District has developed an allocation methodology that is consistent with Title I guidelines.

20 USC §§ 6312-6315 and 6321

NOTE: Refer also to Policies # 5110 -- Budget Planning and Development
# 5550 -- Maintenance of Fiscal Effort (Title I Programs)
# 8260 -- Title I Parent and Family Engagement

Adoption Date
SUBJECT: APPLICATION FOR STATE, FEDERAL AND OTHER FUNDS

The District Superintendent or a designee shall seek State and Federal aid and/or other funds to the greatest extent possible in financing District programs. Aid awards, including indirect funds that benefit the District, shall be reported to the Board of Education at regularly scheduled Board meetings. Such awards are subject to at least the same degree of accountability as all other expenditures of the District.

NOTE: Refer to Policies #4320 -- Superintendent - Board of Education Relations
      #5410 -- Principles of Purchasing
      #5420 -- Purchasing
      #5570 -- Financial Accountability

Adopted: 10/12/11
SUBJECT: USE OF FEDERAL FUNDS FOR POLITICAL EXPENDITURES

The Board prohibits the use of any federal funds for partisan political purposes or expenditures of any kind by any person or organization involved in the administration of federally assisted programs.

This policy refers generally, but is not limited to, lobbying activities, publications, or other materials intended for influencing legislation or other partisan political activities.

The Board assigns the Director of Purchase the responsibility of monitoring expenditures of federal funds so that these funds are not used for partisan political purposes.


NOTE: Refer also to Policy #6430 -- Employee Political Activities
SUBJECT: FINANCIAL ACCOUNTABILITY

The District has internal controls in place to ensure that:

a) The goals and objectives of the District are accomplished;
b) Laws, regulations, policies, and good business practices are complied with;
c) Audit recommendations are considered and implemented;
d) Operations are efficient and effective;
e) Assets are safeguarded; and
f) Accurate, timely, and reliable data are maintained.

The District's governance and control environment will include the following:

a) The District's code of ethics addresses conflict of interest transactions with Board members and employees. Transactions that are less-than-arm's length are prohibited. Less-than-arm's length is a relationship between the District and employees or vendors who are related to District officials or Board members.

b) The Board requires corrective action for issues reported in the Certified Public Accountant's (CPA's) management letter, audit reports, the Single Audit, and consultant reports.

c) The Board has established the required policies and procedures concerning District operations.

d) The Board routinely receives and discusses the necessary fiscal reports including the:

1. Cash reports,
2. Budget status reports,
3. Revenue status reports,
4. Quarterly monthly extra-classroom activity fund reports, and
5. Quarterly fund balance projections.

e) The District has a long-term (four years) financial plan for both capital projects and operating expenses.

(Continued)
SUBJECT: FINANCIAL ACCOUNTABILITY (Cont'd.)

f) The District requires attendance at training programs for Board members, business officials, treasurers, claims auditors, and others to ensure they understand their duties and responsibilities and the data provided to them.

g) The Board has an audit committee to assist in carrying out its fiscal oversight responsibilities.

h) The District's information systems are economical, efficient, current, and up-to-date.

i) All computer files are secured with passwords or other controls, backed up on a regular basis, and stored at an off-site or in a secure fireproof location.

j) The District periodically verifies that its controls are working efficiently.

k) The District requires all staff to take leave time during which time another staff member performs the duties of the staff on leave. Staff may also schedule transactions and other responsibilities to occur electronically before taking a leave.

Audit Response

Periodically, the District receives audit reports from the External (Independent) Auditor and/or the Office of the New York State Comptroller. The Board will review all audit recommendations in consultation with the Audit Committee and respond appropriately. Independent and Comptroller audit reports and the accompanying management letters will be made available for public inspection. The District will also timely post a copy of the annual external audit report or the Comptroller's final audit report on its website for a period of five years. Notice of the availability of independent and Comptroller audit reports will be published in the District's official newspaper or one having general circulation in the District. If there is no newspaper, notice must be placed in ten public places within the District.

Education Law § 2116-a(3-b)
8 NYCRR § 170.12
General Municipal Law § 33(2)(e) and 35(1), (2)

NOTE: Refer also to Policy #5572 -- Audit Committee
SUBJECT: ALLEGATIONS OF FRAUD

Reporting and Investigations of Allegations of Fraud

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

Upon receipt of an allegation of financial improprieties/fraud and/or wrongful conduct, the Board or designated employee(s) will conduct a thorough investigation of the charges. However, even in the absence of a report of suspected wrongful conduct, if the District has knowledge of, or reason to know of, any occurrence of financial improprieties/fraud and/or wrongful conduct, the District will investigate the conduct promptly and thoroughly. To the extent possible, within legal constraints, all reports will be treated confidentially and privately. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials as warranted, and any disclosure will be provided on a "need to know" basis. Written records of the allegation, and resulting investigation and outcome will be maintained in accordance with law.

Based upon the results of this investigation, if the District determines that a school official has engaged in financial improprieties/fraudulent and/or wrongful actions, appropriate disciplinary measures will be applied, up to and including termination of employment, in accordance with legal guidelines, District policy and regulation, and any applicable collective bargaining agreement. Third parties who are found to have engaged in financial improprieties/fraud and/or wrongful conduct will be subject to appropriate sanctions as warranted and in compliance with law. The application of disciplinary measures by the District does not preclude the filing of civil and/or criminal charges. When school officials receive a complaint or report of alleged financial improprieties/fraud and/or wrongful conduct that may be criminal in nature, law authorities should be immediately notified.

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

(Continued)
SUBJECT: ALLEGATIONS OF FRAUD (Cont'd.)

Protection of School Employees who Report Information Regarding Illegal or Inappropriate Financial Practices

Any employee of the District who has reasonable cause to believe that the fiscal practices or actions of an employee or officer of the District violates any local, state, federal law or rule and regulation relating to the financial practices of the District, and who in good faith reports such information to an official of the District, or to the Office of the State Comptroller, the Commissioner of Education, or to law enforcement authorities, will have immunity from any civil liability that may arise from the making of the report. Further, neither the District, nor any employee or officer of the District will take, request, or cause a retaliatory action against any employee who makes such a report.

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)

The Board also prohibits any retaliatory behavior against any witnesses and/or any other individuals who participate in the investigation of an allegation of illegal or inappropriate fiscal practices or actions. Follow-up inquiries will be made to ensure that no reprisals or retaliatory behavior has occurred to those involved in the investigation. Any act of retaliation will be subject to appropriate disciplinary action by the District.

Knowingly Makes False Accusations

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

Civil Service Law § 75-B
Education Law § 3028-d

Adoption Date
SUBJECT: AUDIT COMMITTEE

An audit committee has been established by Board resolution. The audit committee may consist of:

a) The Board as a whole;
b) A subcommittee of the Board; or
c) An advisory committee that may include, or be composed entirely of persons other than Board members if, in the opinion of the Board, membership is advisable to provide accounting and auditing expertise.

Persons other than Board members who serve on the advisory committee will be independent, and will not be:

1. Employed by the District;
2. An individual who, within the last two years, provided or currently provides, services or goods to the District;
3. The owner of, or have a direct and material interest in a company providing, goods or services to the District; or
4. A close or immediate family member of an employee, officer, or contractor providing services to the District.

The audit committee will consist of at least three members who should collectively possess knowledge in accounting, auditing, financial reporting, and District finances. They will serve without compensation, but will be reimbursed for any actual and necessary expenditure incurred in relation to attendance at meetings. Employees of the District are prohibited from serving on the audit committee. Members of the audit committee will be deemed District Officers, but will not be required to be residents of the District.

The role of the audit committee will be advisory unless the audit committee consists of at least a quorum of Board members, and any recommendations it provides to the Board will not substitute for any required review and acceptance by the Board.

The audit committee will develop and submit to the Board for approval a formal, written charter which includes, but is not limited to, provisions regarding the committee's purpose, mission, duties, responsibilities, and membership requirements.

(Continued)
SUBJECT:  AUDIT COMMITTEE (Cont'd.)

The audit committee will hold regularly scheduled meetings and report to the Board on its activities on an as-needed basis, but not less than annually. The report will address or include at a minimum:

a)  The activities of the audit committee;
b)  A summary of the minutes of the meeting;
c)  Significant findings brought to the attention of the audit committee;
d)  Any indications of suspected fraud, waste, or abuse;
e)  Significant internal control findings; and
f)  Activities of the internal audit function.

The responsibilities of the audit committee include the following:

a)  Providing recommendations regarding the appointment of the External (Independent) Auditor for the District;
b)  Meeting with the External (Independent) Auditor prior to commencement of the audit;
c)  Reviewing and discussing with the External (Independent) Auditor any risk assessment of the District's fiscal operations developed as part of the Auditor's responsibilities under governmental auditing standards for a financial statement audit and federal single audit standards, if applicable;
d)  Receiving and reviewing the draft annual audit report and accompanying draft management letter and, working directly with the External (Independent) Auditor, assisting the Board in interpreting such documents;
e)  Making a recommendation to the Board on accepting the annual audit report; and
f)  Discussing and analyzing every corrective action plan developed by the District in response to any audit and assisting the Board in its implementation.

**Corrective Action Plan**

Within 90 days of receipt of the report or management letter, the Superintendent will prepare a corrective action plan approved by the Board in response to any findings contained in:

(Continued)
SUBJECT: AUDIT COMMITTEE (Cont'd.)

a) The annual external audit report or management letter;

b) A final audit report issued by the District's internal auditor;

c) A final report issued by the State Comptroller;

d) A final audit report issued by the State Education Department (SED); or

e) A final audit report issued by the United States or an office, agency, or department thereof.

The audit committee will review every corrective action plans developed by the Superintendent and Business Official and assist in the implementation of the plans. The corrective action plan must be filed with the SED, and if appropriate, must include the expected date(s) of implementation. The District will also timely post a copy of this plan on its website. To the extent practicable, implementation of the corrective action plan should begin no later than the end of the next fiscal year.

Additional responsibilities of the audit committee include: assisting in the oversight of the internal audit function including, but not limited to, providing recommendations regarding the appointment of the Internal Auditor; reviewing significant findings and recommendations of the Internal Auditor; monitoring the District's implementation of these recommendations; and participating in the evaluation of the performance of the internal audit function.

The audit committee may conduct an Executive Session pertaining to the following matters:

a) To meet with the External (Independent) Auditor prior to commencement of the audit;

b) To review and discuss with the External (Independent) Auditor any risk assessment of the District's fiscal operations developed as part of the Auditor's responsibilities under governmental auditing standards for a financial statement audit and federal single audit standards if applicable; and

c) To receive and review the draft annual audit report and accompanying draft management letter and, working directly with the External (Independent) Auditor, assist the Board in interpreting such documents.

Any Board member who is not a member of the audit committee may be allowed to attend an audit committee meeting, including an executive session, if authorized by a Board resolution. However, if the Board member's attendance results in a meeting of a quorum of the full Board, any action taken by formal vote may constitute official Board action.

(Continued)
SUBJECT: AUDIT COMMITTEE (Cont'd.)

Education Law §§ 2116-a, 2116-c, and 3811-3813
Public Officers Law §§ 105(b), 105(c), and 105(d)
8 NYCRR § 170.12

NOTE: Refer also to Policies #1330 -- Appointments and Designations by the Board
#1335 -- Appointment and Duties of the Claims Auditor
#2210 -- Committees of the Board
SUBJECT: INTERNAL AUDIT FUNCTION

The District has established an internal audit function which includes:

a) Development of a risk assessment of District operations including, but not limited to, a review of financial policies, procedures, and practices;

b) An annual review and update of such risk assessment;

c) Annual testing and evaluation of one or more of the District's internal controls, taking into account risk, control weaknesses, size, and complexity of operations;

d) Preparation of reports, at least annually or more frequently as the Board may direct, which analyze significant risk assessment findings, recommend changes for strengthening controls and reducing identified risks, and specify timeframes for implementation of these recommendations.

The District is permitted to utilize existing District personnel to fulfill the internal audit function, but these individuals will not have any responsibility for other business operations of the District while performing internal audit functions. The District will also be permitted to use inter-municipal cooperative agreements, shared services to the extent authorized by Education Law Section 1950, or independent contractors to fulfill the internal audit function as long as the personnel or entities performing this function comply with any Regulations issued by the Commissioner of Education and meet professional auditing standards for independence between the auditor and the District.

Personnel or entities serving as the Internal Auditor and performing the internal audit function will report directly to the Board. The audit committee will assist in the oversight of the internal audit function on behalf of the Board.

Education Law §§ 1950, 2116-b, and 2116-c
8 NYCRR § 170.12

NOTE: Refer also to Policy #1339 -- Duties of the Internal Auditor

Adoption Date
SUBJECT:  MEDICAID COMPLIANCE PROGRAM

The District will comply with New York State and federal laws and regulations related to the District's participation as a provider of care, services, or supplies under the Medicaid program.

The District has further established and implemented a Medicaid Compliance Program designed to detect and prevent fraud, waste, and abuse.

As required by the New York State Office of the Medicaid Inspector General (hereinafter referred to as the OMIG), the District's Medicaid Compliance Program is comprised of the following core elements:

a) Written policies and procedures that describe compliance expectations as embodied in a code of ethics applicable to all District personnel, including Board members. These compliance expectations or standards of conduct include provisions designed to: implement the operation of the Medicaid Compliance Programs; provide guidance to employees and others on dealing with potential compliance issues; identify how to communicate compliance issues to appropriate personnel; and describe how issues are investigated and resolved;

b) A designated employee who will be responsible for the day-to-day operation of the Medicaid Compliance Program. This employee's job duties may be exclusively related to Medicaid compliance issues or may be combined with other duties, provided that the Medicaid compliance portions of the employee's duties are satisfactorily fulfilled. The designated employee will report directly to the Superintendent or designee and also periodically report directly to the Board on the District's Medicaid Compliance Program activities;

c) Training and education of all affected District employees and other persons associated with the District's Medicaid Compliance Program. This training will occur periodically and be made a part of any required training or orientation for new employees and/or others on dealing with the District's Medicaid Compliance Program;

d) Communication lines and processes directed to the District's designated employee who will be responsible for the day-to-day operation of the Medicaid Compliance Program. These communication lines and processes will be accessible to all District employees, and others associated with the District's Medicaid Compliance Program. The communication lines and processes are designed to allow employees to report compliance issues, including the anonymous and confidential good faith reporting of any practice or procedure related to Medicaid reimbursement of school or preschool supportive health services, that an employee believes is inappropriate;

e) Disciplinary procedures that encourage good faith and fair dealing in the District's Medicaid Compliance Program by all affected individuals. These disciplinary procedures include procedures that articulate expectations for reporting and assisting with the resolution of compliance issues and also provide sanctions for the failure to report suspected problems and participating (either actively or passively) in non-compliant behavior;

(Continued)
SUBJECT:  MEDICAID COMPLIANCE PROGRAM POLICY (Cont'd.)

f) A system for the routine identification of Medicaid compliance risk areas in the District's Medicaid Compliance Program. Self-evaluation of such risk areas may be accomplished by, but not necessarily limited to, internal audits and external audits, as appropriate;

g) A system for responding to, investigating, correcting, and reporting compliance issues as they are raised, including the development of procedures and systems to reduce the potential for recurrence, identifying and reporting compliance issues to the OMIG and refunding overpayments; and

h) A policy of non-intimidation and non-retaliation against any person for the good faith participation in any aspect of the administration of the District's Medicaid Compliance Program including, but not limited to, the reporting of potential issues, assisting as a witness with any investigation, evaluation, audit, remedial actions or reporting to appropriate officials.

Social Services Law § 363-d
18 NYCRR Part 521
Labor Law §§ 740 and 741

NOTE:  Refer also to Policies #5570 -- Financial Accountability
#5571 -- Allegations of Fraud
#5572 -- Audit Committee
#5573 -- Internal Audit Function
#6110 -- Code of Ethics for Board Members and All District Personnel
District Medicaid Compliance Program

Adoption Date
SUBJECT: INSURANCE

The objective of the Board is to obtain the best possible insurance at the lowest possible cost, and to seek advice from an Insurance Appraisal Service to determine that adequate coverage is being provided regarding fire, boiler, general liability, bus, and student accident insurance.

