Non-Instructional/Business Operations

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL 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 of Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity Version 2.0 (NIST Cybersecurity Framework or CSF).

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 clickwrap 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.

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL 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 18 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 of Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity Version 2.0, which 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

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL 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.

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL 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: Jean LaVancha, Director of IT.

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. Additionally, some aspects of this role may be outsourced to a provider such as a BOCES, to the extent available.

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

District Data Privacy and Security Standards

The District will use the National Institute of Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity Version 2.0 (NIST Cybersecurity Framework or CSF) as the standard for its data privacy and security program. The CSF is a risk-based approach to managing cybersecurity risk and is composed of three parts: the CSF Core, the CSF Tiers, and the CSF Organizational Profiles. The CSF provides a taxonomy of high-level cybersecurity outcomes that can be used by the District to better understand, assess, prioritize, and communicate its cybersecurity efforts. The CSF Core, CSF Tiers, and CSF Profiles:

a) Describe the current or target cybersecurity posture of the District, determine gaps, and assess progress toward addressing those gaps;

b) Identify, organize, and prioritize actions for managing cybersecurity risks that align with the District's mission, legal and regulatory requirements, and risk management and governance expectations;

c) Provide a common language for communicating inside and outside the District about cybersecurity risks, capabilities, needs, and expectations.

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)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL 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)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL 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)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL 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.

Clickwrap 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 "clickwrap agreements" and are considered legally binding "contracts or other written agreements" under Education Law Section 2-d and its implementing regulations.

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

District staff are prohibited from using software, applications, or other technologies pursuant to a clickwrap 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 protection 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 clickwrap 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 Bill of Rights will contain all required elements including 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:

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

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

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.

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.

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

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.

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.

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

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.

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;

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

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 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;

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

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 Awareness 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 personnel.

Education Law Section 2-d
8 NYCRR Part 121

Adoption Date: 04/16/20
Revised:

Non-Instructional/Business Operations

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

The District will provide and maintain on-site in each instructional school facility functional cardiac automated external defibrillator (AED) equipment as defined in Public Health Law Section 3000-b for use during emergencies.

Definitions

For purposes of this policy, the following definitions apply:

a) "Automated external defibrillator" means a medical device, approved by the United States Food and Drug Administration, that is capable with or without intervention by an operator of: recognizing the presence or absence, in a patient, of ventricular fibrillation and rapid ventricular tachycardia; determining whether defibrillation should be performed on the patient; upon determining that defibrillation should be performed, automatically charging; and delivering an appropriate electrical impulse to the patient's heart to perform defibrillation.

b) "Instructional school facility" means a building or other facility maintained by the District where instruction is provided to students in accordance with its curriculum.

c) "School-sponsored or school-approved curricular or extracurricular events or activities" mean events or activities of the District that are, respectively, associated with its instructional curriculum or otherwise offered to its students.

d) "School-sponsored athletic contest" means an extraclass intramural athletic activity of instruction, practice, and competition for students in grades 4 through 12 consistent with Commissioner of Education's Regulations.

e) "School-sponsored competitive athletic event" means an extraclass interscholastic athletic activity of instruction, practice, and competition for students in grades 7 through 12 consistent with Commissioner of Education's Regulations.

Automated External Defibrillator (AED) Requirements

Each district facility will have sufficient AED equipment available to ensure ready and appropriate access for use during emergencies in quantities and types as deemed by the Commissioner of Education, in consultation with the Commissioner of Health. Determination of the quantity and placement of AEDs must be made with consideration of at least the factors described in Commissioner's Regulations including, but not limited to, the number of students, staff and other individuals customarily within the facility and the physical layout of the facility. The District must ensure that each AED is clearly marked, accessible, and maintained consistent with guidelines set by the American Heart Association or other nationally recognized guidelines focused on emergency cardiovascular care. The District will provide

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

training in the use of an AED and cardiopulmonary resuscitation consistent with standards approved by the New York State Department of Health (NYSDOH). At least one staff person will be designated to receive the training and to be familiar with the operation and routine maintenance of an AED.

