

2009 5000

Non-Instructional/Business
Operations

Blind Brook-Rye Union Free School District

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SUBJECT: BUDGET PLANNING AND DEVELOPMENT

The budget reflects the educational aims of the Blind Brook-Rye Union Free School District. This means that items placed in the budget should be a direct reflection of the educational aims of the people of the District as determined by the Board of Education. As Chief Executive Officer of the Board of Education, the Superintendent has the basic responsibility for the preparation of the proposed annual budget. However, the budget-making process must involve other administrators and employees. The general procedure to be followed in preparing the proposed annual budget will be:

School Business Official

- 1) The School Business Official (also referred to as the Assistant Superintendent for Finance & Facilities) shall be responsible for the preparation of the final copy of the proposed budget for presentation to the Board of Education by the Superintendent.
- 2) Although he/she shall not be charged with the assignment of specific items in the budget, unless those items are within the scope of his/her direct responsibility, he/she shall scrutinize each item and offer his/her advice to the Superintendent regarding each item.
- 3) The School Business Official shall be responsible for the assignment of items in the proposed budget to the proper budget category.
- 4) The School Business Official will submit budgetary requests in the categories for which he/she is directly responsible to the Superintendent as outlined in the District's budget planning booklet.

Preparation of Budget

- 1) All budgetary requests from all administrators, and from any other sources, shall be submitted to the Superintendent as outlined in the District's budget planning booklet.
- 2) All budget requests will be carefully reviewed by the Superintendent with the assistance of the School Business Official.
- 3) A draft budget, including a Tax Exemption Report, will be available for Board of Education review by April 1.
- 4) The Board will hold the necessary number of work sessions to discuss the budget proposal with a view to having a Board approved budget available for review by District residents in accordance with time frames as enumerated in law.
- 5) A budget hearing must be held not less than seven (7) nor more than fourteen (14) days prior to the Annual District meeting and Election at which the budget vote will occur. The proposed budget must be completed at least seven (7) days prior to the budget hearing at which it is to be presented.

(Continued)

SUBJECT: BUDGET PLANNING AND DEVELOPMENT (Cont'd.)

- 6) Copies of the proposed annual operating budget for the succeeding year to be voted upon may be obtained by any District resident, on request, in each District school building during certain designated hours on each day other than a Saturday, Sunday or holiday during the fourteen (14) days immediately preceding the Annual District Meeting and Election.
- 7) All Blind Brook-Rye Union Free School District budgets which are submitted for voter approval must be presented in three (3) components to be voted upon as one (1) proposition: a program component, an administrative component, and a capital component. The law prescribes the types of items to be included in each component and further prescribes that all relevant costs be included in each component.
- 8) Additionally, the District will prepare and append to copies of the proposed budget, a School District Report Card and Property Tax Report Card, pursuant to the Regulations of the Commissioner of Education, referencing measures of academic and fiscal performance. A detailed statement of the total compensation to be paid to various administrators as enumerated in law and/or regulation will also be appended to copies of the proposed Budget.
- 9) All budget documents for distribution to the public will be written in plain language and organized in a manner which best promotes public comprehension of the contents. The documents must be complete and accurate and contain sufficient detail to adequately inform the public regarding such information as mandated by law and/or regulation.

Early Placement of Orders

- 1) Bids may be received and orders placed with suppliers prior to public approval of the budget provided the following clause, or its equivalent, is inserted in requests for bids and all purchase orders:

"Bids received and orders placed on the following year's budget prior to approval of such budget by the voters are subject to the approval of the budget at the annual meeting. In the event of non-approval of the budget by the public, any orders placed will not be binding upon the Blind Brook-Rye Union Free School District."
- 2) It is desirable to have purchase requisitions in such form that upon approval of the budget by the electorate, deliveries can be received and the majority of them completed no later than June 30.

SUBJECT: INVESTMENT GUIDELINES**Scope**

This investment regulation applies to all moneys and other financial resources available for investment on behalf of the Blind Brook-Rye Union Free School District or on behalf of any other entity or individual.

Objectives

The primary objectives of the local government's investment activities are, in priority order:

- 1) To conform with all applicable federal, state and other legal requirements (legal).
- 2) To adequately safeguard principal (safety).
- 3) To provide sufficient liquidity to meet all operating requirements (liquidity).
- 4) To obtain a reasonable rate of return (yield).

Delegation of Authority

The Board of Education's responsibility for administration of the investment program is delegated to the School Business Official who shall follow appropriate procedures for the operation of the investment program consistent with investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a database or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

Prudence

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Blind Brook-Rye Union Free School District to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

(Continued)

SUBJECT: INVESTMENT GUIDELINES (Cont'd.)

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

Diversification

It is the policy of the Blind Brook-Rye Union Free School District to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

Internal Controls

It is the policy of the Blind Brook-Rye Union Free School District for all moneys collected by any officer or employee of the District to transfer those funds to the School Business Official within five (5) working days of deposit, or within the time period specified in law, whichever is shorter.

The School Business Official is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

Designation of Depositories

The banks and trust companies authorized for the deposit of moneys up to the following maximum amounts are:

<u>Depository Name</u>	<u>Maximum Amount</u>	<u>Officer</u>
____JP Morgan Chase Bank____		
MBIA – C.L.A.S.S.____		
New York Liquid Assets Fund_____		
_____	_____	_____
_____	_____	_____
_____	_____	_____

These Depositories may vary from year to year and are reestablished yearly at the Reorganization Meeting.

(Continued)

SUBJECT: INVESTMENT GUIDELINES (Cont'd.)**Collateralizing of Deposits**

In accordance with the provisions of General Municipal Law, Section 10, all deposits of the Blind Brook-Rye Union Free School District, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

- 1) By a pledge of "eligible securities" with an aggregate "market value," as provided by General Municipal Law, Section 10, equal to the aggregate amount of deposits from the categories designated in Appendix A of this regulation.
- 2) By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the Blind Brook-Rye Union Free School District for a term not to exceed ninety (90) days with an aggregate value equal to one hundred forty percent (140%) of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one (1) of the three (3) highest rating categories by at least one (1) nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
- 3) By an eligible surety bond payable to the Blind Brook-Rye Union Free School District for an amount at least equal to one hundred percent (100%) of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two (2) nationally recognized statistical rating organizations.

Safekeeping and Collateralization

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

The security agreement shall provide that eligible securities are being pledged to secure Blind Brook-Rye Union Free School District deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released, and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the Blind Brook-Rye Union Free School District, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Blind Brook-Rye Union Free School District or its custodial bank.

(Continued)

SUBJECT: INVESTMENT GUIDELINES (Cont'd.)

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the Blind Brook-Rye Union Free School District, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the Blind Brook-Rye Union Free School District a perfected interest in the securities.

Permitted Investments

As authorized by General Municipal Law, Section 11, the Blind Brook-Rye Union Free School District authorizes the School Business Official to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- 1) Special time deposit accounts;
- 2) Certificates of deposit;
- 3) Obligations of the United States of America;
- 4) Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- 5) Obligations of the State of New York;
- 6) Obligations issued pursuant to Local Finance Law Section 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Blind Brook-Rye Union Free School District;
- 7) Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorized such investment;
- 8) Certificates of Participation (COPs) issued pursuant to General Municipal Law, Section 109-b;

(Continued)

SUBJECT: INVESTMENT GUIDELINES (Cont'd.)

- 9) Obligations of this School District, but only with any moneys in a reserve fund established pursuant to General Municipal Law, Sections 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the Blind Brook-Rye Union Free School District within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Blind Brook-Rye Union Free School District within two (2) years of the date of purchase.

Authorized Financial Institutions and Dealers

The Blind Brook-Rye Union Free School District shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the Blind Brook-Rye Union Free School District conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the School District. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The School Business Official is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

Purchase of Investments

The School Business Official is authorized to contract for the purchase of investments:

- 1) Directly, including through a repurchase agreement, from an authorized trading partner.
- 2) By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5-G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the Blind Brook-Rye Union Free School District.
- 3) By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the School District.

(Continued)

SUBJECT: INVESTMENT GUIDELINES (Cont'd.)

All purchased obligations, unless registered or inscribed in the name of the Blind Brook-Rye Union Free School District, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the School District by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, Section 10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for the Blind Brook-Rye Union Free School District, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the Blind Brook-Rye Union Free School District a perfected interest in the securities.

Repurchase Agreements

Repurchase agreements are authorized subject to the following restrictions:

- 1) All repurchase agreements must be entered into or subject to a Master Repurchase Agreement.
- 2) Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- 3) Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- 4) No substitution of securities will be allowed.
- 5) The custodian shall be a party other than the trading partner.

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APPENDIX A
BLIND BROOK-RYE UNION FREE SCHOOL DISTRICT
Schedule of Eligible Securities

- Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.
- Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.
- Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.
- Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district, or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.
- Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.
- Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.
- Commercial paper and bankers' acceptances issued by a bank, other than the Bank, rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of not longer than sixty (60) days from the date they are pledged.
- Zero coupon obligations of the United States government marketed as "Treasury strips."

SUBJECT: SALE AND DISPOSAL OF SCHOOL DISTRICT PROPERTY**Rationale**

Building administrators and support staff supervisors are responsible for identifying obsolete and surplus equipment and supplies within their area(s) of responsibility.

Periodically, a determination shall be made as to what equipment, supplies and/or materials are obsolete and cannot be salvaged or utilized effectively or economically by the Blind Brook-Rye Union Free School District. Such equipment, supplies or materials shall be sold through bid procedures, if possible, for the highest possible price.

Guidelines

The School Business Official shall be authorized to dispose of obsolete or surplus equipment and supplies in the following manner:

- 1) Reassign the items, as needed, to other locations within the Blind Brook-Rye Union Free School District;
- 2) Centralize the storage of items of potential usefulness;
- 3) Discard or sell as surplus those items determined to be of no further use or worth.

Following approval by the Board of Education, items may be sold in the following manner:

- 1) Items sold at a public sale. In the event of a public sale, notice of availability of such equipment, supplies and materials and requests for bids shall be disseminated through announcements in local newspapers and such other appropriate means. The general public, as well as staff members, shall be eligible to bid on the equipment, supplies and/or materials.
- 2) Remaining items shall be sold as scrap for the highest obtainable amount or discarded in the safest, least expensive manner.

SUBJECT: GUIDELINES FOR USE OF CLAIM FORMS

Claim forms are for the use of employees for reimbursement of their personal use of money for miscellaneous work related expenditures, when it is not feasible or economical to use a purchase order.

The procedures for completing a Claim Form are as follows:

- 1) Claim forms used by employees are not to exceed one hundred fifty dollars (\$150).
- 2) All appropriate original receipts must be attached. Reimbursements will not be approved if copies of receipts are used. In circumstances where a personal check or credit card is used, a copy of the check front and back or credit card statement will be acceptable. If a gift certificate is purchased, a copy of the certificate with the student's name identified on it will also be required with the receipt.
- 3) Only one employee can submit for reimbursement per receipt.
- 4) Proper types of receipts include:
 - a. Store register tapes showing the store name/description of item/date.
 - b. Invoices with company letterhead listing the employee as the purchaser and stamped paid in full.
 - c. Employee credit card statement and shipping document (if purchased by phone).
 - d. Copy of front and back of canceled check along with order form or registration form. For meals over twenty-five dollars (\$25), an itemized receipt is required (these receipts are now standard in most restaurants). All costs for alcoholic beverages need to be deducted.
- 5) The complete budget code must be entered, or the claim form will be returned to the Supervisor, which could delay processing.
- 6) Claim forms are not to be used to pay for contractual services such as for bus transportation or field trip admissions. In those cases a purchase order should always be used.
- 7) Supervisor's approval is required.

Non-Instructional/Business
Operations

SUBJECT: REIMBURSEMENT FOR MEALS/REFRESHMENTS AT STAFF/BOARD MEETINGS AND DISTRICT EVENTS

It is the position of the New York State Comptroller's Office that meals of public officers and employees may not be reimbursed or paid by the municipal entity unless the officer or employee is traveling outside his/her regular work area on official business for an extended period of time. The School District requires overnight travel to be eligible for such meal expenses. This regulation also applies to any meals provided at staff meetings except under the following circumstances:

- 1) Meals may be considered a proper municipal expense where the School District is faced with business of an immediate nature between two or more people, and the meetings are required to be held at meal times due to staff schedules.
- 2) In order for meal expenses for a meeting between staff members to be eligible for reimbursement or payment by the organization, the following conditions need to be met:
 - a. The topic(s) of the meeting must be of an immediate nature, or there must be a pressing need to complete the business at hand;
 - b. Scheduling prevents the meeting from being held at a different time;
 - c. The meal must be provided during the meeting. It can not be delivered or served at the beginning or end of the scheduled meeting. For example: where a luncheon meeting is scheduled from 10:00 am to 2:00 pm because it is the only time a meeting can be held before an important deadline, the meal may be eligible for reimbursement or payment if it was delivered at 12:00 noon.
- 3) When claiming such expenses for reimbursement or requesting that payment be made, you must justify on the claim form the need for such expense as outlined above.
- 4) Before meal expenses for meetings with staff members can be reimbursed or paid, the following information must be provided to the Business Office:
 - a. What was the purpose of the meeting?
 - b. When was the meeting held?
 - c. What time was the meeting held?
 - d. What was the reason that the meal had to be served during the meeting?

These guidelines apply to all employees of the School District and are effective immediately.

SUBJECT: PURCHASING: VENDOR BUSINESS GUIDELINES

- 1) Vendor, as defined for this regulation, includes any business, organization, or individual doing business with the School District; any of its organizations, or employees; and student organizations, approved to operate within the policies and regulations of the School District.
- 2) The Board shall not enter into contracts with vendors and/or sales representatives in which an individual Board member, school official or employee is in a position to benefit personally from the exercise of his/her official authority with respect to that contract. Any violation of this regulation would bar the vendor from doing business with the District.
- 3) For vendors of instructional materials, preference will be given to vendors who agree to provide materials in alternative formats (i.e., any medium or format, other than a traditional print textbook, for presentation of instructional materials that is needed as an accommodation for a student with a disability). 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.
- 4) Apparel and Sports Equipment Purchases

Competitive Bidding Purchases

The Board of Education will only accept bids from "responsible bidders." A determination that a bidder on a contract for the purchase of apparel or sports equipment is not a "responsible bidder" shall be based upon either or both of the following considerations:

- a. The labor standards applicable to the manufacture of the apparel or sports equipment, including but not limited to employee compensation, working conditions, employee rights to form unions, and the use of child labor; or
- b. The bidder's failure to provide information sufficient for the Board of Education to determine the labor standards applicable to the manufacture of the apparel or sports equipment.

Non-Competitive Bidding Purchases

The Board's internal policies and procedures governing procurement of apparel or sports equipment, where such procurement is not required to be made pursuant to competitive bidding requirements, shall prohibit the purchase of apparel or sports equipment from any vendor based upon either or both of the following considerations:

(Continued)

SUBJECT: PURCHASING: VENDOR BUSINESS GUIDELINES (Cont'd.)