The Board will carry insurance to protect the District's real and personal property against loss or damage. This property includes school buildings, the contents of such buildings, school grounds, and vehicles.

The Board may also purchase liability insurance to pay damages assessed against Board members and District employees acting in the discharge of their respective duties, within the scope of their employment and/or under the direction of the Board.

All insurance policies, along with an inventory of the contents of the building, should be kept in a fireproof depository or with the appropriate insurance agent for safekeeping and referral purposes. The Superintendent will review the District's insurance program annually and make recommendations to the Board if more suitable coverage is required.

Education Law §§ 1709(8), 1709(26), 1709(34-b), 2503(10), 2503(10-a), 2503(10-b), 3023, 3028 and 3811
General Municipal Law §§ 6-n and 52
Public Officers Law § 18

Adoption Date
SUBJECT: FIXED ASSET INVENTORIES, ACCOUNTING, AND TRACKING

The Superintendent or designee will maintain a continuous and accurate inventory of fixed assets owned by the District in accordance with applicable rules, standards, procedures, and best practices. Fixed assets are, generally, long-term, tangible resources intended to be continuously held or used, and may include land, buildings, improvements, machinery, and equipment.

All fixed assets purchased and received by the District will be checked, logged, and stored through an established procedure.

The Chief Financial Officer will account for assets on an annual basis according to applicable rules, standards, procedures, and best practices. These accounts will serve to:

a) Maintain an inventory of assets;
b) Establish accountability;
c) Determine replacement costs; and
d) Determine and provide appropriate insurance coverage.

The Board will establish a dollar threshold as a basis for considering which fixed assets are to be depreciated. This threshold will ensure that at least 80% of the value of these assets is reported. The threshold will not be greater than $5,000. Standard methods and averaging conventions will be used in assessing, capitalizing, and depreciating fixed assets.

Fixed assets will be recorded at initial cost or, if not available, at estimated initial cost; gifts of fixed assets will be recorded at estimated fair value at the time of the gift. A property record will be maintained for each fixed asset and will contain, where possible, the following information:

a) Date of acquisition;
b) Description;
c) Serial or other identification number;
d) Any funding source and percentage contributed by the source;
e) Vendor;
f) Cost or value;
g) Location and use;

(Continued)
SUBJECT: FIXED ASSET INVENTORIES, ACCOUNTING, AND TRACKING (Cont'd.)

h) Asset type;
i) Condition and estimated useful life;
j) Replacement cost;
k) Current value;
l) Salvage value;
m) Sale price and date and method of disposition; and
n) Responsible official.

All fixed assets will be labeled. Any discrepancies between an inventory and the District's property records should be traced, explained, and documented.

Management of Assets Acquired Under a Federal Government Grant or Subgrant

Inventories will be maintained for assets acquired with funds obtained through federal grant programs. A separate inventory will be maintained for each program. Each inventory will record assets in the same manner as the District's fixed asset inventory. Assets will be labeled to specify the source of funds used to purchase the item. All Title I assets will include "Title I" on the label. These inventories will track assets for at least five years from the date of receipt.

When original or replacement assets acquired under a federal grant or subgrant are no longer needed for the original project or for other activities currently or previously supported by a federal agency, the District will dispose of the assets as follows:

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

b) Assets with a current per-unit fair market value of greater than $5,000 may be retained or sold and the awarding agency will have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the assets.

c) No federal approval is necessary to dispose of an asset costing over $5,000 but approval from the New York State Education Department (SED) is necessary. Once SED has determined that it has no other need for the use of the asset, the District may proceed with selling it.
SUBJECT:  FIXED ASSET INVENTORIES, ACCOUNTING, AND TRACKING  (Cont’d.)

The District will comply with the U.S. Department of Education regulations governing the use, management, and disposition of all equipment acquired through a federal government grant.

Equipment Purchased with Extraclassroom Funds

Title to all equipment acquired with extraclassroom activity funds will reside with the District and be carried as an insurable asset on its list of insurable values. This equipment will be tagged as District property but is available for exclusive use by the extraclassroom activity club acquiring it.

Title I of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA) of 2015
34 CFR Parts 74-99, 200
NYSED Finance Pamphlet, The Safeguarding, Accounting, and Auditing of Extraclassroom Activity Funds, 2019
Uniform System of Accounts for School Districts (Fiscal Section)
SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE

Operation and Maintenance

The Board, through the Superintendent and his or her staff, has the responsibility of protecting the District's facilities through a systematic maintenance program. The program will include periodic preventive maintenance activities, long-range maintenance schedules, and emergency repair procedures. The District will make reasonable attempts to ensure that all maintenance work will be carried out in the least intrusive manner.

Construction and Remodeling of School Facilities

The District will ensure all capital projects and maintenance comply with the requirements of the New York State Uniform Fire Prevention and Building Code, the Manual of Planning Standards, and the Commissioner's regulations. Relevant documentation regarding all new buildings must be formally submitted to the State Education Department (SED) no matter the size or cost. The SED Office of Facilities Planning has provided an Instruction Guide on its official website.

Plans and specifications for the erection, enlargement, repair, or remodeling of facilities of the District will be submitted to the Commissioner consistent with applicable law.

Plans and specifications submitted to the Commissioner will bear the signature and seal of an architect or engineer licensed to practice in the State of New York. The architect or engineer who sealed the plans and specifications must also certify that the plans and specifications conform to the standards set forth in the State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code.

For remodeling or construction projects, the District will ensure compliance with the requirements of the State Uniform Fire Prevention and Building Code and Commissioner's regulations. The District will also retain the services of an architect or engineer licensed to practice in New York State as required by law or regulation, or as necessary given the scope and cost of the project.

Carbon Monoxide Detection Requirements

All new and existing District buildings that have appliances, devices, or systems that may emit carbon monoxide, and all attached garages, must have a means to detect carbon monoxide. Buildings include school buildings, administrative buildings, bus maintenance facilities, concession stands, and field houses. Carbon monoxide may be produced by fuel-fired heating systems (boilers, HVAC units, and makeup air units), emergency or standby electric generation within a building, fuel-fired kitchen equipment (ranges, ovens, steamers, dishwashers, and makeup air units serving hoods), fuel-fired domestic hot water heaters, laboratory/shop equipment (gas outlets, torches, gas-fired kilns, and stationary or portable engines), maintenance and storage areas with fuel-fired equipment, and in garages.
SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)

The District may use a self-contained carbon monoxide alarm, a carbon monoxide detection system, or both. The District will comply with all laws and regulations regarding alarms or detectors, including where they must be located, their power sources, and labeling requirements. The District should develop written standard operating procedures to follow when a carbon monoxide detector is activated.

Inspections

The District is mindful of the health and safety of its students, staff, and visitors and, as such, the District administration will cooperate with appropriate officials conducting health, fire, asbestos, bus, and boiler inspections. In addition, the administration will keep the Board informed of the results of these inspections in a timely fashion.

In accordance with the Asbestos Hazard Emergency Response Act (AHERA), the District will inform all employees and building occupants (or their legal guardians) at least once each school year about all asbestos inspections, response actions, post-response action activities, as well as triennial re-inspection activities and surveillance activities that are either planned or in progress. The District will provide yearly notification to parent, teacher, and employee organizations on the availability of the District's asbestos management plan and any asbestos-related actions taken or planned in the school.

The District will test potable water for lead contamination from all outlets as required by law. If an outlet exceeds the action level for lead content, the District will prohibit use of the outlet for drinking and cooking purposes, and it will remediate the outlet before allowing these uses. The District will make all required notifications and issue all mandated reports to the public, local health department, or the SED. For ten years following creation, the District will retain all records of test results, lead remediation plans, lead-free building determinations, and waiver requests. The District may seek a waiver from testing requirements from the local health department by demonstrating prior substantial compliance with testing requirements.

Comprehensive Public School Building Safety Program (RESCUE)

To ensure that all District facilities are properly maintained and preserved and provide suitable educational settings, the Board requires that all occupied school facilities which are owned, operated or leased by the District comply with the provisions of the Comprehensive Public School Building Safety Program, the Uniform Code of Public School Building Inspections, and the Safety Rating and Monitoring as prescribed in Commissioner's regulations. For this reason, the District will develop a Comprehensive Public School Building Safety Program in accordance with Commissioner's regulations.

The program will be reevaluated and made current at least annually, and will include, at a minimum, the following:

(Continued)
SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)

a) A five year capital facilities plan which will include an appraisal of the following: the educational philosophy of the District, with resulting administrative organization and program requirements; present and projected student enrollments; space use and State-rated student capacity of existing facilities; the allocation of instructional space to meet the current and future education program and service needs, and to serve students with disabilities in settings with nondisabled peers; priority of need of maintenance, repair or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and the provision of additional facilities.

b) A District-wide building inventory, which will include information pertaining to each building including, but not limited to:
   1. Type of building, age of building, size of building;
   2. Rated capacity, current enrollment;
   3. List of energy sources and major systems (lighting, plumbing, electrical, heating); and
   4. Summary of triennial Asbestos Inspection reports.

c) A building condition survey will be conducted for all occupied school buildings once every five years by a team that includes at least one licensed architect or engineer.

d) A District-wide monitoring system which includes:
   1. Establishing a Health and Safety Committee;
   2. Development of detailed plans and a review process of all inspections;
   3. Procedures for a response in writing to all inquiries about building health and safety concerns, a copy of which will be sent to the District's Health and Safety Committee for oversight, and a copy kept on permanent file.

e) Procedures to ensure the safety of the building occupants while a construction or renovation project is taking place. These procedures will include:

1. Notification to parents, staff, and the community at least two months in advance of a construction project of $10,000 or more to be conducted in a school building while the building is occupied; provided, however, that in the case of emergency construction projects, notice will be provided as far in advance of the start of construction as is practicable;

(Continued)
SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE (Cont'd.)

2. A plan to ensure that all contractors comply with all health and safety issues and regulations, and wear photo identification badges;

3. An opportunity for the District's Health and Safety Committee to conduct a walk-through inspection of newly renovated or constructed areas to confirm that the area is ready to be reopened for use; and

4. An emergency plan which will address potential concerns with the capital project including, but not limited to, evacuation procedures, fire drills, and structural failures.

Asbestos Inspection: 40 CFR Part 763, Subpart E
15 USC §§ 2641-2656
Carbon Monoxide Detection: 19 NYCRR § 1228.4
Fire Inspection: Education Law 807-a
  8 NYCRR § 155.4
Health and Safety Committee: 8 NYCRR § 155. 4(d)(1)
Lead Testing: 10 NYCRR § 67-4.1, et seq.
Legionella Protection: 10 NYCRR § 4-1.1, et seq.
Plans and Specifications: Education Law §§ 408, 408-a and 409
  8 NYCRR §§ 155.1 and 155.2
  19 NYCRR §§ 1221-1240
Structural Safety Inspections: Education Law §§ 409-d, 409-e, 3602 and 3641(4)
  8 NYCRR §§ 155.1, 155.3, and 155.4(b)(1)
SUBJECT: NAMING FACILITIES

The Board of Education is responsible for naming any new facility, a section or sections of a facility, or other District facility. In selecting a name for any facility, the Board may take into account those persons who have been involved in the planning, construction or renovation of the facility, or any other relevant considerations. Suitable building plaques or other memorials may be authorized by the Board.

a) The Board has established the following guidelines for naming school buildings:

1. Changing the names of schools that are recommended to the Board of Education shall be referred by the Board to the Executive Committee for investigation and recommendation once a school year, during the second semester. The exact date is to be determined at the time when the school calendar and calendar of committee meetings are done.

2. A recommendation to name school buildings should be strongly urged by the community served by the school and should be of such a nature that its approval by the Board of Education will not be seen as a divisive act.

3. The Executive Committee shall publicly solicit alternative names or no change in name for the school in question. This shall be done by placing a public notice in newspapers that the Committee will, at some time within the following two to four weeks, consider in a public hearing recommendations for the change in the name of the school in question.

4. The Executive Committee shall solicit recommendations from any active alumnae associations associated with an existing school; its parent organization, whatever its name; and from representatives of the students in the school.

5. In case of a new school, the Board shall solicit recommendations from the community that will be served by the school in question. After a hearing, the Executive Committee will refer to the Superintendent the recommended names of the schools for investigation. The investigation should examine the appropriateness of the name for the school in question and, if it involves an individual, a review of the public record of the individual chosen to be honored thusly.

6. School buildings are not to be named for organizations.

7. Once a facility or section of a facility is renamed, the commitment to that name shall be for a minimum of 20 years unless a person is dishonored during that period. In such case, the Board of Education will revisit the name of the school.

(Continued)
SUBJECT: NAMING FACILITIES

b) Alternative Procedure – The Board may, under circumstances it deems to be appropriate, including time or financial consideration, and by a two-thirds vote, waive the facility naming procedures, and directly set a name for a district facility. When that occurs, the Board must provide a rationale for the name chosen which shall be written and/or incorporated into the minutes of the Board.

Adopted: 4/24/02
Revised: 3/25/05; 2/24/10
SUBJECT: HAZARDOUS WASTE AND HANDLING OF TOXIC SUBSTANCES BY EMPLOYEES

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

Hazard Communication Standard

All personnel will be provided with applicable training to comply with the New York State "Right-to-Know" Law and the Hazard Communication Standard. Both the "Right to Know" poster and the "Labor Law Information Relating to Public Employees" poster must be posted in common areas informing workers of relevant work hazards and associated rights.

The Superintendent or designee will maintain a current record of the contact information of every employee who handles or uses toxic substances and which substance(s) were handled or used by the employee.

Environmental Protection Agency, 40 CFR Parts 261 and 262
Occupational Safety and Health Administration (OSHA), 29 CFR § 1910.1200
Labor Law §§ 875-883
Public Health Law §§ 4800-4808
6 NYCRR Part 371
9 NYCRR Part 1174

Adoption Date
SUBJECT: PEST MANAGEMENT AND PESTICIDE USE

The Board 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.

Structural and landscape pests can pose significant problems for people and property. Weeds and infestations can destroy playing fields and playgrounds and more importantly, cause severe allergic reactions. Pesticides can pose risks to people, property, and the environment. It is therefore the policy of the District to incorporate Integrated Pest Management (IPM) procedures for control of weeds, structural, and landscape pests. The objective of this program is to provide necessary pest control while using the least toxic approach to all pests, weeds, and infestations.

Pest/Pesticide Management Plan

The District will manage weeds and pests to:

a) Reduce any potential human health hazard or threat to public safety;
b) Prevent loss or damage to school structures or property;
c) Prevent pests from spreading into the community, or to plant and animal populations beyond the site; and
d) Enhance the quality of life for students, staff, and others.

Integrated Pest Management (IPM) Coordinator

An IPM Coordinator will be appointed by the Superintendent. The Coordinator will be responsible for implementing the IPM policy and plan. The coordinator's responsibilities will include, but are not limited to, the following:

a) Recording all pest sightings by school staff and students;
b) Recording all pesticide use and utilizing the least toxic approach;
c) Meeting with a local pest control expert, such as a pesticide contractor to share information on what pest problems are present in the school;
d) Ensuring that all of the expert's recommendations on maintenance and sanitation are carried out where feasible;

(Continued)
SUBJECT:  PEST MANAGEMENT AND PESTICIDE USE  (Cont’d.)

e) Ensuring that pesticide use is done when school is not in session or when the area can be completely secured against access by school staff and students for a standard 72 hours, or as required by the pesticide being used;

f) Evaluating the school's progress in the IPM plan; and

g) Notifying parents, staff and neighbors of any applications of pesticides 48 hours before they occur. The IPM Coordinator will serve as the District's Pesticide Representative.

Pesticide Use on Common Areas

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

An exception may be made for emergency applications of pesticide only when approved in advance by the Board. The Board may consult with the local Health Department on public health related emergency determinations. They may also consult with the Department of Environmental Conservation (DEC) for environmental emergency determinations. Emergency determinations should only be sought for one-time pesticide application in a specific situation, which presents a true emergency. The guidance document from DEC provides clarification on emergency determinations and can be found on the official website of the DEC.

