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# Pittsford Schools

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## Policy Manual

### Section 5000

**To access a policy from the table of contents,  
click on the specific policy name or number**

## Contents

5110 - BUDGET PLANNING AND DEVELOPMENT .....	4
5120 - DISTRICT BUDGET HEARING.....	5
5130 - BUDGET ADOPTION .....	6
5140 - ADMINISTRATION OF THE BUDGET .....	7
5150 - CONTINGENCY BUDGET .....	8
5210 - REVENUES .....	9
5220 - DISTRICT INVESTMENTS .....	10
5230 - ACCEPTANCE OF GIFTS, GRANTS AND BEQUESTS TO THE DISTRICT.....	13
5240 - SCHOOL TAX ASSESSMENT AND COLLECTION.....	14
5241 - REAL PROPERTY TAX EXEMPTIONS FOR SENIOR CITIZENS.....	15
5242 - REAL PROPERTY TAX EXEMPTIONS FOR PERSONS WITH DISABILITIES AND LIMITED INCOMES .....	16
5250 - DISPOSAL OF DISTRICT PERSONAL PROPERTY.....	17
5310 - BONDING OF EMPLOYEES AND BOARD MEMBERS.....	18
5320 - EXPENDITURES OF DISTRICT FUNDS .....	19
5321 - USE OF THE DISTRICT CREDIT CARD/PURCHASING CARD .....	20
5330 - BUDGET TRANSFERS .....	21
5340 - BORROWING OF FUNDS .....	22
5410 - PURCHASING.....	23
5410 - PURCHASING (Cont'd.).....	24
5410 - PURCHASING (Cont'd.) .....	25
5410 - PURCHASING (Cont'd.) .....	26
5410 - PURCHASING (Cont'd.) .....	27
5410 - PURCHASING (Cont'd.) .....	28
5410 - PURCHASING (Cont'd.) .....	29
5411 - PROFESSIONAL SERVICE POLICY PROCUREMENTS.....	30
5412 - PROFESSIONAL SERVICES, CONSULTANTS AND CONTRACTORS.....	31
5413 - PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS .....	32
5510 - ACCOUNTING OF FUNDS .....	36
5520 - EXTRACLASSROOM ACTIVITIES FUND .....	38
5530 - PETTY CASH FUNDS AND CASH IN SCHOOL BUILDINGS.....	39
5540 - PUBLICATION OF DISTRICT'S ANNUAL FINANCIAL STATEMENT .....	40
5550 - MAINTENANCE OF FISCAL EFFORT (TITLE I PROGRAMS).....	41
5560 - USE OF FEDERAL FUNDS FOR POLITICAL EXPENDITURES .....	42
5570 - FINANCIAL ACCOUNTABILITY .....	43
5571 - MEAL EXPENSES INCURRED DURING STAFF MEETINGS.....	45
5572 - AUDIT COMMITTEE.....	46
5573 - INTERNAL AUDIT FUNCTION .....	47
5574 - USE OF DISTRICT CELL PHONES.....	48
5575 - ALLEGATIONS OF FRAUD.....	49
5576 - EMPLOYEE TRAVEL.....	51
5577 - MEDICAID COMPLIANCE PROGRAM .....	52
5610 - INSURANCE .....	54
5620 - INVENTORIES.....	55
5621 - ACCOUNTING OF FIXED ASSETS .....	56
5630 - FACILITIES: INSPECTION, OPERATION AND MAINTENANCE.....	57
5631 - HAZARDOUS WASTE AND HANDLING OF TOXIC SUBSTANCES BY EMPLOYEES .....	59
5633 - GENDER NEUTRAL SINGLE-OCCUPANCY BATHROOMS.....	60
5640 - SMOKING/TOBACCO USE.....	61
5650 - ENERGY/WATER CONSERVATION AND RECYCLING OF SOLID WASTE .....	63
5660 - SCHOOL FOOD SERVICE PROGRAM.....	64
5670 - RECORDS MANAGEMENT.....	66
5672 - INFORMATION SECURITY BREACH AND NOTIFICATION .....	67
5673 - COMPUTER CONTROL FOR FINANCIAL NETWORK AND SYSTEMS .....	70
5675 - DATA NETWORKS AND SECURITY ACCESS .....	71

5676 - PRIVACY AND SECURITY FOR STUDENT AND STAFF DATA .....	73
5680 - SAFETY AND SECURITY .....	87
5681 - SCHOOL SAFETY PLANS .....	88
5682 - POST INCIDENT RESPONSE (CRISIS RESPONSE) .....	90
5683 - DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS .....	91
5684 - ANTHRAX AND OTHER BIOLOGICAL TERRORISM: PREVENTION PROTOCOLS/PROTOCOLS FOR MAIL HANDLING .....	94
5685 - AUTOMATED EXTERNAL DEFIBRILLATORS .....	95
5686 - SCHOOL BUILDING ACCESS CONTROL .....	96
5687 - POSSESSION AND USE OF PERSONAL CELL PHONES IN SCHOOLS .....	97
5688 - ELECTRONIC DEVICES W/ PHOTOGRAPHIC OR TEXT MESSAGING CAPABILITY .....	98
5690 - EXPOSURE CONTROL PROGRAM .....	99
5691 - COMMUNICABLE DISEASES .....	100
5692 - HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES .....	101
5710 - TRANSPORTATION PROGRAM .....	102
5720 - SCHEDULING AND ROUTING .....	103
5730 - TRANSPORTATION OF STUDENTS .....	104
5740 - USE OF BUSES BY COMMUNITY GROUPS .....	106
5750 - SCHOOL BUS SAFETY PROGRAM .....	107
5760 - QUALIFICATIONS OF BUS DRIVERS .....	108
5761 - DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS .....	110
5770 - SCHOOL BUS IDLING .....	114
5771 - DISTRICT OPERATIONS DURING THE COVID-19 PANDEMIC .....	116

**5110 - BUDGET PLANNING AND DEVELOPMENT**

Budget planning and development for the District will be an integral part of program planning so that the annual operating budget may effectively express and implement programs and activities of the District. Budget planning will be a year-round process involving participation of District-level administrators, principals, directors, coordinators, teachers, and other personnel. The process of budget planning and development should allow for community input and contain numerous opportunities for public information and feedback. The Board will establish budget guidelines on an annual basis.

The Superintendent will have overall responsibility for budget preparation, including the construction of and adherence to a budget calendar. Program managers will develop and submit budget requests for their particular areas of responsibility after seeking the advice and suggestions of staff members.

Education Law Sections 1608(3)-(7), 1716(3)-(7),  
2022(2-a), and 2601-a(3) and (7)  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 170.8, .9 and .11  
General Municipal Law Section 36  
State Education Department  
Handbook No. 3 on Budget

Non-Instructional/Business  
Operations

**5120 - DISTRICT BUDGET HEARING**

The Board will hold an annual budget hearing, in accordance with law, so as to inform and present to District residents a detailed written statement regarding the District's estimated expenditures and revenue for the upcoming school year prior to the budget vote which is taken at the Annual District Meeting and Election.

Notice of Budget Hearing/Availability of Budget  
Statement

Education Law Sections 1608(2), 1716(2), 2003(1),  
2004(1), and 2601-a(2)

Election and Budget Vote

Education Law Sections 1804(4), 1906(1), 2002(1),  
2017(5) and (6), 2022(1), and 2601-a(2)

Budget Development and Attachments

Education Law Sections 1608(3), (4), (5), (6), and (7);  
1716(3), (4), (5), (6), and (7); 2022(2-a); and 2601-a(3)

8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.2(bb), 170.8 and .9

Non-Instructional/Business  
Operations

**5130 - BUDGET ADOPTION**

The Board shall review the recommended budget of the Superintendent and shall seek public input and feedback regarding the recommended budget including, but not limited to, holding a public budget hearing not less than seven or more than 14 days prior to the Annual District Meeting and Election at which the budget vote is to occur. The Board may modify the recommended budget of the Superintendent prior to its submission to District voters. Final authorization of the proposed budget is dependent upon voter approval unless a contingency budget is adopted by the Board.

In the event the original proposed budget is not approved at the Annual District Meeting and Election, the Board may resubmit the original proposed budget or a revised budget for voter approval, or individual propositions may be placed before District voters, at a special meeting held on the third Tuesday of June. If the voters fail to approve the second budget submittal, or budget proposition(s), or if the Board elects not to put the proposed budget to a public vote a second time, the Board must adopt a contingency budget with a tax levy that is no greater than the prior year's levy.

The School District budget for any school year, or any part of such budget, or any proposition(s) involving the expenditure of money for that school year, shall not be submitted for a vote of the qualified District voters more than twice.

The School District budget, once adopted, becomes the basis for establishing the tax levy on real property within the District. The District will post its final annual budget and any multi-year financial plan adopted by the Board on its website.

Education Law Sections 1608, 1716, 1804(4), 1906(1),  
2002(1), 2003(1), 2004(1), 2007(3)(b), 2022, 2023,  
2023-a, and 2601-a  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.2(bb), 170.8 and 170.9

**5140 - ADMINISTRATION OF THE BUDGET**

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

- a) He/she shall acquaint District employees with the final provisions of the program budget and guide them in planning to operate efficiently and economically within these provisions.
- b) Under his/her direction the District shall maintain such records of accounting control as are required by the New York State Uniform System of Accounts for School Districts, the Board, and such other procedures as are deemed necessary and shall keep the various operational units informed through periodic reports as to the status of their individual budgets.
- c) Board approval of the budget is required prior to the expenditure of District funds.

2005

5150

Non-Instructional/Business  
Operations

**5150 - CONTINGENCY BUDGET**

The District budget for any school year or any part of such budget, or any proposition involving the expenditure of money for such school year, shall not be submitted for a vote of the qualified voters of the District more than twice in any school year.

If the original proposed budget is not approved by District voters at the Annual District Meeting and Election, the Board has the option of either resubmitting the original or revised budget for voter approval at a special meeting held at a later date; or the Board may, at that point, adopt a contingency budget and levy a tax for teachers' salaries and ordinary contingent expenses as enumerated in law. If the Board decides to submit either the original or a revised budget to the voters for a second time, and the voters do not approve the second budget submittal, the Board shall adopt a contingency budget and levy a tax for those expenditures mandated pursuant to law and/or for those services necessary to maintain the educational program.

Education Law Sections 2002, 2023, 2024, and 2601-a



2005

5210

Non-Instructional/Business  
Operations

**5210 - REVENUES**

The District Treasurer will have custody of all District funds in accordance with the provisions of state law. The treasurer will be authorized and directed by the Board to invest the balances available in various District funds in accordance with regulations set forth in state law.

Education Law Sections 1604(a) and 1723(a)

**5220 - DISTRICT INVESTMENTS**

Whenever the District has funds (including operating funds, reserve funds and proceeds of obligations) that exceed those necessary to meet current expenses, the Board will authorize the Assistant Superintendent for Business or his/her designee to invest these funds in accordance with all applicable laws and regulations and in conformity with the guidelines established by this policy.

**Objectives**

The objectives of this investment policy are four-fold:

- a) Investments shall be made in a manner so as to safeguard the funds of the District.
- b) Bank deposits shall be made in a manner so as to safeguard the funds of the District.
- c) Investments shall be sufficiently liquid so as to allow funds to be available as needed to meet the obligations of the District.
- d) Funds shall be invested in such a way as to earn the maximum yield possible given the first three (3) investment objectives.

**Authorization**

The authority to deposit and invest funds is delegated to the Assistant Superintendent for Business or his/her designee. These functions shall be performed in accordance with the applicable sections of the General Municipal Law and the Local Finance Law of the State of New York.

The District may invest funds in the following eligible investments:

- a) Obligations of the State of New York.
- b) Obligations of the United States Government, or any obligations for which principal and interest are fully guaranteed by the United States Government.
- c) Time Deposit Accounts placed in a commercial bank authorized to do business in the State of New York, providing the account is collateralized as required by law. [Banking Law Section 237(2) prohibits a savings bank from accepting a deposit from a local government. This also applies to savings and loan associations.]

(Continued)

**5220 - DISTRICT INVESTMENTS (Cont'd.)**

- d) Transaction accounts (demand deposits) both interest bearing and non-interest bearing that do not require notice of withdrawal placed in a commercial bank authorized to do business in the State of New York, providing the account is collateralized as required by law.
- e) Certificates of Deposits placed in a commercial bank authorized to do business in the State of New York providing the Certificates are collateralized as required by law.
  - 1. Deposits in excess of the amount insured by the Federal Deposit Insurance Corporation will be secured in accordance with subdivision 3 of the General Municipal Law Section 10.
  - 2. The District may, in its discretion, authorize the bank designated for the deposit of District funds to arrange for the redeposit of such funds in one or more banking institutions, for the account of the District, through a deposit placement that meets the conditions set forth in General Municipal Law Section 10(2)(a)(ii).
- f) Securities purchased pursuant to a Repurchase Agreement whereby one party purchases securities from a second party and the second party agrees to repurchase those same securities on a specific future date at an agreed rate of return (the interest rate).

**Implementation**

Using the policy as a framework, regulations and procedures shall be developed which reflect:

- a) A list of authorized investments;
- b) Procedures including a signed agreement to insure the District's financial interest in investments;
- c) Standards for written agreements consistent with legal requirements;
- d) Procedures for the monitoring, control, deposit and retention of investments and collateral which shall be done at least once a month;
- e) Standards for security agreements and custodial agreements consistent with legal requirements;
- f) Standards for diversification of investments including diversification as to type of investments, and firms and banks with whom the District transacts business; and
- g) Standards for qualification of investment agents, which transact business with the District including, at minimum, the Annual Report of the Trading Partner.

(Continued)

2019

5220  
3 of 3

Non-Instructional/Business  
Operations

**5220 - DISTRICT INVESTMENTS (Cont'd.)**

This policy shall be reviewed and re-adopted at least annually or whenever new investment legislation becomes law, as staff capabilities change, or whenever external or internal issues warrant modification.

Education Law §§ 1604-a, 1723-a, 2503(1), and 3652  
General Municipal Law §§ 10, 11, and 39  
Local Finance Law § 165.00  
Public Authorities Law § 2925

Pittsford Central School District Adopted: 4/25/66, 5/9/66, 6/28/82, 1/9/89, 7/19/93, 6/9/97, 6/25/01,  
6/28/04, 8/6/19

**5230 - ACCEPTANCE OF GIFTS, GRANTS AND BEQUESTS TO THE DISTRICT**

The Board may accept gifts, grants and/or bequests of money, real or personal property, as well as other merchandise which, in view of the Board, add to the overall welfare of the District, provided that such acceptance is in accordance with existing laws and regulations. However, the Board is not required to accept any gift, grant or bequest and does so at its discretion, basing its judgment on the best interests of the District. Furthermore, the Board will not accept any gift, grant or bequest which constitutes a conflict of interest and/or gives an appearance of impropriety.

At the same time, the Board will safeguard the District, the staff and students from commercial exploitation, from special interest groups, and the like.