- a. The labor standards applicable to the manufacture of the apparel or sports equipment, including but not limited to employee compensation, working conditions, employee rights to form unions, and the use of child labor; or
 - b. The bidder's failure to provide information sufficient for the Board of Education to determine the labor standards applicable to the manufacture of the apparel or sports equipment.
- 5) The District will maintain a list of responsible bidders, suppliers and vendors.
 - 6) The Business Office shall develop, maintain, and upon request provide the names of potential vendors and bidders for various types of materials, equipment, and supplies to schools and organizations.
 - 7) All staff and students will comply with the School District's procedures and applicable state law. Any building, department, program, or organization shall obtain quotations if required by District procedures.
 - 8) School facilities may be used by an outside or private vendor when such use satisfies a legitimate school purpose. Such practice may be authorized only upon:
 - a. Approval of the Superintendent or his designee,
 - b. The full and equal opportunity for all approved prospective users to compete,
 - c. The involvement of students in the process, and
 - d. Students are not compelled to participate.

District Plan Regarding Alternative Formats for Instructional Materials

As required by federal law and New York State Regulations, the District has adopted the National Instructional Materials Accessibility Standard (NIMAS) to ensure that curriculum materials are available in a usable alternative format for students with disabilities. Each school district has the option of participating in the National Instructional Materials Access Center (NIMAC). Whether a district does or does not participate in NIMAC, the district will be responsible to 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 (8 NYCRR Section 200.2(b)(10)). The NYS Education Department (NYSED) recommends that school districts choose to participate in NIMAC, because this national effort to centralize the distribution of instructional materials in alternate formats will help guarantee timely provision of such materials to students.

(Continued)

SUBJECT: PURCHASING: VENDOR BUSINESS GUIDELINES (Cont'd.)

For school districts, Boards of Cooperative Educational Services (BOCES), State-operated schools, State-supported schools and approved private schools that choose to participate in NIMAC, **contracts with publishers executed on and after December 3, 2006** for textbooks and other printed core materials *must* include a provision that requires the publisher to produce NIMAS files and send them to the NIMAC (this will not add any cost to the contract).

For more information regarding NIMAC including model contract language, Steps for Coordinating with NIMAC and an IDEA Part B Assurances Application, see website: <http://www.vesid.nysed.gov/specialed/publications/persprep/NIMAS.pdf>

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 such instructional materials are available to non-disabled students.

"Alternative format" is defined as any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a student with a disability enrolled in the School District, including but not limited to Braille, large print, open and closed captioned, audio, or an electronic file. An electronic file must be compatible with at least one alternative format conversion software program that is appropriate to meet the needs of the individual student.

The Plan shall:

- 1) Ensure 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;
- 2) 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;
- 3) 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;
- 4) Specify ordering timelines to ensure that alternative format materials are available at the same time as regular format materials are available; and
- 5) Include procedures so that when students with disabilities move into the School District during the school year, the process to obtain needed materials in alternative formats for such students is initiated without delay.

SUBJECT: PROCUREMENT GUIDELINES

This resolution sets forth the guidelines to meet the requirements of General Municipal Law, Section 104-b.

Purpose

Goods and services which are not required by law to be procured pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public monies, in the best interest of the taxpayers to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the governing Board has adopted internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law, Section 103 or any other general, special or local law.

Procedures for Determining Whether Procurements are Subject to Bidding

The procedures for determining whether a procurement of goods and services is subject to competitive bidding and determining that competitive bidding is not required by law is as follows:

- 1) The Board is required by law to award all purchase contracts for supplies, materials and equipment involving expenditures in excess of ten thousand dollars (\$10,000) and all contracts for public works in excess of twenty thousand dollars (\$20,000) to the lowest responsible bidder after advertising for public sealed bids.
- 2) When a contract involves acquisition of both goods and services, a judgment must be made as to the primary purpose of the contract. If the services are minor, incidental or customarily provided by the vendor in connection with the goods purchased, the contract should be viewed as a purchase contract. If the service component is extensive or predominant or involves special skills, the contract should be treated as one for public works.
- 3) In determining the necessity for competitive bidding, the aggregate amount to be expended during the fiscal year on an item or those of a similar nature (a "reasonable commodity grouping") must be considered. For example, office supplies or art materials would constitute an appropriate grouping for bidding purposes.

Additionally, in determining whether the dollar requirements have been reached, allowances for any trade-in related to the purchase must be treated as an expenditure; the estimated gross cost of the item is controlling. Net cost is relevant only to the determination of the low bid.

(Continued)

SUBJECT: PROCUREMENT GUIDELINES (Cont'd.)**Guidelines for Purchasing Supplies and Equipment when Competitive Bidding is Not Required by Law**

<u>Estimated Amount of Purchase</u>	<u>Procedure/Requirements</u>	<u>Responsibility</u>
Less than \$1,000	No action required.	Not applicable
\$1,001 - \$10,000	Three (3) formal written quotations.	Obtained by the school business official or requestor.
In excess of \$10,000	Public advertised bids in accordance with General Municipal Law.	Obtained by the school business official or requestor.

- NOTE:
- 1) For products available under State contract, which are below the State contract price, no further quotes are required provided the product is the same brand and model number and below the \$10,000 bid threshold (written memo must be provided to the business official).
 - 2) When procurement can be accomplished through the following sources, competitive bidding or procedure requirements listed above are not required.
 - a. Under State Contract;
 - b. Under a BOCES or County contract;

(Continued)

SUBJECT: PROCUREMENT GUIDELINES (Cont'd.)

- c. From State Correctional Institutions (Corrections Law Sections 184 and 186);
- d. From State agencies for the blind and severely disabled (State Finance Law, Section 162);
- e. Emergencies (General Municipal Law, Section 103[4]);
- f. Sole source, professional services, true leases and insurance;
- g. Second-hand equipment from another government agency.

Guidelines for Public Works Projects when Competitive Bidding is Not Required by Law

<u>Estimated Amount of Purchase</u>	<u>Procedure/Requirement</u>	<u>Responsibility</u>
Less than \$5,000	No quotation required.	Originator must substantiate the need and choice of contractor.
\$5,001 - \$20,000	Three (3) formal written quotations.	Obtained by the School Business Official.
In excess of \$20,000	Public, advertised bids.	Obtained by the School Business Official.

Annual Review

Comments concerning the policies and procedures shall be accepted from employees of the Blind Brook-Rye Union Free School District involved in the procurement process from time to time.

The Board shall annually review these policies and procedures. The School Business Official shall be responsible for conducting an annual review of the procurement policy and for an evaluation of the internal control structure established to ensure compliance with the procurement policy.

Unintentional Failure to Comply

The unintentional failure to fully comply with the provisions of General Municipal Law, Section 104-b, shall not be grounds to void action taken or give rise to a cause of action against the Blind Brook-Rye Union Free School District or any officer or employee thereof.

SUBJECT: COMPETITIVE PURCHASING OF GOODS AND SERVICES**General Statements**

The purchasing policy of the Blind Brook-Rye Union Free School District is to secure supplies, materials, equipment and services in an efficient, economical and timely fashion to meet the District's needs.

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

Authority/Responsibility

In accordance with law, the District must identify the individual or individuals responsible for purchasing and their respective titles. Such information shall be updated biennially.

The District purchasing function will be centralized in the business office under the general supervision of the Purchasing Agent designated by the Board of Education. The Board of Education has designated the School Business Official as the Purchasing Agent for the School District. The Purchasing Agent shall be responsible for developing and administering the purchasing program of the School District.

Quality

The purchasing function shall consider circumstances and use as determining factors in quality selection. The Board of Education expects the purchasing agent to make every effort to receive the maximum educational value for every dollar expended.

Items commonly used in the various schools therefore shall be standardized whenever consistent with the educational goals and in the interest of efficiency and economy.

Vendors and Contractors

One of the purposes of the purchasing function is to purchase competitively, without prejudice or favoritism. Each order shall be placed on the basis of quality, price, delivery and past service being a factor if all other considerations are equal.

No Board member, officer or employee of the Blind Brook-Rye Union Free School District shall be interested financially in any contract entered into by the Board. This shall also preclude acceptance of any gratuities, financial or otherwise, by the above persons, from any supplier of materials or services to the District.

(Continued)

SUBJECT: COMPETITIVE PURCHASING OF GOODS AND SERVICES (Cont'd.)**Requesting Bids and Quotations**

The purpose of obtaining bids or quotations is to encourage competition in the procurement of supplies, equipment and services which will be paid for from public funds. Competitive bids or quotations shall be solicited in connection with all purchases whenever feasible and in the best interest of the Blind Brook-Rye Union Free School District.

Contracts will be awarded to the lowest responsible bidder; residence or place of business of the local bidders may be a consideration only in cases where identical bids have been submitted.

All purchase contracts for materials, equipment or supplies involving an annual expenditure of over ten thousand dollars (\$10,000) and all public works involving an expenditure of more than twenty thousand dollars (\$20,000) will be awarded on the basis of public advertising and competitive bidding.

All contracts requiring public advertising and competitive bidding will be awarded by resolution of the Board.

A statement of "General Conditions" will be included with all specifications submitted to suppliers for their bids.

Request for Proposal Process for the Independent Auditor

In accordance with law, no audit engagement shall be for a term longer than five (5) consecutive years. The District may, however, permit an independent auditor engaged under an existing contract for such services to submit a proposal for such services in response to a request for competitive proposals or be awarded a contract to provide such services under a request for proposal process.

Bid Opening

Sealed bids should be received, time-stamped, recorded and kept in a safe place until the appointed day and time when they are publicly opened and read. It is important to note that the law requires SEALED BIDS; therefore, "FAXED" bids MAY NOT be accepted.

Bids should be checked and analyzed for compliance with specifications and law. The right to reject all bids for valid cause is reserved to the School District. Also reserved is the right to reject, for cause, any bid in whole or in part; to waive technical defects, qualifications, irregularities and omissions if in its judgment the best interests of the District will be served. Also reserved is the right to reject bids and to purchase items on State Contract if such items can be obtained on the same terms, conditions, specifications, and at a lower price.

(Continued)

SUBJECT: COMPETITIVE PURCHASING OF GOODS AND SERVICES (Cont'd.)**State Contracts**

Purchases shall be made through available State contracts of the Office of General Services Division of Standards and Purchase, whenever such purchases are in the best interest of the Blind Brook-Rye Union Free School District. However, whenever possible, if quotations can be obtained from suppliers locally at similar prices and equal quality to the State contract, then residence or place of business may be considered if all bidding conditions are met.

Purchase Orders

The Purchasing Agent shall be authorized to issue pre-numbered purchase orders for all goods and services where a budgetary appropriation has been made. When formal bidding procedures are required by law, the purchase order will be issued after the Board award of the bid and will refer to the bid submitted, to the specifications which will be attached as part of the contract and will bear the price or prices indicated by the bidder in the bid.

Blanket purchase orders issued yearly to local dealers shall be used only to replenish day-to-day supplies, materials and other regularly recurring and planned purchases of the school system.

Purchase orders shall also indicate the address for delivery. All goods received must be accepted by an authorized Blind Brook-Rye Union Free School District employee who shall certify that the goods were received in good condition, before payment can be approved.

No payment for goods or services shall be made unless both an itemized invoice showing name of the person or firm to whom payment is due, and a receiving copy of the purchase order or written equivalent, bearing the signature of an authorized school employee are present. Furthermore, the invoice must have been issued in response to an approved purchase order.

SUBJECT: CRITERIA FOR AWARDING CONTRACTS TO THE LOWEST RESPONSIBLE BIDDER

The award of public contracts is of vital interest to the taxpayers and citizens. Many state laws provide for award to the lowest responsible bidder in order to avoid favoritism and its concomitant evils. It would be unfair to bidders, who have expended time and money in the preparation of bids, to be denied equal consideration.

The basis of making awards to the lowest responsible bidder has been adopted with the view of enabling a public body to enter into contracts with the same efficiency and economy that a prudent business person does in the conduct of everyday business affairs. This beneficial result cannot always be obtained when the award goes to the lowest bidder. Definite specifications must be adopted to enable all bidders to make intelligent bids. This establishes a common standard by which to measure the respective bids to determine the lowest responsible bidder.

The New York Courts define the term lowest responsible bidder as one able to respond or answer in accordance with what is expected or demanded. More specifically, the lowest responsible bidder has been interpreted as requiring the successful bidder to possess:

- 1) Financial or procuring ability to complete the contract;
- 2) Integrity and trustworthiness;
- 3) Skill;
- 4) Judgment;
- 5) Ability to perform faithful and conscientious work;
- 6) Promptness;
- 7) Experience;
- 8) Previous performance of satisfactory work;
- 9) Other essential factors which may depend upon the type and kind of contract involved. For example, for vendors of instructional materials, preferences will be given to vendors who agree to provide materials in alternative formats. For apparel or sports equipment vendors, responsible bidders will be considered to be those that comply with fair and proper labor standards including those related to child labor, employee compensation, employees' rights to form unions, and working conditions.

(Continued)

SUBJECT: CRITERIA FOR AWARDING CONTRACTS TO THE LOWEST RESPONSIBLE BIDDER (Cont'd.)

On opening and tabulating the bids, the public official must determine two things to make a valid award:

- 1) The responsibility of the bidder;
- 2) Which of the responsible bidders has submitted the lowest bid.

Awarding a contract required to be let to the lowest responsible bidder is mandatory. No authority, except by statute, authorizes the official to accept any other bidder.

Determination of the responsibility of a bidder by the official requires the exercise of judgment and discretion in favor of the institution for which he/she works. This discretion must be exercised honestly and fairly, not arbitrarily nor capriciously. The decision must be based on facts obtained after investigation into the responsibility of the bidders which show that the lowest bidder to whom the award was not made was not a responsible bidder. Failure to make such an investigation invalidates the contract award and such award will not be upheld.

The lowest bidder who is not the lowest responsible bidder must prove that the investigation of the responsibility of bidders was not made or that such action was not the result of the exercise of honest and fair discretion in determining the responsibility of the bidders, but was arbitrary or capricious. The ultimate facts must be recorded.

It is the policy of the District to provide equal opportunities for awarding contracts regardless of race, color, creed, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, or disability.

**SUBJECT: SAFEGUARDING, ACCOUNTING AND AUDITING OF EXTRACLASSROOM
ACTIVITY FUNDS**

There are certain principles and procedures that should be followed in establishing an adequate accounting system for extraclassroom activity funds. The following basic devices are essential to the proper management of such funds:

Basic Principles

- 1) Two (2) separate and independent sets of records of receipts and expenditures shall be maintained.
- 2) The authority to expend moneys shall be distinct and separate from the custody of these moneys.
- 3) At least two (2) individuals shall take part in each act of disbursing money.
- 4) The custodian of funds shall report to the Board of Education upon their request.
- 5) All accounts shall be audited at least annually.
- 6) Procedures shall be established which will ensure a prompt and careful examination and check of each receipt and each payment.
- 7) The accounting system shall be such that it will yield the largest possible educational return to students without sacrificing the safety of funds or exposing students to undue responsibility or unnecessary routine.