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

Fertilizer Use

Phosphorous fertilizers will only be used on school grounds in compliance with the following requirements:

a) Fertilizer use is prohibited between December 1 and April 1 annually.

b) The use of fertilizers is prohibited within 20 feet of any surface water except:

1. Where a continuous natural vegetation buffer, at least ten feet wide, separates lawn and water.

2. Where a spreader guard, deflector shield or drop spreader is used, then the application may not occur within three feet of any surface water.

(Continued)
SUBJECT:  PEST MANAGEMENT AND PESTICIDE USE  (Cont’d.)

c) The use of phosphorus fertilizers is prohibited on lawns or other non-agricultural turf with the following exceptions:

1. The use of phosphorus fertilizers is needed to establish a new lawn; or
2. A soil test shows that phosphorus fertilizers are needed for growth.

d) Fertilizer cannot be used on any impervious surfaces and if such an application occurs, it must be cleaned immediately and legally applied or placed in an appropriate container.

Notification

The District's IPM Coordinator or designated Pesticide Representative will give prior written notice of all pesticide applications to anyone who has asked to receive this notice. The District will also notify parents, students, and staff of periodic pesticide applications. The District will maintain a list of those people who wish to receive 48 hour notice before pesticide applications and will ensure that a system is developed to deliver such notice in a timely fashion to all affected. The notification system may be by mail or email, and will ensure that a back-up method is available to notify those for whom the regular system is unworkable. The name and contact information for the District Pesticide Representative will be made available to all requesting it.

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

Recordkeeping

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

Education Law §§ 409-k, 409-h
Environmental Conservation Law §§ 17-2103, 33-0303
40 CFR Part 152.25
7 USC § 136(mm), 136q(h)(2) (FIFRA)
8 NYCRR Part 155.4(d)(2)

Adoption Date
SUBJECT: SMOKING/TOBACCO USE

The use of tobacco products is prohibited on school grounds. Smoking and vaping are prohibited on school grounds and within 100 feet of the entrances, exits, or outdoor areas of any of the District's schools. In addition, the use of tobacco products, smoking, and vaping are prohibited at any school-sponsored event or activity that occurs off school grounds, including those taking place in another state.

For purposes of this policy, the following definitions apply:

a) Tobacco products means one or more cigarettes or cigars, bidis, chewing tobacco, powdered tobacco, nicotine water, or any other tobacco products.

b) Smoking means the burning of a lighted cigar, cigarette, pipe, or any other matter or substance containing tobacco.

c) Vaping means the use of an electronic cigarette.

d) Electronic cigarette (or e-cigarette) means an electronic device delivering vapor inhaled by an individual user, and includes any refill, cartridge, and any other component of such a device.

e) School grounds means any building, structure, and surrounding outdoor grounds, including entrances or exits, contained within the District's preschool, nursery school, elementary, or secondary school's legally defined property boundaries as registered in the County Clerk's Office, as well as any vehicles used to transport children or school personnel.

This policy does not apply to smoking or vaping in a residence, or within the real property boundary lines of residential real property.

Public Notification of Policy

The District will prominently post signs prohibiting smoking and vaping on school grounds in accordance with applicable law. The District will also designate a school official to tell individuals found smoking or vaping in a non-smoking area that they are in violation of law and District policy.

The District will communicate this policy to staff, students, parents/guardians, volunteers, visitors, contractors, and outside groups through means such as the District’s Code of Conduct, student handbooks, newsletters, announcements, facilities use forms/agreements, and/or the prominent display of this policy in appropriate locations.

Prohibition of Tobacco Promotional Items/Tobacco Advertising

Tobacco promotional items (e.g., brand names, logos, and other identifiers) are prohibited:

(Continued)
SUBJECT:  SMOKING/TOBACCO USE (Cont'd.)

a) On school grounds;

b) In any vehicles used to transport students or school personnel;

c) At school-sponsored events or activities, including those that take place off school grounds, including in another state;

d) In school publications;

e) On clothing, shoes, accessories, gear, and school supplies in accordance with the District's Code of Conduct and applicable collective bargaining agreements.

This prohibition of tobacco promotional items will be enforced in accordance with the District's Code of Conduct and applicable collective bargaining agreements.

The District will request, whenever possible, tobacco free editions of periodical publications for school libraries and classroom use.

20 USC §§ 6081-6084, 7971-7974
Education Law § 409
Public Health Law §§ 1399-n, 1399-o, 1399-p and 1399-aa
8 NYCRR §§ 155.5, 156.3

NOTE:  Refer also to Policies #3280 -- Use of School Facilities, Materials and Equipment
        #7320 -- Alcohol, Tobacco, Drugs, and Other Substances
        #8240 -- Instruction in Certain Subjects
        District Code of Conduct
SUBJECT: ENERGY CONSERVATION AND RECYCLING IN THE SCHOOLS

The Board recognizes the importance of energy conservation and is committed to the analysis, development, and initiation of conservation measures throughout the District for the purpose of reducing energy consumption, particularly in these times of declining levels of natural energy resources and increasing cost of these resources. The Board maintains an aggressive and responsible program to reduce consumption of energy by its facilities and to provide education to both staff and students on the conservation of energy.

The District is committed to an energy conservation program that addresses not only capital-related energy projects but ongoing, day-to-day energy related issues as well. All staff are urged to participate actively in a program of energy conservation by assisting in the efforts to eliminate the wasteful use of energy in the operation of the District's buildings. Cooperation will be required of each employee and each student to achieve a meaningful energy conservation program that results in a more efficient use of energy resources. Involvement of staff and students is essential to a successful program of energy conservation.

The Board is further committed to protecting and improving the environment by recycling commonly used materials, waste prevention strategies, and purchasing recycled products when feasible.

Environmental Conservation Law §§ 27-2101-27-2117
General Municipal Law § 120-aa
19 NYCRR §§ 1221-1228 and 1240
Energy Conservation Code of New York State 2007
SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)

The Board has entered into an agreement with the New York State Education Department to participate in the National School Lunch and Breakfast Programs and to receive commodities donated by the Department of Agriculture and to accept responsibility for the Community Eligibility Provision (CEP) to elementary and secondary students in the schools of the District.

The Superintendent or his/her designee shall have the responsibility to carry out the rules of the School Lunch and Breakfast Programs. The determination of which students are eligible is the responsibility of the Superintendent or his/her designee. Appeals regarding eligibility should be submitted to the Superintendent.

CEP allows schools to provide meal service to all students at no charge, regardless of economic status. With CEP, schools can eliminate household applications and serve breakfast, lunch, snack and afterschool suppers at no charge to all students within the school.

Procedures for the administration of the free and reduced price meal program of this School District will be the same as those prescribed in current state and federal laws and regulations.

Child Nutrition Program

The goal of the District is to provide student access to nutritious no-cost meals each school day through the Community Eligibility program.

However, unpaid charges place a large financial burden on our schools. The purpose of this policy is to insure compliance with federal requirements for the USDA Child Nutrition Program, and to provide oversight and accountability for the collection of food service revenue.

The intent of this policy is to establish procedures to address unpaid food service charges throughout the District. The provisions of this policy pertain to a la carte student sales and adult meals only. Charging of items outside of the reimbursable meals (a la carte items, adult meals, etc.) is expressly prohibited.

a) Free Meal Benefit - All students in the Buffalo City School qualify to receive a free breakfast and lunch each day.

b) All a la carte purchases must be paid/prepaid. Charging is expressly prohibited.

c) Adult Meals – Adults must pay for their meals. Charging is expressly prohibited.

d) Students/Parents/Guardians/Adults may pay for a la carte items/meals in advance at their school cafeteria. Funds should be maintained in accounts to minimize the possibility that a child may be without snack money on any given day. Any remaining funds for a particular students or adult may/will be carried over to the next school year.

(Continued)
SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST) (Cont'd.)

Nutrition Standards for Foods

Any food sold in school must:

   a) Be a whole grain-rich grain product; or
   b) Have as the first ingredient a fruit, a vegetable, a dairy product or a protein food; or
   c) Be a combination food that contain at least ¼ cup of fruit and/or vegetable; or
   d) Contain 10% of the Daily Value (DV) of one of the nutrients of public health concern in the 2010 Dietary Guidelines for Americans (calcium, potassium, Vitamin D, or dietary fiber).

Food must also meet several nutrient requirements:

Calorie Limits

Snack items: ≤200 calories
Entrée items: ≤350 calories

Sodium Limits

Snack items: ≤230 mg
Entrée items: ≤480 mg

Fat Limits

Total fat: ≤35% of calories
Saturated fat: 10% of calories
Trans fat: zero grams

Sugar Limit ≤35% of weight from total sugars in foods

Education Law Sections 915, 1709(22) and (23), and 2554(15)(a)
National School Lunch Act 1946
Child Nutrition Act 1966

Adopted: 04/24/02
Revised: 09/23/09; 12/14/11; 12/20/17
SUBJECT: DISTRICT WELLNESS POLICY: MAKING HEALTH ACADEMIC

Preamble

The Buffalo Public School District (here-to-referred to as the District) is committed to the optimal development of every student. The District believes that for students to have the opportunity to achieve personal, academic, developmental and social success, we need to create positive, supportive, engaging, challenging, safe, and health promoting learning environments at every level, in every setting, throughout the school year.

Whereas in order to foster academic, physical, social and emotional growth and development, students need access to healthy foods, opportunities to be physically active, quality health education, including sexuality education and physical education, counseling, psychological, social and health-related services as critical components of a safe, healthy and supportive learning environment.

Whereas student health and learning are enhanced through school District employee, family and community coordination, integration, communication, cooperation and collaboration through the Whole School, Whole Community, Whole Child Model; and

Whereas alignment of evidence-based programs or those grounded in research, practices, policies, processes, and services offered by school and District staff as well as community partners is essential to student success in school; and

Whereas the Whole School, Whole Community, Whole Child Model supports strong community schools; and

Whereas physical, mental, and emotional health and well-being supports consistent student attendance and high academic achievement in school; and

Whereas parent, community, District and school-level engagement and coordination are essential and strategically aligned to the success of school, community and student health and well-being; and

Whereas the District supports positive, two-way communication built on mutual understanding and clear goals and objectives between students, community partners; and

Whereas the District shall use data to inform policy implementation as well as determine and respond to needs of students, schools and the District; and

Whereas qualified health professionals (school nurses) are one of the most effective ways to keep students healthy and in school, and to prevent chronic absenteeism; and

Whereas the District recognizes that many students with disabilities face significant barriers when attempting to access health and wellness activities. Additionally, people with disabilities have a higher likelihood of being obese, physically inactive and at risk for diabetes; and

(Continued)
SUBJECT: DISTRICT WELLNESS POLICY: MAKING HEALTH ACADEMIC (Cont'd.)

Whereas sustainable student and parent engagement is essential to health and educational success, students shall actively and meaningfully be involved in their learning process through student-centered learning, growth and development; and

Whereas sustainable stakeholder engagement is imperative for supporting student health and learning, all communication and dissemination of information shall convene positive regard and be culturally and linguistically responsive; and

Whereas the District shall evaluate the District Wellness Policy and its implementation to enhance continuous improvement; and

Whereas the implementation with fidelity of all District policies, the New Education Bargain, New York State and Federal regulations along with quality professional development build capacity for the Whole School, Whole Community, Whole Child Model (WSCC).

The District and individual schools shall commit to:

a) Maintaining and supporting the district-level “WSCC Advisory Board” that is inclusive of members representing the WSCC Model in collaboration with District leadership (i.e. school board members, school administrators, district administrators and collective bargaining units).

   1. District-level WSCC Advisory Board Well-being Committees shall ensure District-wide health and well-being by serving as a resource and support for school-level WSCC Teams and by providing representation on the WSCC Advisory Board.

   2. Annual quality professional development shall be provided to each committee.

b) Administering the Youth Risk Behavior Surveillance Survey (YRBSS) every two years with all students in grades 6-12 to guide data-driven inquiry related to student-focused action planning.

c) Implementing the Wellness Policy through ongoing communication and ongoing assessment to ensure transparent accountability.

d) Adopting and requiring Superintendent Regulations to guide quality implementation of the policy throughout the District.

e) Maintaining and supporting school-level WSCC Teams with representative membership reflective of the Whole School, Whole Community, Whole Child Model following local, state, and/or federal laws, regulations and WSCC guidelines.

(Continued)
Subject: District Wellness Policy: Making Health Academic (Cont'd.)

f) Ensuring that each WSCC Team Leader has an assigned WSCC Team Leader duty each day.

g) Ensuring that each school-level WSCC Team:
   1. Follow the WSCC Team implementation timeline issued by the District each year.
   2. Include a parent and student to tri-chair the team when possible.
   3. Follow identified WSCC Team and WSCC Team Leader roles and responsibilities.
   4. Have representation on the School Based Management Team (SBMT).
   5. Complete the School Health Index Needs Assessment (SHI) every three years.
   6. Completing the New York State Heart Check every three years.
   7. Utilize the school-level Youth Risk Behavior Surveillance Survey (YRBSS), School Health Index (SHI) and other pertinent school and community health data to inform annual wellness action plans and write wellness action plans into each school’s annual improvement plan (e.g. SCEP, SIG, SIP or equivalent).

h) Provide quality professional development to school-level WSCC Team Leaders (bi-annual) and core team members (annual). Each school shall send representatives to all professional developments.

i) Utilizing official Buffalo Public Schools’ website, along with other electronic and non-electronic means, to notify and engage parents and the community, in culturally and linguistically appropriate ways, about the content, implementation of, and updates to this policy as well as how to become involved and support this policy. The District will use these same means to inform the community about the availability of the annual and triennial reports relative to this policy.

Evidence indicates that health and learning are enhanced through school District employee, family and community coordination, integration, communication, cooperation and collaboration. Using the Whole School Whole Community, Whole Child (WSCC) Organizational Model, the District will implement the Wellness Policy accordingly:

**Comprehensive Health Education and Sexual Health Education**

The District recognizes that comprehensive health education will enable students to master the essential knowledge and skills to adopt and maintain healthy behaviors and maintain a healthy and safe lifestyle.

(Continued)
SUBJECT: DISTRICT WELLNESS POLICY: MAKING HEALTH ACADEMIC (Cont'd.)

The District shall:

a) Provide comprehensive health guidance and education to all students from Pre-K to 12 to foster lifelong healthy and safe attitudes, knowledge, skills and behaviors essential for students to be safe, healthy and to achieve academically.

b) Implement comprehensive health education to include:

1. Planned, sequential, age-appropriate, medically accurate, evidenced-based or grounded in research, aligned with state and national standards, aligned with academic content areas, all elements of the Whole School, Whole Community, Whole Child Model, and be culturally and linguistic responsive.

2. Family life / sexual health instruction including sexual risk prevention education.
   (a) Explicitly include sexuality education, including gender identity and sexual orientation education.

c) Designate one person to supervise health education, to support and ensure that all school buildings are meeting the health education mandates, policies and regulations.

d) Provide teachers, health coordinators and the Supervisor for Health Education with annual high quality professional development.

e) Ensure that all schools implement District approved health curricula, so that all students achieve the national health education standards.

f) Implement comprehensive health and sexuality education pursuant to: BPS policy 8211: Condom Availability Program Policy; NYSED Commissioners Regulations; NYS Education Law; NYS Health Standards and Sexuality Education Standards; National Health Education Standards; National Sexuality Education Standards; NYSED Guidelines; and, NYSED Guidance for Achieving Learning Standards.

1. Include mental health education.

2. Include the seven Health Education Skills as outlined by the New York State Education Department: self-management, relationship management, stress management, communication, planning and goal setting, decision-making and advocacy.

(Continued)
SUBJECT: DISTRICT WELLNESS POLICY: MAKING HEALTH ACADEMIC (Cont'd.)

Physical Education and Physical Activity:

The District recognizes that a correlation exists between physical activity and academic achievement. Physical education and activity shall be a critical element of each school’s instructional program. The District shall afford opportunities for every student to acquire the necessary knowledge and skills for specific physical activities, to maintain physical fitness, to regularly participate in physical activity, and to understand the benefits associated with adopting healthy behaviors. With the goal to create opportunities, support, and encouragement for all students in grades PK-12 to be physically active on a daily basis for a total of at least 60 minutes.