The Board will not accept any gifts or grants which will place encumbrances on future Boards, or result in unreasonable additional or hidden costs to the District.

The Board will not formally consider the acceptance of gifts or grants until and unless it receives the offer in writing from the donor/grantor. The Board authorizes the Superintendent the authority to accept gifts of cash or personal property on behalf of the Board of Education with a value not to exceed \$1,500 per donor per year. For gifts or donations in excess of \$1,500 the Superintendent will make recommendations to the Board for official action and resolution passed by Board majority. The Board would prefer the gift or grant to be a general offer rather than a specific one. Consequently, the Board would suggest that the donor/grantor work first with the school administrators in determining the nature of the gift or grant prior to formal consideration for acceptance by the Board. However, the Board, in its discretion, may direct the Superintendent to apply such gift or grant for the benefit of a specific school or school program.

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

Gifts and/or grants of money to the District shall be annually accounted for under the trust and agency account in the bank designated by the Board. The superintendent shall semi-annually supply to the Board a summary of all gifts received by the District.

All gifts, grants and/or bequests shall become District property. A letter of appreciation, signed by the President of the Board, will be sent to a donor/grantor in recognition of his/her contribution to the District.

New York State Constitution Article 8, Section 1  
Education Law Sections 1709(12) and (12-a)  
and 1718(2)  
General Municipal Law Section 805-a (1)

Pittsford Central School District Adopted: 3/26/64, 6/28/82, 2/20/89, 4/8/96, 12/11/00, 1/31/05,  
2/28/12

2005

5240

Non-Instructional/Business  
Operations

**5240 - SCHOOL TAX ASSESSMENT AND COLLECTION**

The Board shall adopt a tax levy and execute the tax warrant directing and authorizing the Superintendent to establish tax rates and the tax collector to collect taxes in accordance with state law.

Real Property Tax Law Sections 1300-1342  
Education Law Section 2130

2004

5241

Non-Instructional/Business  
Operations

**5241 - REAL PROPERTY TAX EXEMPTIONS FOR SENIOR CITIZENS**

Senior citizens, sixty-five (65) years of age or older, will be permitted a partial exemption from real property tax if their annual income is no more than that permitted by law for such an exemption. Changes in this exemption will be brought to the Board for approval.

Real Property Tax Law Section 467

2004

5242

Non-Instructional/Business  
Operations

**5242 - REAL PROPERTY TAX EXEMPTIONS FOR PERSONS WITH DISABILITIES AND LIMITED INCOMES**

District residents who are certified as disabled by the Social Security Administration, the Federal Railroad Retirement Board or the State Commission for the Blind and Visually Handicapped, will be permitted a partial exemption from real property tax if their annual income is not more than that permitted by law for such an exemption. Changes in this exemption will be brought to the Board for approval.

Public Health Law Section 2801  
Real Property Tax Law Section 459-c



**5250 - DISPOSAL OF DISTRICT PERSONAL PROPERTY**

The Superintendent or the Superintendent's Designee may dispose of District property that is obsolete, surplus or unusable by the District in such a manner that brings the most financial benefit to the District. The District shall use judgment and discretion regarding the method of sale that will maximize net proceeds. If reasonable attempts have been made to dispose of personal property for profit, and it has been determined that the property will not produce a financial return to the District, it may be disposed of by gift to a non-profit organization which may have need and use for the surplus items or by scrapping.

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

Non-Instructional/Business  
Operations

### **5310 - BONDING OF EMPLOYEES AND BOARD MEMBERS**

In accordance with New York State Education Law and the Commissioner's Regulations, the Board directs that the Treasurer and the Assistant Treasurer and the Claims Auditor appointed by the Board be bonded prior to assuming their duties. Such bonds shall be in the amounts as determined and approved by the Board.

Other school personnel authorized or required to handle District revenues may be covered by a blanket undertaking provided by the District in such amounts as approved by the Superintendent or his/her designee.

Education Law Sections 1709(20-a), 1720, 2130(5),  
2526, and 2527  
Public Officers Law Section 11(2)  
8 New York Code of Rules and Regulations  
(NYCRR) Section 170.2(d)

Non-Instructional/Business  
Operations

### **5320 - EXPENDITURES OF DISTRICT FUNDS**

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

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

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

Arts and Cultural Affairs Law Section 57.19  
Education Law Sections 1720 and 2523  
8 New York Code of Rules and Regulations (NYCRR)  
Section 185

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

**5321 - USE OF THE DISTRICT CREDIT CARD/PURCHASING CARD**

The District may issue a credit/purchasing card or cards in its name for the use of its officers and designated employees for authorized, reimbursable, school business related expenses. The maximum credit limit on each card shall be as designated by the Board. However, authorized personnel must submit purchase orders for those school business related expenses, such as tuition charges for attendance at conference, travel expenses, and lodging, where costs may be fairly and accurately estimated prior to the actual incurring of expenses.

Only those officers and District personnel designated by the Board shall be authorized for the use of a District credit/purchasing card.

Expenses incurred on each credit/purchasing card shall be paid in such a manner as to avoid interest charges.

2012

5330

Non-Instructional/Business  
Operations

**5330 - BUDGET TRANSFERS**

The Board shall take action at the annual reorganization meeting to authorize the Superintendent or his/her designee to make and approve budgetary transfers (up to) \$75,000 between New York State functional appropriation accounts. A record of these transfers will be included in the monthly financial report received by the Board.

8 New York Code of Rules and Regulations  
(NYCRR) Section 170.2(l)  
Education Law Section 1718

2005

5340

Non-Instructional/Business  
Operations

**5340 - BORROWING OF FUNDS**

The District may borrow money only by means of serial bonds, bond anticipation notes, capital notes, tax anticipation notes, revenue anticipation notes and budget notes.

Local Finance Law Article 2

## **5410 - PURCHASING**

The District's purchasing activities will be part of the responsibilities of the Business Office, under the general supervision of the Purchasing Agent designated by the Board of Education. The purchasing process should enhance school operations and educational programs through the procurement of goods and services deemed necessary to meet District needs. The District will purchase recycled products when it is to the advantage of the District to do so.

### **Competitive Bids and Quotations**

As required by law, the Superintendent or designee will follow normal bidding procedures in all cases where needed quantities of like items will total the maximum level allowed by law during the fiscal year, (similarly for public works-construction, repair, etc.) and in such other cases that seem to be to the financial advantage of the School District.

A bid bond may be required if considered advisable.

No bid for supplies shall be accepted that does not conform to specifications furnished unless specifications are waived by Board action. Contracts shall be awarded to the lowest responsible bidder who meets specifications. However, the Board may choose to reject any bid.

Rules shall be developed by the administration for the competitive purchasing of goods and services.

The Superintendent or designee may authorize purchases within the approved budget without bidding if required by emergencies and are legally permitted.

The Superintendent or designee is authorized to enter into cooperative bidding for various needs of the School District.

The Board shall annually review purchasing policies and procedures. The school business official shall be responsible for conducting an annual review of the purchasing policy and for an evaluation of the internal control structure established to ensure compliance with the purchasing policy.

### **“Piggybacking” Exception to Competitive Bidding**

The District may, in its discretion, purchase certain goods and services (apparatus, materials, equipment and supplies) at costs beyond those referenced in the Regulation thresholds through the use of contracts let by the United States or any agency thereof, any state, and any county, political subdivision or district of any state.

(Continued)

**5410 - PURCHASING (Cont'd.)**

This method of procurement is permitted on contracts issued by other governmental entities, provided that the original contract:

- a) Has been let by the United States or any agency thereof, any state (including New York State or any other political subdivision or district therein;
- b) Was made available for use by other governmental entities and agreeable with the contract holder; and
- c) Was let in a manner that constitutes competitive bidding consistent with New York State law, or was awarded on the basis of best value, and is not in conflict with other New York State laws.

**Annual Review**

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

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

**Conflict of Interest**

No District officer or employee will have an interest in any contract with the District when such employee has the authority or the responsibility to negotiate, prepare, authorize or approve a contract of authorize or approve its payment, audit bills or claims, or appoint an officer or employee who has any of these responsibilities, Any officer or employee who has or acquires an interest in any actual or proposed contract with the District shall publicly disclose the nature and extent of such interest in writing. This written disclosure will be kept on file.

(Continued)



**5410 - PURCHASING (Cont'd.)****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.

**Procurement of Goods and Services**

The Board of Education recognizes its responsibility to ensure the development of procedures for the procurement of goods and services not required by law to be made pursuant to competitive bidding requirements. These goods and services must be procured in a manner so as to:

- a) Assure the prudent and economical use of public moneys in the best interest of the taxpayer;
- b) Facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and
- c) Guard against favoritism, improvidence, extravagance, fraud and corruption.

These procedures shall contain, at a minimum, provisions which:

- a) Prescribe a process for determining whether a procurement of goods and services is subject to competitive bidding and if it is not, documenting the basis for such determination;
- b) With certain exceptions (purchases pursuant to General Municipal Law, Section 186; State Finance Law, Sections 175-a and 175-b; State Correction Law, Section 184; or those circumstances or types of procurements set forth in (f) of this section), provide that alternative proposals or quotations for goods and services shall be secured by use of written request for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of Section 104-b of General Municipal Law;
- c) Set forth when each method of procurement will be utilized;
- d) Require adequate documentation of actions taken with each method of procurement;

(Continued)

**5410 - PURCHASING (Cont'd.)**

- e) Require justification and documentation of any contract awarded to other than the lowest responsible dollar offer, stating the reasons; and
- f) Set forth any circumstances when, or the types of procurement for which, the solicitation of alternative proposals or quotations will not be in the best interest of the District.
- g) Identify the individual or individuals responsible for purchasing and their respective titles. This information will be updated biennially.

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

The District will develop administrative regulations to establish procedures for the procurement of good and services.

The Board of Education shall solicit comments concerning the District's policies and procedures from those employees involved in the procurement process. All policies and procedures regarding the procurement of goods and services shall be reviewed annually by the Board.

**Alternative Formats for Instructional Materials**

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

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

**5410 - PURCHASING (Cont'd.)**District Plan

The District will ensure that all instructional materials used in the schools of the District are available in a usable alternative format for each student with a disability, including students requiring Section 504 Accommodation Plans, in accordance with his or her educational needs and course selection, at the same time as such instructional materials are available to non-disabled students.

The Plan will:

- a) Specify that the District gives a preference in the purchase of instructional materials it has selected for its students to those vendors who agree to provide such instructional materials in alternative formats;
- b) Specify when an electronic file is provided, how the format will be access by students and/or how the District will convert to an accessible format;
- c) Specify the process to be used when ordering materials to identify the needs of students with disabilities residing in the District for alternative format materials;
- d) Specify ordering timelines to ensure that alternative format materials are available at the same time as regular format materials are available; and
- e) Include procedures so that when students with disabilities move in the District during school year, the process to obtain needed materials in alternative formats for those students is initiated without delay.

**Environmentally Sensitive Cleaning and Maintenance Products**

In accordance with Commissioner's Regulations, State Finance Law and Education Law, effective with the 2006-2007 school year, the District shall follow guidelines, specifications and sample lists when purchasing cleaning and maintenance products for use in its facilities. Such facilities include any building or facility used for instructional purposes and the surrounding grounds or other sites used for playgrounds, athletics or other instruction.

(Continued)

**5410 - PURCHASING (Cont'd.)**

Environmentally sensitive cleaning and maintenance products are those which minimize adverse impacts on health and the environment. Such products reduce as much as possible exposures of children and school staff to potentially harmful chemicals and substances used in the cleaning and maintenance of school facilities. The District shall identify and procure environmentally sensitive cleaning and maintenance products which are available in the form, function and utility generally used. Coordinated procurement of such products as specified by the Office of General Services (OGS) may be done through central state purchasing contracts to ensure that the District can procure these products on a competitive basis.

The District shall notify their personnel of the availability of such guidelines, specifications and sample product lists.

**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 and 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)

**5410 - PURCHASING (Cont'd.)**

- a) The labor standards applicable to the manufacture of the apparel and 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.

**Contracts for Goods and Services**

No contracts for goods and services shall be made by individuals or organizations in the school that involve expenditures without first securing approval for such contract from the Purchasing Agent.

No Board member or employee of the School District shall have an interest in any contract entered into by the Board or the School District.

**Construction Contracts**

The bidding of all construction contracts, except in an emergency, will be in accordance with the provision of General Municipal Law Sections 103 and 105 and shall be awarded by public vote of the Board of Education. In the case of emergency performance contracts, New York State Energy Law Article 9 will apply. School District administration is authorized to take appropriate steps during emergency conditions to assure the health and safety of building users and the protection of District assets to the extent necessary including the awarding of contracts, provided the Board of Education is advised in a timely manner during and after such emergency.

The Board of Education shall approve all change orders exceeding \$50,000 on all construction contracts resulting from the bidding process. Whenever possible, these change orders shall be approved in advance of actual work. Where the interests of the School District so dictate, the administration is authorized to proceed with the change order work pending approval by the Board of Education after the fact.

Education Law Sections 305(14), 1604, 1709, 1950,  
2503, 2554 and 3602  
General Municipal Law, Articles 5-A and 18  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 170.2 and 200.2(b)(10),  
(c)(2), and (i)

**5411 - PROFESSIONAL SERVICE POLICY PROCUREMENTS**

Notwithstanding the provisions and procedures set forth in Policy 5410 - Purchasing, the following shall apply to procurements made by the District for professional services.

For procurements which are not subject to competitive bidding pursuant to New York General Municipal Law section 103, the District will utilize procedures which will best further the purposes of General Municipal Law section 104-b. In accordance with the exceptions to General Municipal Law section 103, services which are professional in nature are not subject to competitive bidding. The determination that a contract or goods or services is professional shall be made on an individual basis given the specific type of goods or services to be rendered. As a general matter, professional services involve specialized skill, training, a high level of creativity, the exercise of professional judgment and a relationship of personal trust and confidence.

As reflected in case law, contracts for professional services include medical, allied health, legal, architectural engineering, investment management, insurance claims management, property appraised, pharmaceutical, and other similar services. The award of contracts for professional services without the solicitation of alternate proposals or quotations would be in the best interest of the District when the following criteria are met:

- a) Continuity of services;
- b) Confidential nature of service;
- c) Fiduciary relationship is integral to the service;
- d) Cost effectiveness of the services;
- e) Confidence in the expertise of the service provider;
- f) Breadth of knowledge of the School District; its operation and needs; and
- g) Ability to provide service in an expedient manner

The Superintendent or designee shall have the right to award professional services contracts in accordance with its policies and the guidelines set forth herein. The Superintendent /designee may solicit Requests for Proposals for some or all of the services described above in accordance with General Municipal Law section 104-b and School District policy.

The Superintendent will provide a review of contracts for professional services at mid year and end of the year.