Functions and Duties of OfficersChief Faculty Counselor (usually the Building Principal)

It shall be the duty of this officer to coordinate the financial planning of all projects of the various student organizations in his/her building; to consult with the Faculty Advisors; to appoint a Faculty Advisor for each activity in his/her building on a year-to-year basis; and to submit to the Board of Education for approval all new activity organizations initiated by the students. He/she shall investigate all problems and disputes concerning the student organizations under his/her jurisdiction and shall effect action that will enable these problems and disputes to be resolved.

Faculty Advisor

It shall be the duty of these officers to guide and advise the student officers in planning extraclassroom activities and the planning of financial budgets. The advisors shall assist the Activity

(Continued)

**SUBJECT: SAFEGUARDING, ACCOUNTING AND AUDITING OF EXTRACLASSROOM
ACTIVITY FUNDS (Cont'd.)**

Treasurer in the preparation of statements and sign them as acknowledgment of verification of the income statement to be attached to deposit slips. The advisor shall guide the student treasurer in posting to the account ledger and from time to time shall check the balancing of the Activity Treasurer's accounts and the completeness of their supporting evidence. The Faculty Advisor shall supervise expenditures by insuring that funds are available before approving each proposed purchase and by signing all pay orders drawn on the Central Treasurer for disbursement of funds. The Faculty Advisor is responsible for determining which of the activities of the organization are subject to sales tax and for taking steps to see that all tax information is accurately recorded and sent to the Central Treasurer. The Faculty Advisor shall constantly work toward the goal of insuring the largest educational return from the activities participated in by the students.

Activity Treasurer

The Activity Treasurer shall receive all moneys raised by student activity and shall immediately deposit such funds with the Central Treasurer. Duplicate deposit slips shall be made out and signed by both the advisor and Activity Treasurer. One of these deposit slips is to be retained by the Central Treasurer, and one deposit slip, after being signed by the Central Treasurer, is to be returned to the Activity Treasurer together with a Central Treasurer's receipt.

The Activity Treasurer shall pay all bills by issuing pay orders signed by himself/herself, the Faculty Advisor and the chief faculty counselor. It is the responsibility of the Activity Treasurer to verify the balance in his/her account when submitting a payment order. This form is to be made in duplicate and is an order on the Central Treasurer to issue a check for payment of the invoice which shall be attached to the pay order. The Central Treasurer will keep one copy of the pay order and return the other copy together with the completed check. The Activity Treasurer will then send the check to the vendor involved after posting.

The Activity Treasurer shall keep a ledger showing all receipts and expenditures and indicating a daily running balance which shall be on a form prescribed by the Board of Education. He/she shall file all supporting data, chronologically, as evidence for the entries made in the ledger.

Central Treasurer

It shall be the duty of the Central Treasurer to have custody of all funds. All disbursements of funds shall be by means of pre-numbered check forms signed by the Central Treasurer upon receipt of a payment order signed by the Activity Treasurer, Faculty Advisor and Chief Faculty Counselor. The Central Treasurer shall have no part in the approval of payments but shall disburse funds only on the

(Continued)

**SUBJECT: SAFEGUARDING, ACCOUNTING AND AUDITING OF EXTRACLASSROOM
ACTIVITY FUNDS (Cont'd.)**

presentation of a properly signed pay order in duplicate providing, of course, that there are sufficient funds available in the account. The completed check will be returned to the student treasurer who will send it to the vendor after posting.

The Central Treasurer shall sign a receipt for all funds placed in his/her custody, and shall deposit these funds promptly in a bank designated by the Board of Education.

The Central Treasurer shall keep an account listing the receipts and expenditures of each individual activity and post a register of all the receipts and disbursements of the combined student organizations on ledger forms prescribed by the Board of Education.

Once each month, the Central Treasurer shall receive and verify the bank statements and prepare reports for presentation to the Faculty Auditor and the Board of Education. These reports to the Board should show beginning balances, receipts for the month and the ending balances for each organization as well as a copy of the bank reconciliation.

This is taken from the State Education Department's book "The Safeguarding, Accounting, and Auditing of Extraclassroom Activity Funds."

Extracurricular Account Procedures

Each class/club organization has an extracurricular account as a depository for class/club organization funds. The Superintendent's secretary is the Extracurricular Funds Treasurer who has responsibility for the extracurricular accounts of all school class/club organizations.

All funds, raised in any manner in the name of a respective class/club organization, are to be deposited in the respective extracurricular account. Both the class/club advisor and organization treasurer will be responsible for making an appointment with the Extracurricular Funds Treasurer to complete the necessary forms in the depositing of funds.

The expenditures and/or disbursement of all funds from any extracurricular class/club organizations must have prior approval from the Principal. The class treasurer will be responsible for working with the Extracurricular Funds Treasurer to complete the necessary forms in the expending and disbursing of funds. Itemized disbursements are to be provided to the Principal prior to approval being granted.

Prior to the close of the school year, it will be the responsibility of both the advisor and class/organization treasurer to make an appointment with the Extracurricular Funds Treasurer to conduct account closing procedures. At this time the class advisor will receive remuneration for

(Continued)

**SUBJECT: SAFEGUARDING, ACCOUNTING AND AUDITING OF EXTRACLASSROOM
ACTIVITY FUNDS (Cont'd.)**

his/her duties. Advisor responsibilities for each year are not completed until account books have officially been closed.

Deposit Procedures

- 1) Upon receiving money, the Activity Treasurer will count the money received and complete a Recap of Receipts form in duplicate.
- 2) If the deposit cannot be taken to Central Treasurer at that time it should then be placed in the school vault until the next school day. **No activity money should be taken home by anyone.**
- 3) The Central Treasurer will sign the recap sheet and return together with a receipt for the money deposited. If the Central Treasurer is not available to count the money then the Activity Treasurer should see that someone from the business office counts the money and issues a receipt. If money is left, uncounted, at the Central Treasurer's office it will be understood that it is NOT the Central Treasurer's responsibility if there is a discrepancy in the amount of deposit.
- 4) The Activity Treasurer shall enter the amount of the deposit in the activity fund register indicating the source from which the funds were received (i.e., dance, magazine sales, etc.).
- 5) File chronologically the supporting data consisting of the duplicate recap sheet, Central Treasurer's receipt and, if applicable, the statement of admissions. These forms provide the evidence for the entries made in the Activity Treasurer's books.

Withdrawal Procedures

- 1) Upon receiving an invoice for goods received or services rendered the activity treasurer and the Faculty Advisor should determine that the bill is correct and all items have, in fact, been received as billed.
- 2) A payment order is prepared in duplicate and signed by the Activity Treasurer, Faculty Advisor and the Chief Faculty Counselor.
- 3) An invoice, receipt or statement to substantiate expense **MUST** accompany all payment orders before the Central Treasurer can issue a check.
- 4) The balance in the activity's account must be verified and indicated on the payment order.

(Continued)

**SUBJECT: SAFEGUARDING, ACCOUNTING AND AUDITING OF EXTRACLASSROOM
ACTIVITY FUNDS (Cont'd.)**

- 5) The payment order is sent to the Central Treasurer for payment. Checks are issued each Thursday for all payment orders received by Wednesday afternoon of that week.
- 6) The Central Treasurer will return a copy of the payment order with the date paid and check number indicated. When an address is included the Central Treasurer will send the check to the address listed unless otherwise advised. Where no address is given the check will be returned to the Faculty Advisor for mailing.
- 7) The activity advisor makes the necessary entry in his/her books indicating to whom the check is made out and the reason. The pay order is filed to give supporting evidence for the entry.

Monthly Reconciliation

The Activity Treasurers shall reconcile their records with those of the Central Treasurer. At the end of every month the Central Treasurer will send every activity an Activity Reconciliation Report which will be verified by the Activity Treasurer. This will list the transactions for the month including interest earned for the previous month. At the bottom of the report is the statement:

The information on this report is correct and complete to the best of my knowledge.

Signature _____ Date ____/____/____
(Please sign and return to Central Treasurer)

SUBJECT: PETTY CASH FUNDS**Use of Funds**

Petty cash should be used for incidental items of expense up to twenty-five dollars (\$25). The cost of money orders or cashier checks can be included.

Disbursement of Cash

- 1) Petty cash expenditures must be covered by a printed voucher form. This should be completed and signed by the person receiving reimbursement from the fund.
- 2) All purchases reimbursed by petty cash must be evidenced by a receipt, sales slip, canceled check or some proof of purchase.
- 3) Vouchers must be approved by the custodian of petty cash funds, which is the School Business Official, Principal, Food Service Manager or Transportation Supervisor. Until the final claim is submitted, use the vendor number assigned to the custodian of petty cash.
- 4) Do not mingle cash collected from books, fines, fees, etc., with petty cash funds.

Replenishing of Funds

- 1) Petty cash funds may be replenished periodically as soon as one-half (1/2) of the fund has been disbursed.
- 2) Petty cash expense can be charged to any regular budget code.
- 3) A claim form and petty cash journal record is required when submitting a claim. These reports together with the signed vouchers and receipts must be forwarded to the business office each time the fund is to be replenished.
- 4) Accounts Payable verifies the coding of each petty cash receipt. If changes are made by the business office, the custodian of petty cash is notified.
- 5) After verification has taken place checks are made out to the custodian of petty cash.
- 6) Checks are forwarded to the custodian of petty cash following the Board meeting.
- 7) The petty cash report form must be submitted to the business office before the next Board meeting.

(Continued)

SUBJECT: PETTY CASH FUNDS (Cont'd.)

Safeguarding Funds

- 1) Funds should be reconciled periodically by an employee independent of the custodian.
- 2) All petty cash must be returned to the working fund for the District before June 30. A reminder will be forwarded during June.

SUBJECT: REVENUE AND CASH MANAGEMENT**Cash Receipts and Revenue**

- 1) The Board has authorized all District bank accounts.
- 2) Procedures are in place to periodically verify that only Board-authorized accounts have been established.
- 3) Employees who handle cash are bonded.
- 4) Only Board-authorized individuals collect cash and pre-numbered triplicate receipt forms are used when the funds are collected.
- 5) The District uses receipt forms or some other method (cash register, logs of tickets sold, pre-numbered tickets) to establish accountability for all funds collected including such items as school lunch sales, soft drink sales, library fines, lost book fees, ticket sales for sporting events, concerts, plays, adult education tuition, or other miscellaneous fees and charges.
- 6) Individuals, other than the Treasurer, collecting cash use pre-numbered triplicate receipt forms. One of the receipts should be issued to the payer, another receipt should be issued to the Treasurer, and the last receipt should be retained by the individual collecting the funds to establish accountability. The individual collecting the cash should sign the receipt form.
- 7) Someone independent of other cash and record keeping functions opens the mail, restrictively endorses all checks, establishes a record of all funds received, and prepares the deposit slip.
- 8) The District reconciles actual collections to budgeted amounts, especially in the extraclassroom and lunch areas. If an extraclassroom fundraiser is expected to sell 100 candy bars for \$1 each, the reconciliation should show either \$100 in revenue or \$90 plus 10 candy bars to be returned.
- 9) The Treasurer audits the triplicate receipt books periodically and maintains control over the inventory of receipt books.
- 10) Checks are turned over to the Business Office for deposit and someone independent of the record keeping function verifies the funds were, in fact, deposited into the bank. Generally, the person who makes the initial cash receipt list should be the person who checks their list to actual deposits.
- 11) The individual collecting the money should reconcile the cash received with the register tape or log of tickets sold. The reconciliation should be reviewed and approved by a Supervisor.

(Continued)

SUBJECT: REVENUE AND CASH MANAGEMENT (Cont'd.)

- 12) Someone independent of the Business Office should periodically verify the reasonableness and completeness of all deposits.
- 13) The District has a procedure whereby the bank will only wire funds after it receives confirmation to do so from a second person which the District has authorized to approve the transfer.
- 14) All wire transfer notices are retained to support the transaction.
- 15) All checks should be restrictively endorsed upon receipt.
- 16) All cash and checks are kept in a secure location, turned over to the Treasurer, and deposited in the bank on a timely basis.
- 17) Cash balances on the bank statements are reconciled to the cash balances on the accounting records on a monthly basis.
- 18) The bank account reconciler should obtain bank statements directly from the bank (via mail, pick-up, or other means).
- 19) The individual responsible for the bank account reconciliations should not have any duties related to cash receipts and disbursements.
- 20) The bank account reconciler obtains the "book balance" directly from the general ledger, not through an intermediary person or from some other document.
- 21) The bank account reconciler compares bank statement deposit dates and amounts with cash receipts book entries.
- 22) The bank account reconciler compares, on a test basis, the date, payee, and amount on cancelled checks with cash disbursements book/warrant entries.
- 23) The bank account reconciler, on a sample or risk basis, evaluates endorsements on checks for reasonableness.
- 24) Once the reconciliations are completed, someone independent of the process should review them for completeness and to ensure they do not include outdated reconciling items.
- 25) There is adequate separation of duties for bank reconciliations, access to cash, and record keeping.

(Continued)

SUBJECT: REVENUE AND CASH MANAGEMENT (Cont'd.)

- 26) The District has procedures in place to ensure it receives the revenue it is entitled to.
- 27) The District uses monthly billings, overdue notices, an accounts receivable aging report, and the contacting of delinquent debtors as part of its accounts receivable process.
- 28) The individual responsible for the accounts receivable billings is prohibited from completing cash receipt and disbursements duties.
- 29) A Supervisor periodically reviews the account receivables billings and reconciles the total to the general ledger amount.

Cash Management and Investments

- 1) The District has a procedure to determine if excess cash is available for investment and such amounts are transferred to interest bearing accounts to maximize revenue.
- 2) A summary record of key information is maintained for all investments to properly monitor and account for investments.
- 3) The District invests in only those types of investments permitted by General Municipal Law Sections 10(3) and 11(2).
- 4) The Treasurer or other District Official is aware of collateral requirements and periodically verifies that the market value of pledged securities is sufficient to cover deposits in excess of the \$250,000 FDIC limits.

Petty Cash

- 1) All petty cash funds are authorized by the Board and do not exceed \$100 each.
- 2) The responsibility for each petty cash fund is vested in one person who does not have any other duties related to cash receipts.
- 3) All petty cash disbursements are limited to a maximum amount(s), require Supervisory approval, and are supported by adequate documentation.
- 4) Supporting documentation is maintained for each transaction, including the original receipts or invoices marked cancelled when paid.
- 5) Someone independent of the petty cash function periodically audits each petty cash fund to ensure the correct amount of cash and receipts are on hand and the funds are being used in accordance with the District's policies and procedures.