The District shall:

a) Provide health education and physical education classes to foster lifelong habits of healthy eating, physical activity, and positive health behaviors pursuant to New York State Regulations of the Commissioner of Education, Chapter 11, Subchapter G, Part 135, New York State Department of Education Guidelines, National Physical Education Standards, Guidelines for Disability Inclusion in Physical Activity, Nutrition, and Obesity Program Initiatives and District guidance including the BPS Physical Education Plan.

b) Recommend strongly that schools provide additional physical activity opportunities including recess to all students, specifically 7th and 8th graders, outside of physical education class.

c) Recommend strongly that all classroom teachers, and particularly those engaged in the instruction of PK through 8 students, incorporate brain breaks for students that include physical activity, especially after long periods of inactivity as recommended by the Healthier US School Challenge.

d) Ensure that elementary programs (PK-6) shall be provide daily opportunities for unstructured physical activity, such as recess, for all children as recommended by the Healthier US School Challenge. Schools shall demonstrate a commitment to neither deny nor require physical activity as a means of punishment. Physical activity shall not be withheld unless the student is a danger to him/herself, others or school property nor used as a form of discipline or punishment.

e) Work to expand partnerships and joint use agreements with community agencies to provide health and mental health services at school for students, families, and staff year round.

f) Encourage joint use projects that allow students, staff, families, and community access to physical activity, nutrition, and health and well-being programs outside of school hours at schools, year round.

(Continued)
SUBJECT: DISTRICT WELLNESS POLICY: MAKING HEALTH ACADEMIC (Cont'd.)

Nutrition Environment and Services

The District recognizes the importance of creating a culture where school communities have access to and choose healthy, delicious, locally-grown, fresh, and culturally-relevant foods with emphasis on Farm to School.

The District shall:

a) Strive to decrease the use of processed foods when possible and to attain food system approach strategies, including composting food wastes.

b) Implement standards and nutritional guidelines that meet or exceed the minimum Federal Regulations of 2016 for all foods and beverages sold to students on the school campus during the school day.

1. Follow USDA Smart Snacks in School nutrition standards at the District and school levels

2. Implement standards by 2020 for all foods and beverages provided to students during the school day consistent with Federal Regulations of 2016.

3. Communicate school meal nutrition standards to all stakeholders via the BPS Food Service Department website.

c) Avoid using food for punishment or reward.

d) Provide students with access to a variety of nutritious, appealing and locally sourced to the extent possible, foods that shall accommodate the religious, ethnic and cultural diversity of the student body.

e) Ensure that students with food allergies will be accommodated.

f) Ensure CPR, first aid and food allergy training for appropriate staff (e.g. teacher/staff assigned to lunch supervision).

g) Ensure all foods served meet all safety standards.

h) Provide students with safe, unflavored drinking water throughout the school day at no cost (e.g., cafeteria, classrooms)

i) Provide school meal environments that are clean, safe, and pleasant with adequate time to eat, minimally 10 minutes for breakfast and 20 minutes for lunch.

(Continued)
SUBJECT: DISTRICT WELLNESS POLICY: MAKING HEALTH ACADEMIC (Cont'd.)

j) Participate in available local, state, and federal nutrition and/or school meal programs that are evidenced-based or grounded in research to increase access to healthy options and healthy eating.

k) Teach, encourage, and support healthy eating by students, including marketing and advertising only those foods and beverages that meet the Smart Snacks in School Nutrition Standards. Schools will provide age-appropriate, sequential nutrition education (e.g. CATCH Nutrition Education Curriculum in grades PreK-8) as part of a comprehensive school health education curriculum and consistently promote healthy eating throughout the school environment.

l) Align food service initiatives with health education curriculum.

m) Ensure that food service directors, managers, and staff are provided with annual professional development in the areas of food and nutrition consistent with the required USDA Professional Standards for State and Local Nutrition Programs.

Health Services

The District recognizes that school health services support academic performance by promoting healthy lifestyles among all students and making health promotion an integral part of the school culture. Health services will be pursuant to local, state, and/or federal laws and regulations.

The District shall:

a) Ensure that qualified health professionals are provided to each school to deliver school health services including first aid emergency care and assessment and planning for the management for chronic conditions (i.e. asthma, diabetes, etc.).

b) Provide support for wellness and prevention initiatives via school WSSC Team.

c) Connect school staff, students, families, community and healthcare providers to promote the healthcare of students, including medical, dental, vision, and mental health.

d) Provide assessments and early interventions to alleviate barriers to learning and attendance.

e) Provide access to prescribed medications, special diets, treatments, and emergency care as needed during school hours for students with serious conditions—such as asthma, diabetes, severe allergies, seizure disorders, other medical problems and emotional disorders.

(Continued)
SUBJECT: DISTRICT WELLNESS POLICY: MAKING HEALTH ACADEMIC (Cont'd.)

f) Ensure that the neediest students (e.g., pregnant and parenting students, refugee students, homeless students, students with special needs (IEP and 504s), students impacted by trauma, etc.) receive the supports they need to maintain an uninterrupted education in accordance with local, state, and/or federal laws and regulations.

g) Support the American Academy of Pediatrics’ ratio recommendations for school nurses; 1 school nurse to 750 students in the healthy student population and 1 nurse for every 225 student from student populations who need daily professional nursing assistance (e.g., diabetes, asthma, English Language Learners).

Counseling, Psychological and Social Services

The District recognizes that the prevention and intervention services provided to students and families support the mental, behavioral, and social-emotional health of students and promote success in the learning process. Counseling, psychological and social services delivered will be pursuant to local, state, and/or federal laws and regulations.

The District shall:

a) Provide certified school counselors, school psychologists, and school social workers in accordance with NYSED regulations.

b) Work collaboratively with district and school leadership, school staff, WSCC Advisory Board, WSCC Advisory Board Well-Being Committees, school-level WSCC Teams, and community partners to support the social and emotional growth and development of all students.

Promote the availability of these resources to all students and families.

c) Provide services that include psychological, psychoeducational, and psychosocial assessments; direct and indirect interventions to address psychological, academic, and social barriers to learning, (i.e. individual or group counseling and consultation referrals to school, and community support services) as needed.

d) Provide systems-level assessment, prevention, intervention, and programs designed by school-employed mental health professionals who contribute to the mental and behavioral health of students as well as to the health of the school environment.

Social and Emotional Climate

The District recognizes, identifies, promotes, and supports social and emotional development by designing systems and creating opportunities for students to develop social and emotional competencies (Continued)
SUBJECT: DISTRICT WELLNESS POLICY: MAKING HEALTH ACADEMIC (Cont'd.)

that lead to healthy relationships and a safe, supportive, and respectful environment that is conducive to learning for all constituents. Social and emotional climate practices will be pursuant to local, state, and/or federal laws, regulations, and guidance.

The District shall:

a) Promote a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying on school property, school buses and/or at a school function in accordance with local, state, and/or federal laws and regulations.

b) Promote positive social-emotional health and development for all school communities throughout the District including, but not limited to, positive conflict-resolution and restorative practices, striving to reduce punitive consequences and suspensions (See District Code of Conduct).

c) Support, develop, implement and maintain systems to identify and support the positive social and emotional development of all school communities.

d) Ensure that all students receive in a timely manner the best available evidenced-based or research grounded interventions with sensitivity to the stage of emotional development, background and family and community history and culture, and maintain positive regard for students and families.

e) Provide ongoing professional development to teachers and staff on evidence-based interventions.

f) Uphold social justice and equity concepts and practice mutual respect for individual differences at all levels of school interactions – student-to-student, adult-to-student, and adult-to-adult.

**Physical Environment**

The District recognizes that school leaders have a responsibility to provide a healthy and safe learning environment for all students and staff that is humanizing and aesthetically enriching. Physical environment practices will be pursuant to local, state, and/or federal laws, regulations, and guidance.

The District shall:

a) Ensure a healthy physical school environment, including the school’s physical condition as well as school grounds during normal operation as well as during renovation (e.g., ventilation, moisture, temperature, noise, and natural and artificial lighting), and protects

(Continued)
SUBJECT: DISTRICT WELLNESS POLICY: MAKING HEALTH ACADEMIC (Cont'd.)

occupants from physical threats (e.g., crime, violence, traffic, and injuries) and biological and chemical agents in the air, water, or soil as well as those brought into the school (e.g., pollution, mold, hazardous materials, pesticides, and cleaning agents).

b) Invite students to assist in the development of messages and signage related to physical environment (e.g., No Idle Zone, Tobacco Free School Zone, or care of classroom, physical education, and playground equipment).

c) Ensure safety assessments, checks, and drills are completed on a regular basis, and improvement or repairs are made in a timely manner.

d) Designate school personnel to lead or assist with assessments, checks, and safety drills.

e) Create and follow all District and school safety plans.

f) Purchase and use “green” products for cleaning schools and grounds.

g) Support active transportation to and from school for all students (e.g. community/parent driven programs that encourage physical activity).

Employee Wellness

The District recognizes that in order to achieve student wellness, well-being and academic success employee wellness must also be stressed emphasizing the importance of creating a District-wide workplace culture that supports employee health and wellness. Employee health and wellness often transfers into greater commitment to the health of students and creates positive role modeling. As such, health promotion for staff shall seek to improve employee wellness and promote proactive preventive health strategies. The objectives include increasing staff health to support student academic success, which may in turn reduce health-care spending, improve productivity and reduce absenteeism, worker’s compensation claims and retirement costs due to disability.

The District shall:

a) Promote health-promoting programming that focus on skill development and behavior change tailored to employee needs and interests.

b) Utilize collaborative input, funds, materials and other resources from health and disability insurance carrier and any other intermediary negotiators for health/disability insurance.

c) Collaborate with local health providers (e.g., hospitals, clinics, HMOs, voluntary health organizations) and work with community partners to identify programs, services and resources.

(Continued)
SUBJECT: DISTRICT WELLNESS POLICY: MAKING HEALTH ACADEMIC (Cont'd.)

d) Support employees to establish/enhance healthy behaviors.

e) Follow state and federal guidelines regarding smoke-free schools and offer staff members’ tobacco-use cessation services that are accessible and free or low-cost.

f) Support that all foods offered to staff shall meet the USDA’s Smart Snacks in School Nutrition Standards including staff meetings, school-sponsored staff events and in all staff lounges/lunch rooms.

g) Provide opportunities for school staff to improve their health status through activities (i.e. health assessments, health education and health-related fitness activities). Assessments and interventions shall remain confidential.

Family Engagement

The District recognizes that engaging with families can inform, complement, reinforce, and accelerate educators' efforts to educate the whole child. Connections between families and educators shall be strategic and continuous. The District also recognizes that parents/guardians/families and students have direct knowledge about the diverse family and community-level assets and challenges that impact them. Family engagements practices will be pursuant to local, state, and/or federal laws, regulations, and guidance.

The District shall:

a) Promote that families and school staff are equal partners in decisions that affect students and families.

b) Develop processes that support collaboration in the influence, revision, and creation of policies, practices, and programs designed to support the Whole Child.

c) Ensure that all District and school-level committees, related to healthy, safe, and supportive schools, include parents and students as the primary stakeholders, and/or leaders.

d) Connect students, families, and staff to expanded learning opportunities, community services, and civic participation throughout the District (i.e. District Parent Centers and Community Schools).

e) Ensure family engagement and involvement by:

   1. Planning meeting times and locations that are accessible to parents and students and announced with ample planning time.

   (Continued)
SUBJECT: DISTRICT WELLNESS POLICY: MAKING HEALTH ACADEMIC (Cont'd.)

2. Engaging in regular, two-way, meaningful communication, and information that is disseminated in a culturally and linguistically appropriate manner via multiple platforms (i.e. phone calls/messages, printed materials, website, traditional and social media, etc.).

3. Integrating parents into leadership roles, when possible.

Community Involvement and Engagement

The District recognizes the importance of collaboration with the broader community; government, civic, volunteers, business and higher education partnerships to support health programming, evaluation and research. Community involvement and engagement practices will be pursuant to local, state, and/or federal laws, regulations, and guidance.

The District shall:

a) Support and facilitate community and higher education partnerships that foster student health and wellness and academic achievement featuring shared responsibility.

b) Facilitate effective school-community partnerships that are coordinated, aligned and grounded in research.

c) Facilitate a process for vetting partnerships and in educating partners on District policies and practices.

d) Provide opportunities for community members to play a meaningful role in school communities in relation to health and wellness and academic achievement.

 Implementation and Evaluation of the Wellness Policy

The District shall:

a) Establish an implementation and evaluation plan based on Superintendent Regulations for this policy to assure a continuous improvement process. The District has designated the following individual(s): Associate Superintendent of Student Support, District Wellness Coordinator and Director of Food Services, to ensure that the District meets the goals and mandates of this policy. These designated staff members will also serve as liaisons with community agencies in providing outside resources to help in the development of programs under the WSCC Model.

b) Conduct triennial assessments of the District's wellness policy and an annual assessment of policy implementation efforts will be presented to the Educational Support Committee of the Board of Education. The position/person responsible for managing the triennial assessment

(Continued)
SUBJECT: DISTRICT WELLNESS POLICY: MAKING HEALTH ACADEMIC (Cont'd.)

will be the District Wellness Coordinator. The annual progress report, triennial wellness policy revision, and policy updates shall be provided to the Educational Support Committee of the Board of Education; posted on the District's official website; and, distributed to the district WSCC Advisory Board, parent-teacher organizations, building principals, and school health services personnel within the District. Printed copies shall also be made available to community residents upon request.

c) As necessary, revise and update this wellness policy, at least every three years following the triennial assessment, and develop work plans to facilitate its implementation. The assessment will include:

1. Implementation of the wellness policy; and
2. How the wellness policy compares to model wellness policies; and
3. Progress made in attaining the goals of the wellness policy.

d) Annually report and communicate on the progress each of its schools has made toward meeting the goals of this policy to the Educational Support Committee Board of Education. This report will include:

1. The website address for the wellness policy and information on how the public can access a copy; and
2. A summary of WSCC Advisory Board goal attainment and future goals; and
3. A summary of all District WSCC Advisory Board Well-being Committees goal attainment and future goals; and
4. A summary of each school's progress in meeting the wellness policy goals; and
5. A summary of each school's wellness actions related to the school’s data-driven goals as integrated within the School Based Management Team and outlined in the Schools’ Improvement Plans (e.g. SCEP, SIG, SIP, etc.); and
6. A summary of the assigned “WSCC Team duty” time for each school; and
7. Evaluation and feedback from interested parties, including an assessment of student, parent, teacher, and administration satisfaction with the wellness policy are welcomed as an essential part of the District's evaluation process; and

(Continued)
SUBJECT: DISTRICT WELLNESS POLICY: MAKING HEALTH ACADEMIC (Cont'd.)

8. Document the financial impact, if any, to the school food service program, healthy school stores, and healthy vending machine revenues based on the implementation of the wellness policy as well as community financial and in-kind contributions.

   (a) Documentation of how healthy school store and vending revenues are utilized to meet each school’s annual improvement plan. Prior approval of spending must be obtained by District Wellness Coordinator.

Health Promotion

The District shall:

   a) Ensure consistent health promotion messages are communicated to students, staff and parents through school bulletins, newsletters, BPS web pages, newspapers, radio and TV public announcements and shall be presented at parent and community meetings.

   b) Collaborate with community partners to develop family and community wellness opportunities that include culturally and linguistically responsive nutrition and physical activity, mental, emotional, social and behavioral components.

   c) Support community partnerships that link school communities to health and well-being resources designed to increase access to services and resources.

Annual Notification

The District will inform families and the general public each year, via the District website and/or District-wide communications, of information about this policy, including, but not limited to, its content as well as any updates. The District will endeavor to share as much information as possible about its schools' nutrition environment, including, a summary of school events or activities relative to this policy implementation. Each year, the District will also publicize the name and contact information of the District official leading and coordinating each school’s wellness team as well as how the community may get involved with WSSC Advisory Board Wellbeing Committees and School WSSC Teams.