The District will provide proper training requirements for district AED users to ensure the immediate calling of 911 or the community equivalent ambulance dispatch entity whenever the AED is used, to ensure ready identification of the location of the AED units.

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

The District will register the existence, location, and type of any AED it possesses with the NYSDOH. The District will provide for regular maintenance and checkout procedures of the AED unit(s) which meet or exceed manufacturer's recommendations. Appropriate documentation will be maintained in accordance with law and/or regulation. Further, the District will report data related to the use of AEDs to the NYSDOH including patient health outcomes, response times, whether a bystander administered CPR or used an AED, and any other information deemed appropriate by the Commissioner of Health. Confidential patient information will not be included.

Whenever an instructional school facility is used for a school-sponsored or school-approved curricular or extracurricular event or activity, and whenever a school-sponsored athletic contest is held at any location, the public school officials and administrators responsible for the school facility or athletic contest will ensure that AED equipment is provided on-site and that there is present during that event, activity, or contest at least one staff person who is trained in accordance with Public Health Law in the operation and use of an AED.

Where a school-sponsored competitive athletic event is held at a site other than a district facility, district officials will ensure that AED equipment is provided on-site by the sponsoring or host district and that at least one staff person who is trained in the operation and use of the AED, in accordance with Public Health Law, is present during the athletic event.

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

Education Law Section 917
Public Health Law Sections 3000-a and 3000-b
8 NYCRR Sections 135.4 and 136.4

Adoption Date: 06/13/22
Revised:

SUBJECT: SOCIAL MEDIA USE

The District recognizes that social media tools are a primary source of news and information to the public. This policy encourages responsible use of social media by personnel as part of their official duties or when accessing district digital information systems.

Definitions

For the purposes of this policy, the following definitions apply:

a) "Digital Information Systems" means:

1. All computer hardware, devices, and systems owned or leased by the District, including but not limited to:

   (a) Computers of any size and form factor, including smartphones, tablets, and interactive whiteboards;

   (b) Networks;

   (c) Internet access;

   (d) Network servers;

   (e) Routers, cables, and switches;

   (f) Video conferencing equipment; and

   (g) Internet of things devices (devices that collect and share data, such as security systems or wearable devices); and

2. Software that is owned, leased, or licensed by the District, or that the District has the use of through a cooperative services agreement (CoSer), and that is used to create, modify, store, or transmit information in a digitized form.

b) "Social media" means any Internet site or resource where the user helps determine content. A social media platform allows its users to interact with the content creator(s) and with each other as contributors to the platform's content. These tools are intended to facilitate interactive information sharing, user-centered design, and collaboration.

(Continued)

SUBJECT: SOCIAL MEDIA USE (Cont'd.)

District Social Media Use

The District uses social media to communicate, inform, and engage the public and promote transparency. The District may also use internal social media to increase collaboration, participation, operational efficiencies, and learning opportunities.

The District will designate an employee to oversee official school and district social media platforms. This employee will be responsible for:

a) Approving social media accounts for district, school, and classroom use;

b) Securely maintaining the website location and access rights associated with each platform;

c) Complying with any applicable records retention and archival requirements according to applicable laws and regulations; and

d) Acting as or assigning authorized personnel to maintain each individual social media account.

Social Media Content Creation

Only authorized personnel acting in their official capacity are permitted to communicate on public district social media platforms on behalf of the District. Authorized personnel should follow established district content approval processes and all applicable district policies, laws, and regulations.

Disclaimers

The District will post, on its website, a disclaimer regarding its use of social media. The disclaimer will outline the expectations of those using each specific social media technology utilized by the District.

This disclaimer should include, at a minimum, information about the terms of service of third-party social media platforms, relevant copyright information, and a statement that user comments made on the platforms do not reflect the views or opinions of the District.

Personal Social Media Use

District personnel may share personal views or opinions and express themselves as private citizens on social media, but such personal use must make clear that any personal views or opinions expressed are not an official act of the District. In addition, district personnel must not share any confidential, private, or sensitive information pertaining to their district, school, students, other personnel, or job activities.

(Continued)

SUBJECT: SOCIAL MEDIA USE (Cont'd.)