NOTE: Refer also to Policies #5410 – Purchasing  
#5412 – Professional Services, Consultants and Contractors

**5412 - PROFESSIONAL SERVICES, CONSULTANTS AND CONTRACTORS**

The Board of Education delegates to the Superintendent or his or her designee the authority to enter into contractual agreements with individuals/companies for professional services in amounts not to exceed \$75,000 in a given fiscal year. The superintendent shall give the Board a summary of consultants used according to this limitation at mid-year and end of the year.

For consulting services in excess of \$75,000 the Superintendent will make recommendations for Board action.

Purchase orders may serve as contracts for vendor's work under \$20,000.

The Superintendent is charged to develop regulations to implement this policy.

**5413 - PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS**

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

**Uniform Grant Guidance Requirements**

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

- a) Use its own documented procurement procedures which reflect applicable state, local and tribal laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in the Uniform Grant Guidance.
- b) Establish and maintain effective internal controls that provide reasonable assurance that the District is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. Internal controls means a process, implemented by the District, designed to provide reasonable assurance regarding the achievement of objectives in the following categories:
  1. Effectiveness and efficiency of operations;
  2. Reliability of reporting for internal and external use; and
  3. Compliance with applicable laws and regulations.
- c) Comply with federal statutes, regulations, and the terms and conditions of the federal awards.
- d) Evaluate and monitor the District's compliance with statutes, regulations, and the terms and conditions of federal awards.
- e) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
- f) Take reasonable measures to safeguard protected personally identifiable information and other information the federal awarding agency or pass-through entity designates as sensitive or the District considers sensitive consistent with applicable federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.
- g) Maintain oversight to ensure contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(Continued)



**5413 - PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS  
(Cont'd.)**

- h) Maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts.
- i) Have procurement procedures in place to avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase.
- j) Award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to matters such as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.
- k) Maintain records that sufficiently detail the history of the procurement including, but not limited to:
  - 1. Rationale for the method of procurement;
  - 2. Selection of contract type;
  - 3. Contractor selection or rejection; and
  - 4. The basis for the contract price.
- l) Use time and material contracts, only after a determination that no other contract is suitable and the contract includes a ceiling price that the contractor exceeds at its own risk.
- m) Conduct all procurement transactions in a manner providing full and open competition consistent with the standards of the Uniform Grant Guidance.
- n) Conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference.
- o) Have written procedures for procurement to ensure that all solicitations:
  - 1. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured; and
  - 2. Identify all requirements, which the offerors must fulfill, and all other factors to be used in evaluating bids.

(Continued)

**5413 - PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS  
(Cont'd.)**

- p) Ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition.
- q) Use one of the following methods of procurement, which include:
  - 1. Micro-purchases;
  - 2. Small purchase procedures;
  - 3. Sealed bids;
  - 4. Competitive proposals; and
  - 5. Noncompetitive proposals.
- r) Have a written method for conducting technical evaluations of the proposals received and for selecting recipients.
- s) Take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
- t) Include in all contracts made by the District the applicable provisions contained in Appendix II of the Uniform Grant Guidance -- Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.
- u) Perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications.
- v) Negotiate profit as a separate element of the price for each contract in which there is not price competition and in all cases where an analysis is performed.
- w) Comply with the non-procurement debarment and suspension standards which prohibit awarding contracts to parties listed on the government-wide exclusions in the System for Award Management (SAM).

**5413 - PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS  
(Cont'd.)**

NOTE: Refer also to Policies #5410 -- Purchasing: Competitive Bidding and Offering  
#5411 -- Procurement of Goods and Services  
#5570 -- Financial Accountability  
#5670 -- Records Management  
#6110 -- Code of Ethics for Board Members and All  
District Personnel  
#6161 -- Conference/Travel Expense Reimbursement

## **5510 - ACCOUNTING OF FUNDS**

Accounting and reporting procedures shall be developed to facilitate analysis and evaluation of the District's financial status and fixed assets. The District will use the Uniform System of Accounts for School Districts.

Books and records of the District shall be maintained in accordance with statutory requirements.

Provision shall be made for the adequate storage, security, and disposition of all financial and inventory records.

### **Government Fund type Assignment (GASB 54)**

The District shall comply with the reporting requirements of Article 3 of General Municipal Law of the State of New York and the Governmental Accounting Standards Board (GASB) Statement Number 54, Fund Balance Reporting and Governmental Fund Type Definitions.

### **Assigned Fund Balance Policy**

The purchasing agent is responsible for all the purchasing activities of the District and is therefore designated as having the authority to assign amounts intended to be used for specific purposes. (Encumbrances at year end will now be considered assigned funds.)

The Board of Education has the authority to assign fund balance for the purpose of tax reduction on an annual basis. (Appropriation of fund balance for ensuing year's budget.)

### **Spending Policy**

Resources will generally be spent from Budgetary Appropriations first. Utilization of reserve funds will be determined based on the legal appropriation of such funds which require either the Board of Education and/or the District voter approval. Furthermore, assigned amounts will be considered expended when the transaction for which the assignment was made does occur.

**5510 - ACCOUNTING OF FUNDS (Cont'd.)****Online Banking**

The Board has entered into a written agreement with designated banks and trust companies for online banking and electronic or wire transfers, which includes the implementation of a security procedure for all transactions. Online transactions must be authorized by the District's Business Official or Director of Finance. The District Treasurer and Assistant District Treasurer, with a separate established user names and passwords, will have the authority to process online banking transactions. The Assistant Superintendent for Business, with a separate established user name and password, will be responsible for online banking transactions in the event the District Treasurer or Assistant District Treasurer are not available, or as a job responsibility delegated to him/her by the District Treasurer. A monthly report of all online banking activity will be reviewed by staff independent of the online banking process and reconciled with the bank statement. Online banking will only take place on secure District computer located inside the Business office.

**Electronic Transactions and Wire Transfers**

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

The District will enter into written wire transfer security agreements for District bank accounts which will include established procedures for authenticating wire transfer orders.

All wire transfers must be authorized by the District Treasurer or the Assistant District Treasurer. Dual approval controls will be established for non-routine wire transfer orders.

The Claims Auditor and Internal Auditor will confirm that wire transfers have appropriate signatures, verification and authorization of proper personnel.

Education Law Section 2116-a  
General Municipal Law Article 2 Section 5, 5-a, 5-b, 99-b  
N.Y. UCC Section 4-A-201

2005

5520

Non-Instructional/Business  
Operations

**5520 - EXTRACLASSROOM ACTIVITIES FUND**

An extraclassroom activity fund shall be established for activities conducted by students whose financial support is raised other than by taxation or through charges of the Board. All funds in the extraclassroom activities fund shall be kept according to standards of good financial management. Proper books will be kept and all moneys deposited in appropriate accounts as set up by the Board. These accounts shall be subject to audit.

All transactions involving extraclassroom funds shall be on a cash basis and no accounts shall remain unpaid at the end of the school year. The Building Principals, with approval of the Superintendent, shall set up procedures for receipt and payment from the extraclassroom activities fund in their respective buildings.

8 New York Code of Rules and Regulations  
(NYCRR) Part 172

**5530 - PETTY CASH FUNDS AND CASH IN SCHOOL BUILDINGS****Petty Cash Funds**

A petty cash fund of not more than one hundred dollars (\$100) shall be maintained in the District Office and in each school building. Payments from petty cash funds may be made for materials, supplies or services only when payment is required upon delivery. At the time of reimbursement, an itemized statement of expenditures, together with substantiating receipts, shall be submitted. Such accounts shall be authorized by Board resolution at their annual meeting.

Appropriate regulations shall be developed for implementation of this policy.

**Cash in School Buildings**

All cash received shall be held in the vault in the main office of each District school building until deposited with the Business Office or the bank. Cash receipts held in the vault should be deposited with the bank within three (3) business days of receipt. Receipts in excess of Five Hundred Dollars (\$500) shall be deposited with the bank within one (1) business day.

Under no circumstances shall cash be left in classroom areas or desks. The District will not be responsible for funds left unprotected. Only authorized personnel designated by the building administrator shall be allowed in the Main Office vault. Vault should be closed and locked when not being accessed.

Education Law Sections 1604(26) and 1709(29)  
8 New York Code of Rules and Regulations  
(NYCRR) Section 170.4

2005

5540

Non-Instructional/Business  
Operations

**5540 - PUBLICATION OF DISTRICT'S ANNUAL FINANCIAL STATEMENT**

In compliance with Education Law as a Central School District, the Board is required to publish a financial statement, including the items of expenditure in full, at least once a year, during either July or August.

The law requires that the information be published in one public newspaper which is published in the District. If no public newspaper is published in the District, then the District must use a newspaper having general circulation in the District. And if no public newspaper is published in the District, and there is no newspaper having general circulation in the District, then the District must provide the information to the taxpayers by posting copies in five public places in the District.

Education Law Sections 1610, 1721, 2117, 2528 and  
2577

8 New York Code of Rules and Regulations  
(NYCRR) Section 170.2



2005

5550

Non-Instructional/Business  
Operations

**5550 - MAINTENANCE OF FISCAL EFFORT (TITLE I PROGRAMS)**

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

Title I of the Elementary and Secondary Education Act  
of 1965, as amended by the No Child Left Behind Act  
of 2001  
34 Code of Federal Regulations (CFR) Part 200

**5560 - USE OF FEDERAL FUNDS FOR POLITICAL EXPENDITURES**

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

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

In recognition of this stricture, the Board assigns the Purchasing Agent the responsibility of monitoring expenditures of federal funds so that said funds are not used for partisan political purposes by any person or organization involved in the administration of any federally-assisted programs.

OMB Circular A-87 Cost Principles for State, Local  
and Indian Tribal Governments (revised May 10, 2004)  
Compliance Supplement for Single Audit of State  
and Local Governments (revised June 27, 2003)  
supplementing OMB Circular A-133

NOTE: Refer also to Policy #6430 -- Employee Activities

**5570 - FINANCIAL ACCOUNTABILITY**

School Districts must have internal controls in place to ensure that the goals and objectives of the District are accomplished; laws, regulations, policies, and good business practices are complied with; operations are efficient and effective; assets are safeguarded; and accurate, timely and reliable data are maintained.

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

- a) The District's code of ethics addresses conflict of interest transactions with Board members and employees. Transactions that are less-than-arm's length are prohibited. Less-than-arm's length is a relationship between the District and employees or vendors who are related to District officials or Board members.
- b) The Board requires corrective action for issues reported in the CPA's management letter, audit reports, the Single Audit, and consultant reports.
- c) The Board has established the required policies and procedures concerning District operations.
- d) The Board routinely receives and discusses the necessary fiscal reports including the:
  1. Treasurer's cash reports,
  2. Budget status reports,
  3. Revenue status reports,
  4. Monthly extra-classroom activity fund reports, and
  5. Fund balance projections (usually starting in January).
- e) The District has a long-term (three to five years) financial plan for both capital projects and operating expenses.
- f) The District requires attendance at Financial Accountability training programs for Board members, business officials, treasurers, claims auditors, and others to ensure they understand their duties and responsibilities and the data provided to them.
- g) The Board has an audit committee to assist in carrying out its fiscal oversight responsibilities.

(Continued)

**5570 - FINANCIAL ACCOUNTABILITY (Cont'd.)**

- h) The District's information systems are current, up-to-date, economical, and efficient.
- i) All computer files are secured with passwords or other controls, backed up on a regular basis, and stored at an off site location.
- j) The District periodically verifies that its controls are working efficiently.
- k) The District requires all staff to take vacations, during which time another staff member performs the duties of the staff on vacation.

8 New York Code of Rules and Regulations (NYCRR)  
Section 170.12

**5571 - MEAL EXPENSES INCURRED DURING STAFF MEETINGS**

Meals provided at staff meetings may be reimbursed or paid by the municipal entity under the following circumstances:

- a) Where the 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.
- b) 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:
  1. 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;
  2. Scheduling prevents the meeting from being held at a different time;
  3. 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 within the scheduled meeting time.
- c) Before meal expenses for meetings with staff members can be reimbursed or paid, the following information must be provided to the Business Office:
  1. What was the purpose of the meeting?
  2. When was the meeting held?
  3. What time was the meeting held?
  4. What was the reason that the meal had to be served during the meeting?
  5. Who were the participants?

These guidelines apply to all officers and employees of the District.

**5572 - AUDIT COMMITTEE**

No later than January 1, 2006, an Audit Committee shall be established by Board resolution as a Board advisory committee or as a committee of the whole.

The Audit Committee shall consist of at least three (3) members. Members shall serve without compensation, but shall be reimbursed for any actual and necessary expenditure incurred in relation to attendance at meetings. Members shall not be required to be residents of the District.

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

The responsibilities of the Audit Committee shall be as enumerated in law.

Any member of the Board who is not a member of the Audit Committee may be allowed to attend if authorized by a Board resolution.

Education Law Sections 2116-c, and 3811-3813  
Public Officers Law Sections 105(b), 105(c)  
and 105(d)  
8 New York Code of Rules and Regulations  
(NYCRR) Section 170.12(d)

**5573 - INTERNAL AUDIT FUNCTION**

No later than July 1, 2006, the District shall establish an Internal Audit Function to be in operation no later than December 31, 2006. The Internal Audit Function shall include:

- a) Development of a risk assessment of District operations including, but not limited to, a review of financial policies and procedures and the testing and evaluation of District internal controls;
- b) An annual review and update of such risk assessment;
- c) Preparation of reports, at least annually or more frequently as the Board may direct, which analyze significant risk assessment findings; and
- d) Recommendation of changes for strengthening controls and reducing identified risks, and the specification of timeframes for implementation of such recommendations.

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

Personnel or entities serving as the Internal Auditor and performing the Internal Audit Function shall report directly to the Board. The Audit Committee shall assist in the oversight of the Internal Audit Function on behalf of the Board.

Education Law Sections 1950, 2116-b and 2116-c  
8 New York Code of Rules and Regulations (NYCRR)  
Section 170.12(d)

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

Pittsford Central School District Adopted: 12/12/05

2005

5574

Non-Instructional/Business  
Operations

**5574 - USE OF DISTRICT CELL PHONES**

A District-owned cell phone will be issued to a District employee when required for that employee's job duties as determined by the Superintendent or designee.

Employees will be required to reimburse the District for personal calls at a rate set by the Superintendent.



**5575 - ALLEGATIONS OF FRAUD****Reporting and Investigations of Allegations of Fraud**

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

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

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

(Continued)

**5575 - ALLEGATIONS OF FRAUD (Cont'd.)**

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

**Prohibition of Retaliation**

The Board prohibits any retaliatory behavior directed against those individuals who, in good faith, report allegations of suspected financial improprieties/fraud and/or wrongful conduct as well as witnesses and/or any other individuals who participate in the investigation of an allegation of financial impropriety/fraud and/or wrongful conduct. Follow-up inquiries shall be made to ensure that no reprisals or retaliatory behavior has occurred to those involved in the investigation. Any act of retaliation is prohibited and subject to appropriate disciplinary action by the District.