SUBJECT: FREE AND REDUCED PRICE MEAL PROGRAM

In fulfilling its responsibilities under the National School Lunch and Breakfast Programs, the Blind Brook-Rye Union Free School District agrees to:

- 1) Serve meals free to any student who has submitted an approved application and is a member of a family which has an annual income below the applicable family size income level adopted by the School District, as prescribed by the New York State Education Department.
- 2) Prohibit the physical segregation of, or any other discrimination against, any student because of his/her inability to pay the full price of meals.
- 3) Follow the hearing procedure outlined in District regulations for the appeal of decisions regarding eligibility.

The Blind Brook-Rye Union Free School District assures the New York State Education Department Child Nutrition Program Administration that the School District will uniformly implement the following regulation with respect to determining the eligibility of students for free meals in all National School Lunch and Breakfast Program participating schools under its jurisdiction.

Designated Officials

The District will designate a Reviewing Official, Hearing Official and Verification Official for the Child Nutrition Program as specified in the Certification of Acceptance submitted to the New York State Education Department. The Reviewing Official will be the ~~School Lunch Director~~ School Business Official who will determine which students are eligible for free/reduced meals or milk. The Hearing Officer will be the Superintendent of Schools.

Criteria for Determining Eligibility

The Blind Brook-Rye Union Free School District will use the Federal Income Eligibility Guidelines for determining eligibility for free and/or reduced price meals. The only specific criteria to be used will be gross family income and the number of individuals in the family, and will be uniformly applied by all National School Lunch and Breakfast Program participating schools under the jurisdiction of the School District. The scale based on the above criteria may be changed from year to year by the New York State Education Department in accordance with the annual United States Secretary of Agriculture's guidelines. Any change in the scales will be submitted to each School District by the New York State Education Department for their adoption. Districts may request changes in the prototype letter prior to printing through their regional office, if necessary.

(Continued)

SUBJECT: FREE AND REDUCED PRICE MEAL PROGRAM (Cont'd.)

Once approved for free/reduced price benefits, a household will remain eligible through September 30 of the next school year or when a new eligibility determination is made in the new school year, whichever comes first.

Public AnnouncementLetter to Parents/Guardians

The Blind Brook-Rye Union Free School District will announce this policy on or about the beginning of each school year, and during the school year if there is a change in the policy, by transmitting the reduced price income scale, parent letter, and application to all parents/guardians. Any parent/guardian enrolling a student in a school for the first time at any time during the school year shall be supplied with such documents. This letter and subsequent information provided to parents will be clear and understandable, and to the maximum extent practicable, provided in a language the parents can understand.

Public Release

On or about the beginning of each school year, and during the school year if there is a change in the policy, a public release containing the same information supplied to parents/guardians as well as the free eligibility criteria will be made available to the local news media, the local unemployment office, and any major employers contemplating large layoffs in the areas from which the school draws its attendance. Documentation must be kept with the policy booklet for three years plus the current year identifying where the public release was sent. Copies of this policy may be obtained by any interested party at the District Office.

Application Procedure

- 1) At the beginning of each school year the Blind Brook-Rye Union Free School District will send a letter to the parents/guardians of each student, together with a Family Income Scale and a form on which to make application for consideration of eligibility of their children for free/reduced price meals.
- 2) Parents/guardians will be required to complete the application and return the form for review. Only one "household" application is required for all children in the household attending schools in the District. Families may instead provide a "Direct Certification" letter from the New York State Office of Temporary and Disability Assistance (OTDA). Such applications and records of action taken will be maintained by the School District. Upon approval or disapproval, notification will be given to the parent/guardian or student.

(Continued)

SUBJECT: FREE AND REDUCED PRICE MEAL PROGRAM (Cont'd.)

- 3) In certain circumstances where households obviously at an economic disadvantage have failed to apply for free/reduced price meals for their students, the District will use the administrative prerogative to complete the application for the student. This judgmental option acknowledges that families may fail to apply due to lack of understanding, fear of authority, alien status, substance abuse, etc. The application will be completed based upon the best information available regarding family size and income and will be excluded from the verification process. However, exhaustive prior efforts to obtain a completed application from the parent/guardian must be made and documented.

This option will be used judiciously on an individual basis and not to provide eligibility determinations for large numbers of students. Refer to questions and answers on Administrative Prerogative in the NYS Education Department Free and Reduced Price Income Eligibility and Policy Information Booklet.

- 4) For homeless children for whom an application is not filed nor anticipated to be filed:
- a. The director of the homeless shelter at which the child resides can complete and submit the application;
 - b. The District's homeless liaison may complete the application and approve the child for free meals based solely on his/her knowledge that the child is homeless; or
 - c. If large numbers of homeless children make it impractical to complete individual applications, the District may establish a list of eligible students based upon knowledge of the family's residence (shelter, car, etc.) with at minimum the following information:
 - (1) Child's name;
 - (2) Effective date of eligibility determination;
 - (3) Name of shelter, etc. where child resides;
 - (4) Signature of determining official; and
 - (5) Date of withdrawal from the shelter, school or program.

SUBJECT: NON-DISCRIMINATION AND HEARING PROCEDURE ASSURANCES

- 1) The Blind Brook-Rye Union Free School District and its designated officials will take action necessary to ensure that the names of students eligible to receive free/reduced price meals shall not be published, posted, or announced in any manner and that there shall be no overt identification of any such students by use of special tokens or tickets, or by any other means. Further assurance is given that students eligible for free/reduced price meals shall not be required to:
 - a. Work for their meals.
 - b. Use a separate lunch room.
 - c. Go through a separate serving line.
 - d. Enter the lunch room through a separate entrance.
 - e. Eat meals at a different time.
 - f. Eat a different meal from the meal sold to students paying the full price of such a meal.
- 2) The Blind Brook-Rye Union Free School District will use a fair hearing procedure in cases of appeal by parents/guardians of the school's decision on applications. If a challenge to correctness of information contained in an application or to the continued eligibility of any student for a free/reduced price meal is made on the part of the School District, the students shall be provided a free/reduced price meal until a final determination is made.

Collection Procedure

In making collections from students who pay for their meals, and in accounting for the number of free/reduced price meals served, the methods used will be such that no other student in the school will be made aware, by the procedure, of the identity of the students receiving free or reduced price meals.

Provisions for Transfer

If a student transfers from one school building to another within the Blind Brook-Rye Union Free School District, his/her eligibility for a free/reduced price meal will be transferred to and honored by the receiving school.

(Continued)

**SUBJECT: NON-DISCRIMINATION AND HEARING PROCEDURE ASSURANCES
(Cont'd.)**

Records

The District will maintain a file of the following records for three (3) years plus the current year after the end of the fiscal year to which they pertain:

- 1) All applications and Direct Certification letters returned and documentation of action taken.
- 2) Records of all appeals and challenges and their disposition.
- 3) All notifications of eligibility determinations, including benefit rejection letters.
- 4) Records of all verification efforts and resulting eligibility changes.

SUBJECT: FREE AND REDUCED PRICE MEAL PROGRAM

<u>Responsibility</u>	<u>Action</u>
Board of Education	1) a. Authorizes participation in National School Lunch and Breakfast Programs. b. Designates Program Officer (Assistant Superintendent).
Program Officer	2) a. Prepares and distributes to all parents/guardians in the District communication of the reduced price eligibility scale and application. b. Makes a public release containing the same information supplied to parents/guardians as well as the free eligibility criteria.
Parent/Guardian	3) Completes an application and returns to the Building Principal or his/her designee for review.
Program Officer	4) a. Determines eligibility and notifies parents/guardians within ten (10) school days. b. Files a copy of application in the office of the Building Principal/designee. c. Attaches letter of denial to applications not approved.
Parent/Guardian or Program Officer	5) May request a conference to discuss the situation, present information, and/or obtain an explanation of the data submitted in the application or the decisions rendered.
Parent/Guardian	6) If not satisfied with the determination made in regards to eligibility, asks for a hearing.
Hearing Official	7) a. Holds a hearing and reviews the material submitted at that time.

(Continued)

SUBJECT: FREE AND REDUCED PRICE MEAL PROGRAM (Cont'd.)

Responsibility

Action

Hearing Official (Cont'd.)

- b. Makes a determination and advises the Program Officer and a parent/guardian of the findings.

SUBJECT: RECORDS MANAGEMENT**Initial Designation of Records Management Officer**

- 1) The School District shall designate one (1) local officer to be Records Management Officer, subject to the approval of and appointment by the Board of Education.
- 2) Within one (1) month of such designation, the Board of Education shall notify the Commissioner of Education of the Records Management Officer's name, title or position in the School District and contact information.

Vacancy in the Position of Records Management Officer

- 1) Whenever a vacancy shall occur in the position of Records Management Officer, a replacement shall be designated within sixty (60) days.
- 2) Within one (1) month of such designation, the Board of Education shall notify the Commissioner of Education of the Records Management Officer's name, title or position in the School District, and contact information.

Records Management Officer

The Records Management Officer's job is varied and often complex. Commissioner's Regulations state that part of the duties of the Records Management Officer is to "initiate, coordinate and promote the systematic management of the local government's (i.e., the School District's) records in consultation and cooperation with other local officers."

Special Approvals for Disposition of Records Not Included in Schedule

Records not listed on a records retention and disposition schedule shall not be disposed of without the Commissioner of Education's approval. The Commissioner will determine the minimum length of time the record needs to be retained and, if necessary, amend the schedule to include this item for future reference.

Records that have been damaged by natural or manmade disaster and constitute a human health or safety risk also require the Commissioner's prior approval before disposition.

(Continued)

SUBJECT: RECORDS MANAGEMENT (Cont'd.)**Replacing Original Records with Microforms or Electronic Images**

Digital images of public records may be stored on electronic media, and such electronic records may replace paper originals or micrographic copies of these records. To ensure accessibility and intelligibility for the life of these records, the School District shall follow the procedures prescribed by the Commissioner of Education.

Retention and Preservation of Electronic Records

- 1) The District shall ensure that records retention requirements are incorporated into any plan and process for design, redesign, or substantial enhancement of an information system that stores electronic records.
- 2) The District shall ensure that electronic records are not rendered unusable because of changing technology before their retention and preservation requirements are met. In the case of archival electronic records, the District, in consultation with the State Archives, must determine that the records will remain usable and accessible by ensuring that the records are retained in currently available file formats and by creating adequate documentation of the records and their systems as defined in subdivision (3) of this section.
- 3) The District shall develop and maintain up-to-date documentation about all permanent or archival electronic records sufficient to:
 - a. Specify all technical characteristics necessary for reading and processing the records;
 - b. Identify all defined inputs and outputs from the system;
 - c. Define the contents of the files and records;
 - d. Determine restrictions on access and use;
 - d. Understand the purposes and functions of the system;
 - e. Describe update cycles and/or conditions and rules for adding information to the system, changing information in the system, or deleting information; and
 - f. Ensure the ongoing retention of records by the District.
- 4) The District shall prepare and store in a secure off-site facility copies of archival electronic records in order to safeguard against loss.

(Continued)

SUBJECT: RECORDS MANAGEMENT (Cont'd.)

- 5) For electronic media that contain permanent or archival electronic records, the District shall institute maintenance procedures to:
 - a. Verify that the media are free of permanent potentially damaging errors;
 - b. Rewind under constant tension all tapes at least every two (2) years;
 - c. Annually test a three percent (3%) statistical sample of all units of media to identify any loss of data and to discover and correct the causes of data loss;
 - d. Copy immediately onto new media any permanent or archival electronic records stored on media containing a significant number of errors or showing signs of physical degradation;
 - e. Copy all permanent or archival electronic records onto new media before the media are expected to fail and always before the media are ten (10) years old; and
 - f. Prepare external labels to identify each media unit, the name of the organizational unit responsible for the records, and the records title.

SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS

Pursuant to Board of Education Policy and the Federal Trade Commission's (FTC) "Disposal Rule" (16 Code of Federal Regulations Part 682) 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 School District will take appropriate measures to properly dispose of sensitive information (i.e., personal identifiers) contained in or derived from consumer reports and records. Any employer who uses or possesses consumer information for a business purpose is subject to the Disposal Rule. According to the FTC, the standard for proper disposal of information derived from a consumer report is flexible, and allows the District to determine what measures are reasonable based on the sensitivity of the information, the costs and benefits of different disposal methods, and changes in technology.

Definitions (in accordance with the FTC's Disposal Rule and the Fair Credit Reporting Act, 15 United States Code Section 1681 et seq.)

- 1) The term "*person*" means any individual, partnership, corporation, trust, estate, cooperative, association, government or governmental subdivision or agency, or other entity.
- 2) The term "*consumer*" means an individual.
- 3) The term "*consumer report*" means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing a consumer's eligibility for credit, employment, or insurance, among other purposes. Examples of consumer reports include credit reports, credit scores, reports businesses or individuals receive with information relating to employment background, check writing history, insurance claims, residential or tenant history, or medical history.
- 4) 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.
- 5) The term "*consumer information*" means 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 such records. Consumer information does not include information that does not identify individuals, such as aggregate information or blind data.

(Continued)

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

- 6) The terms "*dispose*," "*disposing*," or "*disposal*" mean:
 - a. The discarding or abandonment of consumer information, or
 - b. The sale, donation, or transfer of any medium, including computer equipment, upon which consumer information is stored.
- 7) The term "*personal identifiers*," per the FTC, goes beyond simply a person's name. The FTC believes that there are a variety of personal identifiers 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 e-mail address. The FTC has not included a rigid definition within the Disposal Rule since, depending upon the circumstances, data elements that are not inherently identifying can, in combination, identify particular individuals.
- 8) The term "*document destruction contractor*" means a person, firm or corporation that owns or operates a business, the principal purpose of which is to destroy records containing personal identifying information for a fee, and for whom the total cash price of all of its document destruction contracts exceeds five hundred dollars during any period of twelve (12) consecutive months.

Proper Disposal of Consumer Information/Reasonable Measures

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. What is considered "reasonable" will vary according to the particular entity's nature and size, the costs and benefits of available disposal methods, and the sensitivity of the information involved. The FTC's Disposal Rule does not mandate specific disposal measures.

Reasonable measures to protect against unauthorized access to or use of consumer information in connection with District disposal include the following examples. These examples are not exclusive or exhaustive methods for complying with the Disposal Rule.

- 1) Burning, pulverizing, or shredding of papers containing consumer information so that the information cannot practicably be read or reconstructed.
- 2) Destroying or erasing electronic media containing consumer information so that the information cannot practicably be read or reconstructed. Examples would include:

(Continued)

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

- a. Breaking or destroying computer disks;
 - b. Overwriting or "wiping" electronic records prior to disposal;
 - c. Prior to the sale, donation or transfer of any medium, including computer equipment, upon which consumer information is stored, disposing of such electronic media by overwriting or "wiping" the data prior to disposal or making certain that the hard drive is permanently deleted.
- 3) 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:
- a. Reviewing an independent audit of the disposal company's operations and/or its compliance with the Disposal Rule;
 - b. Obtaining information about the disposal company from several references or other reliable sources;
 - c. Requiring that the disposal company be certified by a recognized trade association or similar third party;
 - d. Reviewing and evaluating the disposal company's information security policies or procedures;
 - e. Taking other appropriate measures to determine the competency and integrity of the potential disposal company; or
 - f. Requiring that the disposal company have a certificate of registration from the New York Department of State issued on or after October 1, 2008.
- 4) Identifying consumer information when providing it to service providers or affiliates to ensure that the information will be disposed of properly in accordance with the Disposal Rule.