Social media users should be aware that information posted on social media platforms reflects on the individual and may also reflect on their professional life. Consequently, users should use discretion when posting information on these platforms. Once information is posted on a social media platform, it can be captured and used in ways not originally intended by the original poster.

NOTE: Refer also to Policies #3310 -- Public Access to Records
#5676 -- Privacy and Security for Student Data and Teacher and Principal Data
#6410 -- Acceptable Use Policy (Personnel)
#7241 -- Student Directory Information

Adoption Date

POLICY

2022 6420

Personnel

SUBJECT: EMPLOYEE PERSONNEL RECORDS AND RELEASE OF INFORMATION

Personnel Records

The District will maintain a personnel file for each individual employed by the District. Employees may review or inspect their personnel files in accordance with District procedure or practice.

Release of Personnel Information

The District will take all reasonable steps to protect the privacy of District employees, except as permitted or required by law:

a) In accordance with a subpoena or court order, or other applicable law.

b) When members of the Board need information from the employee's personnel record to aid them in performing their legal responsibilities in matters such as appointments, assignments, promotions, demotions, remuneration, discipline, dismissal, or to aid in the development and implementation of personnel policies.

c) When the employee grants permission.

Release of Information Concerning Former Employees

The District will not release information concerning the employment records, personnel file, or past performance of a former employee, unless that information is required to be disclosed by law. Only the initial and final dates of employment and the position held will be provided through a written response to a written request. The former employee may authorize the release of any additional information.

Public Officers Law § 87
8 NYCRR Part 84

NOTE: Refer also to Policy #5673 -- Employee Personal Identifying Information

Adopted: 6/13/22

SUBJECT: MILITARY RECRUITERS AND INSTITUTIONS OF HIGHER EDUCATION

Requests for Information

The District will comply with requests from military recruiters and institutions of higher education (IHEs) for access to the name, address, electronic mail address (which will be the electronic mail address provided by the school, if available), and telephone and mobile phone listing of each secondary school student, except for any student whose parent (or the student, if they are at least 18 years of age) has submitted a written request to opt-out of this disclosure, in which case the information will not be released without the parent's (or student's, if they are at least 18 years of age) prior written consent.

Annual Notification and Opt-Out Opportunity

The District will annually notify parents of a secondary student (or the student, if they are at least 18 years of age) of the opportunity to submit a written request to opt-out of disclosure of the student's name, address, electronic mail address (which will be the electronic mail address provided by the school, if available), and telephone and mobile phone listing to military recruiters and IHEs. If a written opt-out request is submitted, the District will not disclose the student's information to military recruiters or IHEs without the parent's (or student's, if they are at least 18 years of age) prior written consent.

Military Recruiter Access

The District will provide military recruiters the same access to secondary school students as is provided generally to IHEs or prospective employers of those students.

Elementary and Secondary Education Act of 1965, 20 USC Section 7908 as amended by the Every Student Succeeds Act (ESSA) of 2015
10 USC Section 503
Education Law Section 2-a

Adoption Date: 06/13/22
Revised:

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM

General Principles and Eligibility

Athletics are an integral part of a well-balanced educational program. The District's interscholastic athletic program will conform with the Commissioner's Regulations, as well as the established rules of the New York State Public High School Athletic Association (NYSPHSAA) and the New York State Education Department (NYSED).

Athletic eligibility requires that the student:

a) Provide written parental or guardian consent. The consent form must contain information regarding mild traumatic brain injuries (concussions) and sudden cardiac arrests as specified in the Commissioner's Regulations.

b) Have a current health examination and, if the health examination was not completed within 30 days of the start of the season, a completed and signed interval health history form.

c) Obtain medical clearance from the District's Medical Director.

d) Meet the requirements for interscholastic competition as set forth by the Commissioner's Regulations and NYSPHSAA.

e) Comply with all district rules, codes, and standards applicable to athletic participation.