**Knowingly Makes False Accusations**

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

Civil Service Law Section 75-b

2005

5576

Non-Instructional/Business  
Operations

**5576 - EMPLOYEE TRAVEL**

Expenses for approved travel will be reimbursed when accompanied by original receipts for lodging expenses. Meal and Incidental expenses for travel will be reimbursed based on a per diem rate as outlined in the United States Department of the Treasury Internal Revenue Service Publication 1542 "Per Diem Rates (For Travel Within the Continental United States)".

See Regulation 6160R/6161R

**5577 - MEDICAID COMPLIANCE PROGRAM**

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

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

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

- a) Written policies and procedures that describe compliance expectations as embodied in a code of ethics applicable to all District personnel, including Board members. These compliance expectations or standards of conduct include provisions designed to: implement the operation of the Medicaid Compliance Programs; provide guidance to employees and others on dealing with potential compliance issues; identify how to communicate compliance issues to appropriate personnel; and describe how issues are investigated and resolved;
- b) A designated employee who will be responsible for the day-to-day operation of the Medicaid Compliance Program. This employee's job duties may be exclusively related to Medicaid compliance issues or may be combined with other duties, provided that the Medicaid compliance portions of the employee's duties are satisfactorily fulfilled. The designated employee will report directly to the Superintendent or designee and also periodically report directly to the Board on the District's Medicaid Compliance Program activities;
- c) Training and education of all affected District employees and other persons associated with the District's Medicaid Compliance Program, including, but not limited to, members of the District's Board. This training will occur periodically and be made a part of any required training or orientation for new employees, Board members, volunteers, and/or others on dealing with the District's Medicaid Compliance Program;
- d) Communication lines and processes directed to the District's designated employee who will be responsible for the day-to-day operation of the Medicaid Compliance Program. These communication lines and processes will be accessible to all District employees, Board members, volunteers, and others associated with the District's Medicaid Compliance Program. The communication lines and processes are designed to allow employees to report compliance issues, including the anonymous and confidential good faith reporting of any practice or procedure related to Medicaid reimbursement of school or preschool supportive health services, that an employee believes is inappropriate;

(Continued)

**5577 - MEDICAID COMPLIANCE PROGRAM (Cont'd.)**

- e) Disciplinary procedures that encourage good faith and fair dealing in the District's Medicaid Compliance Program by all affected individuals. These disciplinary procedures include procedures that articulate expectations for reporting and assisting with the resolution of compliance issues and also provide sanctions for the failure to report suspected problems and participating (either actively or passively) in non-compliant behavior;
- f) A system for the routine identification of Medicaid compliance risk areas in the District's Medicaid Compliance Program. Self-evaluation of such risk areas may be accomplished by, but not necessarily limited to, internal audits and external audits, as appropriate;
- g) A system for responding to, investigating, correcting, and reporting compliance issues as they are raised, including the development of procedures and systems to reduce the potential for recurrence, identifying and reporting compliance issues to the OMIG and refunding overpayments; and
- h) A policy of non-intimidation and non-retaliation against any person for the good faith participation in any aspect of the administration of the District's Medicaid Compliance Program including, but not limited to, the reporting of potential issues, assisting as a witness with any investigation, evaluation, audit, remedial actions or reporting to appropriate officials.

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

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

**5610 - INSURANCE**

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

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

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

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

Public Officers Law Section 18  
General Municipal Law Sections 6-n and 52  
Education Law Sections 1709(8), (26) and (34-b),  
3023, 3028, and 3811

2005

5620

Non-Instructional/Business  
Operations

**5620 - INVENTORIES**

The Superintendent or his/her designee shall be responsible for maintaining a continuous and accurate inventory of equipment owned by the District in accordance with "The Uniform System of Accounts for School Districts."

All supplies and equipment purchased and received by the District shall be checked, logged, and stored through an established procedure.

Uniform System of Accounts for School Districts  
(Fiscal Section)

**5621 - ACCOUNTING OF FIXED ASSETS**

The Director of Finance shall be responsible for accounting for general fixed assets according to the procedures outlined by the Uniform System of Accounts for School Districts and GASB Statement 34 Regulations.

These accounts will serve to:

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



**5630 - FACILITIES: INSPECTION, OPERATION AND MAINTENANCE****Operation and Maintenance**

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

The Board, through the Superintendent and his/her staff, has the responsibility of protecting the District investment in plant and facilities through a systematic maintenance program.

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

**Change Orders During Construction**

All change orders in excess of \$50,000 shall be approved by the Board. Whenever possible, these change orders shall be approved in advance of actual work. Where the interests of the District so dictate, the Superintendent or the Superintendent's designee is authorized to proceed with the change order work pending approval by the Board after the fact. Approval for change orders not in excess of \$50,000 may be given by the Superintendent or the Superintendent's designee based upon the recommendation of the architect and construction manager. A summary of all change orders approved shall be provided the Board on a timely basis.

**Inspections**

The administration of the District shall cooperate with officials conducting health, fire, asbestos, bus, and boiler inspections. The administration shall keep the Board informed of the results of such inspections in a timely fashion.

**Comprehensive Public School Building Safety Program (Rescue)**

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

(Continued)

**5630 - FACILITIES: INSPECTION, OPERATION AND MAINTENANCE (Cont'd.)**Fire Inspection:

8 New York Code of Rules and Regulations  
(NYCRR) Section 155.4

Education Law Section 807-a

Health Inspection: Education Law Section 906

Asbestos Inspection: Education Law, Article 9-A  
40 Code of Federal Regulations (CFR)

Part 763, Subpart E

Plans and Specifications:

Education Law Sections 408, -a and 409

8 New York Code of Rules and Regulations  
(NYCRR) Sections 155.1 and .2

Structural Safety Inspections:

Education Law Sections 409-d and -e, 3602, and  
3641(4)

8 New York Code of Rules and Regulations  
(NYCRR) Sections 155.1, 155.3, 155.4(b)(1), and  
155.6

**5631 - HAZARDOUS WASTE AND HANDLING OF TOXIC SUBSTANCES BY EMPLOYEES**

The Board recognizes the need to protect human health and the environment from damage resulting from the improper handling of hazardous wastes.

The management of hazardous waste from its point of generation to the ultimate disposal is regulated through specific Federal and State laws.

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

Environmental Protection Agency  
40 Code of Federal Regulations (CFR) 261 and 262  
6 New York Code of Rules and Regulations  
(NYCRR) Part 371

**5633 - GENDER NEUTRAL SINGLE-OCCUPANCY BATHROOMS**

The District is committed to creating and maintaining an inclusive educational and work-environment. The District will ensure that all single-occupancy bathroom facilities are designated as gender neutral for use by no more than one occupant at a time or for family or assisted use.

"Single-occupancy bathroom" means a bathroom intended for use by no more than one occupant at a time or for family or assisted use and which has a door for entry into and egress from the bathroom that may be locked by the occupant to ensure privacy and security.

All gender neutral bathroom facilities will be clearly designated by the posting of signage either on or near the entry door of each facility.

Education Law § 409-m  
Public Buildings Law § 145

## **5640 - SMOKING/TOBACCO USE**

### **School Grounds**

Tobacco use shall not be permitted and no person shall use tobacco on school grounds at any time. For purposes of this policy, "school grounds" means any building, structure, and surrounding outdoor grounds contained within the District's preschool, nursery school, elementary or secondary school's legally defined property boundaries as registered in the County Clerk's Office; as well as all District vehicles, including vehicles used to transport children or school personnel.

For purposes of this policy, tobacco is defined to include any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove cigarette, and any other smoking product, and spit tobacco (smokeless, dip, chew and/or snuff) in any form.

### **Posting/Notification of Policy**

In compliance with the New York State Clean Indoor Air Act, the District will prominently post its Smoking/Tobacco Use policy and signs prohibiting **all** forms of tobacco products in District buildings and other appropriate locations; and will supply a copy upon request to any current or prospective employee. The District will also designate a school official to tell individuals who smoke in a non-smoking area that they are in violation of the New York State Public Health Law, Education Law, the federal Pro-Children Act of 1994 and District policy.

The District shall also ensure that this policy is communicated to staff, students, parents/guardians, volunteers, and visitors as deemed appropriate in order to orient all persons to the District's "No Smoking" Policy and environment.

### **Prohibition of Tobacco Promotional Items/Tobacco Advertising**

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

- a) On school grounds;
- b) In school vehicles;
- c) At school-sponsored events;
- d) In school publications;
- e) On clothing, shoes, accessories, gear, and school supplies in accordance with the District Code of Conduct and applicable collective bargaining agreements.

(Continued)

**5640 - SMOKING/TOBACCO USE (Cont'd.)**

This prohibition of tobacco promotional items shall be implemented in accordance with the Code of Conduct and applicable collective bargaining agreements.

In addition, tobacco advertising is also prohibited in all school-sponsored publications and at all school sponsored events.

Safe and Drug-Free Schools and Communities Act  
20 United States Code (USC) Section 7101 et seq.  
Pro-Children Act of 2001  
20 United States Code (USC) Sections 7181-7184,  
as amended by the No Child Left Behind Act of 2001  
Public Health Law Article 13-E  
Education Law Sections 409 and 3020-a

NOTE: Refer also to Policies #3280 -- Community Use of School Facilities  
#3410 -- Code of Conduct on School Property  
#7310 -- School Conduct and Discipline  
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)  
#8211 -- Prevention Instruction  
*District Code of Conduct on School Property*

**5650 - ENERGY/WATER CONSERVATION AND RECYCLING OF SOLID WASTE**

The Board recognizes the importance of energy and water conservation and is committed to the analysis, development, and initiation of conservation measures throughout the District for the purpose of reducing energy consumption.

**Recycling**

The Superintendent will develop an efficient program for the source separation and segregation of recyclable or reusable materials in the District. This District-wide recycling plan shall include:

- a) A conservation education program to teach students about their social responsibility for preserving our resources, and involvement of all students and personnel in a comprehensive effort to reduce, reuse and recycle waste materials;
- b) A concerted effort to purchase recycled items and biodegradable rather than non-biodegradable products;
- c) Separation of waste into appropriate categories for the purpose of recycling, including mercury-added consumer products;
- d) A cooperative effort with community recycling programs.

Environmental Conservation Law Sections 27-2101-  
27-2115  
General Municipal Law Section 120-aa

## **5660 - SCHOOL FOOD SERVICE PROGRAM**

The District participates in the National School Lunch Program and receives commodities donated by the Department of Agriculture and accepts responsibility for providing free and reduced price meals to elementary and secondary students who qualify.

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

Free or reduced price "Type A" school meals may be allowed for qualifying students attending Pittsford Central School District schools upon written application of the student's parent or guardian. Applications will be provided by the District.

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

The District shall equip and operate cafeterias in each of its schools, including a separate room for faculty dining.

The food service operation will strive to operate on a self-supporting basis.

### **Restriction of Sweetened Foods in School**

The sale of sweetened foods will be prohibited from the beginning of the school day until the end of the last scheduled meal period.

Sweetened foods consist of sweetened soda water, chewing gum, candy, including hard candy, jellies, gum, marshmallow candies, fondant, licorice, spun candy, candy coated popcorn, and water ices except those which contain fruit or fruit juices.

### **Restrictions on Sale of Milk Prohibited**

Schools that participate in the National School Lunch Program may not directly or indirectly restrict the sale or marketing of fluid milk products at any time or in any place on school premises or at school-sponsored events.

### **Food Substitutions**

Federal regulations governing the operation of Child Nutrition Programs, Part B of the Individuals with Disabilities Education Act, and Section 504 of the Rehabilitation Act of 1973 require

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**5660 - SCHOOL FOOD SERVICE PROGRAM (Cont'd.)**

that children with disabilities be offered the opportunity to participate in all academic and nonacademic activities including the school nutrition programs. The District will make reasonable accommodations to those children with disabilities whose disabilities restrict their diets, such as providing substitutions and/or modifications in the regular meal patterns. Such meal substitutions for students with disabilities will be offered at no extra charge. A student with a disability must be provided substitutions in food when that need is supported by a statement signed by a physician attesting to the need for the substitutions and recommending alternate foods.

However, the school food service is not required to provide meal services (for example, School Breakfast Program) to students with disabilities when the meal service is not normally available to the general student body, unless a meal service is required under the student's individualized education program (IEP) or Section 504 Accommodation Plan as mandated by a physician's written instructions.

Though not required, the District will also allow substitutions for non-disabled children who are unable to consume the regular meal because of medical or other special dietary needs if the request is supported by a statement signed by a recognized medical authority.

**Special Services**

District food services may provide meals or refreshments for special District events or meetings. Charges for these services shall be determined by the Director of Food Services and shall cover all costs associated with the event.

Kitchen facilities may be used by school or community groups when under the supervision of a member of the food services staff. A fee will be charged to cover the cost of supervision.

Child Nutrition Act 1966

42 United States Code (USC) Section 1771 et seq.

Richard B. Russell National School Lunch Act 1946

42 United States Code (USC) Section 1751 et seq.

Section 504 of the Rehabilitation Act of 1973

29 United States Code (USC) Section 794 et seq.

Individuals with Disabilities Education Act (IDEA)

20 United States Code (USC) Sections 1400-1485

7 Code of Federal Regulations (CFR) Part 15B and

Part 210

Education Law Sections 915, 918, 1604(28), 1709(22),

1709(23) and 2503(9)(a)

8 New York Code of Rules and Regulations

(NYCRR) Sections 200.2(b)(1) and 200.2(b)(2)

## **5670 - RECORDS MANAGEMENT**

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

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

### **Retention and Disposition of Records**

The District will retain records and dispose of them in accordance with the Retention and Disposition Schedule for New York Local Government Records (LGS-1) or as otherwise approved by the Commissioner of Education. Further, if any law specifically provides a retention period longer than that established by this schedule, the retention period established by the law will govern.

### **Replacing Original Records with Microforms or Electronic Images**

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

### **Retention and Preservation of Electronic Records**

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

Arts and Cultural Affairs Law Article 57-a  
8 NYCRR Part 185

## **5672 - INFORMATION SECURITY BREACH AND NOTIFICATION**

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

a) "*Private information*" shall mean **\*\*personal information** in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

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

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

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

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

### **Determining if a Breach Has Occurred**

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

- a) Indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or
- b) Indications that the information has been downloaded or copied; or

(Continued)

**5672 - INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)**

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

**Notification Requirements**

- a) For any computerized data owned or licensed by the School District that includes private information, the District shall disclose any breach of the security of the system following discovery or notification of the breach to any New York State resident whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure to affected individuals shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. The District shall consult with the State Office of Information Technology Services to determine the scope of the breach and restoration measures.
- b) For any computerized data maintained by the District that includes private information which the District does not own, the District shall notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, acquired by a person without valid authorization.

The notification requirement may be delayed if a law enforcement agency determines that such notification impedes a criminal investigation. The required notification shall be made after the law enforcement agency determines that such notification does not compromise the investigation.