(Continued)

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

- 5) For persons 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 such information in accordance with examples 1) and 2) above.

The service providers, along with the record owner, bear responsibility for the proper disposal of consumer information that they maintain or otherwise possess. In evaluating a service provider's compliance with the FTC Disposal Rule, however, a record owner's failure to provide notice or contract for disposal in accordance with requirements of the Disposal rule will be strongly considered by the FTC.

- 6) The District will provide employee training on proper disposal of consumer information, and mechanisms to update its information security program on a periodic basis.

Failure to Comply

Willful and/or negligent failure to comply with the FTC Disposal Rule could subject the District to civil liability and monetary damages, as well State action for violations.

Relation to Other Laws and Regulations

The FTC Disposal Rule shall not be interpreted:

- 1) To require the District to maintain or destroy any record pertaining to a consumer that is not imposed under other law; or
- 2) To alter or affect any requirement imposed under any other provision of law to maintain or destroy such a record.

**BLIND BROOK-RYE UNION FREE SCHOOL DISTRICT
REPORTING FORM
“BREACH OF THE SECURITY OF THE SYSTEM”
PURSUANT TO THE INFORMATION SECURITY BREACH AND NOTIFICATION ACT
(STATE TECHNOLOGY LAW SECTION 208)**

Name of School District: _____

Date of Discovery of Breach: _____

Estimated Number of Affected Individuals: _____

Date of Notification to Affected Individuals: _____

Manner of Notification: written notice
 electronic notice (e-mail)
 telephone notice

Are you requesting substitute notice? Yes No (If yes, attach justification)

Content of Notification to Affected Individuals: (Describe what happened in general terms and what kind of information was involved. Please attach copy of Notice.)

Name of School District: _____

Contact Person/Title: _____

Telephone number: _____

E-mail: _____

Dated: _____

Submitted by: _____

Title: _____

Address: _____

Email: _____

Telephone: _____ Fax: _____

(Continued)

**BLIND BROOK-RYE UNION FREE SCHOOL DISTRICT
REPORTING FORM
“BREACH OF THE SECURITY OF THE SYSTEM”
PURSUANT TO THE INFORMATION SECURITY BREACH AND NOTIFICATION ACT
(STATE TECHNOLOGY LAW SECTION 208) (Cont'd.)**

PLEASE SUBMIT THIS FORM TO ALL THREE (3) STATE AGENCIES as follows:

Fax this form to:

Consumer Protection Board
Security Breach Notification
Fax: 518-474-2474

Fax and Mail this form to:

NYS Office of Cyber Security and Critical Infrastructure Coordination
30 South Pearl Street
Floor P2
Albany, NY 12207
Fax: 518-474-9090

Attorney General
Assistant Attorney General in Charge
Bureau of Consumer Frauds
120 Broadway – 3rd Floor
New York, NY 10271
Fax: 212-416-6003

SUBJECT: BUILDING SECURITY

In order to provide uniform procedures for administering and maintaining a security system on a District-wide basis, and in order to help avoid incidents of breaking and entering, theft and vandalism, the following regulations shall govern all buildings and facilities.

Guidelines

- 1) No change shall be made on or to any locks/locking devices in any building without the expressed authorization of the Superintendent of Buildings and Grounds.
- 2) No faculty/staff member shall possess at any time an exterior entrance master key, with the exception of:
 - a. The District administrator(s),
 - b. The building custodian(s), and
 - c. Such other persons who possess express written authority from the Superintendent of Schools.
- 3) No faculty/staff member shall possess at any time an area key to facilities which are not within the scope of his/her primary assignment.
- 4) No student or non-District employed person shall possess or be given a key for temporary use.
- 5) All classroom keys provided for faculty/staff members' use shall be issued annually in September, and returned the following June as part of the final year-end audit.
- 6) All unoccupied areas, including classrooms, laboratories, custodial closets, storage rooms etc. shall be locked at all times.
- 7) Although the building administrator is held responsible for the operation of his/her facility, after school hours the Superintendent of Buildings and Grounds shall have primary responsibility for District security and building security during the absence of the building administrator.
- 8) Staff members are to direct all visitors to the Main Office where visitors are to identify themselves and their purpose in visiting the school. Visitors will be required to sign the visitor's book upon entering the school and each visitor will be issued an identification badge. Visitors are to notify the Main Office of their departure and sign out upon leaving the building, returning their identification badges to an office staff member.

(Continued)

SUBJECT: BUILDING SECURITY (Cont'd.)

- 9) If a staff member notices that a visitor does not report to the Main Office upon entering the building, he/she should report that occurrence to the Building Principal/designee.
- 10) Staff members are to report any malfunctioning outside doors to the Main Office.
- 11) Teachers are to lock their classroom doors whenever they take students out of the building.
- 12) Signs will be posted throughout the school building directing visitors to report to the Main Office.
- 13) After the start of the school day, all outside doors, with the exception of the main entrance will be locked.

SUBJECT: HAZARD COMMUNICATION PROGRAM

The Hazard Communication Program is written to inform employees that the hazards of all chemicals and/or chemical products present, entering and used in the Blind Brook-Rye Union Free School District have been evaluated and that information concerning the hazards has been transmitted to employees who may be exposed to such chemicals.

This program is written to fulfill the requirements of the Occupational Safety and Health Administration, 29 CFR 1910.1200, and to fulfill the requirements of the New York State Official Compilations of Codes, Part 820 of Title 12.

All work units of the Blind Brook-Rye Union Free School District are included within this program. The written program will be available in the Office of the Risk Management Coordinator for review by any interested employee.

Container Labeling

The Risk Management Coordinator will verify that all containers received for use will:

- 1) Be clearly labeled as to the contents;
- 2) Note the appropriate hazard warning;
- 3) List the name and address of the manufacturer.

All secondary containers will be labeled with either an extra copy of the original manufacturer's label or with the generic labels which have a block for identity and blocks for the hazard warning. If written alternatives to labeling of temporary containers are used, a description of the system used will be added. The Risk Management Coordinator will periodically review the District labeling system and update as required.

Material Safety Data Sheets (MSDS)

The Risk Management Coordinator will be responsible for obtaining and maintaining the data sheet system for the Blind Brook-Rye Union Free School District. Such person will review incoming data sheets for new and significant health/safety information. He/she will see that any new information is passed on to the affected employees. (If alternatives to actual data sheets are used, a description of the system will be provided.) Copies of MSDS's for all hazardous chemicals to which employees of this District may be exposed will be kept in the Office of the Risk Management Coordinator. MSDS's will be available to all employees in their work area for review during each work shift. If MSDS's are not available or new chemicals in use do not have MSDS's, the Risk Management Coordinator should be immediately contacted.

(Continued)

SUBJECT: HAZARD COMMUNICATION PROGRAM (Cont'd.)**Employee Training and Information**

The Risk Management Coordinator is responsible for the employee training program. He/she will ensure that all elements specified below are carried out. Prior to starting work, each new employee will attend a health and safety orientation and will receive information and training.

After such training, each employee will sign a form to verify that he/she attended the training, received our written materials, and understood the District's regulations on Hazard Communication. Prior to a new chemical hazard being introduced into any section of the District, each employee of that section will be given the necessary information.

List of Hazardous Chemicals

The hazards associated with chemicals used by Blind Brook-Rye Union Free School District will be identified from the Material Safety Data Sheets obtained from the chemical supplier. Information on each noted chemical can be obtained by reviewing the Material Safety Data Sheets located in the Office of the Risk Management Coordinator.

Hazardous Non-Routine Tasks

Periodically, employees are required to perform hazardous non-routine tasks. Prior to starting work on such projects, each affected employee will be given information by their immediate supervisor about hazardous chemicals to which he/she may be exposed during such activity.

Informing Contractors

It is the responsibility of the Risk Management Coordinator to provide contractors performing work in the District the following information:

- 1) Hazardous chemicals to which they may be exposed while on the job site;
- 2) Precautions the employees may take to lessen the possibility of exposure by usage of appropriate protective measures.

The Risk Management Coordinator will be responsible for contacting each contractor before work is started in the District to gather and disseminate any information concerning chemical hazards that the contractor is bringing into the District.

SUBJECT: HAZARDOUS MATERIALS**Purchase of Hazardous Materials**

All materials (plants, animals, chemicals, solvents, solutions, and cleansers) should be presumed hazardous until they are declared not hazardous.

A material declared not hazardous will be approved for purchase without restriction.

A material declared hazardous will be approved for purchase with appropriate restrictions or will be prohibited.

A qualified science teacher, a qualified art teacher, and a qualified person from buildings and grounds will be appointed to screen materials. They will either prohibit the purchase of specified materials or approve such purchase stating the restrictions which apply.

Information about hazardous materials will be available to all employees through the District's Hazard Communication Plan (HazCom). State and Federal lists of prohibited, restricted and approved materials will be available to all appropriate employees.

Those employees will certify on all purchase orders that the materials ordered are approved for the conditions under which they are ordered. If the materials to be ordered are not on a list, the department head shall submit the materials to one of the persons designated for approval. The individual initiating the purchase must request the Material Safety Data Sheet (OSHA-20 form). The information on this form must be disseminated to all who use the material and the form must be kept on file within the department.

The appropriate employee will state who may use the material (cleaner, teacher, student) and the maximum quantity permitted for purchase.

Storage of Hazardous Materials

Chemicals or hazardous materials should be kept in a central location as per individual department or organization. This will ensure that the proper facilities and requirements for their storage (i.e., ventilation or flammability) will be available in a secure facility.

These materials should be grouped according to chemical compatibility and stored on proper shelving or in approved cabinets.

Quantities of a hazardous material or of any chemical should be limited to an as-needed basis or to be used up within one (1) year. This will prevent excess accumulation and ensure that fresh material is available.

(Continued)

SUBJECT: HAZARDOUS MATERIALS (Cont'd.)**Use of Hazardous Materials**

Each department or organization must establish specific guidelines for dispensing, use and disposal of hazardous materials. These guidelines must be posted or otherwise available to people using the materials.

All employees using hazardous materials must be made aware of the hazards of the material, the proper use of these materials, and first aid measures to be taken in the event of accidents and emergencies. This information should be provided by the employee's supervisor as obtained from the "Material Safety Data Sheet."

All hazardous materials which are used will be approved for use subject to the conditions specified concerning:

- 1) The people who handle the materials.
- 2) The location and conditions where these materials are used.
- 3) The quantity to be used.
- 4) The quantity available from the dispenser.
- 5) The maximum allowed concentration of solutions.
- 6) The method of disposal to be used.
- 7) Other restrictions such as aprons, glasses, masks, ventilation, etc.

Disposal of Hazardous Materials

In order to be responsible in the use of hazardous substances, we must also be concerned with the safe disposal of dangerous, unwanted, or unlabeled materials.

While some materials may be disposed of easily through ordinary means, others require foresight, planning, and a safe method. Each department or organization will maintain a list of proper disposal methods for any hazardous materials it uses.

The disposal of any material denoted as hazardous must be planned before its use and/or purchase. The Superintendent of Buildings and Grounds is to be contacted for removal of these substances for which there is no ordinary means of disposal.

**SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN
PUBLIC SCHOOL FACILITIES**

The School District is required to provide and maintain on-site in each instructional school facility, at school-sponsored or school-approved curricular or extracurricular events or activities, and at school-sponsored athletic contests and competitive athletic events, at least one (1) functional cardiac automated external defibrillator (AED) for use during emergencies. Public school facilities and staff who will operate the AED equipment pursuant to Education Law Section 917 are deemed "a public access defibrillation (PAD) provider" as defined in Public Health Law Section 3000-b and subject to its provisions.

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

Definitions

- 1) "Automated external defibrillator" means a device as defined in Public Health Law Section 3000-b(1)(a).
- 2) "Instructional school facilities" means a building or other facility maintained by the School District where instruction is provided to students pursuant to its curriculum.
- 3) "School-sponsored or school-approved curricular or extracurricular events or activities" means events or activities of the School District that are, respectively, associated with its instructional curriculum or otherwise offered to its students.
- 4) "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 Section 135.4.
- 5) "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 Section 135.4.

On-Site Cardiac Automated External Defibrillators

The School District shall provide and maintain on-site in each instructional school facility sufficient functional cardiac automated external defibrillator equipment to ensure ready and appropriate access for use during emergencies. In determining the quantity and placement of automated external defibrillators, consideration shall be given to:

(Continued)

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

- 1) The number of students, staff and other individuals that are customarily or reasonably anticipated to be within such facility; and
- 2) The physical layout of the facility, including but not limited to:
 - a. Locations of stairways and elevators;
 - b. Number of floors in the facility;
 - c. Location of classrooms and other areas of the facility where large congregations of individuals may occur; and
 - d. Any other unique design features of the facility.
- 3) Whenever an *instructional School District facility* is used for a school-sponsored or school-approved curricular or extracurricular event or activity and whenever a *school-sponsored athletic contest* is held at any location, the public school officials and administrators responsible for such school facility or athletic contest shall ensure that AED equipment is provided on-site and that there is present during such event, activity or contest at least one staff person who is trained in accordance with Public Health Law in the operation and use of an AED. (Activities such as Board meetings, PTA meetings, and activities sponsored by outside groups such as 4-H or Girl/Boy Scouts are excluded from the AED mandate and the school does not need to provide AED coverage at these events.)
- 4) Where a *school-sponsored competitive athletic event* is held at a site other than a School District facility, School District officials shall assure that AED equipment is provided on-site by the sponsoring or host district and that at least one staff person who is trained, in accordance with Public Health Law, in the operation and use of the AED is present during such athletic event.

Each AED device shall be approved by the Food and Drug Administration for adult use and/or for pediatric use, as appropriate for the population reasonably anticipated to be served by such device, and shall be used according to the manufacturer's instructions with due attention provided to operating procedures, maintenance and expiration date.

Limitation on Liability

The School District (as a public access defibrillation provider), or any employee or other agent of the District who, in accordance with the provisions of law, voluntarily and without expectation of

(Continued)

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

monetary compensation renders emergency medical or first aid treatment using an AED to a person who is unconscious, ill or injured, shall not be liable for damages for injury or death unless caused by gross negligence.