Title IX Compliance

The Board supports equal athletic opportunities for all students through interscholastic and intramural activities. To ensure equal athletic opportunities for its students, the District will consider, among other factors:

a) Whether the selection of sports and levels of competition effectively accommodate all students' interests and abilities;

b) The provision of equipment and supplies;

c) Scheduling of games and practice time;

d) Travel costs and opportunities for travel;

e) Assignment and compensation of coaches;

f) The provision of locker rooms, practice facilities, and competitive facilities;

(Continued)

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)

g) Available medical and training facilities and services; and

h) The nature and extent of support, publicity, and promotion.

The District may consider other pertinent factors as well. Each of the factors will be assessed by comparing availability, quality, type of benefits, kind of opportunities, and form of treatment. Identical benefits, opportunities, or treatment are not required.

The District's Title IX Coordinator(s) will coordinate the District's efforts to comply with its responsibilities under Title IX. The Title IX Coordinator(s) will be appropriately trained and possess comprehensive knowledge about applicable federal and state laws, regulations, and policies. To the extent possible, the District will not designate an employee whose other job duties may create a conflict of interest, such as the Athletic Director.

Booster Clubs

The District has a responsibility under Title IX to ensure that boys' and girls' programs are provided with equivalent benefits, treatment, services, and opportunities regardless of their source. When determining equivalency, benefits, services, and opportunities attained through private funds—including donations, fundraising, and booster clubs—must be considered in combination with all benefits, services, and opportunities.

Athletic Placement Process for Interschool Athletic Programs

The athletic placement process (APP) allows the Board to permit students in grades no lower than seventh grade to compete on any senior high school interschool athletic team and/or permit senior high school students to compete on teams for grades no lower than seventh grade.

The Athletic Department and BOE have adopted the following process for screening student-athletes in determining their readiness to compete in interscholastic athletic competitions at a higher level. For students who are looking to move up to a higher level, they must have a positive, team-first attitude, be in a good academic standing and have no behavioral concerns on their previous teams and/or in school.

This process is designed for exceptionally skilled students to advance to an upper level, it is not designed to fill positions on teams, provide additional experience, provide a place for middle school students when no modified program is offered or as a reward for students.

- The head coach will contact the Athletic Director (AD) to discuss possible student (s).
- The AD will contact the parent/guardian to explain the request and seek approval. A permission letter will be sent to parents authorizing their child to try out at a higher level.
- Being asked by the coach and with parent approval, does not guarantee a roster position on a higher team, but only the opportunity to try out at that level of competition.
- After the 3-day tryout window, the decision will be made by the coach and athletic director to determine if the athlete will move up.

(Continued)

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)

The Superintendent will implement procedures for the APP, and will direct the Athletic Director to maintain records of students who have successfully completed the APP.

Student Athletic Injuries

The coach should ensure that any player injured while under their care receives prompt and appropriate medical attention, and that all of the medical professional's treatment instructions are followed. The injured student has an obligation to promptly inform their coach of all injuries, even if it happens outside of school. No student will be allowed to practice or compete if there is a question whether they are in adequate physical condition. A physician's certification may be required before an athlete is permitted to return to practice or competition.

Athletic Program Safety

The District will take reasonable steps to minimize physical risks posed to students participating in the interscholastic athletic program by:

a) Requiring timely medical examinations of participants;

b) Employing certified or licensed staff to coach all varsity, junior varsity, and modified practices and games;

c) Providing or requiring certified or licensed officials to officiate all competitions;

d) Ensuring that its players' equipment is safe and operates within the applicable manufacturers' guidelines;

e) Ensuring that all home fields, courts, pools, tracks, and other areas where athletes practice, warm-up, or compete are safe and appropriate for use; and

f) Providing professional development and training opportunities for all coaching staff.

Sudden Cardiac Arrest

For purposes of this policy, the following definition applies:

a) "Athletic activities" means participation in sessions for instruction and practice in skills, attitudes, and knowledge through participation in individual, group, and team activities organized on an intramural, extramural, interschool athletic, or inclusive athletic basis to supplement regular physical education class instruction, otherwise known as extraclass periods in physical education or extraclass activities.