**Methods of Notification**

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

- a) Written notice;
- b) Electronic notice, provided that the person to whom notice is required has expressly consented to receiving the notice in electronic form; and a log of each such notification is kept by the District when notifying affected persons in electronic form. However, in no case shall the District require a person to consent to accepting such notice in electronic form as a condition of establishing any business relationship or engaging in any transaction;
- c) Telephone notification, provided that a log of each such notification is kept by the District when notifying affected persons by phone; or

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**5672 - INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)**

- d) Substitute notice, if the District demonstrates to the State Attorney General that the cost of providing notice would exceed \$250,000, or that the affected class of subject persons to be notified exceeds 500,000 or that the District does not have sufficient contact information. Substitute notice shall consist of **all** of the following:
1. Email notice when the District has an email address for the subject persons;
  2. Conspicuous posting of the notice on the District's website page, if the District maintains one; and
  3. Notification to major statewide media.

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

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

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

State Technology Law Sections 202 and 208

Pittsford Central School District Adopted: 11/6/06, 1/25/16

**5673 - COMPUTER CONTROL FOR FINANCIAL NETWORK AND SYSTEMS**

The District will maintain regulations and procedures that ensure that financial networks, systems and data are adequately secured. To that end, the District shall develop a disaster recovery plan in the event of catastrophic loss of the District's processing capabilities, as well as procedures to provide for appropriate segregation of duties, password schema, network security and access to financial and other sensitive data.

## Non-Instruction/Business Operations

**5675 - DATA NETWORKS AND SECURITY ACCESS**

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

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

- a) Inventory and classify personal, private and sensitive information on the DCS to protect the confidentiality, integrity, and availability of information;
- b) Develop password standards for all users including, but not limited to, how to create passwords and how often such passwords should be changed by users to ensure security of the DCS;
- c) Ensure that the “audit trail” function is enabled within the District’s network operating system, which will allow the District to determine on a constant basis who is accessing the DCS, and establish procedures for periodically reviewing such audit trails;
- d) Develop procedures to control physical access to computer facilities, data rooms, systems, networks, and data to only authorized individuals; such procedures may include ensuring that server rooms remain locked at all times and the recording of arrival and departure dates and times of employees and visitors to and from the server room;
- e) Establish procedures for tagging new purchases as they occur, relocating assets, updating the inventory list, performing periodic physical inventories, and investigating any differences in an effort to prevent unauthorized and/or malicious access to these assets;

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## Non-Instruction/Business Operations

**5675 - DATA NETWORKS AND SECURITY ACCESS (Cont'd.)**

- f) Periodically grant, change and terminate user access rights to the overall networked computer system and to specific software applications and ensure that users are given access based on, and necessary for, their job duties;
- g) Limit user access to the vendor master file, which contains a list of vendors from which District employees are permitted to purchase goods and services, to only the individual who is responsible for making changes to such list, and ensure that all former employees' access rights to the vendor master list are promptly removed;
- h) Determine how, and to whom, remote access should be granted, obtain written agreements with remote access users to establish the District's needs and expectations, as appropriate, and monitor and control such remote access;
- i) Implement software based on client roles identified by the District to protect against loss of sensitive data;
- j) Deploy software or systems to identify and eradicate malicious software attacks;
- k) Develop a disaster recovery plan appropriate for the size and complexity of District IT operations to ensure continuous critical IT services in the event of any sudden, catastrophic event, including, but not limited to fire, computer virus or deliberate or inadvertent employee action.



## **5676 - PRIVACY AND SECURITY FOR STUDENT AND STAFF DATA**

The District is committed to maintaining the privacy and security of student data and teacher and principal data and will follow all applicable laws and regulations for the handling and storage of this data in the District and when disclosing or releasing it to others, including, but not limited to, third-party contractors. The District adopts this policy to implement the requirements of Education Law Section

2-d and its implementing regulations, as well as to align the District's data privacy and security practices with the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1).

### **Definitions**

As provided in Education Law Section 2-d and/or its implementing regulations, the following terms, as used in this policy, will mean:

- a) "Breach" means the unauthorized acquisition, access, use, or disclosure of student data and/or teacher or principal data by or to a person not authorized to acquire, access, use, or receive the student data and/or teacher or principal data.
- b) "Building principal" means a building principal subject to annual performance evaluation review under the provisions of Education Law Section 3012-c.
- c) "Classroom teacher" means a teacher subject to annual performance evaluation review under the provisions of Education Law Section 3012-c.
- d) "Commercial or marketing purpose" means the sale of student data; or its use or disclosure for purposes of receiving remuneration, whether directly or indirectly; the use of student data for advertising purposes, or to develop, improve, or market products or services to students.
- e) "Contract or other written agreement" means a binding agreement between an educational agency and a third-party, which includes, but is not limited to, an agreement created in electronic form and signed with an electronic or digital signature or a click-wrap agreement that is used with software licenses, downloaded, and/or online applications and transactions for educational technologies and other technologies in which a user must agree to terms and conditions prior to using the product or service.
- f) "Disclose" or "disclosure" means to permit access to, or the release, transfer, or other communication of personally identifiable information by any means, including oral, written, or electronic, whether intended or unintended.
- g) "Education records" means an education record as defined in the Family Educational Rights and Privacy Act and its implementing regulations, 20 USC Section 1232g and 34 CFR Part 99, respectively.

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**5676 - PRIVACY AND SECURITY FOR STUDENT AND STAFF DATA (Cont'd.)**

- h) "Educational agency" means a school district, board of cooperative educational services (BOCES), school, or the New York State Education Department (NYSED).
- i) "Eligible student" means a student who is eighteen years or older.
- j) "Encryption" means methods of rendering personally identifiable information unusable, unreadable, or indecipherable to unauthorized persons through the use of a technology or methodology specified or permitted by the Secretary of the United States Department of Health and Human Services in guidance issued under 42 USC Section 17932(h)(2).
- k) "FERPA" means the Family Educational Rights and Privacy Act and its implementing regulations, 20 USC Section 1232g and 34 CFR Part 99, respectively.
- l) "NIST Cybersecurity Framework" means the U.S. Department of Commerce National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1). A copy of the NIST Cybersecurity Framework is available at the Office of Counsel, State Education Department, State Education Building, Room 148, 89 Washington Avenue, Albany, New York 12234.
- m) "Parent" means a parent, legal guardian, or person in parental relation to a student.
- n) "Personally identifiable information (PII)," as applied to student data, means personally identifiable information as defined in 34 CFR Section 99.3 implementing the Family Educational Rights and Privacy Act, 20 USC Section 1232g, and, as applied to teacher or principal data, means personally identifying information as this term is defined in Education Law Section 3012-c(10).
- o) "Release" has the same meaning as disclosure or disclose.
- p) "Student" means any person attending or seeking to enroll in an educational agency.
- q) "Student data" means personally identifiable information from the student records of an educational agency.
- r) "Teacher or principal data" means personally identifiable information from the records of an educational agency relating to the annual professional performance reviews of classroom teachers or principals that is confidential and not subject to release under the provisions of Education Law Sections 3012-c and 3012-d.
- s) "Third-party contractor" means any person or entity, other than an educational agency, that receives student data or teacher or principal data from an educational agency pursuant to a contract or other written agreement for purposes of providing services to the educational

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**5676 - PRIVACY AND SECURITY FOR STUDENT AND STAFF DATA (Cont'd.)**

agency, including but not limited to data management or storage services, conducting studies for or on behalf of the educational agency, or audit or evaluation of publicly funded programs. This term will include an educational partnership organization that receives student and/or teacher or principal data from a school district to carry out its responsibilities pursuant to Education Law Section 211-e and is not an educational agency, and a not-for-profit corporation or other nonprofit organization, other than an educational agency.

- t) "Unauthorized disclosure" or "unauthorized release" means any disclosure or release not permitted by federal or state statute or regulation, any lawful contract or written agreement, or that does not respond to a lawful order of a court or tribunal or other lawful order.

**Data Collection Transparency and Restrictions**

As part of its commitment to maintaining the privacy and security of student data and teacher and principal data, the District will take steps to minimize its collection, processing, and transmission of PII. Additionally, the District will:

- a) Not sell PII nor use or disclose it for any marketing or commercial purpose or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so.
- b) Ensure that it has provisions in its contracts with third-party contractors or in separate data sharing and confidentiality agreements that require the confidentiality of shared student data or teacher or principal data be maintained in accordance with law, regulation, and District policy.

Except as required by law or in the case of educational enrollment data, the District will not report to NYSED the following student data elements:

- a) Juvenile delinquency records;
- b) Criminal records;
- c) Medical and health records; and
- d) Student biometric information.

Nothing in Education Law Section 2-d or this policy should be construed as limiting the administrative use of student data or teacher or principal data by a person acting exclusively in the person's capacity as an employee of the District.

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**5676 - PRIVACY AND SECURITY FOR STUDENT AND STAFF DATA (Cont'd.)****Chief Privacy Officer**

The Commissioner of Education has appointed a Chief Privacy Officer who will report to the Commissioner on matters affecting privacy and the security of student data and teacher and principal data. Among other functions, the Chief Privacy Officer is authorized to provide assistance to educational agencies within the state on minimum standards and best practices associated with privacy and the security of student data and teacher and principal data.

The District will comply with its obligation to report breaches or unauthorized releases of student data or teacher or principal data to the Chief Privacy Officer in accordance with Education Law Section 2-d, its implementing regulations, and this policy.

The Chief Privacy Officer has the power, among others, to:

- a) Access all records, reports, audits, reviews, documents, papers, recommendations, and other materials maintained by the District that relate to student data or teacher or principal data, which includes, but is not limited to, records related to any technology product or service that will be utilized to store and/or process PII; and
- b) Based upon a review of these records, require the District to act to ensure that PII is protected in accordance with laws and regulations, including but not limited to requiring the District to perform a privacy impact and security risk assessment.

**Data Protection Officer**

The District has designated a District employee to serve as the District's Data Protection Officer. The Data Protection Officer for the District is the Chief Information Officer.

The Data Protection Officer is responsible for the implementation and oversight of this policy and any related procedures including those required by Education Law Section 2-d and its implementing regulations, as well as serving as the main point of contact for data privacy and security for the District.

The District will ensure that the Data Protection Officer has the appropriate knowledge, training, and experience to administer these functions. The Data Protection Officer may perform these functions in addition to other job responsibilities.

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**5676 - PRIVACY AND SECURITY FOR STUDENT AND STAFF DATA (Cont'd.)****District Data Privacy and Security Standards**

The District will use the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1) (Framework) as the standard for its data privacy and security program. The Framework is a risk-based approach to managing cybersecurity risk and is composed of three parts: the Framework Core, the Framework Implementation Tiers, and the Framework Profiles. The Framework provides a common taxonomy and mechanism for organizations to:

- a) Describe their current cybersecurity posture;
- b) Describe their target state for cybersecurity;
- c) Identify and prioritize opportunities for improvement within the context of a continuous and repeatable process;
- d) Assess progress toward the target state; and
- e) Communicate among internal and external stakeholders about cybersecurity risk.

The District will protect the privacy of PII by:

- a) Ensuring that every use and disclosure of PII by the District benefits students and the District by considering, among other criteria, whether the use and/or disclosure will:
  1. Improve academic achievement;
  2. Empower parents and students with information; and/or
  3. Advance efficient and effective school operations.
- b) Not including PII in public reports or other public documents.

The District affords all protections under FERPA and the Individuals with Disabilities Education Act and their implementing regulations to parents or eligible students, where applicable.

(Continued)

**5676 - PRIVACY AND SECURITY FOR STUDENT AND STAFF DATA (Cont'd.)****Third-Party Contractors**District Responsibilities

The District will ensure that whenever it enters into a contract or other written agreement with a third-party contractor under which the third-party contractor will receive student data or teacher or principal data from the District, the contract or written agreement will include provisions requiring that confidentiality of shared student data or teacher or principal data be maintained in accordance with law, regulation, and District policy.

In addition, the District will ensure that the contract or written agreement includes the third-party contractor's data privacy and security plan that has been accepted by the District.

The third-party contractor's data privacy and security plan must, at a minimum:

- a) Outline how the third-party contractor will implement all state, federal, and local data privacy and security contract requirements over the life of the contract, consistent with District policy;
- b) Specify the administrative, operational, and technical safeguards and practices the third-party contractor has in place to protect PII that it will receive under the contract;
- c) Demonstrate that the third-party contractor complies with the requirements of 8 NYCRR Section 121.3(c);
- d) Specify how officers or employees of the third-party contractor and its assignees who have access to student data or teacher or principal data receive or will receive training on the laws governing confidentiality of this data prior to receiving access;
- e) Specify if the third-party contractor will utilize subcontractors and how it will manage those relationships and contracts to ensure PII is protected;
- f) Specify how the third-party contractor will manage data privacy and security incidents that implicate PII including specifying any plans to identify breaches and unauthorized disclosures, and to promptly notify the District;
- g) Describe whether, how, and when data will be returned to the District, transitioned to a successor contractor, at the District's option and direction, deleted or destroyed by the third-party contractor when the contract is terminated or expires; and
- h) Include a signed copy of the Parents' Bill of Rights for Data Privacy and Security.

(Continued)

**5676 - PRIVACY AND SECURITY FOR STUDENT AND STAFF DATA (Cont'd.)**Third-Party Contractor Responsibilities

Each third-party contractor, that enters into a contract or other written agreement with the District under which the third-party contractor will receive student data or teacher or principal data from the District, is required to:

- a) Adopt technologies, safeguards, and practices that align with the NIST Cybersecurity Framework;
- b) Comply with District policy and Education Law Section 2-d and its implementing regulations;
- c) Limit internal access to PII to only those employees or subcontractors that have legitimate educational interests (i.e., they need access to provide the contracted services);
- d) Not use the PII for any purpose not explicitly authorized in its contract;
- e) Not disclose any PII to any other party without the prior written consent of the parent or eligible student:
  1. Except for authorized representatives of the third-party contractor such as a subcontractor or assignee to the extent they are carrying out the contract and in compliance with law, regulation, and its contract with the District; or
  2. Unless required by law or court order and the third-party contractor provides a notice of the disclosure to NYSED, the Board, or the institution that provided the information no later than the time the information is disclosed, unless providing notice of the disclosure is expressly prohibited by law or court order;
- f) Maintain reasonable administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of PII in its custody;
- g) Use encryption to protect PII in its custody while in motion or at rest; and
- h) Not sell PII nor use or disclose it for any marketing or commercial purpose or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so.

Where a third-party contractor engages a subcontractor to perform its contractual obligations, the data protection obligations imposed on the third-party contractor by law and contract apply to the subcontractor.

(Continued)

**5676 - PRIVACY AND SECURITY FOR STUDENT AND STAFF DATA (Cont'd.)**Cooperative Educational Services through a BOCES

The District may not be required to enter into a separate contract or data sharing and confidentiality agreement with a third-party contractor that will receive student data or teacher or principal data from the District under all circumstances.

For example, the District may not need its own contract or agreement where:

- a) It has entered into a cooperative educational service agreement (CoSer) with a BOCES that includes use of a third-party contractor's product or service; and
- b) That BOCES has entered into a contract or data sharing and confidentiality agreement with the third-party contractor, pursuant to Education Law Section 2-d and its implementing regulations, that is applicable to the District's use of the product or service under that CoSer.