Recordkeeping

The District will retain records relative to compliance with the requirements of this policy in the District Office and/or on the District's central computer network. Documentation maintained at this location includes, but is not limited to:

   a) The written Wellness Policy; and

   b) Documentation demonstrating that this policy has been made available to the public; and

   (Continued)
SUBJECT: DISTRICT WELLNESS POLICY: MAKING HEALTH ACADEMIC (Cont'd.)

c) Documentation of efforts to review and update this policy; and

d) Documentation to demonstrate compliance with the annual public notification requirements; and

e) The most recent assessment on the implementation of this policy; and

f) Documentation demonstrating the most recent assessment on the implementation of this policy has been made available to the public.

Accordingly, the Board of Education delegates to the Superintendent of Schools the responsibility for assuring implementation of this policy through Superintendent Regulation.

The Board of Education further requires that such regulation be amended when necessary to reflect revisions in local, state, and/or federal laws, regulations, and guidance.

Definition of Terms

Brain Breaks - are a quick and effective way of changing or focusing the physical and mental state of the learners. They are also a useful tool for students to use to help activate, energize and stimulate their brains.

Community Involvement - an integrated family, school, district, and community approach for enhancing the health and well-being of students.

Community School - A community school is both a place and a set of partnerships between the school and other community resources. Its integrated focus on academics, health and social services, youth and community development and community engagement leads to improved student learning, stronger families and healthier communities. Community schools offer a personalized programming that emphasizes real-world learning and community problem-solving. Schools become centers of the community and are open to everyone.

Comprehensive Health Education - A comprehensive school health program is an integrated set of planned, sequential, age appropriate school-affiliated strategies, activities, and services designed to promote the optimal physical, emotional, social, and educational development of students.

Culturally and Linguistically Appropriate Services (CLAS) - The National CLAS Standards are a set of 15 action steps intended to advance health equity, improve quality, and help eliminate health care disparities by providing a blueprint for individuals and health and health care organizations to implement culturally and linguistically appropriate services.

(Continued)
SUBJECT: DISTRICT WELLNESS POLICY: MAKING HEALTH ACADEMIC (Cont'd.)

Evidence-Based Program (commonly referred to as or EBPs; solid research) - are based on rigorous study of the effects or outcomes of specific interventions or model programs. They demonstrate reliable and consistently positive changes in important health-related and functional measures.

Dignity for All Students Act - or commonly referred to as DASA; New York State’s Dignity for All Students Act seeks to provide the State’s public elementary and secondary school students with a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying on school property, a school bus and/or at a school function.

Guidelines for Disability Inclusion in Physical Activity, Nutrition and Obesity Programs - As part of the National Center on Health, Physical Activity, and Disability (NCHPAD), the Center on Disability at the Public Health Institute (COD-PHI) has developed these Guidelines for Disability Inclusion in Physical Activity, Nutrition, and Obesity Program Initiatives to assist in the updating of community health programs and policies to be inclusive of the needs of people with disabilities. The guidelines were generated based upon previously recommended guidelines and structured input and review from a panel of national experts.

Local or District Wellness Policy - a local/District wellness policy (“Wellness Policy”) is a written document that guides a local educational agency’s (LEA) or school district’s efforts to establish a school environment that promotes students’ health, well-being, and ability to learn.

Parents or families – These terms are used interchangeable and include caregivers who are legal responsible for a child in BPS. This term refers to all families of students in BPS including families of English Language Learners, Multilingual Learners, and students with disabilities.

Professional Development - is learning to gain knowledge and skills in specialized training, formal education, or advanced professional learning intended to help administrators, teachers, staff, parents and students to improve their professional/personal knowledge, competence, skill, and effectiveness. It has been described as intensive and collaborative, ideally incorporating an evaluative stage.

School Health Index Needs Assessment Tool (commonly referred to as School Health Index (SHI) - Self-Assessment & Planning Guide 2014 is an online self-assessment and planning tool that schools can use to improve their health and safety policies and programs. The tool is utilized by a school wellness team to assess all of the areas of the WSCC Model and to create a plan for improvement to address identified needs in each school. The WSCC Plan is then written into the school improvement plan.

New York State Heart Check – this tool is utilized by the school-level WSCC Teams to assess how heart healthy a school building is; each SWT conducts this assessment every three years for their school.

Research-Based Program – an evidence-based or grounded in research is founded on an accumulation of facts that have been obtained by research.

(Continued)
SUBJECT: DISTRICT WELLNESS POLICY: MAKING HEALTH ACADEMIC (Cont'd.)

Youth Risk Behavior Surveillance Survey (YRBSS) - The Youth Risk Behavior Survey (YRBS) is an American biennial survey of adolescent health risk and health protective behaviors such as smoking, drinking, drug use, diet, and physical activity conducted by the Centers for Disease Control and Prevention. This tool is used by each school in the District to collect health risk behavior data on all students in grades 6-12 every two years; typically in the first week of October on odd years.

Whole School, Whole Community, Whole Child (WSCC) Model - an ecological approach that is directed at the whole school, with the school in turn drawing its resources and influences from the whole community and serving to address the needs of the whole child. ASCD and the U.S. Centers for Disease Control and Prevention (CDC) encourage use of the model as a framework for improving students' learning and health in the nation’s schools. The Whole School, Whole Community, Whole Child (WSCC) model combines and builds on elements of the traditional coordinated school health approach and the whole child framework by 1) responding to the call for greater alignment, integration, and collaboration between education and health to improve each child's cognitive, physical, social, and emotional development, 2) incorporating the components of a coordinated school health program around the tenets of a whole child approach to education, and 3) providing a framework to address the symbiotic relationship between learning and health.

WSCC Advisory Board – formerly called the District Health Council; helps to inform and guide the implementation work of the Whole School, Whole Community, Whole Child (WSCC) Model including the work of the District WSCC Advisory Board Well-Being Committees and school WSCC Teams. Membership includes students, parents, community partners, BPS employees and WSCC Advisory Board Well-Being Committee representation.


WSCC Team Leader(s) – District employee(s) assigned a “WSCC Team Leader duty” to lead the WSCC Team in their school; preference is for a District employee, parent and student to share leadership responsibilities for the School WSCC Teams.

WSCC Team Administrative Leader – Administrator assigned by the school’s principal to oversee and attend all WSCC Team activities; either principal or assistant principal.

WSCC Engagement Leaders – “Engagement Leaders” are the District Wellness Leaders, parent wellness leaders, student wellness leaders and the administrator assigned to oversee the WSCC Team.

(Continued)
SUBJECT: DISTRICT WELLNESS POLICY: MAKING HEALTH ACADEMIC (Cont'd.)

Nutrition Guidelines and Implementation Plan:

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<tr>
<td><strong>Breakfast Program</strong></td>
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<tr>
<td>High Schools lack access to breakfast in the classroom. Total sugar is at or below 30% by weight (includes naturally occurring and added sugars) of the product served. Exemption for fruits and vegetables.</td>
<td>Work with HYPE to increase awareness of breakfast access</td>
<td>Select 5 High Schools to implement Grab and Go</td>
<td>Select 5 High Schools to implement Grab and Go</td>
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<tr>
<td><strong>Lunch Program</strong></td>
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<tr>
<td><strong>Vegetables</strong></td>
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| Offering 5 different vegetables once/week (dark green, red, orange)  
Beans 2/month  
| **Fruits**              |         |         |         |
| Providing fresh fruit daily and offering a variety of fruit daily  
At least five different fruits will be offered each week (fresh, frozen, canned, dried, or 100% juice). Dried fruit will have no added sweetener; canned fruit packed in juice or light syrup; 100% juice can be counted as a fruit only once per week. Variety of fresh fruit will be served daily | Continuing 2016-2017 Standards | Continuing 2016-2017 Standards | Continuing 2016-2017 Standards |

(Continued)
**SUBJECT:** DISTRICT WELLNESS POLICY: MAKING HEALTH ACADEMIC (Cont'd.)

Nutrition Guidelines and Implementation Plan (Cont'd.):

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<td><strong>Lunch Program (Cont'd.)</strong></td>
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<tr>
<td>Offering whole grain/day</td>
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<td><strong>Sodium</strong></td>
<td>Continuing 2016-2017 Standards</td>
<td>Continuing 2016-2017 Standards</td>
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<td>At or below USDA weekly average sodium intake recommendations</td>
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<td>Provide according to USDA Regulations</td>
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<tr>
<td><strong>Sold Snacks</strong></td>
<td>Continuing 2016-2017 Standards</td>
<td>Continuing 2016-2017 Standards</td>
<td>Continuing 2016-2017 Standards</td>
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<tr>
<td>Snacks</td>
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<td>Limit 1/student PK-8</td>
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<td>Limited 2/student 9-12</td>
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<tr>
<td><strong>OTHER Foods offered in School</strong></td>
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<tr>
<td>No criteria for foods provided in school for parties, celebration, incentives</td>
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<td>Provide Education to teachers and staff regarding Nutrition Standards for other foods</td>
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<td>Provide education to parents Provide access for foods consistent with the regulations for families to purchase through food service</td>
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<td>Adopt and implement policies that require schools hold healthy celebrations and prohibit using food as a reward, withholding food as punishment, and advertising unhealthy food/beverages on school grounds</td>
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<tr>
<td><strong>Fundraising</strong></td>
<td>Incorporate fundraising activities that use only healthy foods, involve physical activity or sell nonfood items</td>
<td>Encourage non-food items for fundraising</td>
<td>Adopt and implement policies that require schools to provide fundraising opportunities that do not involve food</td>
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<tr>
<td>No criteria</td>
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SUBJECT: DISTRICT WELLNESS POLICY: MAKING HEALTH ACADEMIC (Cont'd.)

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<tr>
<td><strong>Environment</strong></td>
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<tr>
<td>No Criteria for serving line standards</td>
<td>Train Food Service staff on Smarter Lunchroom best practices, and the link between nutritious food and learning, with administration, teachers, kitchen staff, students and families</td>
<td>Complete a Smarter Lunchroom baseline assessment with students, kitchen staff, and School Health Team member Smarter Lunchroom techniques are used to:  • Encourage fruit consumption  • Vegetable consumption  • Dry beans and peas consumption</td>
<td>Pilot at least three Smarter Lunchroom techniques for a month (e.g., place nutritious foods like broccoli at the beginning of the lunch line: re-name food – give healthy food choices more creative, descriptive names; use attractive fruit baskets/bowls instead of stainless steel pans or chaffing dishes)</td>
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<td>No Criteria for length of time for lunch</td>
<td>Survey schools regarding lunch period time frames</td>
<td>Work with HYPE to encourage 33 min lunch time Inform public about lunch duration and solicit input from students and community members regarding adequate amount of time allotted for lunch</td>
<td>Propose minimum 33 min lunch periods</td>
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<tr>
<td>Physical Environment No Criteria</td>
<td>Work with Schools to develop standards for creating cafeteria environment Engage Plant Services Department and Building engineer</td>
<td>Purchase Materials for select schools Train Staff</td>
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SUBJECT: DISTRICT WELLNESS POLICY: MAKING HEALTH ACADEMIC (Cont'd.)

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<tr>
<td><strong>Nutrition Education and Promotion</strong></td>
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<tr>
<td>Farm to Schools – Taste Tests at 12 schools</td>
<td>Train Food Service Staff on F2S program</td>
<td>Train Teachers on F2S program Harvest of the Month</td>
<td>F2S Taste Test Thursday in all schools</td>
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<td>Harvest of the Month Purchase Materials</td>
<td>Roll out Taste Test Thursday F2S to all schools</td>
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<tr>
<td>CATCH – at 12 schools</td>
<td>Train Food Service Staff and Teachers</td>
<td>Train Teachers</td>
<td>Implement in all schools</td>
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<td>Purchase Materials</td>
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<tr>
<td>Gardens – 18 Schools</td>
<td>Train School Staff Purchase Materials</td>
<td>Train School staff on using garden as a laboratory and in garden management</td>
<td>Continue efforts in all schools</td>
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<tr>
<td>No criteria for collaborative efforts</td>
<td>Coordinate Bi-annual meetings with providers to collaborate and support efforts</td>
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<td>Implement in all schools</td>
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<td>• Breakfast in the Classroom</td>
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<td>• After school program with an After School Snack Program or at-risk after school meals meeting the CACFP component</td>
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<td>Partner with a Chef in the <em>Chefs Move to Schools</em> Program</td>
<td>Sponsor a non-competitive afterschool physical activity</td>
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(Continued)
SUBJECT: DISTRICT WELLNESS POLICY: MAKING HEALTH ACADEMIC (Cont'd.)

Nutrition Guidelines and Implementation Plan (Cont'd.):

|-------------------------|---------|---------|---------|
| Other Criteria for Excellence (Cont'd.) | • F2S includes enjoyable, developmentally-appropriate, culturally-relevant, participatory activities, such as contests, promotions, taste testing, farm visits, and school gardens  
• F2S promotes fruits, vegetables, whole grain products, low-fat and fat-free dairy products, healthy food preparation methods, and health enhancing nutrition practices  
• F2S emphasizes caloric balance between food intake and energy expenditure  
• F2s links with school meal programs, other school foods, and nutrition-related community services  
• F2S media literacy with an emphasis on food marketing  
• F2S includes training for teachers and other staff | (Continued) |
SUBJECT: DISTRICT WELLNESS POLICY: MAKING HEALTH ACADEMIC (Cont'd.)

National School Lunch Act, 42 USC § 1758(b)
National School Lunch Program and School Breakfast Program regulations, 7 CFR § 210.11
Local School Wellness Policy Implementation Under the Healthy, Hunger-Free Kids Act of 2010; 79 FR 10693
Education Law § 915
8 NYCRR § 135.4

NOTE: Refer also to Policy # 5660 -- School Food Service Program (Lunch and Breakfast)
SUBJECT: RECORDS MANAGEMENT

The Superintendent will designate a Records Management Officer, subject to Board approval, to develop and coordinate the District's orderly and efficient records management program. Among other aspects, this program includes the legal disposition or destruction of obsolete records and the storage and management of inactive records. The Records Management Officer will work with other District officials to develop and maintain this program.

The District may create a Records Advisory Board to assist in establishing and supporting the records management program. Members of this board may include the District's legal counsel, the fiscal officer, and the Superintendent or designee.

Retention and Disposition of Records

The Superintendent will retain records for such a period and dispose of them in the manner described in Records Retention and Disposition Schedule ED-1 or as otherwise approved by the Commissioner of Education.

Replacing Original Records with Microforms or Electronic Images

The District will follow procedures prescribed by the Commissioner of Education to ensure accessibility for the life of any microform or electronic records that replace paper originals or micrographic copies.

Retention and Preservation of Electronic Records

The District will ensure that records retention requirements are incorporated into any program, plan, or process for design, redesign, or substantial enhancement of an information system that stores electronic records. The District will also ensure that electronic records are not rendered unusable because of changing technology before their retention and preservation requirements expire.

Arts and Cultural Affairs Law § 57.19
8 NYCRR Part 185

Adoption Date
SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS

In accordance with the Federal Trade Commission's (FTC) "Disposal Rule," and in an effort to protect the privacy of consumer information, reduce the risk of fraud and identity theft, and guard against unauthorized access to or use of the information, the District will take appropriate measures to properly dispose of sensitive information (i.e., personal identifiers) contained in or derived from consumer reports and records. The District may determine what measures are reasonable based on the sensitivity of the information, the costs and benefits of different disposal methods, and changes in technology.

The term "consumer report" includes information obtained from a consumer reporting company that is used—or expected to be used—in establishing a consumer's eligibility for employment or insurance, among other purposes. The term "employment purposes" when used in connection with a consumer report means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment, or retention as an employee.

The FTC Disposal Rule defines "consumer information" as "any record about an individual, whether in paper, electronic, or other form, that is a consumer report or is derived from a consumer report. Consumer information also means a compilation of these records. Consumer information does not include information that does not identify individuals, such as aggregate information or blind data."