(Continued)

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)

The District promotes safe athletic activities and strives to prevent incidents of sudden cardiac arrest in students by:

a) Including information developed by the Commissioner of Health on the definition of sudden cardiac arrest and signs and symptoms of pending or increased risk of sudden cardiac arrest in any document that may be required from a parent or person in parental relation for a student's participation in interscholastic sports, including a permission or consent form;

b) Immediately removing from athletic activities any student who displays signs or symptoms of pending or increased risk of sudden cardiac arrest;

c) Prohibiting any student from resuming athletic activities until the student has been evaluated by and received written and signed authorization from a licensed physician and until the student has been evaluated and received clearance from the District's Medical Director to resume athletic activities;

d) Requiring the licensed physician's written and signed authorization to be kept on file in the student's permanent health record;

e) Abiding by any limitations or restrictions concerning school attendance and athletic activities issued by the student's treating physician;

f) Requiring coaches of extra periods in physical education to hold a valid certification in first aid knowledge and skills including instruction in recognizing signs and symptoms of cardiac arrest and sudden cardiac arrest; and

g) Either posting on the district website information developed by the Commissioner of Health on the definition of sudden cardiac arrest and signs and symptoms of pending or increased risk of sudden cardiac arrest or providing a reference for how to obtain this information from the web pages of NYSED and the New York State Department of Health.

Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.
34 CFR Sections 106.8, 106.41, and 106.45
45 CFR Section 86.41
Education Law Sections 305, 923, and 3208-a
8 NYCRR Sections 135.4, 135.5, 136.3, 136.5, and 136.9

(Continued)

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District
#3421 -- Title IX and Sex Discrimination
#7520 -- Accidents and Medical Emergencies
#7522 -- Concussion Management
#8240 -- Instruction in Certain Subjects

Adoption Date: 06/13/22
Revised:

SUBJECT: MEDICATION AND PERSONAL CARE ITEMS

Administration of Medication

The school's registered professional nurse may administer medication to a student during regular school hours and at school-sponsored activities under certain conditions. For the purpose of this policy, the term "medication" includes both prescription and non-prescription medications. The school must receive the following before medication will be administered to a student:

a) The original written order from the student's health care provider stating the name of the medication, precise dosage, frequency, and time of administration;

b) A written, signed consent from the student's parent or person in parental relation requesting the administration of the medication, as prescribed by the health care provider, to the student in school; and

c) The medication in its original container, labeled with the student's name, and delivered to the school health office by the student's parent or person in parental relation. Prescription medication must include the following additional information: name and phone number of pharmacy, date and number of refills, name of medication, dosage, frequency, prescribing health care provider, route of administration, and other directions.

A student is not permitted to carry any medication on their person in school, or on the school bus, or keep any medication in their school locker(s). Exceptions may apply for students diagnosed with asthma or other respiratory illnesses, diabetes, or allergies who will be permitted to carry and self-administer medication under certain conditions.

All medication orders must be reviewed annually by school health office personnel or whenever there is a change in dosage.

Students with Asthma or Other Respiratory Illnesses

The District will make a nebulizer available on-site in school buildings where full- or part-time nursing services are provided. Only students with a patient-specific order may have access to the nebulizer. School nursing personnel will clean and maintain the district nebulizer as appropriate.

(Continued)

SUBJECT: MEDICATION AND PERSONAL CARE ITEMS (Cont'd.)

Self-Administration of Medication

Students are permitted to self-administer medication under certain circumstances, in accordance with law and regulation. Generally, these students' medications are stored in the health office for the student to obtain and administer to themselves.

However, some students must be permitted to carry their medication with them because the medication needs rapid administration. Students with respiratory conditions, allergies, or diabetes are permitted to carry and use prescribed rescue inhaled medication, epinephrine device, insulin, glucagon, and/or related equipment and supplies if the following conditions are met:

a) An authorized health care provider furnishes written permission that includes an attestation that the student's diagnosis requires the medication, that the student has demonstrated that they can self-administer the medication effectively, the name of the prescribed medication, the dose, the times when the medication is to be taken, the circumstances which may require the use of the medication, and the length of time for which the medication is prescribed; and

b) Written parental consent.

Upon written request of the student's parent or person in parental relation, the school will allow the student to keep extra medication and supplies in the care and custody of the school's registered professional nurse, nurse practitioner, physician assistant, or school physician which will be readily accessible to the student.