To meet its obligations whenever student data or teacher or principal data from the District is received by a third-party contractor pursuant to a CoSer, the District will consult with the BOCES to, among other things:

- a) Ensure there is a contract or data sharing and confidentiality agreement pursuant to Education Law Section 2-d and its implementing regulations in place that would specifically govern the District's use of a third-party contractor's product or service under a particular CoSer;
- b) Determine procedures for including supplemental information about any applicable contracts or data sharing and confidentiality agreements that a BOCES has entered into with a third-party contractor in its Parents' Bill of Rights for Data Privacy and Security;
- c) Ensure appropriate notification is provided to affected parents, eligible students, teachers, and/or principals about any breach or unauthorized release of PII that a third-party contractor has received from the District pursuant to a BOCES contract; and
- d) Coordinate reporting to the Chief Privacy Officer to avoid duplication in the event the District receives information directly from a third-party contractor about a breach or unauthorized release of PII that the third-party contractor received from the District pursuant to a BOCES contract.

Click-Wrap Agreements

Periodically, District staff may wish to use software, applications, or other technologies in which the user must "click" a button or box to agree to certain online terms of service prior to using the software, application, or other technology. These are known as "click-wrap agreements" and are considered legally binding "contracts or other written agreements" under Education Law Section 2-d and its implementing regulations.

(Continued)



**5676 - PRIVACY AND SECURITY FOR STUDENT AND STAFF DATA (Cont'd.)**

District staff are prohibited from using software, applications, or other technologies pursuant to a click-wrap agreement in which the third-party contractor receives student data or teacher or principal data from the District unless they have received prior approval from the District's Data Privacy Officer or designee.

The District will develop and implement procedures requiring prior review and approval for staff use of any software, applications, or other technologies pursuant to click-wrap agreements.

**Parents' Bill of Rights for Data Privacy and Security**

The District will publish its Parents' Bill of Rights for Data Privacy and Security (Bill of Rights) on its website. Additionally, the District will include the Bill of Rights with every contract or other written agreement it enters into with a third-party contractor under which the third-party contractor will receive student data or teacher or principal data from the District.

The District's Bill of Rights will state in clear and plain English terms that:

- a) A student's PII cannot be sold or released for any commercial purposes;
- b) Parents have the right to inspect and review the complete contents of their child's education record;
- c) State and federal laws protect the confidentiality of PII, and safeguards associated with industry standards and best practices, including but not limited to encryption, firewalls, and password protection, must be in place when data is stored or transferred;
- d) A complete list of all student data elements collected by the state is available for public review at the following website <http://www.nysed.gov/student-data-privacy/student-data-inventory> or by writing to the Office of Information and Reporting Services, New York State Education Department, Room 865 EBA, 89 Washington Avenue, Albany, New York 12234; and
- e) Parents have the right to have complaints about possible breaches of student data addressed. Complaints should be directed in writing to Privacy Complaint, Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, New York 12234. Complaints may also be submitted using the form available at the following website <http://www.nysed.gov/student-data-privacy/form/report-improper-disclosure>.

The Bill of Rights will also include supplemental information for each contract the District enters into with a third-party contractor where the third-party contractor receives student data or teacher or principal data from the District. The supplemental information must be developed by the District and include the following information:

(Continued)

**5676 - PRIVACY AND SECURITY FOR STUDENT AND STAFF DATA (Cont'd.)**

- a) The exclusive purposes for which the student data or teacher or principal data will be used by the third-party contractor, as defined in the contract;
- b) How the third-party contractor will ensure that the subcontractors, or other authorized persons or entities to whom the third-party contractor will disclose the student data or teacher or principal data, if any, will abide by all applicable data protection and security requirements, including but not limited to those outlined in applicable laws and regulations (e.g., FERPA; Education Law Section 2-d);
- c) The duration of the contract, including the contract's expiration date, and a description of what will happen to the student data or teacher or principal data upon expiration of the contract or other written agreement (e.g., whether, when, and in what format it will be returned to the District, and/or whether, when, and how the data will be destroyed);
- d) If and how a parent, student, eligible student, teacher, or principal may challenge the accuracy of the student data or teacher or principal data that is collected;
- e) Where the student data or teacher or principal data will be stored, described in a manner as to protect data security, and the security protections taken to ensure the data will be protected and data privacy and security risks mitigated; and
- f) Address how the data will be protected using encryption while in motion and at rest.

The District will publish on its website the supplement to the Bill of Rights (i.e., the supplemental information described above) for any contract or other written agreement it has entered into with a third-party contractor that will receive PII from the District. The Bill of Rights and supplemental information may be redacted to the extent necessary to safeguard the privacy and/or security of the District's data and/or technology infrastructure.

**Right of Parents and Eligible Students to Inspect and Review Students' Education Records**

Consistent with the obligations of the District under FERPA, parents and eligible students have the right to inspect and review a student's education record by making a request directly to the District in a manner prescribed by the District.

The District will ensure that only authorized individuals are able to inspect and review student data. To that end, the District will take steps to verify the identity of parents or eligible students who submit requests to inspect and review an education record and verify the individual's authority to do so.

Requests by a parent or eligible student for access to a student's education records must be directed to the District and not to a third-party contractor. The District may require that requests to inspect and review education records be made in writing.

(Continued)

**5676 - PRIVACY AND SECURITY FOR STUDENT AND STAFF DATA (Cont'd.)**

The District will notify parents annually of their right to request to inspect and review their child's education record including any student data stored or maintained by the District through its annual FERPA notice. A notice separate from the District's annual FERPA notice is not required.

The District will comply with a request for access to records within a reasonable period, but not more than 45 calendar days after receipt of a request.

The District may provide the records to a parent or eligible student electronically, if the parent consents. The District must transmit the PII in a way that complies with laws and regulations. Safeguards associated with industry standards and best practices, including but not limited to encryption and password protection, must be in place when education records requested by a parent or eligible student are electronically transmitted.

**Complaints of Breach or Unauthorized Release of Student Data and/or Teacher or Principal Data**

The District will inform parents, through its Parents' Bill of Rights for Data Privacy and Security, that they have the right to submit complaints about possible breaches of student data to the Chief Privacy Officer at NYSED. In addition, the District has established the following procedures for parents, eligible students, teachers, principals, and other District staff to file complaints with the District about breaches or unauthorized releases of student data and/or teacher or principal data:

- a) All complaints must be submitted to the District's Data Protection Officer in writing.
- b) Upon receipt of a complaint, the District will promptly acknowledge receipt of the complaint, commence an investigation, and take the necessary precautions to protect PII.
- c) Following the investigation of a submitted complaint, the District will provide the individual who filed the complaint with its findings. This will be completed within a reasonable period of time, but no more than 60 calendar days from the receipt of the complaint by the District.
- d) If the District requires additional time, or where the response may compromise security or impede a law enforcement investigation, the District will provide the individual who filed the complaint with a written explanation that includes the approximate date when the District anticipates that it will respond to the complaint.

These procedures will be disseminated to parents, eligible students, teachers, principals, and other District staff.

The District will maintain a record of all complaints of breaches or unauthorized releases of student data and their disposition in accordance with applicable data retention policies, including the Records Retention and Disposition Schedule ED-1 (1988; rev. 2004).

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**5676 - PRIVACY AND SECURITY FOR STUDENT AND STAFF DATA (Cont'd.)****Reporting a Breach or Unauthorized Release**

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

Each third-party contractor that receives student data or teacher or principal data pursuant to a contract or other written agreement entered into with the District will be required to promptly notify the District of any breach of security resulting in an unauthorized release of the data by the third-party contractor or its assignees in violation of applicable laws and regulations, the Parents' Bill of Rights for Student Data Privacy and Security, District policy, and/or binding contractual obligations relating to data privacy and security, in the most expedient way possible and without unreasonable delay, but no more than seven calendar days after the discovery of the breach.

In the event of notification from a third-party contractor, the District will in turn notify the Chief Privacy Officer of the breach or unauthorized release of student data or teacher or principal data no more than ten calendar days after it receives the third-party contractor's notification using a form or format prescribed by NYSED.

**Investigation of Reports of Breach or Unauthorized Release by the Chief Privacy Officer**

The Chief Privacy Officer is required to investigate reports of breaches or unauthorized releases of student data or teacher or principal data by third-party contractors. As part of an investigation, the Chief Privacy Officer may require that the parties submit documentation, provide testimony, and may visit, examine, and/or inspect the third-party contractor's facilities and records.

Upon the belief that a breach or unauthorized release constitutes criminal conduct, the Chief Privacy Officer is required to report the breach and unauthorized release to law enforcement in the most expedient way possible and without unreasonable delay.

Third-party contractors are required to cooperate with the District and law enforcement to protect the integrity of investigations into the breach or unauthorized release of PII.

Upon conclusion of an investigation, if the Chief Privacy Officer determines that a third-party contractor has through its actions or omissions caused student data or teacher or principal data to be breached or released to any person or entity not authorized by law to receive this data in violation of applicable laws and regulations, District policy, and/or any binding contractual obligations, the Chief Privacy Officer is required to notify the third-party contractor of the finding and give the third-party contractor no more than 30 days to submit a written response.

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**5676 - PRIVACY AND SECURITY FOR STUDENT AND STAFF DATA (Cont'd.)**

If after reviewing the third-party contractor's written response, the Chief Privacy Officer determines the incident to be a violation of Education Law Section 2-d, the Chief Privacy Officer will be authorized to:

- a) Order the third-party contractor be precluded from accessing PII from the affected educational agency for a fixed period of up to five years;
- b) Order that a third-party contractor or assignee who knowingly or recklessly allowed for the breach or unauthorized release of student data or teacher or principal data be precluded from accessing student data or teacher or principal data from any educational agency in the state for a fixed period of up to five years;
- c) Order that a third-party contractor who knowingly or recklessly allowed for the breach or unauthorized release of student data or teacher or principal data will not be deemed a responsible bidder or offeror on any contract with an educational agency that involves the sharing of student data or teacher or principal data, as applicable for purposes of General Municipal Law Section 103 or State Finance Law Section 163(10)(c), as applicable, for a fixed period of up to five years; and/or
- d) Require the third-party contractor to provide additional training governing confidentiality of student data and/or teacher or principal data to all its officers and employees with reasonable access to this data and certify that the training has been performed at the contractor's expense. This additional training is required to be performed immediately and include a review of laws, rules, and regulations, including Education Law Section 2-d and its implementing regulations.

If the Chief Privacy Officer determines that the breach or unauthorized release of student data or teacher or principal data on the part of the third-party contractor or assignee was inadvertent and done without intent, knowledge, recklessness, or gross negligence, the Chief Privacy Officer may make a recommendation to the Commissioner that no penalty be issued to the third-party contractor.

The Commissioner would then make a final determination as to whether the breach or unauthorized release was inadvertent and done without intent, knowledge, recklessness or gross negligence and whether or not a penalty should be issued.

**Notification of a Breach or Unauthorized Release**

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

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**5676 - PRIVACY AND SECURITY FOR STUDENT AND STAFF DATA (Cont'd.)**

interfere with an ongoing investigation by law enforcement or cause further disclosure of PII by disclosing an unfixed security vulnerability. Where notification is delayed under these circumstances, the District will notify parents, eligible students, teachers, and/or principals within seven calendar days after the security vulnerability has been remedied or the risk of interference with the law enforcement investigation ends.

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

- a) A brief description of the breach or unauthorized release, the dates of the incident and the date of discovery, if known;
- b) A description of the types of PII affected;
- c) An estimate of the number of records affected;
- d) A brief description of the District's investigation or plan to investigate; and
- e) Contact information for representatives who can assist parents or eligible students that have additional questions.

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

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

**Annual Data Privacy and Security Training**

The District will annually provide data privacy and security awareness training to its officers and staff with access to PII. This training will include, but not be limited to, training on the applicable laws and regulations that protect PII and how staff can comply with these laws and regulations. The District may deliver this training using online training tools. Additionally, this training may be included as part of the training that the District already offers to its workforce.

**Notification of Policy**

The District will publish this policy on its website and provide notice of the policy to all its officers and staff.

Education Law § 2-d  
8 NYCRR Part 121

Pittsford Central School District Adopted: 5/11/20

**5680 - SAFETY AND SECURITY**

The Board of the Pittsford Central School District hereby declares that it is the policy of this District to provide a safe and secure environment to all those persons, students, staff and visitors, who lawfully enter upon District property or who travel in District vehicles for approved purposes.

**Student Safety**

Anyone who is made aware of physical and/or verbal threats to any persons must immediately report these threats to the next level of supervisory authority for prompt action.

**Hazard Communication Standard**

All personnel shall be provided with applicable training to comply with the New York State "Right-to-Know" Law and the Hazard Communication Standard.

Rules and regulations will be developed to ensure District implementation of this policy which shall include awareness information, employee training and record keeping.

Labor Law Sections 27-a and 879  
12 New York Code of Rules and Regulations  
(NYCRR) Part 820 Article 28  
Occupational Safety and Health Administration  
(OSHA)  
29 Code of Federal Regulations (CFR) 1910.1200

NOTE: Refer also to Policy #5681 -- School Safety Plans

## **5681 - SCHOOL SAFETY PLANS**

The District has developed, and will update by July 1 of each succeeding year, as necessary, a comprehensive District-wide school safety plan and building-level school safety plans, as enumerated in Education Law and Commissioner's Regulations, and in a form as prescribed by the Commissioner of Education. These plans will be designed to prevent or minimize the effects of serious violent incidents and emergencies and to facilitate the coordination of schools and the District with local and county resources in the event of such incidents or emergencies.

Each plan shall be reviewed by the appropriate school safety team on at least an annual basis, updated as needed and recommended to the Board for approval. However, District-wide and building-level school safety plans shall be adopted by the School Board only after at least one (1) public hearing that provides for the participation of school personnel, parents, students, and any other interested parties. Further, the Board shall make the District-wide and building-level school safety plans available for public comment at least thirty (30) days prior to its adoption, provided that only a summary of each building-level emergency response plan (i.e., building-level school safety plan) shall be made available for public comment.

### **District-Wide School Safety Plan**

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

The District-wide school safety plan shall be developed by the District-wide school safety team appointed by the Board. The District-wide team shall include, but not be limited to, representatives of the School Board, student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

### **Building-Level School Safety Plans**

*Building-level school safety plan* means a building-specific school emergency response plan that addresses prevention and intervention strategies, emergency response and management at the building level and has the contents as prescribed in Education Law and Commissioner's Regulations.

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

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**5681 - SCHOOL SAFETY PLANS (Cont'd.)****Filing/Disclosure Requirements**

The District shall file a copy of its comprehensive District-wide school safety plan and any amendments thereto with the Commissioner of Education no later than thirty (30) days after their adoption. A copy of each building-level school safety plan and any amendments thereto shall be filed with the appropriate local law enforcement agency, local fire department and with the state police within thirty (30) days of its adoption. Building-level emergency response plans shall be confidential and shall **not** be subject to disclosure under the Freedom of Information Law or any other provision of law.