Key Elements of a School-Based Public Access Defibrillation (PAD) Program*

*excerpted from *Public Access Defibrillation (PAD) in Schools (2000)*, NYS Education Department

The following elements have been identified as essential in the planning and support of the District's public access defibrillation (PAD) program:

- 1) A core emergency response team of trained personnel, including the school registered professional nurse, and a method to activate this team.
- 2) A well-defined emergency plan that clearly states all policies and procedures relative to the use of an AED.
- 3) Strategic placement and availability of the AED unit(s).
- 4) A rapid and effective communication system, especially with regard to events held at remote locations.
- 5) Staff that has successfully completed an initial program provided by a nationally recognized training organization (American Red Cross, American Heart Association, National Safety Council) certifying them to operate an AED and perform Cardiopulmonary Resuscitation (CPR) on adult and, when necessary, pediatric patients.
- 6) A systematic program for recertifying trained providers in a program provided by a nationally recognized training organization.
- 7) Refresher training of all certified AED/CPR providers at intervals deemed appropriate by the Medical Director responsible for the school district PAD program. This is a skills enhancement program and is not part of a certification program.
- 8) Regular maintenance of the AED unit(s) according to the manufacturer's specifications.
- 9) Periodic testing and repair/replacement of non-functioning AED units.
- 10) Reporting the use of an AED to the collaborating emergency health care provider, who in turn is required to report to the Regional Emergency Medical Services Council.
- 11) Physician oversight.

SUBJECT: BOMB THREAT RESPONSE GUIDELINES**Introduction**

Recent bomb threats and other acts of violence in schools have increased awareness concerning the importance of response actions and coordination among school officials, law enforcement officials, and local emergency management officials. This guideline provides clarification regarding the roles of educators, staff, and law enforcement officials related to bomb threats in schools. This document should be used as a guide in the development of the section of the building-level school safety plan which addresses bomb threats.

Proper planning and prudent actions are necessary to protect the safety of students and staff. Therefore, it is critically important that school officials have a consistent, unified plan of action to deal with the threat of bombs and explosive materials in schools. Section 155.17 of the Commissioner's Regulations requires schools to maintain school safety plans to ensure the safety and health of children and staff and to ensure the integration and coordination with similar emergency planning at the municipal, county, and State levels. Each plan shall be reviewed by the appropriate school safety team on at least an annual basis, and updated as needed by July 1 in accordance with Commissioner's Regulations. Planning for a bomb threat is clearly an emergency, which must be included within the building-level school safety plan(s).

School Bomb Threats

A bomb threat, even if later determined to be a hoax, is a criminal action. No bomb threat should be treated as a hoax when it is first received. The school has an obligation and responsibility to ensure the safety and protection of the students and other occupants upon the receipt of any bomb threat. This obligation must take 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. If the bomb threat is targeted at the school parking lot or the front of the school, building evacuation may not be an appropriate response. If the bomb threat indicates that a bomb is in the school, then building evacuation is necessary unless the building has been previously inspected and secured as described in these guidelines. (see subheading "Sheltering in Sanitized and Cleared Areas" of this regulation)

The decision to evacuate a building or to take shelter is dependent upon information about where the bomb is placed and how much time you have to reach a place of safety. Prudent action dictates that students and other occupants be moved from a place of danger to a place of safety. Routes of egress and evacuation or sheltering areas must be thoroughly searched for suspicious objects before ordering an evacuation. Failure to properly search evacuation routes before an evacuation takes place can expose students and staff to more danger than remaining in place until the search has taken place. Assistance is available from local police agencies and the New York State Police to train staff to check evacuation routes.

(Continued)

SUBJECT: BOMB THREAT RESPONSE GUIDELINES (Cont'd.)**Police Notification and Investigation**

A bomb threat to a school is a criminal act, which is within the domain and responsibility of law enforcement officials. Appropriate State, county, and/or local law enforcement agencies must be notified of any bomb threat as soon as possible after the receipt of the threat. Law enforcement officials will contact, as the situation requires, fire and/or county emergency coordinators according to the county emergency plan.

Police agencies, provided they have the proper resources available, may conduct building searches with the permission of the school official responsible for the building. It is not unusual during a bomb threat for police officers, when present, to request volunteer assistance from school employees. People who can be the most helpful in looking for suspicious objects are the school employees themselves. This is due to the fact that employees may be able to quickly recognize objects which do and do not belong in the building. A stranger to the building does not have the advantage of the employee in conducting this type of building search.

It should be noted that the search for something unusual does not involve touching or handling the suspect object. Only specified and highly trained law enforcement officials are authorized to handle the suspect object when located. School officials and/or employees are not trained or authorized to touch, handle, or move any suspected explosive device. Law enforcement officers, upon finding suspicious objects, will call for appropriate bomb technicians.

School officials should be aware that law enforcement agencies generally do not initially send out bomb sniffing dogs and/or trained bomb technicians until a suspect device is located. It should also be noted that bomb-sniffing dogs have a limited time of efficiency so that their use is carefully considered.

Receiving Threatening Information

Anyone receiving information about a bomb threat - by way of telephone, written note, or through observing a suspicious object, must immediately notify the school building administrator or his/her designee, as described in the applicable building-level school safety plan(s). School personnel should not try to determine if a telephoned bomb threat or suspicious package or letter is a hoax. School personnel must proceed as if the threat is real. Bombs can be constructed to look like almost anything. Most bombs are homemade and the probability of finding a bomb that looks like a stereotypical bomb is almost nonexistent. Therefore, the administrator or designee is to notify local law enforcement officials and initiate the planned actions to move all occupants out of harm's way. Bomb threat information is **not** to be treated as a hoax and an official search must be conducted.

(Continued)

SUBJECT: BOMB THREAT RESPONSE GUIDELINES (Cont'd.)Written Bomb Threats

If a written bomb threat is received, the handling of the note and its envelope should be kept to an absolute minimum since it will be used as evidence in the criminal investigation. Fingerprints will be taken from the note to help determine its source. If the note is contaminated with the fingerprints of the recipients, the value of this evidence will be significantly compromised.

Mail Bombs/Suspicious Packages

Mail bombs have been contained in letters, books, and parcels of varying sizes, shapes, and colors. The New York State Police and the Federal Bureau of Alcohol, Tobacco, and Firearms have provided the following characteristics and instructions regarding mail bombs.

- 1) Letter bombs may feel rigid, appear uneven or lopsided, or are bulkier than normal.
- 2) The container is irregularly shaped, asymmetrical, and has soft spots and bulges.
- 3) There may be oil stains on the wrapper. The wrapper may emit a peculiar odor.
- 4) The package may be unprofessionally wrapped and be endorsed with phrases such as "Fragile -- Handle with Care", "Rush -- Do Not Delay", "To Be Opened in the Privacy of _____", "Prize Enclosed", or "Your Lucky Day is Here."
- 5) There may be cut and paste lettering on the address label.
- 6) The package may have no postage or non-cancelled postage.
- 7) The package may exhibit protruding wires, foil, string, or tape.
- 8) The package may emit a buzzing or ticking noise.
- 9) A suspect letter or package may arrive immediately before or after a telephone call from an unknown person asking if the item was received.

If you suspect a letter or package of being a bomb:

- 1) **Do not open or squeeze** the envelope or package.
- 2) **Do not pull** or release any wire, string, or hook.
- 3) **Do not** turn or shake the letter or package.
- 4) **Do not** put the letter or package in water or near heat.
- 5) **Do not** touch the letter or package, thereby compromising fingerprint evidence.
- 6) **Do** move people away from the suspected envelope or package.
- 7) **Do** notify the State and/or local police, depending on which law enforcement agency covers your geographic area.
- 8) **Do activate your building-level school safety plan(s) for dealing with bombs.**

(Continued)

SUBJECT: BOMB THREAT RESPONSE GUIDELINES (Cont'd.)Telephone Bomb Threats

Handling a telephone bomb threat requires training and preparation for the person answering the call. The bomb threat caller is the best source of information about the bomb. Therefore, it is important to remain calm and try to get as much information as possible about the bomb from the person on the telephone. If possible, the person answering the call should signal co-workers of the threatening call while the call is still in progress. It is also desirable that more than one person listen in on the call.

Persons receiving threatening calls in a school should have a list of emergency agency telephone numbers available, as well as the telephone numbers of school officials to be immediately contacted. Individuals who are likely to be the first to respond to a threatening telephone call should receive training offered by the New York State Police or local law enforcement agencies. The local BOCES Health and Safety Office may be contacted for assistance in coordinating this training.

The New York State Police recommend that, if possible, the telephone threat be taped. Caller identification or other types of tracing devices should also be considered. The *New York State Police Bomb Threat Instruction Card* should be placed next to telephones that are most likely to receive such calls. Information to be asked of the caller includes:

- 1) Where is the bomb located?
- 2) When will the bomb go off?
- 3) What does the bomb look like?
- 4) What kind of explosive is involved?
- 5) Why was the bomb placed?
- 6) What is your name? (Sometimes the caller may be caught off guard and will give you his/her name.)

Other information which should be noted includes: the time of the call; language used by the caller; gender and approximate age of the caller (child or adult); speech characteristics (slow, fast, loud, soft, disguised, intoxicated, accented, etc.); and any noticeable background noises such as music, motors running or street traffic.

Bomb Threat Response Actions

The following three (3) actions may be used by school administrators when coping with a bomb threat in a school building. These actions require planning, preparation, and training.

- 1) Evacuation of the building after searching exit routes and evacuation areas;

(Continued)

SUBJECT: BOMB THREAT RESPONSE GUIDELINES (Cont'd.)

- 2) Sheltering students in an area which has been "sanitized and cleared"; and
- 3) Preclearance of the building and maintenance of security to ensure no suspicious objects have been brought into the building by students, visitors, or staff.

Building Evacuation

When school officials receive information that a bomb threat has been received and the building has not been precleared and kept secure, the school bomb threat procedures are to be immediately activated. This may or may not warrant immediate building evacuation. If the bomb threat indicates that an explosive has been placed outside the building, sheltering may be the most appropriate course of action. (see subheading "Sheltering in the School -- Potential Explosive Device Outside the Building" of this regulation) If the threat indicates that the device is in the building or is non-descript in nature, building evacuation procedures are to be immediately activated.

The building-level school safety plan(s) for bomb threats should establish a process for determining who will be responsible for performing an initial search of the stairwells, lobby, entrances, exits, and evacuation areas for suspicious objects. The immediate checking of these areas prior to evacuation is necessary so that a safe and expeditious evacuation may proceed. Simultaneously, all school employees should take a quick look around their work areas for any suspicious items. Such school safety plans should make it clear that any suspicious items found must be left alone and must be immediately reported to the school administrator. Under no circumstances are school personnel to touch or move any suspect items.

Based upon information known or not known about a bomb threat, and after it has been determined that reasonably safe passage of students and other occupants can be made to exit the building, an immediate evacuation signal must be given. The building-level school safety plan(s) should identify the type of signal(s) used to denote a building evacuation in case of a bomb threat. Staff, teachers, and students are to be familiar with such signals so they can respond without hesitation or confusion. Local law enforcement officials should be consulted as to options for signals during a bomb threat.

- 1) Persons evacuating the building should remain calm and orderly in order to prevent panic and confusion, which may result in an increased evacuation time, endangering lives, and increasing the chances of injuries occurring.
- 2) The building-level school safety plan(s) shall identify volunteer floor wardens and alternate volunteer floor wardens to ensure an orderly process for clearing each floor, including restrooms. When floor wardens have cleared their areas of responsibility, they should report to the command area in the evacuation assembly area.

(Continued)

SUBJECT: BOMB THREAT RESPONSE GUIDELINES (Cont'd.)

- 3) Elevators are not to be used for evacuation purposes.
- 4) Occupants are to proceed to the designated safe evacuation assembly area. After accounting for all students and staff, the Principal will determine next steps, as the situation requires. Designated evacuation areas should not be located near areas of incoming emergency responders. Open play fields, removed from the activity, are suitable evacuation assembly areas.
- 5) The Superintendent/ Principal should designate an easily accessible location and known position as a command post for coordination with emergency responders and receiving information and communications related to the incident.

Evacuation of Students, Staff and Teachers with Disabilities

School safety plans must provide evacuation procedures for all persons with disabilities. Assigned responsibilities and procedures to assist those individuals with disabilities should be identified in the school safety plan(s). Local emergency responders must be familiar with the school's plan for persons with disabilities and the school safety plans as a whole.

Evacuation Areas

Evacuation areas must be identified in the school safety plans. School safety plans should address procedures for informing parents and/or guardians of actions to protect and provide safety for their children. Teachers and staff should know the location of evacuation areas where students will be taken, if necessary, during emergencies until dismissal time and/or parental/guardian pick-up. Students and parents should only be notified of that location, as needed, due to security considerations and confidentiality.

Weather Conditions and Evacuation

The possibility always exists that students, faculty and staff may have to evacuate a school during inclement weather conditions. School safety plans should address procedures for prolonged outdoor exposure. Students must not be permitted to access their lockers to obtain their coats. Therefore, administrators at each school must determine how best to provide temporary shelter should the time outside be prolonged.

(Continued)

SUBJECT: BOMB THREAT RESPONSE GUIDELINES (Cont'd.)**Reoccupancy of a School Building**

After a bomb search has been concluded, by or with law enforcement, the school administrator is the person responsible for making the decision to reenter the school building. Unlike fire chiefs during a fire, police officials have no legal authority to declare the building safe for reoccupancy. They will not be able to conclusively state that there is no bomb, only that the search did not reveal any.

Based upon information received from the building search, one of three (3) decisions may be considered by the school administrator:

- 1) Reoccupy the building and resume classes,
- 2) Relocate the building occupants to another facility (sheltering); or
- 3) Activate the plan for early dismissal.

Sheltering in Sanitized and Cleared Areas

School administrators have the option of "sanitizing and clearing" an area in the school building, such as a gymnasium, to subsequently shelter students, faculty and staff while a full building search is conducted. This option is most appropriate in the following circumstances:

- 1) An assembly space, such as a gymnasium, is thoroughly searched by volunteer school personnel and law enforcement personnel for suspect objects. This includes searching areas such as bleachers, locker rooms (including lavatory facilities), equipment storage areas, etc.
- 2) Inclement weather conditions are such that a full-scale building evacuation may endanger students, faculty, and staff. Severe cold weather is an example of such a condition.

It is strongly recommended that school officials carefully coordinate this option in cooperation with local law enforcement officials.

Pre-Clearance and Security Screening in Lieu of Evacuation

This option may only be implemented prior to the receipt of an actual bomb threat. This option is appropriate when a school reasonably anticipates the receipt of a bomb threat or if there is a particular concern over the possibility of a bomb threat. An example of this may be during the administration of Regents examinations or during other school-wide events, such as dances, homecoming events, etc.

(Continued)

SUBJECT: BOMB THREAT RESPONSE GUIDELINES (Cont'd.)

This option may not be reasonable during other times. If the school administrator chooses to enact the prudent procedures outlined below, and there is reasonable accountability for ensuring the safety of students and other building occupants, then evacuation is not required. This approach may also be particularly helpful in the event of multiple bomb threats or bomb threats directed at all schools in a county, BOCES, or School District.