Students with permission, a health care provider attestation and written parental consent to self-administer medications may administer their medication during the school day, on school property, and at any school function.

Students with diabetes will also be permitted to carry food, oral glucose, or other similar substances necessary to treat hypoglycemia in accordance with district policy.

Each student who is permitted to self-administer medication should have an emergency care plan on file with the school. Further, the school will maintain a record of all written consents from the parent or person in parental relation in the student's cumulative health record.

(Continued)

SUBJECT: MEDICATION AND PERSONAL CARE ITEMS (Cont'd.)

Students with Asthma or Another Respiratory Disease

A student will be permitted to carry and self-administer their prescribed inhaled rescue medication during the school day, on school property, and at any school function if the school health office has the following on file:

a) Written order/permission and an attestation from a duly authorized health care provider stating that the student has a diagnosis of asthma or other respiratory disease for which inhaled rescue medications are prescribed to alleviate respiratory symptoms or to prevent the onset of exercise induced asthma; the student has demonstrated that they can self-administer the prescribed medication effectively; and the expiration date of the order, the name of the prescribed medication, the dose the student is to self-administer, times when the medication is to be self-administered, and the circumstances which may warrant the use of the medication; and

b) Written consent from the student's parent or person in parental relation.

Upon written request of the student's parent or person in parental relation, the school will allow the student to maintain an extra inhaled rescue medication in the care and custody of the school's registered professional nurse, nurse practitioner, physician assistant, or school physician.

Students with Allergies

A student will be permitted to carry and self-administer their prescribed epinephrine device during the school day, on school property, and at any school function if the school health office has the following on file:

a) Written order/permission and an attestation from a duly authorized health care provider stating that the student has a diagnosis of an allergy for which an epinephrine device is needed for the emergency treatment of allergic reactions; the student has demonstrated that they can self-administer the prescribed epinephrine device effectively; and the expiration date of the order, the name of the medicine, the dose the student is to self-administer, and the circumstances which may warrant the use of the medication; and

b) Written consent from the student's parent or person in parental relation.

Upon written request of the student's parent or person in parental relation, the school will allow the student to maintain an extra epinephrine device in the care and custody of a licensed nurse, nurse practitioner, physician assistant, or school physician.

(Continued)

SUBJECT: MEDICATION AND PERSONAL CARE ITEMS (Cont'd.)

Students with Diabetes

A student will be permitted to carry and self-administer their prescribed insulin through an appropriate medication delivery device, carry glucagon, and carry and use equipment and supplies necessary to check blood glucose and/or ketone levels during the school day, on school property, and at any school function if the school health office has the following on file:

a) Written order/permission and an attestation from a duly authorized health care provider stating that the student has a diagnosis of diabetes for which insulin and glucagon through appropriate medication delivery devices, and the use of equipment and supplies to check blood glucose and/or ketone levels are necessary; the student has demonstrated that they can self-administer effectively, can self-check glucose or ketone levels independently, and can independently follow prescribed treatment orders; and the expiration date of the order, the name of the prescribed insulin or glucagon, the type of insulin delivery system, the dose of insulin and/or glucagon the student is to self-administer, times when the insulin and/or glucagon is to be self-administered, and the circumstances which may warrant administration by the student. The written permission must also identify the prescribed blood glucose and/or ketone test, the times testing is to be done, and any circumstances which warrant checking a blood glucose and/or ketone level; and

b) Written consent from the student's parent or person in parental relation.

Upon written request of the student's parent or person in parental relation, the school will allow the student to maintain extra insulin, insulin delivery system, glucagon, blood glucose meter, and related supplies to treat the student's diabetes in the care and custody of a licensed nurse, nurse practitioner, physician assistant, or school physician.

Students with diabetes will also be permitted to carry food, oral glucose, or other similar substances necessary to treat hypoglycemia in accordance with district policy.

Storage and Disposal of Medication

The District will comply with applicable state laws, regulations, and guidelines governing the District's receipt, storage, and disposal of medication.