Information Covered by the Disposal Rule

There are a variety of personal identifiers beyond simply a person's name that would bring information within the scope of the Disposal Rule, including, but not limited to, a social security number, driver's license number, phone number, physical address, and email address. Depending upon the circumstances, data elements that are not inherently identifying can, in combination, identify particular individuals.

Proper Disposal

The District will utilize disposal practices that are reasonable and appropriate to prevent the unauthorized access to—or use of—information contained in or derived from consumer reports and records. Reasonable measures to protect against unauthorized access to or use of consumer information in connection with District disposal include the following examples.

a) Burning, pulverizing, or shredding of papers containing consumer information so that the information cannot practicably be read or reconstructed;

b) Destroying or erasing electronic media containing consumer information so that the information cannot practicably be read or reconstructed;

(Continued)
SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS
(Cont'd.)

c) After due diligence, entering into and monitoring compliance with a contract with another party engaged in the business of record destruction to dispose of material, specifically identified as consumer information, in a manner consistent with the Disposal Rule. In this context, due diligence could include:

1. Reviewing an independent audit of the disposal company's operations and/or its compliance with the Disposal Rule;

2. Obtaining information about the disposal company from several references or other reliable sources;

3. Requiring that the disposal company be certified by a recognized trade association or similar third party;

4. Reviewing and evaluating the disposal company's information security policies or procedures;

5. Taking other appropriate measures to determine the competency and integrity of the potential disposal company; or

6. Requiring that the disposal company have a certificate of registration from the New York Department of State issued on or after October 1, 2008.

d) For persons (as defined in accordance with the Fair Credit Reporting Act) or entities who maintain or otherwise possess consumer information through their provision of services directly to a person subject to the Disposal Rule, monitoring compliance with policies and procedures that protect against unauthorized or unintentional disposal of consumer information, and disposing of this information in accordance with examples a) and b) above.

Implementation of Practices and Procedures

The Board delegates to the Superintendent or designee the authority and responsibility to review current practices regarding the disposal of consumer information; and to implement such further reasonable and appropriate procedures, including staff training as necessary, to ensure compliance with the FTC's Disposal Rule.

The Fair Credit Reporting Act, 15 USC § 1681 et seq.
The Fair and Accurate Credit Transactions Act of 2003, Public Law §§ 108-159
General Business Law Article 39-G
19 NYCRR § 199

Adoption Date
SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION

The District values the protection of private information of individuals in accordance with applicable law and regulations. The District is required to notify affected individuals when there has been or is reasonably believed to have been a compromise of the individual's private information in compliance with the Information Security Breach and Notification Act and Board policy.

a) "Private information" means **personal information 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:

1. Social security number;
2. Driver's license number or non-driver identification card number; or
3. 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.

"Private information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

**"Personal information" means any information concerning a person which, because of name, number, symbol, mark or other identifier, can be used to identify that person.

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

Determining if a Breach Has Occurred

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or person without valid authorization, the District may consider the following factors, among others:

a) Indications that the information is in the physical possession or control of an unauthorized person, such as a lost or stolen computer or other device containing information;

b) Indications that the information has been downloaded or copied;

(Continued)
SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont’d.)

c) Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported; or

d) System failures.

Notification Requirements

a) For any computerized data owned or licensed by the District that includes private information, the District will disclose any breach of the security of the system following discovery or notification of the breach to any New York State resident whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure to affected individuals will be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. The District will consult with the State Office of Information Technology Services to determine the scope of the breach and restoration measures.

b) For any computerized data maintained by the District that includes private information which the District does not own, the District will notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The notification requirement may be delayed if a law enforcement agency determines that the notification impedes a criminal investigation. The required notification will be made after the law enforcement agency determines that the notification does not compromise the investigation.

Methods of Notification

The required notice will be directly provided to the affected persons by one of the following methods:

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 a log of each such notification is kept by the District when notifying affected persons in electronic form. However, in no case will the District require a person to consent to accepting such notice in electronic form as a condition of establishing any business relationship or engaging in any transaction;

c) Telephone notification, provided that a log of each notification is kept by the District when notifying affected persons by phone; or

(Continued)
SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)

d) Substitute notice, if the District demonstrates to the State Attorney General that the cost of providing notice would exceed $250,000, or that the affected class of subject persons to be notified exceeds 500,000, or that the District does not have sufficient contact information. Substitute notice will consist of all of the following:

1. Email notice when the District has an email address for the subject persons;

2. Conspicuous posting of the notice on the District's website page, if the District maintains one; and

3. Notification to major statewide media.

Regardless of the method by which notice is provided, the notice will include contact information for the notifying District and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired.

In the event that any New York State residents are to be notified, the District will notify the New York State Attorney General (AG), the New York State Department of State, and the New York State Office of Information Technology Services as to the timing, content, and distribution of the notices and approximate number of affected persons.

In the event that more than 5,000 New York State residents are to be notified at one time, the District will also notify consumer reporting agencies, as defined in State Technology Law Section 208, as to the timing, content, and distribution of the notices and approximate number of affected persons. This notice will be made without delaying notice to affected New York State residents. A list of consumer reporting agencies will be compiled by the AG and furnished upon request to school districts required to make a notification in accordance with State Technology Law Section 208(2), regarding notification of breach of security of the system for any computerized data owned or licensed by the District that includes private information.

State Technology Law §§ 202 and 208
SUBJECT: EMPLOYEE PERSONAL IDENTIFYING INFORMATION

The District will restrict the use and access to employee personal identifying information. As defined in law, "personal identifying information" includes social security number, home address or telephone number, personal electronic mail address, Internet identification name or password, parent's surname prior to marriage, or driver's license number.

The District will not unless otherwise required by law:

a) Publicly post or display an employee's social security number;

b) Visibly print a social security number on any identification badge or card, including any time card;

c) Place a social security number in files with unrestricted access; or

d) Communicate an employee's personal identifying information to the general public.

A social security number will not be used as an identification number for purposes of any occupational licensing.

District staff will have access to this policy, informing them of their rights and responsibilities in accordance with Labor Law Section 203-d. District procedures for safeguarding employee "personal identifying information" will be evaluated; and employees who have access to this information as part of their job responsibilities will be advised as to the restrictions on release of this information in accordance with law.

Labor Law § 203-d

Adoption Date
SUBJECT: DATA NETWORKS AND SECURITY ACCESS

The District values the protection of private information of individuals in accordance with applicable law, regulations, and best practice. Accordingly, District officials and Information Technology (IT) staff will plan, implement, and monitor IT security mechanisms, procedures, and technologies necessary to prevent improper or illegal disclosure, modification, or denial of sensitive information in the District Computer System (DCS). Similarly, IT mechanisms and procedures will also be implemented in order to safeguard District technology resources, including computer hardware and software. District network administrators may review District computers to maintain system integrity and to ensure that individuals are using the system responsibly. Users should not expect that anything stored on school computers or networks will be private.

In order to achieve the objectives of this policy, the Board entrusts the Superintendent or designee to:

a) Inventory and classify personal, private, and sensitive information on the DCS to protect the confidentiality, integrity, and availability of information;

b) Develop password standards for all users including, but not limited to, how to create passwords and how often passwords should be changed by users to ensure security of the DCS;

c) Ensure that the "audit trail" function is enabled within the District's network operating system, which will allow the District to determine on a constant basis who is accessing the DCS, and establish procedures for periodically reviewing audit trails;

d) Develop procedures to control physical access to computer facilities, data rooms, systems, networks, and data to only authorized individuals; these procedures may include ensuring that server rooms remain locked at all times and the recording of arrival and departure dates and times of employees and visitors to and from the server room;

e) Establish procedures for tagging new purchases as they occur, relocating assets, updating the inventory list, performing periodic physical inventories, and investigating any differences in an effort to prevent unauthorized and/or malicious access to these assets;

f) Periodically grant, change, and terminate user access rights to the overall networked computer system and to specific software applications and ensure that users are given access based on, and necessary for, their job duties;

g) Limit user access to the vendor master file, which contains a list of vendors from which District employees are permitted to purchase goods and services, to only the individual who is responsible for making changes to this list, and ensure that all former employees' access rights to the vendor master list are promptly removed;

(Continued)
SUBJECT: DATA NETWORKS AND SECURITY ACCESS (Cont'd.)

h) Determine how, and to whom, remote access should be granted, obtain written agreements with remote access users to establish the District's needs and expectations, as appropriate, and monitor and control remote access;

i) Verify that laptop computer systems assigned to teachers and administrators use full-disk encryption software to protect against loss of sensitive data;

j) Deploy software to servers and workstations to identify and eradicate malicious software attacks such as viruses and malware;

k) Develop a disaster recovery plan appropriate for the size and complexity of District IT operations to ensure continuous critical IT services in the event of any sudden, catastrophic event, including, but not limited to fire, computer virus, or deliberate or inadvertent employee action.
SUBJECT: STUDENT GRADING INFORMATION SYSTEMS

Student performance is assessed in many ways, but primarily through assigned grades. The District will help ensure the integrity of student grades by controlling access to its grading information system and by approving modifications to grades where warranted.

The System

The District utilizes an electronic software system that contains a record of student performance, credit accumulation, report cards, and a transcript. More specifically, the system includes class rosters where teachers enter student grades and track their students’ academic progress. The system is used to generate student report cards and transcripts, and to maintain all student grading records.

To protect student data in the system, the District will first establish who has the authority to grant, change, or terminate user access. The personnel with this authority will be very limited. Further, if the grading system has a feature that allows one user or account to assume the identity of another user or account, the District will restrict or disable that feature. These types of features could allow a user greater access than intended, including inheriting permissions of another user that are greater than the user’s.

System Access

The District will create categories of system users and assign appropriate system permissions to each. Users’ permissions will be compatible with and restricted by their roles and job duties; their access will be as restrictive as possible. Typically, teachers will have the ability to enter, update, and modify grades each marking period before a predetermined lockout date. The lockout function will be consistently used throughout the school year to help prevent grade modifications without authorization after a marking period closes. Through increased system permissions, other individuals—such as non-classroom teachers, guidance counselors, information technology (IT) staff, clerical staff, and support staff—will be able to view or modify grades.

The District will work with its IT, human resources, and other appropriate departments to determine how best to timely establish access rights, add users, deactivate or modify user accounts, and monitor user accounts. As appropriate, the District will develop further IT controls that protect against improper access and promote data security. Further, the District recognizes that system access is most secure when District-owned devices are used. Accordingly, staff should only use District-owned devices to view, enter, or modify student grades and comments.

Grade Changes

Once the lockout period begins, only authorized users identified by the District may change grades, and only under certain circumstances. The system will recognize when grades change, and a log of modified grades may then be viewed and printed. Any grade mismatches will be reconciled before the next marking period closes or before the end of the school year, whichever is earlier.

(Continued)
SUBJECT: STUDENT GRADING INFORMATION SYSTEMS (Cont’d.)

The staff member seeking to change a grade will submit a grade-change form signed by the requesting party, the teacher who assigned the original grade, and the appropriate administrator. This form and all other documents supporting a grade modification will be electronically filed in the grading system or filed in a non-electronic system—if electronic filing is impossible or impractical—and maintained for six years. The personnel seeking the modification should specify one or more reasonable grounds for the grade change on the form. There must be reasonable grounds to alter a grade. The reasons may include:

a) Data entry error;
b) Computational error;
c) A modification based on work submitted or considered after the lockout date;
d) Changing an incomplete grade to a regular grade because a student completed course requirements;
e) Credit recovery coursework;
f) Administrative change; or
g) Other acceptable justifications.

Audit Log and Monitoring

The District’s grading system will have an audit log or grade-change report function that records certain system activities, including modifications to grades. The District will periodically monitor audit logs or grade-change reports to confirm the integrity of the system, to ensure proper access by personnel, and to confirm that modifications within the system are appropriate and completed in a timely manner. The District will also periodically monitor user accounts and rights so that the permissions granted are proper and the minimum necessary for each user or user group. To the extent feasible, the District will make sure that user accounts are current and updated regularly. The District will be able to print user information, logs, reports, and other documents from the student grading information system, as needed.

Student Transcripts

Student transcripts may show all credit-bearing classes; final grades; test scores; grade-point average; class rank; diploma type; SAT, ACT, and other standardized test scores; and graduation date. The same controls, protections, and monitoring applicable to student grading information apply equally to student transcripts.

Adoption Date
SUBJECT: SCHOOL SAFETY PLANS

The District considers the safety of its students and staff to be of the utmost importance and is keenly aware of the evolving nature of threats to schools. As such, it will address those threats accordingly through appropriate emergency response planning. The District-wide school safety plan and the building-level emergency response plan will be designed to prevent or minimize the effects of serious violent incidents and emergencies and to facilitate the coordination of schools and the District with local and county resources in the event of these incidents or emergencies.

These plans will be reviewed by the appropriate team on at least an annual basis and updated as required by New York State Education Department (NYSED). Specifically, the Board will make the District-wide school safety plan available for public comment at least 30 days prior to its adoption. The District-wide school safety plans may only be adopted by the Board after at least one public hearing that provides for the participation of school personnel, parents, students, and any other interested parties. Additionally, the District-wide school safety plan will designate the Superintendent or designee as the chief emergency officer responsible for coordinating communication between school staff and law enforcement and first responders, and for ensuring staff understanding of this plan. Similarly, the Superintendent will be responsible for ensuring the completion and yearly updating of building-level emergency response plans.

District-Wide School Safety Plan

District-wide school safety plan means a comprehensive, multi-hazard school safety plan that covers all school buildings of the District, addresses crisis intervention, emergency response and management at the District level, and has the contents as prescribed in Education Law and Commissioner's regulations.

The District-wide school safety plan will be developed by the District-wide school safety team appointed by the Board. The District-wide team will include, but not be limited to, representatives of the Board, student (for the high schools), teacher, administrator, and parent organizations, school safety personnel, and other school personnel.

The plan will further address, among other items as set forth in Education Law and Commissioner's regulations, how the District will respond to implied or direct threats of violence by students, teachers, other school personnel as well as visitors to the school, including threats by students against themselves (e.g., suicide).

(Continued)
SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

Building-Level Emergency Response Plan

Building-level emergency response plan means a plan that addresses crisis intervention, emergency response and management at the building level and has the contents as prescribed in Education Law and Commissioner's regulations. As part of this plan, the District will define the chain of command in a manner consistent with the National Incident Management System (NIMS)/Incident Command System (ICS).

The building-level emergency response plan will be developed by the building-level emergency response team. The building-level emergency response team is a building-specific team appointed by the building principal, in accordance with regulations or guidelines prescribed by the Board. The building-level team will include, but not be limited to, representatives of teacher, administrator, and parent organizations, school safety personnel and other school personnel, community members, law enforcement officials, fire officials, or other emergency response agencies, and any other representatives the Board deems appropriate.

Classroom door vision panels will not be covered except as outlined in the building-level emergency response plan.

Training Requirement

The District will submit certification to the New York State Education Department that all District and school staff have received annual training on the emergency response plan, and that this training included components on violence prevention and mental health. New employees hired after the start of the school year will receive training within 30 days of hire, or as part of the District's existing new hire training program, whichever is sooner.

Filing/Disclosure Requirements

The District will file a copy of its District-wide school safety plan and any amendments with the Commissioner of Education no later than 30 days after its adoption. A copy of each building-level emergency response plan and any amendments will be filed with the appropriate local law enforcement agency and with the state police within 30 days of its adoption. Building-level emergency response plans will be kept confidential and are not subject to disclosure under the Freedom of Information Law (FOIL) or any other provision of law.
SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN PUBLIC SCHOOL FACILITIES

The District will provide and maintain on-site in each instructional school facility functional cardiac automated external defibrillator (AED) equipment as defined in Public Health Law Section 3000-b for use during emergencies. Each facility will have sufficient AED equipment available to ensure ready and appropriate access for use during emergencies in quantities and types as deemed by the Commissioner of Education, in consultation with the Commissioner of Health. Determination of the quantity and placement of AEDs must be made with consideration of at least the factors described in Commissioner's regulations. An instructional school facility means a building or other facility maintained by the District where instruction is provided to students in accordance with its curriculum.