School administrators who choose this option must ensure that all steps for ensuring the security of the building are followed completely. Local law enforcement officials and the New York State Police are available for consultation in preparing such a plan and for training school staff on screening techniques.

- 7) 1) Staff must be assigned to do a "walk-through" of the buildings and grounds prior to the arrival of students in the morning to assure that there are no suspicious objects in the building.
- 2) Staff who complete the "walk-through" must report findings to the School Principal. Monitors must also be assigned to walk around the outside of the building if State examinations are being administered.
- 3) A single point of entry to each building for students and staff must be established, and monitored by a school official.
- 4) School staff must monitor all exits.
- 5) In the case of State examinations, students must not be admitted to the building for a State examination more than thirty (30) minutes before the start of that examination.
- 6) Students may only be admitted to the building after passing through a checkpoint to ensure that they are bringing with them only lunch/snacks and other preapproved items. This includes items such as inhalers (for medical purposes), pens, pencils, and specific materials appropriate to the exam, such as a calculator or a compass. Student book-bags and knapsacks must be inspected. It may be appropriate to send a notice home prior to the event to clearly state that book-bags will not be permitted for that particular event.
- 7) During State examinations, exam locations are to be clearly marked. Except in those schools where regular interaction is occurring during the exam period, students must be allowed only in the specific areas of the building where the exams are being administered.
- 8) 8) All lockers, including unassigned lockers, must have locks.

(Continued)

SUBJECT: BOMB THREAT RESPONSE GUIDELINES (Cont'd.)

- 9) 9) A reporting procedure must be in effect for sighting any unusual object or behavior.
- 10) 10) Parking adjacent to buildings is not permitted.
- 11) 11) In the event it is necessary to evacuate the building, the steps outlined in the preceding sections must be followed.

In summary, evacuation is not required provided the building and grounds have been "cleared" at the start of the day and continually monitored throughout the day. Please note that if the procedures are not completely and correctly put into effect, then the building must be evacuated to a "sanitized and cleared" area or completely evacuated upon the receipt of a bomb threat.

State Examinations

If it is necessary to evacuate the building during State examinations, the students must not be allowed to talk to each other and they must be given extra time when they return to the examination to compensate for the time lost during the evacuation process. School personnel are advised to refer to page 16, item 7 - Emergency Evacuation of a School Building, in the booklet entitled, "Regents Examinations, Regents Competency Tests, and Proficiency Examinations, School Administrator's Manual (Spring 1996 edition)."

Sheltering in the School -- Potential Explosive Device Outside the Building

A bomb threat which indicates that an explosive device is in a car, in the school parking lot, or somewhere else outside of the building, requires that building occupants remain inside the building. Building occupants should be moved to areas within the school which are free of glass, such as gymnasiums and auditoriums. Persons outside the building in parking lots, playgrounds, etc. should be moved further away or to a location that takes students out of harm's way. The New York State Police advise that there be at least one thousand (1,000) feet between individuals and the suspected area of a bomb.

Preventive Measures Checklist

Depending upon the needs of a School District, policies, procedures, and informational materials should be developed to discourage the reporting of any incident designed to threaten life and property, such as a bomb threat. Preventive measures may include the following:

- 1) 1) Install a Caller ID System on school telephone lines and/or tape record incoming calls. Arrange to have the local telephone company provide for the immediate tap and trace of a telephoned bomb threat. (Cell phones are traceable.)

(Continued)

SUBJECT: BOMB THREAT RESPONSE GUIDELINES (Cont'd.)

- 11) 2) Install a video camera in places where public telephones are located.
- 12) 3) Make all employees responsible for scanning their areas of work for suspicious objects.
- 13) 4) Establish an immediate reporting system for students and staff to report the presence of "strangers" in the building and/or unusual or suspicious objects.
- 14) 5) Establish a policy whereby all "lost time" due to disruptive hoaxes will be made up.
- 6) To ensure testing integrity, develop contingency plans for bomb scares during times of academic examinations.
- 7) Train all persons in a school who would generally be the first recipient of a telephone bomb threat. Training should include the procedures established by the New York State Police. Law enforcement agencies are a good training source.
- 15) 8) Conduct assembly programs on school safety plan procedures.
- 16) 9) Invite law enforcement personnel to discuss the legal implications of calling in false alarms and bomb threats with students and staff.
- 17) 10) Use trash receptacles of the wire basket type with clear plastic bags as liners.
- 18) 11) Lock unassigned lockers with school locks turned backwards to identify those not occupied by students.
- 19) 12) Lock custodial closets and rooms that are not occupied in order to limit access.
- 20) 13) Keep lobby areas free of trash receptacles (other than wire mesh) and furniture that would allow for placing objects out of view.
- 21) 14) Replace telephone booths with wall telephones.
- 22) 15) Reconfigure display cases so as to prevent easy placement of explosive devices above or beneath them.
- 23) 16) Place fire extinguishers in recessed areas with extinguishers in glass containers that require breakage to be used.

(Continued)

SUBJECT: BOMB THREAT RESPONSE GUIDELINES (Cont'd.)

- 17) Eliminate parking areas immediately adjacent to the building, except for official school vehicles.
- 18) Have school health and safety committees discuss with the State Police or the local law enforcement agency other measures to ensure the building security.

School Employee Involvement

To prepare for school emergencies such as a bomb threat, schools may form teams of volunteers from administration, faculty and staff to assist in looking or sweeping a building or grounds for suspect objects. Volunteer school teams familiar with the building would shorten the time needed to look for suspect items. Prior to an emergency incident, school officials should make certain volunteer personnel are trained and aware of their responsibilities and are willing to carry out such activities. School employees who volunteer or by job duty are assigned to assist should have access to building keys, floor plans, and information about shut-off valves for heat, electricity, and water.

Reporting Bomb Threats

School officials must inform parents and guardians as soon as possible of an incident that results in the activation of the applicable school safety plan(s), along with actions taken to protect the safety and well-being of students, staff, and property.

Section 155.17(h) of the Commissioner's Regulations requires that Superintendents not in a Supervisory District are to notify the State Education Department as soon as possible whenever the District-wide school safety plan or building-level school safety plan is activated and results in the closure of a school building in the District. A Superintendent of a school within a Supervisory District is to notify the BOCES District Superintendent as soon as possible whenever such school safety plans are activated and result in the closure of a school building. The BOCES District Superintendent is to notify the State Education Department of all school building closures not related to routine snow emergencies.

Regulatory Basis for School Bomb Threat Actions

Section 155.17 of the Commissioner's Regulations requires BOCES and School District Boards of Education to prepare and annually update the school safety plans as enumerated in law and Commissioner's Regulations to ensure the safety and health of children and staff, and to ensure integration and coordination with local, county, and State emergency plans. This Plan further requires annual instruction and drills to ensure its effectiveness. In updating the school safety plans, conducting drills and training, and providing education and notification, the following issues should be considered:

(Continued)

SUBJECT: BOMB THREAT RESPONSE GUIDELINES (Cont'd.)

- 1) Formulating guidelines specifying how students and employees are to leave the school premises during an emergency.
- 2) Formulating guidelines regarding how to provide security for school premises during an emergency (i.e., public access, emergency responders, etc.).
- 3) Media intervention guidelines.
- 4) Communication procedures and access of details.

School emergencies have an impact on many people and other community operations. School administrators must cooperate and coordinate plans with their local and county emergency coordinators to ensure that the school safety plans are congruent with local and county plans and procedures. Issues of mutual concern might include:

- 1) Traffic routing for emergency vehicles;
- 2) Emergency area perimeter security;
- 3) Parents or guardians rushing to school; and
- 4) Telephone and communication overload.

Case law under liability and negligence has established that a Board of Education has the duty to exercise due care toward its students, as would a reasonable, prudent parent under comparable circumstance [Mirand vs. City of New York, 84 NY2d 44 (1994)]. Based upon Duty of Reasonable Care, a District's responsibility begins when a child is picked up and ends when a child is dropped off.

Section 807 of the Education Law* imposes a duty on the "Principal or other person in charge of the school" to instruct and train the students by means of drills so that they may, in a sudden emergency, be able to leave the school building in the shortest time possible without confusion or panic. An Attorney General's opinion declares a bomb threat as a potential emergency.

*Section 807 is headed "Fire Drills" but the section itself speaks to emergencies, not fires. A section heading does not restrict broader language contained in the body of the section. [People v. Long Island R.R. Co., 194 NY 130 (1909)]

(Continued)

SUBJECT: BOMB THREAT RESPONSE GUIDELINES (Cont'd.)**Criminal Penalties: False Reporting of Emergencies**

Schools need to educate the entire school community about the seriousness and penalties of reporting a false bomb threat. Information should be disseminated informing students and employees that the mere reporting of a false bomb threat is a crime that may result in imprisonment and/or civil penalties being imposed against the individual. When a person reports a false bomb threat on school grounds, they commit a crime that is punishable by up to seven (7) years imprisonment and a fine of up to five thousand dollars (\$5,000). (Falsely Reporting an Incident in the First Degree: Section 240.60 subsection 5 of the New York State Penal Law: Class "D" Violent Felony).

Recently, laws dealing with this issue have been expanded to include instances where someone places a device fashioned to resemble or contain a bomb on school grounds, when in fact it is an inoperative facsimile or imitation. In these circumstances, a person would also be guilty of a crime punishable by up to seven (7) years imprisonment and a fine of up to five thousand dollars (\$5,000). (Placing a False Bomb in the First Degree: Section 240.62 of the New York State Penal Law: Class "D" Violent Felony).

SUBJECT: EXPOSURE CONTROL PROGRAM: RESPONSIBILITIES OF THE SCHOOL ADMINISTRATOR**Administrative Guidelines**

It is the responsibility of the Superintendent to:

- 1) Have a written Exposure Control Program based on New York State Department of Health (DOH), New York State Education Department (SED), and Occupational Safety and Health Administration (OSHA) or New York State Public Employee Safety and Health (PESH) Program guidelines;
- 2) Determine which employees regularly perform tasks with the potential for occupational exposure as a requirement of employment. (see Federal Guidelines);
- 3) Have written Standard Operating Procedures (SOP's) for all employee job descriptions, giving specific attention to those tasks that require protective equipment to be worn (see Exposure Categories);
- 4) Provide all materials and protective equipment necessary to implement job descriptions, giving specific attention to those tasks that require protective equipment to be worn (see Exposure Categories);
- 5) Designate a qualified person to coordinate, implement and provide education and training for all employees. In many situations that person would be the school's registered professional nurse;
- 6) Support on-going continuing education for the designated individual that is responsible for employee education/training;
- 7) Provide education/training for all school staff and for new employees before potential exposure to blood/body fluids:
 - a. Training must include all necessary elements as described in the Federal Register.
 - b. Each employee must receive annual training updates.
- 8) Have a written procedure of accountability for compliance to the Exposure Control Program;
- 9) Review the program, training, implementation, etc. on an annual basis;

(Continued)

SUBJECT: EXPOSURE CONTROL PROGRAM: RESPONSIBILITIES OF THE SCHOOL ADMINISTRATOR (Cont'd.)

- 10) Maintain employee education/training records that include date of training, contents or summary of training sessions, names and job titles of all persons in attendance, and the names and qualifications of persons conducting the training. Training records shall be maintained for three (3) years;
- 11) Provide copies of SOP's to all employees; specifically to employees with the potential for occupational exposure;
- 12) Post SOP's pertinent to each department in visible area;
- 13) Store, package, label and transport regulated medical waste according to regulations;
- 14) Provide medical counseling information to anyone involved in a blood/body fluid exposure incident;
- 15) Document each incident of mucous membrane or parenteral (other than through the digestive tract) exposure to blood/body fluids with follow-up measures taken. Maintain for duration of employment plus thirty (30) years;
- 16) If an exposure takes place, and if the source consents to blood screening, results may only be disclosed if consent has been given on official State Health Department Authorization forms;
- 17) Make available free, voluntary Hepatitis B vaccination to those employees whose job descriptions require them to perform tasks with the potential for occupational exposure.

**SUBJECT: STAFF EDUCATION/TRAINING REGARDING BLOODBORNE
PATHOGENS**

All school districts are required to provide training for all staff who are categorized as having occupational exposure to bloodborne pathogens. Annual updates for these staff members are also required. Such training programs should strive to help individuals recognize the importance of routine use of appropriate exposure control practices and protective equipment/materials in protecting the health of all. No staff member should engage in any task requiring occupational exposure before receiving training in standard operating procedures, work practices and protective equipment required for the task. Furthermore, it is recommended that all staff receive training in exposure control to assure their continued good health.

The training must include:

- 1) An explanation of the exposure control plan covering general and universal precautions to prevent transmission of all infectious diseases.
- 2) An overview of potentially infectious diseases.
- 3) An explanation of bloodborne diseases, specifically Hepatitis B/Human Immunodeficiency Virus, their modes of transmission and signs/symptoms.
- 4) A hands-on explanation of protective measures, equipment and materials, and how to use them. Staff should also know where equipment and materials will be stored and how to clean or dispose of contaminated materials.
- 5) A review of standard operating procedures that will ensure that all staff are prepared to take corrective action when the potential for exposure to bloodborne pathogens or other infectious agents exist.
- 6) Information about the Hepatitis B vaccine to ensure that staff are aware of its efficiency and safety as well as its benefits when applicable.
- 7) Information about exposure incidents, the appropriate reporting procedures and the medical monitoring recommended in cases of suspected parenteral exposure.
- 8) Available resources and services.

**BLIND BROOK-RYE UNION FREE SCHOOL DISTRICT
BLOOD AND BODY FLUIDS INCIDENT FORM**

Employee Name _____ SS# (last 4 digits) _____

Home Address _____ Home Phone _____

School _____ School Code _____

Position _____ Supervisor/School Registered Professional Nurse _____

DESCRIPTION OF INCIDENT

1) Briefly describe what happened _____

Date of Incident _____ (use back if necessary)

2) Complete the following section:

a. Wounds

(1) Did the incident involve a wound yes no

(2) Did the wound result in visible bleeding yes no

(3) Was the wound caused by: needle human bite other sharp instrument
(specify) _____

other (specify) _____

(4) Was the object causing the wound covered with blood/body fluids? yes no

b. Blood/Body fluid exposure to mucous membranes

(1) Did the individual's blood/body fluids come in contact with your body? yes no

(2) What was the substance to which you were exposed?

N/A; I was not exposed blood feces emesis (vomit) sputum sexual fluids

(3) If the substance was anything other than blood, was there any blood visible in the fluid?