District Health and Safety procedures are outlined in the District Health and Safety and Emergency Preparedness Guide. The guide is updated annually by the District Health and Safety Committee, which is chaired by the Director of Pupil Services.

The policy will be reviewed and updated annually by the Board.

Education Law Section 2801-a  
Public Officers Law Article 6  
8 New York Code of Rules and Regulations  
(NYCRR) Section 155.17

**5682 - POST INCIDENT RESPONSE (CRISIS RESPONSE)**

When a crisis arises no school system is immune to the negative, physical or mental effect on its students, staff and the local community. Immediate, effective and responsible management and communication can address the crisis and maintain a District's integrity and credibility. Therefore, the District shall develop and maintain a unified position by establishing a District post-incident response team. The responsibilities of this team include:

- a) Identifying a response team to develop a plan and maintain a strong, ongoing communications program across the District;
- b) Developing a post-incident response plan that identifies District and building operating structure, levels of response and a communication plan;
- c) Developing guidelines for post-intervention support for students and staff;
- d) Advising the Superintendent after an emergency situation; and
- e) Coordinating the District post-incident actions.

The Superintendent/designee shall be responsible for informing the Board and staff of the post-incident response plan.

NOTE: Refer also to Policy #5681 -- School Safety Plans

## **5683 - DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS**

### **Drills**

The administration of each school building shall provide instruction for and training of students in emergency procedures as specified in the District's Emergency Preparedness Guide.

Fire drills shall be held at least twelve (12) times in each school year; eight (8) of these shall be held between September 1 and December 1. At least one (1) of the twelve (12) drills shall be held during each of the regular lunch periods, or shall include special instruction on the procedures to be followed if a fire occurs during a student's lunch period. At least two of these drills will include alternative evacuation routes.

At least two (2) additional drills shall be held during summer school in buildings where summer school is conducted, and one (1) of these drills shall be held during the first week of summer school.

### **Shelter-in-Place Drills**

Shelter-in-place drills shall be held four (4) times each school year. Two of these drills shall include AED response drills incorporated.

### **After-School Programs**

The building principal or his/her designee shall require those in charge of after-school programs, attended by any individuals unfamiliar with the school building, to announce at the beginning of such programs the procedures to be followed in the event of an emergency.

### **Bomb Threats**

#### **School Bomb Threats**

A bomb threat, even if later determined to be a hoax, is a criminal action. Each school shall respond appropriately to ensure the safety and protection of the students and other occupants upon the receipt of any bomb threat in accordance with the procedures established in the Emergency Preparedness Guide.

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**5683 - DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS (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.

Therefore, the building administrator or designee is to notify local law enforcement officials and follow established procedures to move all occupants out of harm's way.

Implementation

The Board directs the Superintendent or his/her designee to develop administrative regulations to implement the terms of this policy. Additionally, such regulations are to be incorporated in the Emergency Preparedness Guide with provisions to provide written information to all staff and students regarding emergency procedures by October 1 of each school year; an annual drill to test the emergency response procedures under each of its building level Emergency Preparedness Guides; and the annual updating of the district-wide and building-level Emergency Preparedness Guides by July 1, as mandated pursuant to law and/or regulation.

**Bus Emergency Drills**

The Board directs the administration to conduct a minimum of three (3) emergency drills to be held on each school bus during the school year. The first drill is to be conducted during the first seven days of school, the second drill between November 1 and December 31, and the third drill between March 1 and April 30.

Each drill shall include instruction in all topics mandated by the Education Law, and the Commissioner's Regulations and shall include, but will not be limited to, the following:

(Continued)

**5683 - DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS (Cont'd.)**

- a) Safe boarding and exiting procedures;
- b) The location, use and operation of the emergency door, fire extinguishers, first aid equipment, and windows as a means of escape in case of fire or accident;
- c) Orderly conduct as bus passengers.

Students who ordinarily walk to school shall also be included in the drills.

8 New York Code of Rules and Regulations  
(NYCRR) Sections 155.17 and 156.3(h)(2)  
Penal Law Sections 240.55, .60 and .62  
Education Law Sections 807, 2801-a and 3623

**5684 - ANTHRAX AND OTHER BIOLOGICAL TERRORISM: PREVENTION  
PROTOCOLS/PROTOCOLS FOR MAIL HANDLING**

The District shall assess and review protocols for handling mail or packages. Common sense and care should be used in inspecting and opening mail or packages.

All threats to school buildings and/or its occupants shall be treated seriously. All threats shall be treated as criminal actions and measures shall be taken to preserve the evidence.

Procedures for handling anthrax and other biological threats shall be included in the District Emergency Preparedness Guide and reviewed annually. Information regarding safety prevention and response procedures will be shared with appropriate staff.

**5685 - AUTOMATED EXTERNAL DEFIBRILLATORS**

Pittsford Central School District shall provide and maintain on-site in each instructional school facility functional automated external defibrillator (AED) equipment in quantities adequate to ensure ready and appropriate access for use during emergencies. The District shall ensure the presence of at least one staff person who is trained in the operation and use of an AED during school hours and when:

- a) School facilities are used for school-sponsored or school-approved curricular or extracurricular events or activities;
- b) School facilities are used for a school-sponsored athletic contest or practice;
- c) A school-sponsored athletic practice is held at any location; or
- d) A school-sponsored athletic competitive contest is held at any location in cooperation with the other participating school district(s) under the guidelines established by the Section V Athletic Association.

The District shall become a public access defibrillation (PAD) provider as defined in Public Health law in accordance to its provisions. Response plans shall be developed and practiced in each school building.

The District shall provide training in CPR and AED use to ensure an adequate number of staff members are trained to meet the requirements of this policy and education law.

The District shall provide for the regular maintenance of the AED units according to manufacturer's requirements. The AED units will be checked daily, and documentation of each check shall be maintained at each building and at the athletic department. This documentation needs to be retained for 6 years.

Protocols and procedures for AED use will be documented in the District's Health and Safety and Emergency Preparedness Guidelines.

Pursuant to Public Health Law Sections 3000-a and 3000-b, the 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 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.

Education Law Section 917  
Public Health Law Section 3000-a and 3000-b  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 135.4 and 136.4

2005

5686

Non-Instructional/Business  
Operations

**5686 - SCHOOL BUILDING ACCESS CONTROL**

Visitors shall be directed to the Main Office for specific instructions regarding that building's procedures for visitors to the school.

The Board directs that administration implement and review on a periodic basis building access control procedures, and provide identification badges or visitor badges for staff and visitors as appropriate. Parents and students shall be informed of the school's access procedures; and visitors shall be required to follow the specific visitor procedures prescribed by that particular building.



**5687 - POSSESSION AND USE OF PERSONAL CELL PHONES IN SCHOOLS**

The Board recognizes that while carrying cell phones can be a safety measure for staff and students alike, problems arise when the inappropriate use of cell phones interferes with the school's ability to maintain control in the school environment, giving rise to security as well as educational concerns.

Inappropriate or unauthorized use of cell phones can undermine the communication system in place per the school safety plans, impede evacuation plans if parents or other individuals are summoned to the school by non-designated persons, and potentially restrict the access of community emergency service providers to the site.

As deemed necessary, school safety plans and the District Code of Conduct shall be modified to address the use of and/or restriction of cell phones during designated times or events, particularly by students and visitors to the schools.

**5688 - ELECTRONIC DEVICES W/ PHOTOGRAPHIC OR TEXT MESSAGING CAPABILITY**

The use of electronic devices with photographic, audio, video and/or text messaging capability, including but not limited to, cell phones, cameras, personal data assistants and other devices, creates the potential for violations of privacy as well as threats to testing/examination security.

In order to ensure examination security and the privacy of individuals, the Board prohibits the use of such devices as follows:

- a) During any test, examination, or in any situation with the potential for plagiarism or cheating;
- b) In any bathroom, locker room or other areas (both private and public) where individuals have an expectation of privacy.

The policy will be referenced in the District Code of Conduct as well as student handbooks.

**5690 - EXPOSURE CONTROL PROGRAM**

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

- a) Guidelines for maintaining a safe, healthy school environment to be followed by staff and students alike.
- b) Written standard operating procedures for blood/body fluid clean-up.
- c) Appropriate staff education/training.
- d) Evaluation of training objectives.
- e) Documentation of training and any incident of exposure to blood/body fluids.
- f) A program of medical management to prevent or reduce the risk of pathogens, specifically hepatitis B and HIV.
- g) Written procedures for the disposal of medical waste.
- h) Provision of protective materials and equipment for all employees who perform job-related tasks involving exposure or potential exposure to blood, body fluids or tissues.

Occupational Safety and Health Administration  
(OSHA)  
29 Code of Federal Regulations (CFR) 1910.10:30

2005

5691

Non-Instructional/Business  
Operations

**5691 - COMMUNICABLE DISEASES**

Regulations and procedures will be developed for dealing with communicable diseases in ways that protect the health of both students and staff while minimizing the disruption of the education process.

**5692 - HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES**

The Board contends that a student shall not be denied the right to attend school or continue his/her education nor shall an employee be denied the right to continue his/her employment who has been diagnosed or identified as having a positive blood test for the antibodies to the Human Immunodeficiency Virus (HIV). The Board further contends that under current law and regulations, the disclosure of confidential HIV-related information shall be strictly limited.

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

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

Confidentiality: Public Health Law, Article 27-F

**5710 - TRANSPORTATION PROGRAM**

It is the intent of the Board to comply with the letter and spirit of the New York State Education Law; with the regulations of the Department of Motor Vehicles and of the Department of Transportation and with the Commissioner of Education's regulations and decisions pertinent to student transportation, and these shall govern any questions not covered by specific declaration of policy herein.

The purposes of the transportation program are to transport students to and from school, to transport them for extracurricular activities, to transport them on field trips, and to transport those requiring special services.

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

Education Law Sections 3602(7) and 3635 et seq.

## **5720 - SCHEDULING AND ROUTING**

Bus routes are authorized by the Board and any requests for a change must be submitted to the Director of Transportation.

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

### **Transportation – Limits**

The District will provide transportation for children in grades K-5 who live .3 mile or more from school, and for children in grades 6-12 who live .7 mile or more from school. The distance will be measured from the building entrances.

Students who live less than the designated limits from school to be eligible for transportation will be permitted to ride if they walk to a designated bus stop.

### **Before/After School**

Students will be transported to/from babysitters, day care and latch key programs provided that the arrangement is on a regular basis to no more than two separate locations and that the locations are within the District boundaries. These services will be offered in accordance with New York State Education Department regulations.

### **Bus Stop and Pick Up Points**

The District will provide each eligible student one round trip daily from a designated bus stop to school and back. Student behavior at bus stops is the responsibility of the parents. Bus stops will be determined by the Director of Transportation in accordance with the following guidelines:

- a) Centralized pickup points will be used with an average of ten students/pickup for K-5, and an average of fifteen students/pickup for 6-12.
- b) School bus stops shall be located in accordance with established regulations for placing school bus stops.
- c) Buses will travel on private roads only when they are maintained by the towns.
- d) Shuttle buses will be used where practical.

Education Law Sections 3620-3628 and 3635-3636

## **5730 - TRANSPORTATION OF STUDENTS**

### **Requests for Transportation to and from Non-Public Schools**

The parent or guardian of a parochial or private school child residing within the legal limits of the District who desires that the child be transported to a parochial or private school during the next school year must submit a written request to the Director of Transportation no later than April 1 of the preceding year, or within thirty (30) days of moving into the District. Late requests may be honored (within 30 days), if there is no additional cost to the District.

### **Transportation of Students with Disabilities**

Students with disabilities in the District shall be transported up to fifty (50) miles (one way) from their home to the appropriate special service or program, unless the Commissioner certifies that no appropriate nonresidential special service or program is available within fifty (50) miles. The Commissioner may then establish transportation arrangements.

#### **Student Information**

Any mode of transportation used regularly to transport students with disabilities upon written consent of the parent/person in parental relation, shall have the following information about each student on the vehicle:

- a) Student's name;
- b) Nature of the student's disability;
- c) Name of the student's parent, guardian or person in a position of loco parentis (person in parental relation) and one or more telephone numbers where such person can be reached in an emergency; and/or
- d) Name and telephone number of any other person designated by such parent, guardian or person in a position of loco parentis as a person who can be contacted in an emergency.

Such information shall be used solely for the purpose of contacting such student's parent, guardian, person in a position of loco parentis, or designee in the event of an emergency involving the student, shall be kept in a manner which retains the privacy of the student, and shall not be accessible to any person other than the driver or a teacher acting in a supervisory capacity. In the event that the driver or teacher is incapacitated, such information may be accessed by any emergency service provider for such purpose.

(Continued)



**5730 - TRANSPORTATION OF STUDENTS (Cont'd.)**

Such information shall be updated as needed, but at least once each school year and shall be destroyed if parental consent is revoked, the student no longer attends such school, or the disability no longer exists.

Herein the term "disability" shall mean a physical or mental impairment that substantially limits one or more of the major life activities of the student, whether of a temporary or permanent nature.

**Transportation of Non-Resident Students**

Non-resident families must provide their own transportation.

**Transportation to School Sponsored Events**

Where the District has provided transportation to students enrolled in the District to a school sponsored field trip, extracurricular activity or any other similar event, it shall provide transportation back to either the point of departure or to the appropriate school in the District unless the parent or legal guardian of a student participating in such event has provided the District with written notice (using Form 5730F), consistent with District policy, authorizing an alternative form of return transportation for such student or unless intervening circumstances make such transportation impractical. In cases where intervening circumstances make transportation of a student back to the point of departure or to the appropriate school in the District impractical, a representative of the District shall remain with the student until such student's parent or legal guardian has been contacted and informed of the intervening circumstances which make such transportation impractical; and the student has been delivered to his/her parent or legal guardian.

**Emergency Transportation**

In the event of an emergency situation, the Superintendent is authorized to make an exception to the transportation policy and provide transportation for those students who would otherwise not be eligible for transportation.

**Transportation in Personal Vehicles**

Personal cars of teachers and staff shall not be used to transport students except in the event of extenuating circumstances and authorized by the administration.

Education Law Sections 1604, 1709, 1804, 1903, 1950,  
2503, 2554, 2590-e, 3635, 4401(4), 4404, and 4405

Non-Instructional/Business  
Operations

**5740 - USE OF BUSES BY COMMUNITY GROUPS**

Upon formal application to and approval by the Director of Transportation buses may be rented to a municipal corporation; to any senior citizen center recognized and funded by the Office for the Aging; to any not-for-profit organization serving those with disabilities; or, to any not-for-profit organization which provides recreational youth services or neighborhood recreation centers. Such rentals can be made only for times when vehicles are not needed for student transport.