Whenever an instructional school facility is used for a school sponsored or school-approved curricular or extracurricular event or activity, and whenever a school sponsored athletic contest is held at any location, the public school officials and administrators responsible for the school facility or athletic contest will ensure that AED equipment is provided on-site and that there is present during that event, activity, or contest at least one staff person who is trained in accordance with Public Health Law in the operation and use of an AED. School sponsored or school-approved curricular or extracurricular events or activities mean events or activities of the District that are, respectively, associated with its instructional curriculum or otherwise offered to its students. A school sponsored athletic contest means an extraclass intramural athletic activity of instruction, practice, and competition for students in grades 4 through 12 consistent with Commissioner's regulations.

Where a school sponsored competitive athletic event is held at a site other than a District facility, District officials will ensure that AED equipment is provided on-site by the sponsoring or host district and that at least one staff person who is trained in the operation and use of the AED, in accordance with Public Health Law, is present during the athletic event. A school sponsored competitive athletic event means an extraclass interscholastic athletic activity of instruction, practice, and competition for students in grades 7 through 12 consistent with Commissioner's regulations.

The District will provide proper training requirements for District AED users to ensure the immediate calling of 911 or the community equivalent ambulance dispatch entity whenever the AED is used, to ensure ready identification of the location of the AED units as set forth in the District's Public Access Defibrillation Collaborative Agreement.

The District will provide for regular maintenance and checkout procedures of the AED unit(s) which meet or exceed manufacturer's recommendations. Appropriate documentation will be maintained in accordance with law and/or regulation. Further, the District will participate in the required Quality Improvement Program as determined by the Regional Emergency Medical Services Council.

The District will post a sign or notice at the main entrance to the facility or building in which the AED unit(s) is stored, indicating the exact location where the unit(s) is stored or maintained on a regular basis.

(Continued)
SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN PUBLIC SCHOOL FACILITIES (Cont'd.)

The District or any employee or other agent of the District who, in accordance with the provisions of law, voluntarily and without expectation of monetary compensation, renders emergency medical or first aid treatment using an AED to a person who is unconscious, ill, or injured, will not be liable for damages for injury or death unless caused by gross negligence.

Education Law § 917
Public Health Law §§ 3000-a and 3000-b
8 NYCRR §§ 135.4 and 136.4
SUBJECT: FIRE AND EMERGENCY DRILLS, BOMB THREATS, AND BUS EMERGENCY DRILLS

Fire and Emergency Drills

The administration of each school building will instruct and train students on appropriate emergency responses, through fire and emergency drills, in the event of a sudden emergency.

Fire and emergency drills will be held at least 12 times in each school year; eight of these will be completed by December 31. Eight of all drills will be evacuation drills, four will be through use of the fire escapes on buildings where fire escapes are provided or identified secondary exits. The other four drills will be lock-down drills. Drills will be conducted at different times of the school day. Students will also be instructed in the procedures to be followed in the event that a fire occurs during the regular school lunch period or assembly, however, this additional instruction may be waived if a drill is held during the regular lunch period or assembly.

Summer School

At least two additional drills will be held during summer school in buildings where summer school is held, and one of these drills will be held during the first week of summer school.

After-School Programs, Events, or Performances

The building principal or designee will require those in charge of after-school programs, events, or performances attended by any individuals unfamiliar with that school building, to announce at the beginning of these programs the procedures to be followed in the event of an emergency.

Bomb Threats

School Bomb Threats

A bomb threat, even if later determined to be a hoax, is a criminal act. No bomb threat should be treated as a hoax when it is first received. Upon receiving any bomb threat, the school has an obligation and responsibility to ensure the safety and protection of the students and other occupants of the school. This obligation takes precedence over a search for a suspect object. Prudent action is dependent upon known information about the bomb threat-location, if any; time of detonation; etc. Specific procedures as to appropriate responses as a result of a bomb threat can be located in the building-level emergency response plan, as required by relevant law and regulation.
SUBJECT: FIRE AND EMERGENCY DRILLS, BOMB THREATS, AND BUS EMERGENCY DRILLS (Cont'd.)

Police Notification and Investigation

Appropriate law enforcement agencies must be notified by the building administrator or designee of any bomb threat as soon as possible after receiving the threat. Law enforcement officials will contact, as the situation requires, fire and/or county emergency coordinators according to the county emergency plan.

Implementation

The Superintendent or designee will develop written procedures to implement the terms of this policy. Additionally, these procedures will be incorporated in the District-wide school safety plan and the building-level emergency response plan, with provisions to provide written information to all staff and students regarding emergency procedures by October 1 of each school year, an annual drill to test the emergency response procedures under each of its building-level emergency response plans; and the annual review of the District-wide and building-level emergency response plans, along with updates as necessary, by September 1, as mandated by law or regulation.

Bus Emergency Drills

The administration will conduct a minimum of three emergency drills to be held on each school bus during the school year. The first drill will be conducted during the first seven days of school, the second drill between November 1 and December 31, and the third drill between March 1 and April 30. No drills will be conducted when buses are on routes.

Students who ordinarily walk to school will also be included in the drills. Students attending public and nonpublic schools who do not participate in regularly scheduled drills will also be provided drills on school buses, or as an alternative, will be provided classroom instruction covering the content of these drills.

Each drill will include practice and instruction in the location, use, and operation of the emergency door, fire extinguishers, first-aid equipment, and windows as a means of escape in the event of fire or accident. Similarly, students will be instructed on all topics mandated by relevant sections of the Education Law and Commissioner's regulations, including, but not limited to, the following:

a) Safe boarding and exiting procedures with specific emphasis on when and how to approach, board, disembark, and move away from the bus after disembarking;

b) Advancing at least ten feet in front of the bus before crossing the highway after disembarking; and

c) Orderly conduct as bus passengers.

(Continued)
SUBJECT: FIRE AND EMERGENCY DRILLS, BOMB THREATS, AND BUS EMERGENCY DRILLS (Cont'd.)

Instruction on Use of Seat Belts

When students are transported on school buses equipped with seat safety belts, the District will ensure that all students who are transported on any school bus owned, leased, or contracted for by the District will receive instruction on the use of seat safety belts. This instruction will be provided at least three times each year to both public and nonpublic school students who are so transported and will include, but not be limited to:

a) Proper fastening and release of seat safety belts;

b) Acceptable placement of seat safety belts on students;

c) Times at which the seat safety belts should be fastened and released; and

d) Acceptable placement of the seat safety belts when not in use.

Education Law §§ 807, 2801-a and 3623
Penal Law §§ 240.55, 240.60 and 240.62
8 NYCRR §§ 155.17, 156.3(f), 156.3(g), and 156.3(h)(2)
SUBJECT: USE OF SURVEILLANCE CAMERAS IN THE DISTRICT AND ON SCHOOL BUSES

It is the Board's responsibility to ensure the safety of the District's students, staff, facilities, and property. While the Board recognizes the importance of privacy, it has authorized the use of surveillance cameras on District property including in school buildings, school facilities, as well as on school buses, when necessary. These surveillance cameras will help to assist the Board in maintaining the overall safety and welfare of the District's students, staff, property, and visitors, as well as to deter theft, violence, and other criminal activities.

Further, surveillance cameras will only be placed in public or common areas, such as stairwells, hallways, cafeterias, parking lots, or playgrounds, and not in private areas such as locker rooms, bathrooms, or other areas in which individuals have a reasonable expectation of privacy. Audio recordings will not be utilized by the District officials, however, this prohibition may not preclude the use of audio recordings by law enforcement officials in accordance with their official duties or as otherwise authorized by law.

Disciplinary Proceedings

Video recordings or footage from District surveillance cameras may be used in student or employee (as permitted by any applicable collective bargaining agreement) disciplinary proceedings, as appropriate.

Signage/Notification

The District will place signage at entrances to the school campus or at major entrances into school buildings notifying students, staff, as well as any visitors of the District's use of surveillance cameras. Students and staff will also receive additional notification, as deemed appropriate by the Superintendent, regarding the use of its surveillance cameras through means such as publication in the District calendar, employee handbook, and/or the student handbook.

Maintenance of Video Recordings

Any video surveillance recording in the schools, on school buses, or on school property, on tape, CD, or digitally, will be the sole property of the District and stored in its original form and in a secure location to avoid tampering and also to ensure its confidentiality in accordance with relevant law and regulations.

In addition, to the extent that any video images create student or personnel records, the District will comply with all applicable state and federal laws related to record retention, record maintenance, and record disclosure, including the Family Educational Rights and Privacy Act ("FERPA").

Adoption Date
SUBJECT:  EXPOSURE CONTROL PROGRAM

The District will establish an exposure control program designed to prevent and control exposure to bloodborne pathogens. According to the New York State Department of Labor's Division of Safety and Health and Occupational Safety and Health Administration (OSHA) standards, the program will consist of:

a) Guidelines for maintaining a safe, healthy school environment to be followed by staff and students alike;

b) Written standard operating procedures for blood or body fluid clean-up;

c) Appropriate staff education and training;

d) Evaluation of training objectives;

e) Documentation of training and any incident of exposure to blood or body fluids;

f) A program of medical management to prevent or reduce the risk of pathogens, specifically hepatitis B and Human Immunodeficiency Virus (HIV);

g) Written procedures for the disposal of medical waste; and

h) Provision of protective materials and equipment for all employees who perform job-related tasks involving exposure or potential exposure to blood, body fluids, or tissues.

29 CFR § 1910.1030
SUBJECT:  COMMUNICABLE DISEASES

Whenever, upon investigation and evaluation by the Director of School Health Services or other health professionals acting upon his or her direction or referral, a student in the public schools shows symptoms of any communicable or infectious disease reportable under the public health law that imposes a significant risk of infection of others in the school, that student will be excluded from the school and sent home immediately. The Director of School Health Services will immediately notify a local public health agency of the disease.

Following absence on account of illness or from unknown cause, the Director of School Health Services may examine each student returning to a school without a certificate from a local public Health Officer, a duly licensed physician, physician assistant, or nurse practitioner.

The Director of School Health Services, or other health professionals acting upon his or her direction or referral, may make evaluations of teachers and any other school employees, school buildings and premises as, in their discretion, they may deem necessary to protect the health of the students and staff.

Education Law § 906
8 NYCRR §§ 136.3(h) and 136.3(i)
SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES

A student will not be denied the right to attend school or continue his or her education because he or she has been diagnosed with AIDS or any other human immunodeficiency virus (HIV)-related illness. In addition, an employee who has been similarly diagnosed will not be denied the right to continue his or her employment with the District based solely upon their AIDS/HIV status. The disclosure of confidential HIV-related information will be strictly limited.

Administrative procedures will be developed and implemented by the administration based on recommendations from the New York State Education Department and from consultation with appropriate professional and medical staff in the District.

The Superintendent will also establish protocols for routine sanitary procedures for dealing with the cleaning and handling of body fluids in school, with special emphasis placed on staff awareness.

Public Health Law Article 27-F

Adoption Date
SUBJECT: TRANSPORTATION PROGRAM

It is the intent of the Board of Education to comply with the letter and spirit of the New York State Education Law; with the regulations of the Department of Motor Vehicles and of the Department of Transportation and with the Commissioner of Education's regulations and decisions pertinent to student transportation, and these shall govern any questions not covered by specific declaration of policy herein. Pursuant to Board Policies #1410 -- Policy and Administrative Regulations and #4320 -- Superintendent-Board Relations, the Superintendent is authorized to issue such administrative regulations as he/she deems necessary and appropriate to implement the transportation policy of the Board and achieve its policy directives.

The purposes of the transportation program are:

1. To transport District resident students to and from schools within the boundaries of the City of Buffalo or to and from charter, private or parochial schools within 1/4 mile of the City of Buffalo border, consistent with fiscal responsibility, and

2. To transport District resident students attending school within the boundaries of the City of Buffalo for extracurricular activities and field trips.

The District will provide transportation for District resident students requiring special transportation accommodations pursuant to his or her Individualized Education Program (IEP) or a written accommodation plan pursuant to Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

Particularly given the limitations of fleet, human and financial resources, all private, parochial, charter or non-District schools with students receiving transportation services shall be expected to collaborate in a reasonable manner with the District in the scheduling of class hours and transportation. In addition, all private, parochial or charter schools outside the boundaries of the City of Buffalo who receive transportation shall be responsible for and ensure payment of all administrative expenses associated with such out-of-district transportation.

The Board of Education recognizes and assumes the responsibility for all aspects of the transportation of children wherein the health and safety of students are involved, for the Board of Education has a legal obligation to safeguard the welfare of bus-riding children.

Education Law §§ 2554, 3602(7), 3625, and 3635 et seq.

Adopted: 4/24/02
Revised: 6/24/09; 11/10/10; 8/6/15
SUBJECT:  SCHEDULING AND ROUTING

Bus routes are authorized by the Board of Education and any requests for a change must be submitted to the Superintendent or his/her designee.

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

Transportation services shall be provided for District resident students to and from schools located within the boundaries of the City of Buffalo or to and from charter, private or parochial schools within one-quarter mile of the City of Buffalo border, and as provided under Policy #5720 -- Transportation of Students.

Transportation services shall be provided to and from schools in accordance with the approved school calendar of the Buffalo Public Schools, and only on those days on which Buffalo Public School students are expected to attend school.

Education Law §§ 2554, 3621, 3625, and 3635

Adopted: 4/24/02
Revised: 6/24/09; 11/10/10; 8/6/15
SUBJECT: TRANSPORTATION OF STUDENTS

Eligibility for Transportation

Generally, the following students are eligible to receive transportation provided by the Buffalo City School District:

a) Students in grades K-8 attending schools more than .7 miles and less than fifteen miles walking distance from their home are eligible to receive transportation on yellow buses provided by Buffalo City School District ("BCSD"). Students in grades 9-12 attending schools more than 1.5 miles walking distance from their home are eligible for a transportation pass on public buses or trains operated by the Niagara Frontier Transportation Authority (NFTA) good within the boundaries of the City of Buffalo. The Board reserves the discretion, superseding any more limiting provision of the transportation policy, to provide transportation passes good for passage to and from schools outside of the city limits, for students enrolled in grades nine through twelve. A student's 'home' is defined as the legal residence of that student's parent or guardian. Legal residence must be within the boundaries of the Buffalo City School District.

b) Students in temporary housing who are eligible for assistance through the McKinney-Vento Act (Homeless Education), and

1. When the school district of the current location is designated as the school district the homeless child will attend, that school district must provide transportation to the homeless child on the same basis as it is provided to resident students. – NY Education Law 3209 (4)(d); 8 NYCRR 100.2 (x)(6)(iii).

2. If the homeless child designates the school district of origin or a school district participating in a regional placement plan, then that school district must provide transportation to and from the homeless child's temporary housing and school. Such transportation cannot exceed 50 miles one way, unless the Commissioner determines that it is in the best interest of the child. – NY Education Law 3209 (4)(6); 8 NYCRR 100.2 (x)(6)(iii).

3. Homeless children are entitled to transportation during any disputes regarding school selection and enrollment. 8 NYCRR §100.2(x)(7)(ii)(c). And

c) Students attending schools whose transportation pattern was developed as a result of the BCSD's response to Court Ordered Desegregation, and

d) Students with disabilities if they need these services to receive an appropriate education. The child's Individual Education Plan (IEP) or 504 Plan must include transportation needs in order for the child to be eligible, and

(Continued)
SUBJECT: TRANSPORTATION OF STUDENTS (Cont'd.)

e) The BCSD reserves the right to modify transportation guidelines to address special conditions which might reasonably render a particular route exceptionally hazardous or unsafe.

The BCSD will provide this transportation by either:

a) A transportation pass on public buses or trains operated by the Niagara Frontier Transportation Authority (NFTA) good within the boundaries of the City of Buffalo. The Board reserves the discretion, superseding any more limiting provision of the transportation policy to provide transportation passes good for passage to and from schools outside of the city limits, for students enrolled in grades nine through twelve.

b) On school buses furnished by the BCSD.