N/A yes no unknown

(4) What part of your body was exposed to the substance? (check all that apply)

mouth eyes nose ears skin (specify location) none

other (specify) _____

3) How long was your body part in contact with substance?

a. If the exposure was to your skin, was your skin bruised in any way? yes no

b. What was the nature of your skin abrasion? acne dermatitis cracks due to dry skin

unhealed cuts or scratches no skin abrasion

other (specify) _____

4) Which of the following procedures were being used at the time of the incident? (check all that apply)

cuts/open wounds covered with bandages mask (vinyl/latex) gloves

pocket ventilator/ambu bag goggles/glasses

other (specify) _____

(Continued)

**BLIND BROOK-RYE UNION FREE SCHOOL DISTRICT
BLOOD AND BODY FLUIDS INCIDENT FORM (Cont'd.)**

- 5) First line intervention - after exposure, what did you do? washed hands/exposed area
 changed clothes flushed eyes/rinsed mouth showered
 other (specify) _____
- 6) The supervisor/school registered professional nurse was notified as follows: Date _____ Time _____
- 7) Medical Intervention - in the event of contact with blood and/or body fluid it is suggested that you discuss with school registered professional nurse:
- a. Hepatitis B (HBV) antibody or previous vaccination status for HBV.
 - b. The need for Hepatitis B (HBV)/Human Immunodeficiency Virus (HIV) antibody testing.
 - c. Notifying your physician or health care provider of the exposure to blood and body fluids immediately.
- 8) Return this completed form to supervisor/school registered professional nurse.
- 9) In case of incident or injury to the school registered professional nurse or health professional:
- a. Report incident to supervisor.
 - b. Complete form.

Signature of Employee

Date

Time

SUBJECT: COMMUNICABLE DISEASES**Definitions**

- 1) "Communicable Disease" - A disease caused by an infectious agent (bacterial, viral, parasitic, other) which can be spread from one individual to others.
- 2) "Agent" - Pathogenic bacteria, viruses, parasites or toxins which cause disease.
- 3) "Host" - Individual either infected with pathogenic agent or susceptible to infection.
- 4) "Environment" - All factors external to the agent and host which must be present to facilitate spread of agent.
- 5) "School Health Service Personnel" - school physician, school nurse practitioner, school registered professional nurse and other professional persons employed to render health care and services.

Delegation of Authority

The Superintendent of Schools is authorized to implement this regulation in accordance with the New York State Education Law, Public Health Law, and Sanitary Code.

Primary responsibility for implementation of this regulation lies with the Building Principal and school registered professional nurse, with advice from the school nurse practitioner and/or school physician as necessary. All School Health Service Personnel are charged with the responsibility to inform and advise Administration about current scientific knowledge concerning communicable disease control.

Basic Assumptions

The spread of communicable disease is halted by any one of the following:

- 1) Decreasing the pathogenicity of the agent;
- 2) Decreasing the susceptibility of the host;
- 3) Changing the environment which makes the spread of disease possible.

The focus of communicable disease control is prevention through:

- 1) Immunization;

(Continued)

SUBJECT: COMMUNICABLE DISEASES (Cont'd.)

- 2) Cleanliness and Sanitation;
- 3) Health Education;
- 4) Case finding by School Personnel;
- 5) Isolation, as appropriate, of person with communicable disease from others in the school setting;
- 6) Encouragement of appropriate medical management.

Isolation of Person With Communicable DiseaseStudents

Any student who shows symptoms of any communicable or infectious disease which is reportable under the Public Health Law and the State Sanitary Code that imposes a significant risk of infection of others in the school shall be immediately excluded from school until one of the following requirements for readmittance is fulfilled:

- 1) Submission of a certificate from the student's physician attesting to recovery;
- 2) Submission of a permit for readmittance to school, issued by the local Health Officer;
- 3) Submission of authorization for readmission issued by the Blind Brook-Rye Union Free School District Director of School Health Services.

If it is determined by the School Health Service Personnel that a student's physical condition endangers the health or safety of the individual or others, that individual may be suspended from school under the authority of, and in accordance with procedures established by Education Law Sections 906 and 3214. This determination will be in accordance with informed medical opinion as to the infectiousness of the agent, the mode of transmission, the seriousness of the disease, and the treatment regimen. The goal is to prevent the spread of communicable disease and to facilitate the ill individual's return to health.

The Director of School Health Services shall immediately notify the local public health agency of any disease reportable under the Public Health Law.

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SUBJECT: COMMUNICABLE DISEASES (Cont'd.)

If a student with a communicable disease is not required to be excluded from school, an individual care plan will be developed by the School Health Service Personnel, in conjunction with other appropriate building personnel, to include methods to prevent the spread of infection to others and to reduce the risk of exacerbation of the student's disease.

Decisions regarding the type of educational program and care setting for a student with a communicable disease shall be based on:

- 1) The age, behavior, neurological development, and physical condition of the child;
- 2) The expected interaction of the child with others in the school setting;
- 3) The risks and benefits to both the ill student and to others in that setting; and
- 4) Other relevant criteria.

If the student is excluded from school as a result of the communicable disease, the school administration shall provide said student with an adequate alternative education.

If a student with a communicable disease is suspected to be a child with a disability, such as to require special education by reason of his/her health impairment, the student shall be referred to the School District Committee on Special Education (CSE). The CSE shall conduct an evaluation and determine if the student is a child with a disability.

Employees

When the Superintendent has reasonable cause to believe that an employee has a communicable disease, the Superintendent shall:

- 1) Report the full name and address of the employee to the local Health Officer;
- 2) Request the Board of Education to require the employee to submit to an examination by the school physician/nurse practitioner; and
- 3) Require the employee to grant written authorization for the release of medical reports, and for his/her personal physician to discuss the matter with the school physician/nurse practitioner.

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SUBJECT: COMMUNICABLE DISEASES (Cont'd.)

If it is determined that the employee has a disease which is designated as communicable by the State Sanitary Code, the Superintendent of Schools shall refer the matter to the school physician/nurse practitioner who shall isolate the employee pending official action by the local Health Officer.

If the disease is highly communicable, but not designated as such by the State Sanitary Code, or if the school physician/nurse practitioner determines that the individual is endangering himself or herself by continuing to work, the employee is encouraged and may be required to remain at home and seek appropriate medical management.

An employee with a communicable disease shall be granted paid sick leave in accordance with the applicable collective bargaining agreement.

If an employee with a communicable disease is able to be in school and there is little risk to others (as determined by the school physician/nurse practitioner), the administration will attempt to accommodate the work environment to assist the individual. A plan will be developed as necessary to protect the ill individual and to prevent the spread of infection to others in the school setting. Said plan may include reassignment of the employee to a position where he/she works in isolation or limited contact with others.

If the school physician/nurse practitioner determines that 1) the employee has a currently contagious disease or infection and 2) the presence of the employee on the job is and will continue to constitute a direct threat to the health, safety or welfare of that employee or other individuals by reason of his/her currently communicable disease or that the employee is unable to perform the duties of the job by reason of his/her currently communicable disease, such employee shall be removed from the regular workplace and his/her employment may be terminated or suspended in accordance with applicable statutes and regulations. Any employee, contagious or not, who is unable to perform his/her customary duties or those of any alternative assignment, shall be terminated or placed on disability retirement. The Superintendent of Schools shall see that procedural protections are complied with in any decision to terminate or retire an employee.

Encouragement of Appropriate Medication Management

In addition to the above procedures, any individual with a suspected communicable disease will be referred to his/her family physician. As appropriate, School Health Service Personnel will:

- 1) Advise the seeking of professional care or advice from the physician, pharmacist, clinic or other;

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SUBJECT: COMMUNICABLE DISEASES (Cont'd.)

- 2) Aid the individual in complying with the treatment regimen in cooperation with the primary health care provided;
- 3) Encourage follow-up; and
- 4) Act as a resource to the family to facilitate the individual's return to optimum health. School attendance will be either encouraged or discouraged in the best interest of the ill individual.

Employee Obligation

No susceptible employee shall be required to work with or to have personal contact with an individual with a communicable disease unless safeguards have been made to avoid the spread of the disease within the school setting.

In the event that alternate instruction is planned which requires personal contact with an infected student, a school employee may decline such assignment without penalty.

Confidentiality

The individual's privacy shall be protected by school personnel. Except as otherwise required by law, the identity of any individual with a communicable disease shall not be revealed. All records shall be confidential.

Except if otherwise authorized by the infected employee, student or person in parental relation, the only persons who will be informed of an infected individual's condition are those who:

- 1) Require such knowledge to assure proper care of the ill individual; or
- 2) Should be informed to detect situations where the potential for transmission may increase;
or
- 3) Are individuals who, in the judgment of the family and School Health Service Personnel, should have such knowledge.

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SUBJECT: COMMUNICABLE DISEASES (Cont'd.)**Cleanliness and Sanitation**

Pursuant to the Public Health Law, Regulations of the Commissioner of Education, and Recommendation of the Center for Disease Control, the School Administration shall establish, and all school personnel shall comply with, routine procedures for handling body fluids and wastes and storing, handling, and disposing of hypodermic syringes and needles. Procedures will be developed by the Superintendent of Schools.

Handwashing is fundamental in the prevention of the spread of infection. All personnel and students are required to thoroughly wash their hands with soap and water before handling food, after toileting, and after handling body fluids and discharges.

Under the authority of the Food Service Director, all Food Service Personnel are required to comply with the New York State Sanitary Code to best avoid the spread of food borne infection.

Under the authority of the Superintendent, all school buildings will be cleaned and maintained so as to best prevent the spread of infection.

Health Education

School Health Service Personnel shall keep informed of current scientific information to enable them to better prevent the spread of communicable disease and will share this knowledge with other school personnel as appropriate.

School Health Service Personnel shall give information to parents/guardians as appropriate to aid in the prevention, treatment, or interruption of the spread of communicable disease.

Students from grades K through 12 will receive instruction about the causes, prevention, and treatment of communicable diseases to enable them to remain as free from illness as possible.

**SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES:
EMPLOYEES****Confidentiality**Definitions (Public Health Law, Section 2780)

- 1) **"Confidential HIV related information"** means any information, obtained from individuals who provide health or social services or through a written authorization for disclosure of such information, concerning whether an individual has been the subject of an HIV related test, or has HIV infection, HIV related illness or AIDS, or information which identifies or **reasonably could identify** an individual as having one (1) or more of such conditions.
- 2) **"Capacity to consent"** means an individual's ability, determined without regard to such individual's age, to understand and appreciate the nature and consequences of a proposed health care service treatment or procedure, and to make an informed decision concerning such service, treatment or procedure. It is the responsibility of the HIV counselor to determine an individual's capacity to consent to medical care.
- 3) **"Release of confidential HIV related information"** means a written authorization for disclosure of confidential HIV related information which is signed by an individual who is the subject of an HIV related test or who has been diagnosed as having HIV infection, AIDS or an HIV related illness or a person authorized by law to consent to health care for that individual. Disclosure must be on a form approved by the New York State Department of Health.

Release of Information

Pursuant to New York State law, school officials and employees are required to keep HIV-related information confidential. The information cannot be disclosed to any person except under the following circumstances:

- 1) The protected individual or a person with the capacity to consent has completed and signed the New York State Department of Health "HIPAA Compliant Authorization for Release of Medical Information and Confidential HIV Related Information" form;
- 2) A court order has been issued; or
- 3) The person to whom the information has been furnished is authorized under the state law to receive the information without a release form (e.g., physicians providing care to the individual, agencies monitoring care, insurance companies for reimbursement purposes).

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**SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES:
EMPLOYEES (Cont'd.)****Employment**

No disciplinary action or other adverse personnel action shall be taken against an employee solely because he/she has AIDS or HIV infection. Action may be taken against an employee only if he/she is disabled and the disability interferes with his/her ability to perform in a reasonable manner the activities involved in the job or occupation.

The District shall make such reasonable accommodations to enable the employee to perform employment duties as may be required by federal or state law.

Testing

No HIV-related testing of any employee shall be conducted without the receipt of a written "informed consent" document signed by the subject of the test (if he/she has the capacity to consent) or a person authorized pursuant to law to consent to health care for the individual, unless otherwise authorized or required by a state or federal law.

NOTE: For New York State Department of Health HIPAA Compliant Authorization for Release of Medical Information and Confidential HIV Related Information" form, see website: <http://www.health.state.ny.us/forms/doh-2557.pdf>

**SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES:
STUDENTS****Admission and Enrollment**

Every effort shall be made not to exclude Human Immunodeficiency Virus (HIV) infected students, or place such students in a restricted environment. On occasion, where the unique circumstances of the student's condition, apart from the mere existence of HIV infection or AIDS virus, warrant programmatic modifications for the benefit of the student, a referral will be made to the Committee on Special Education (CSE) for evaluation and recommendation. The CSE will then determine whether the student should be classified pursuant to the Commissioner's Regulations on students with disabilities and, if determined to be "educationally disabled," will recommend an appropriate educational placement.

If the parent/guardian disagrees with the CSE recommendation, he/she is entitled to due process under appeal procedures set forth in state and federal law. If a hearing is requested by the parent/guardian, the student will remain in his/her current placement pending all proceedings unless a court order is obtained.

ConfidentialityDefinitions (Public Health Law, Section 2780)

- 1) **"Confidential HIV related information"** means any information, obtained from individuals who provide health or social services or through a written authorization for disclosure of such information, concerning whether an individual has been the subject of an HIV related test, or has HIV infection, HIV related illness or AIDS, or information which identifies or **reasonably could identify** an individual as having one (1) or more of such conditions.
- 2) **"Capacity to consent"** means an individual's ability, determined without regard to such individual's age, to understand and appreciate the nature and consequences of a proposed health care service treatment or procedure, and to make an informed decision concerning such service, treatment or procedure. It is the responsibility of the HIV counselor to determine an individual's capacity for consent to medical care.
- 3) **"Release of confidential HIV related information"** means a written authorization for disclosure of confidential HIV related information which is signed by a student who has been determined as having the capacity to consent who is the subject of an HIV related test or who has been diagnosed as having HIV infection, AIDS or an HIV related illness or a person authorized by law to consent to health care for that individual. Disclosure must be on a form approved by the New York State Department of Health.

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**SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES:
STUDENTS (Cont'd.)****Release of Information**

Under New York State Law, except for certain people, school officials and employees are required by law to maintain strict confidentiality of HIV related information concerning a student in the District and such information may not be disclosed to anyone unless the protected student, or the parent or guardian if student lacks capacity to consent, completes and signs a written authorization form. The form must be dated and specify to whom disclosure is authorized, the purpose for such disclosure and the time period during which the release is to be effective.

The New York State Department of Health has provided an authorization form for the release of medical information including HIV-related information. Medical and HIV-related information may be protected from disclosure or re-disclosure by federal privacy law and state law. Release of medical of HIV-related information may be granted to the School District using the "HIPAA Compliant Authorization for Release of Medical Information and Confidential HIV Related Information" form. This form is available on the New York State Department of Health website: <http://www.health.state.ny.us/forms/doh-2557.pdf>

Testing

No HIV related testing will be performed without first receiving the written informed consent of the student who has the capacity to consent or of a person authorized pursuant to law to consent to health care for such student.

Penalties

Any school official or employee who discloses confidential HIV related information to unauthorized persons may be subject to a civil penalty up to five thousand dollars (\$5000) and a criminal misdemeanor charge.