Education Law Section 1501-b

**5750 - SCHOOL BUS SAFETY PROGRAM**

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

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

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

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

All school bus accidents, regardless of damage or injuries involved, must be reported at once to the Director of Transportation.

Education Law Section 3623  
8 New York Code of Rules and Regulations  
(NYCRR) Section 156.3  
Vehicle and Traffic Law  
Sections 509-a(7), 509-1(1-b) and 1174(a) and (b)

NOTE: Refer also to Policies #5683 -- Drills, Bomb Threats and Bus Emergency Drills  
#5761 -- Drug and Alcohol Testing for School Bus Drivers and Other Safety-Sensitive Employees

**5760 - QUALIFICATIONS OF BUS DRIVERS**

A person shall be qualified to operate a bus only if such person:

- a) Is at least twenty-one (21) years of age;
- b) Has been issued a currently valid driver's license or permit which is valid for the operation of a bus in New York State;
- c) Has passed the annual bus driver physical examination administered pursuant to Regulations of the Commissioner of Education and the Commissioner of Motor Vehicles. In no case shall the interval between physical examinations exceed a thirteen-month period;
- d) Is not disqualified to drive a motor vehicle under Sections 509-c and 509-cc and any other provisions of Article 19-A of the Vehicle and Traffic Law;
- e) Has on file at least three (3) statements from three (3) different persons who are not related to the driver/applicant pertaining to the moral character and to the reliability of such driver/applicant;
- f) Has completed, or is scheduled to complete, State Education Department safety programs as required by law;
- g) Is in compliance with federal law and regulations, as well as District policy and/or regulations, as it pertains to meeting the standards governing alcohol and controlled substance testing of bus drivers if and when applicable.
- h) Has taken and passed a physical performance test at least once every two (2) years and/or following an absence from service of sixty (60) or more consecutive days from his/her scheduled work duties;
- i) Is in compliance with all other laws and regulations for operating a school bus, including licensing and training requirements.

**Special Requirements For New Bus Drivers**

Before employing a new bus driver, the Superintendent or his/her designee shall:

- a) Require such person to pass a physical examination within four (4) weeks prior to the beginning of service;

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**5760 - QUALIFICATIONS OF BUS DRIVERS (Cont'd.)**

- b) Obtain a driving record from the appropriate agency in every state in which the person resided, worked, and/or held a driver's license or learner's permit during the preceding three (3) years. Applicants from out of state must provide out of state records;
- c) Investigate the person's employment record during the preceding three (3) years;
- d) Require such person to submit to the mandated fingerprinting procedures;
- e) Request the Department of Motor Vehicles to initiate a criminal history check;
- f) Require that newly hired bus drivers take and pass the physical performance test, as mandated by Commissioner's Regulations, before they transport students.

Vehicle and Traffic Law  
 Sections 509-c, -cc, and Article 19-A  
 Education Law Section 3624  
 15 New York Code of Rules and Regulations  
 (NYCRR) Part 6  
 8 New York Code of Rules and Regulations  
 (NYCRR) Section 156.3  
 Omnibus Transportation Employee Testing Act of 1991  
 (Public Law 102-143)  
 49 United States Code (USC) Section 521(b)  
 49 Code of Federal Regulations (CFR)  
 Parts 40, 382, 391, 392, and 395

NOTE: Refer also to Policy #5761 -- Drug and Alcohol Testing For School Bus Drivers and Other Safety-Sensitive Employees

## **5761 - DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS**

In order to help prevent accidents and injuries resulting from the misuse of drugs and/or alcohol by school bus drivers, the Board adopts this policy in compliance with federal and state law and regulation.

The District has designated the following individual to answer driver questions about this policy and related materials: Director of Transportation

### **Drug and Alcohol Testing Program**

School bus drivers are subject to drug and/or alcohol testing in a variety of circumstances. The District will comply with all federal and state law and regulation regarding the implementation of a drug and alcohol testing program for school bus drivers.

The District will either establish or manage its own drug and alcohol testing program or by contract have a consortium/third-party administrator manage all, or part of, its drug and alcohol testing program for school bus drivers.

Under federal law and regulation, individuals who operate a Commercial Motor Vehicle (CMV) designed to transport 16 or more occupants (including the driver) and are subject to commercial driver's license (CDL) requirements established by the United States Department of Transportation are safety-sensitive employees and are subject to the following drug and/or alcohol testing:

- a) **Pre-employment drug testing** which will be conducted after a conditional offer to hire has been extended, but before the actual performance of safety-sensitive functions for the first time. This pre-employment testing will also be required when employees transfer to a safety-sensitive position.
- b) **Random drug and/or alcohol testing** which will be conducted on an unannounced basis.
- c) **Reasonable suspicion drug and/or alcohol testing** which will be conducted when reasonable suspicion exists that a driver has engaged in prohibited use of drugs and/or alcohol. The required observation for reasonable suspicion drug and/or alcohol testing must be made by a supervisor or official who has been trained in accordance with federal law and regulation.

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**5761 - DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd.)**

- d) **Post-accident drug and/or alcohol testing** which will be conducted as soon as practicable following certain occurrences involving a CMV operating on a public road.
- e) **Return-to-duty drug and/or alcohol testing** which will be conducted on a driver who has engaged in prohibited drug and/or alcohol conduct before the driver returns to perform a safety-sensitive function.
- f) **Follow-up drug and/or alcohol testing** which will be conducted on a driver who has engaged in prohibited drug and/or alcohol conduct and has returned to performing a safety-sensitive function. This testing will be conducted on an unannounced basis in accordance with a written follow-up testing plan developed by a substance abuse professional (SAP).

All procedures used to test for the presence of drugs and/or alcohol will conform to the requirements outlined in federal law and regulation for protecting the driver, ensuring the integrity of the testing process, safeguarding the validity of the test results, and ensuring that all test results are attributed to the correct driver.

Under New York State law and regulation, all school bus drivers are subject to pre-employment and random drug and alcohol testing in accordance with the provisions and requirements of federal regulations, regardless of commercial driver's license endorsement. Every school bus driver will be included in the random testing pool and must submit to testing when selected.

**Prohibitions and Consequences for School Bus Drivers**

Under federal law and regulation, individuals who operate a CMV designed to transport occupants (including the driver) and are subject to CDL requirements established by the United States Department of Transportation are prohibited from:

- a) Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If testing shows an alcohol concentration of 0.02 or greater but less than 0.04, the employee must be removed from performing safety-sensitive activities for not less than 24 hours, but no punitive action will be taken by the employer;
- b) When required to take a post-accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first;
- c) Refusing to submit to a drug or alcohol test required by post-accident, random, reasonable suspicion, return-to-duty, or follow-up testing requirements;

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**5761 - DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd.)**

- d) Refusing to submit to a pre-employment drug test;
- e) Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the driver uses any drugs, as defined by federal law and regulation. This prohibition does not apply when the use is pursuant to the instructions of a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a CMV; or
- f) Reporting for duty, remaining on duty, or performing a safety-sensitive function, if the driver tests positive for drugs.

Additionally, under New York State law, all school bus drivers are prohibited from:

- a) Consuming a drug or intoxicating liquor, regardless of its alcoholic content, or be under the influence of a drug or intoxicating liquor, within six hours before going on duty or operating, or having physical control of a bus;
- b) Consuming a drug or intoxicating liquor, regardless of its alcoholic content while on duty, or operating, or in physical control of a bus; or
- c) Possessing a drug or intoxicating liquor, regardless of its alcoholic content while on duty, operating or in physical control of a bus. However, this paragraph does not apply to the possession of a drug or intoxicating liquor which is transported as part of a shipment or personal effects of a passenger or to alcoholic beverages which are in sealed containers.

It is the employer's responsibility to ensure that no school bus driver:

- a) Violates any of the above listed provisions of New York State law; or
- b) Be on duty or operate a school bus if, by a person's general appearance or by a person's conduct or by other substantiating evidence, a person appears to have consumed a drug or intoxicating liquor within the preceding eight hours.

Any violation of this policy and/or District procedures, and applicable federal and state law and regulation by a school bus driver will be grounds for disciplinary action and penalties including, but not limited to, fines, suspension, and/or discharge in accordance with the District's and/or the vendors' or contract bus companies' policies, collective bargaining agreements, and applicable law.

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**5761 - DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd.)**

Drivers who are found to have engaged in prohibited conduct under federal law and regulation will be removed immediately from safety-sensitive functions and will not be allowed to return to perform safety-sensitive functions until they:

- a) Are evaluated by a SAP;
- b) Complete any requirements for rehabilitation as set by the employer and the SAP; and
- c) Pass a return-to-duty test with the result below 0.02 if the conduct involved alcohol, or a drug test with a verified negative result if the conduct involved drug use.

**Employee Notification**

The Superintendent or designee will ensure that each school bus driver receives a copy of District policy, educational materials that explain the requirements of drug and alcohol testing law and regulation, and any regulations and/or procedures developed by the District with respect to meeting those requirements. The Superintendent or designee will ensure that a copy of these materials is distributed to each school bus driver, who will sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of any drug and/or alcohol testing as well as at the beginning of each school year or at the time of hire for any school bus driver. Representatives of applicable collective bargaining units will be notified of the availability of this information.

The Superintendent or designee will further ensure that each school bus driver receives educational materials concerning: the effects of drug and alcohol use on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.

The Superintendent or designee will arrange for training of all supervisors who may be utilized to determine whether reasonable suspicion exists to test a driver for prohibited conduct involving drugs and/or alcohol.

**Records Management and Retention**

Employee records relating to drug and/or alcohol testing, as well as to substance abuse and/or alcohol prevention programs, will be maintained in accordance with law and regulation. All employee drug and/or alcohol testing will be kept confidential and will only be revealed as required or authorized by law or regulation.

49 USC §§ 31136 and 31306

49 CFR Parts 40, 382, and 383

Vehicle and Traffic Law §§ 142, 509-g, 509-l

Pittsford Central School District Adopted: 7/12/04, 1/10/05, 3/18/19

**5770 - SCHOOL BUS IDLING**

The Board recognizes the need to promote the health and safety of District students and staff and to protect the environment from harmful emissions found in bus exhaust, in particular diesel exhaust, by eliminating the unnecessary idling of all school buses on school property including all schools within the District or at any school or school related activities to which District students are transported. For purposes of this policy, an "idling school bus" shall mean a school bus that is parked or stopped at a school or other location and has its engine running. *This policy applies to the operation of every District-owned and/or contracted school bus.* The District shall strive to eliminate all unnecessary idling of school buses such that idling time is minimized in all aspects of school bus operation.

In accordance with the Rules and Regulations of the New York State Department of Environmental Conservation (DEC), excessive idling of certain vehicles is illegal in New York State. State regulations provide in part that buses exceeding 8,500 pounds and designed primarily for transporting persons or properties (i.e., a "heavy duty vehicle") shall not idle for more than five (5) consecutive minutes when not in motion unless otherwise authorized by the regulations. Significantly, the state regulations apply to a heavy duty vehicle whether or not powered by a diesel or non-diesel fueled engine.

Further, the five (5) consecutive minute limitation on idling applies to buses whether owned, operated or leased; or to one who owns, leases or occupies land and has the actual or apparent dominion or control over the operation of the bus present on such land.

**Exceptions**

Exceptions to the five (5) consecutive minute limitation on idling of school buses will be as enumerated in state regulations and include, but are not limited to, the following:

- a) The bus is forced to remain motionless because of the traffic conditions over which the driver has no control; and
- b) Idling to maintain an interior temperature of fifty (50) degrees Fahrenheit when the outside temperature is less than fifty (50) degrees or an interior temperature of seventy (70) degrees Fahrenheit when the temperature outside is more than eighty (80) degrees.
- c) Auxiliary function such as wheelchair lifts IF the operation requires the engine to continue running.
- d) When operation of the vehicle is required for maintenance, including necessary pre-trip safety inspections.

(Continued)

**5770 - SCHOOL BUS IDLING (Cont'd.)****Publication of District Policy/Bus Driver Training**

This policy shall be posted at the Transportation Department and bus garage; and the Director of Transportation shall provide training to District bus drivers/transportation personnel on the District's idling reduction program and other practices for environmentally friendly bus operations to reduce school bus emissions and minimize exposure to bus exhaust. Appropriate signage shall be posted at each school to remind drivers and school staff of the policy.

Also, as may be applicable, the District shall ensure that each vendor/contract bus company receives a copy of the District policy regarding idling of school buses and shall provide any educational materials, regulations and/or procedures developed by the District with regard to meeting training requirements of the District's idling reduction program. The vendor/contract bus company shall sign for receipt of all of the above documents at the beginning of each school year and shall provide training for all currently employed bus drivers/transportation personnel. The vendor/contract bus company must also ensure that newly hired bus drivers, upon employment, are informed of the District policy and provided appropriate training regarding the idling of school buses.

The provisions of this policy shall be incorporated by reference in all transportation contracts and agreements.

The District shall otherwise publish its School Bus Idling Policy at its discretion which may include publication in the local newspaper and/or annual District calendar.

**Sanctions for Violation of District Policy**

District employed bus drivers as well as other District employees who are known to have engaged in prohibited behavior with regard to excessive idling of school buses are subject to disciplinary action pursuant to the applicable collective bargaining agreement, as well as the sanctions provided for in law and/or regulations.

Any significant violations by vendors/contract bus companies of District policy and/or regulations regarding excessive idling of school buses shall result in revocation of their contract for the transportation of District students; and they may be subject to sanctions provided for in law and/or regulations.

The District will monitor and enforce compliance with this policy; and any person may report incidents of noncompliance by contacting the Director of Transportation.

State Regulations: 6 New York Code of Rules and Regulations (NYCRR) Subpart 217-3  
NYC Regulations: New York City Administrative Code Section 24- 163

Non-Instructional/  
Business Operations

### **5771 - DISTRICT OPERATIONS DURING THE COVID-19 PANDEMIC**

The Board of Education is mindful of the need for the District to be prepared for and responsive to evolving changes in its regular operations as a result of the COVID-19 pandemic. In doing so, the Board of Education recognizes its responsibility to adhere to the applicable executive orders of the Governor of the State of New York and directives and guidance issued by federal, state and local agencies, primarily the New York Department of Health (DOH), the New York State Education Department (NYSED) and the Monroe County Department of Public Health (MCDPH).

In accordance with this Policy, the Board of Education hereby directs the Superintendent or designee to develop such operational protocols as are necessary pursuant to governmental directives including, but not limited to, facial coverings, social distancing, employee travel/quarantine, health screening, emergency drills, facility cleaning and disinfecting, and District response to positive COVID tests, and to update such protocols as necessary. Individuals who repeatedly fail, refuse, to comply with such protocols may be subject to disciplinary consequences under the Code of Conduct, relevant collective bargaining agreement, or State law as appropriate.

To the extent that any Board of Education policy or administrative regulation/procedure/protocol previously adopted by the Board conflicts with current or future federal, state, or local law, regulation, executive order, and/or state or federal guidance released and applicable to District operations during the COVID-19 Pandemic, it is temporarily suspended until further action of the Board of Education.