Transportation Expenses and Collaboration with Social Service and RHY Providers for Transportation of Students in Temporary Housing

a) A school district may receive State aid to offset expenditures incurred by the school district for the transportation of homeless children under certain circumstances.

b) To the extent funds are provided for such purpose, the office for Children and Family Services (OCFS) must provide transportation for each homeless child who lives in a residential program for runaway youth and homeless youth located outside of the designated school district. OCFS may contract with a school district or board of cooperative educational services ("BOCES") to provide such transportation.

c) If the runaway and homeless youth shelter is not capable of transporting or contracting for transportation, the school district must provide transportation. The costs for transportation will be reimbursed by the Department with the submission of a Runaway and Homeless Youth Act Transportation Program Form, which is available from the Homeless Education Program Office (518-473-0295). NY Education Law §3209(4)(b)

d) A social services district is responsible for providing transportation to homeless children who are eligible for benefits under Social Services Law §350-j and placed in temporary housing arrangements outside their designated districts. A social services district may contract with the school district or BOCES to reimburse the district or BOCES for providing transportation. If the social services district fails to provide such transportation, the school district must provide the transportation for students in temporary housing who wish to continue enrollment in their original school.

(Continued)
SUBJECT: TRANSPORTATION OF STUDENTS (Cont'd.)

Measuring Distance For Transportation Eligibility

Distances from home to school to determine eligibility for transportation are measured by the nearest available publicly maintained route from home to school. Any and all streets are considered eligible for determining distance, not just preferred routes of the parent. The distance is measured from the point where the student’s driveway joins the public street to the point where the sidewalk serving the main door of the school joins the public street.

Seat Belts

All children will receive instruction on the proper use of seat belts on school busses at least three times each year.

It is the intent of the District that all buses shall be equipped with three point (lap/shoulder) seat belt systems. Seat belt use shall be mandatory for student riders. The Bus Driver shall be charged with enforcing this requirement using their standard procedures for student behavior management.

Emergency Drills

Commissioner's Regulations require emergency drills on school buses. These drills must include practice and instruction in the location, use and operation of the emergency door, fire extinguisher, first-aid equipment and windows as a means of escape in case of fire or accident.

Drills also must include instruction in safe boarding and exiting procedures with specific emphasis on when and how to approach, board, disembark and move away from the bus after disembarking. They must address specific instructions for students to advance at least 15 feet in front of the bus before crossing the highway after disembarking. They must address specific hazards encountered by students during snow, ice, rain and other inclement weather, including, but not necessarily limited to, poor driver visibility, reduced vehicular control and reduced hearing. They must include instruction in the importance of orderly conduct by all school bus passengers, with emphasis on student discipline. This instruction and the conduct of the drills will be provided by the bus driver and bus aide working together as a team.

A minimum of three drills must be held during the school year: the first to be conducted during the first week of the fall term, the second between November 1 and December 31, and the third between March 1 and April 30.

Second Address Transportation – Yellow Bus

To receive transportation to or from an address other than your home address such as a daycare, an after school program or a relative, a student must meet the following conditions:

(Continued)
SUBJECT: TRANSPORTATION OF STUDENTS (Cont'd.)

a) The student is eligible for transportation on a yellow bus as per Buffalo City School District policy.

b) The second address must be within the existing bussing pattern of the student's school. Locations out of the bussing pattern will not be honored.

c) The morning pick-up point must be the same for all five days of the week. The afternoon drop-off point must be the same for all five days of the week. The pick-up and drop-off points may be different.

Once begun, second address transportation will continue indefinitely.

Supervision of Students Taking the School Bus

The Buffalo City School District is not liable for the supervision and safety of students who are outside the District's physical custody or authority prior to boarding or after disembarking from a school bus. Custodial control and responsibility at those times rest with the parents.

Education Law §§ 2554, 3635, 4401(4), 4404, and 4405
8 NYCRR § 156.3(h)
SUBJECT: SCHOOL BUS SAFETY

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

Use of Portable Electronic Devices Prohibited

For purposes of this policy, and in accordance with applicable law, the terms below will be defined as follows:

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

b) "Using" means holding a portable electronic device while viewing, taking or transmitting images, playing games, or composing, sending, reading, viewing, accessing, browsing, transmitting, saving, or retrieving email, text messages, or other electronic data.

c) "In operation" means that the bus engine is running, whether in motion or not.

The use of portable electronic devices by a school bus driver at times the vehicle is in operation on the roadway poses a potential safety risk. All school bus drivers are prohibited from using portable electronic devices while the bus is in operation.

All school bus drivers' personal portable electronic devices must be placed in the "off" position when in the possession of the school bus driver while the bus is in operation. Portable electronic devices, including cell phones, may be used in case of emergency.

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

All buses and other vehicles owned by vendors/contract bus companies with whom the School District contracts will have frequent safety inspections, and will be serviced regularly. The contractor shall maintain bus maintenance records for periodic inspection and review by the District.

Every bus driver is required to report promptly any school bus accident involving death, injury, or property damage. All accidents, regardless of damage involved, must be reported at once by the bus companies to the Director of Transportation who will then inform the Superintendent or his/her designee(s).

(Continued)
SUBJECT: SCHOOL BUS SAFETY (Cont'd.)

Education Law § 3623
Vehicle and Traffic Law §§ 509-a(7), 509-1(1-b), 1174(a), 1174(b) and 1225-c
8 NYCRR § 156.3

NOTE: Refer also to Policies #5683 -- Fire and Emergency Drills, Bomb Threats and Bus Emergency Drills
#5741 -- Drug and Alcohol Testing for School Bus Drivers
SUBJECT: IDLING SCHOOL BUSES ON SCHOOL GROUNDS

The Board recognizes the need to promote the health and safety of District students and staff and to protect the environment from harmful emissions found in bus and vehicle exhaust. The District will ensure that each driver of a school bus or other vehicle owned, leased, or contracted for by the District turns off the engine of the bus or vehicle while waiting for passengers to load or off load on school grounds, or while the vehicle is parked or standing on school grounds or in front of or adjacent to any school.

Exceptions

Unless otherwise required by state or local law, the idling of a school bus or vehicle engine may be permitted to the extent necessary to achieve the following purposes:

a) For mechanical work; or
b) To maintain an appropriate temperature for passenger comfort; or
c) In emergency evacuations where necessary to operate wheelchair lifts.

Private Vendor Transportation Contracts

All contracts for pupil transportation services between the District and a private vendor will include a provision requiring the vendor's compliance with the provisions of reducing idling in accordance with Commissioner's regulations.

Education Law § 3637
Vehicle and Traffic Law § 142
8 NYCRR § 156.3(h)
SUBJECT: QUALIFICATIONS OF BUS DRIVERS

A person will be qualified to operate a bus only if that person:

a) Is at least 21 years of age;

b) Has been issued a currently valid operator's or commercial driver's license which is valid for the operation of a bus in New York State;

c) Has passed the annual bus driver physical examination administered in accordance with Commissioner of Education and Commissioner of Motor Vehicles regulations. In no case will the interval between physical examinations exceed a 13-month period;

d) Is not disqualified to drive a motor vehicle under Vehicle and Traffic Law Sections 509-c and 509-cc and any other provisions of Article 19-A;

e) Has on file at least three statements from three different persons who are not related to the driver or applicant pertaining to the moral character and to the reliability of the driver or applicant;

f) Has completed, or is scheduled to complete, State Education Department safety programs as required by law;

g) Is in compliance with federal law and regulations, as well as District policy and/or regulations, as it pertains to meeting the standards governing alcohol and controlled substance testing of bus drivers if and when applicable;

h) Has taken and passed a physical performance test at least once every two years and/or following an absence from service of 60 or more consecutive days from his or her scheduled work duties;

i) Is in compliance with all other laws and regulations for operating a school bus, including licensing and training requirements; and

j) Each transportation contractor/vendor will provide evidence to the Superintendent of Schools/designee that each driver is qualified in terms of the above criteria.

Before a vendor or contract bus company employs a new bus driver, the Superintendent or designee will be entitled to:

a) Require the person to pass a physical examination within four weeks prior to the beginning of service;

(Continued)
SUBJECT: QUALIFICATIONS OF BUS DRIVERS (Cont’d.)

b) Obtain a driving record from the appropriate agency in every state in which the person resided, worked, and/or held a driver's license or learner's permit during the preceding three years;

c) Investigate the person's employment record during the preceding three years;

d) Require the person to submit to the mandated fingerprinting procedures and criminal history background check;

e) Request the Department of Motor Vehicles to initiate a driving record abstract check; and

f) Require that newly hired bus drivers take and pass the physical performance test, as mandated by Commissioner's regulations, before they transport students.

Occasional Drivers

Under Commissioner's regulations, an occasional driver is defined as a certified teacher employed by a school district or Board of Cooperative Educational Services (BOCES) who is not primarily employed as a school bus driver or substitute bus driver on either a full-time or part-time basis. Occasional drivers used for other than regular routes are not required to fulfill the training required for regular school bus drivers.

Omnibus Transportation Employee Testing Act of 1991, (Public Law 102-143)
49 USC § 521(b)
49 CFR Parts 40, 382, 391, 392, and 395
Education Law § 3624
Vehicle and Traffic Law §§ 509-c, 509-cc, and Article 19-A
8 NYCRR § 156.3
15 NYCRR Part 6

NOTE: Refer also to Policy #5741 -- Drug and Alcohol Testing for School Bus Drivers
SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

In order to help prevent accidents and injuries resulting from the misuse of drugs and/or alcohol by school bus drivers, the Board adopts this policy in compliance with federal and state law and regulation.

*The District has designated the following individual to answer driver questions about this policy and related materials:

[District to list title of position responsible for answering driver questions about this policy and related materials.]

Drug and Alcohol Testing Program

School bus drivers are subject to drug and/or alcohol testing in a variety of circumstances. The District will comply with all federal and state law and regulation regarding the implementation of a drug and alcohol testing program for school bus drivers.

The District will ensure that vendors or contract bus companies either establish and manage their own drug and alcohol testing program or by contract have a consortium/third-party administrator manage all, or part of, their drug and alcohol testing program for school bus drivers.

Under federal law and regulation, individuals who operate a Commercial Motor Vehicle (CMV) designed to transport 16 or more occupants (including the driver) and are subject to commercial driver's license (CDL) requirements established by the United States Department of Transportation are safety-sensitive employees and are subject to the following drug and/or alcohol testing:

a) **Pre-employment drug testing** which will be conducted after a conditional offer to hire has been extended, but before the actual performance of safety-sensitive functions for the first time. This pre-employment testing will also be required when employees transfer to a safety-sensitive position.

b) **Random drug and/or alcohol testing** which will be conducted on an unannounced basis.

c) **Reasonable suspicion drug and/or alcohol testing** which will be conducted when reasonable suspicion exists that a driver has engaged in prohibited use of drugs and/or alcohol. The required observation for reasonable suspicion drug and/or alcohol testing must be made by a supervisor or official who has been trained in accordance with federal law and regulation.

d) **Post-accident drug and/or alcohol testing** which will be conducted as soon as practicable following certain occurrences involving a CMV operating on a public road.

*Customize to District

(Continued)
SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd.)

e) **Return-to-duty drug and/or alcohol testing** which will be conducted on a driver who has engaged in prohibited drug and/or alcohol conduct before the driver returns to perform a safety-sensitive function.

f) **Follow-up drug and/or alcohol testing** which will be conducted on a driver who has engaged in prohibited drug and/or alcohol conduct and has returned to performing a safety-sensitive function. This testing will be conducted on an unannounced basis in accordance with a written follow-up testing plan developed by a substance abuse professional (SAP).

All procedures used to test for the presence of drugs and/or alcohol will conform to the requirements outlined in federal law and regulation for protecting the driver, ensuring the integrity of the testing process, safeguarding the validity of the test results, and ensuring that all test results are attributed to the correct driver.

Under New York State law and regulation, all school bus drivers are subject to pre-employment and random drug and alcohol testing in accordance with the provisions and requirements of federal regulations, regardless of commercial driver's license endorsement. Every school bus driver will be included in the random testing pool and must submit to testing when selected.

**Prohibitions and Consequences for School Bus Drivers**

Under federal law and regulation, individuals who operate a CMV designed to transport 16 or more occupants (including the driver) and are subject to CDL requirements established by the United States Department of Transportation are prohibited from:

a) Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If testing shows an alcohol concentration of 0.02 or greater but less than 0.04, the employee must be removed from performing safety-sensitive activities for not less than 24 hours, but no punitive action will be taken by the employer;

b) Using alcohol while performing safety-sensitive functions;

c) Performing safety-sensitive functions within four hours after using alcohol;

d) When required to take a post-accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first;

e) Refusing to submit to a drug or alcohol test required by post-accident, random, reasonable suspicion, return-to-duty, or follow-up testing requirements;

f) Refusing to submit to a pre-employment drug test;

(Continued)
SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd.)

  g) Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the driver uses any drugs, as defined by federal law and regulation. This prohibition does not apply when the use is pursuant to the instructions of a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a CMV; or

  h) Reporting for duty, remaining on duty, or performing a safety-sensitive function, if the driver tests positive for drugs.

Additionally, under New York State law, all school bus drivers are prohibited from:

  a) Consuming a drug or intoxicating liquor, regardless of its alcoholic content, or be under the influence of a drug or intoxicating liquor, within six hours before going on duty or operating, or having physical control of a bus;

  b) Consuming a drug or intoxicating liquor, regardless of its alcoholic content while on duty, or operating, or in physical control of a bus; or

  c) Possessing a drug or intoxicating liquor, regardless of its alcoholic content while on duty, operating or in physical control of a bus. However, this paragraph does not apply to the possession of a drug or intoxicating liquor which is transported as part of a shipment or personal effects of a passenger or to alcoholic beverages which are in sealed containers.

It is the employer's responsibility to ensure that no school bus driver:

  a) Violates any of the above listed provisions of New York State law; or

  b) Be on duty or operate a school bus if, by a person's general appearance or by a person's conduct or by other substantiating evidence, a person appears to have consumed a drug or intoxicating liquor within the preceding eight hours.

Any violation of this policy and/or District procedures, and applicable federal and state law and regulation by a school bus driver will be grounds for disciplinary action and penalties including, but not limited to, fines, suspension, and/or discharge in accordance with the District's and/or the vendors' or contract bus companies' policies, collective bargaining agreements, and applicable law.

Drivers who are found to have engaged in prohibited conduct under federal law and regulation will be removed immediately from safety-sensitive functions and will not be allowed to return to perform safety-sensitive functions until they:

  a) Are evaluated by a SAP;

  b) Complete any requirements for rehabilitation as set by the employer and the SAP; and

(Continued)
SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd.)

c) Pass a return-to-duty test with the result below 0.02 if the conduct involved alcohol, or a drug test with a verified negative result if the conduct involved drug use.

Prohibitions and Consequences for Vendors or Contract Bus Companies

Any significant violation of this policy or District procedures, and applicable federal and state law and regulation by a vendor or contract bus company and its employees will result in revocation of its contract for the transportation of students.

Employee Notification

The Superintendent or designee will ensure that vendors or contract bus companies receive a copy of District policy, educational materials that explain the requirements of drug and alcohol testing law and regulation, and any regulations and/or procedures developed by the District with respect to meeting those requirements. The Superintendent or designee will ensure that a copy of these materials is distributed to vendors or contract bus companies, who will sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of any drug and/or alcohol testing as well as at the beginning of each school year or at the time of hire for any school bus driver.

The Superintendent or designee will further ensure that vendors or contract bus companies receive a copy of the District's educational materials concerning: the effects of drug and alcohol use on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.

The Superintendent or designee can assist vendors or contract bus companies with arrangements for training of all supervisors who may be utilized to determine whether reasonable suspicion exists to test a driver for prohibited conduct involving the drugs and/or alcohol.

Records Management and Retention

Employee records relating to drug and/or alcohol testing, as well as to substance abuse and/or alcohol prevention programs, will be maintained in accordance with law and regulation. All employee drug and/or alcohol testing will be kept confidential and will only be revealed as required or authorized by law or regulation.

49 USC §§ 31136 and 31306
49 CFR Parts 40, 382, and 383
Vehicle and Traffic Law §§ 142, 509-g, 509-l

Adoption Date