Personal Care Items

Menstrual Products

Each school building within the District serving students in any grade from six through 12 will provide menstrual products in building restrooms. These products will be provided at no charge to students.

(Continued)

SUBJECT: MEDICATION AND PERSONAL CARE ITEMS (Cont'd.)

Alcohol-Based Hand Sanitizers

The New York State Education Department (NYSED) permits the use of alcohol-based hand sanitizers in schools. The School Medical Director may approve and permit the use of alcohol-based hand sanitizers in the District's schools without a physician's order. Parents may provide written notification to the school if they do not wish to have their child use hand sanitizers.

Sunscreen

Students may carry and use FDA-approved sunscreen products for over-the-counter use. The student's parent or person in parental relation must provide written permission for the student to carry and use sunscreen. This written parental consent will be maintained by the school. A student who is unable to physically apply sunscreen may be assisted by unlicensed personnel when directed to do so by the student, if permitted by a parent or person in parental relation, and authorized by the school.

Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.
Education Law Sections 902(b), 907, 916, 916-a, 916-b, 919, 921, 6527, 6908(1)(a)(iv), and 6909
Public Health Law Sections 267, 3000-a, 3000-c, and 3000-e
8 NYCRR Sections 136.6 and 136.7

NOTE: Refer also to Policy #7521 -- Students with Life-Threatening Health Conditions and/or Anaphylaxis

Adoption Date: 06/13/22
Revised: 07/08/24

SUBJECT: DIAPERING AND TOILETING OF STUDENTS IN THE DISTRICT

Overview

The District will provide students access to safe, sanitary, accessible, and developmentally appropriate facilities to support diapering and toileting in the school.

Definitions

"Diapering" means the process of disposing of soiled diapers, cleansing the skin, and reapplying a clean, dry diaper to ensure hygiene and comfort.

"Toileting" means any activity related to a student's use of restroom facilities, including bathroom breaks, assistance with specific tasks related to toileting, and management of toileting accidents.

"Toilet learning" means a series of steps aimed at helping a student develop the skills and independence necessary for using the toilet.

"School" means a school district, public school, board of cooperative educational services, special act school district, approved preschool special education programs that are not licensed or otherwise regulated by other state agencies, state-supported school, or approved private school for the education of students with disabilities.

"School personnel" means any applicable staff members identified by the school, which may include but not be limited to teachers, aides, administrators, nurses, or custodians.

"Student" means school-age students, prekindergarten students, and preschool students with disabilities attending a school as defined in this section.

"Prekindergarten students" means children enrolled in state-administered universal prekindergarten (UPK) programs overseen by a public school district.

Diapering and Toileting Requirements

The District will:

a) Define basic procedures to promote a safe and healthy environment to support diapering and toileting, and establish a plan with protocols that outline clear, age-appropriate routines to support student privacy, hygiene, and supervision.

b) Provide annual training on health and safety procedures for all relevant school personnel.

c) Ensure that every restroom and diaper changing area is consistently maintained and cleaned, operational, safe, and appropriately equipped.

(Continued)

SUBJECT: DIAPERING AND TOILETING OF STUDENTS IN THE DISTRICT (Cont'd.)

d) Ensure that toileting facilities and changing areas provide students with privacy in a separate area that is developmentally appropriate and accessible for all students, including students with disabilities. Toilet seats and changing tables must be appropriate to the age and size of students.

e) Provide students with access to restroom facilities during the school day, including during instructional and extracurricular time, as needed.

f) Provide access to diapering, toileting, or restroom use without unreasonable delay.

g) Ensure that restrooms and changing areas are safe and clean.

h) Ensure that essential diapering and toileting supplies and equipment are accessible at all times and are appropriate per student need.

i) Not suspend, disenroll, or exclude a student from enrollment or participation in school or school programs based on their toileting status.

j) Manage toileting accidents with sensitivity and without punishment, exclusion, or shaming.

k) Provide all supports, services, and specialized equipment to preschool and school-age students with disabilities who require assistance with toileting, in accordance with their Individualized Education Program (IEP) or Section 504 Plan.

l) Ensure that school personnel adhere to developmentally appropriate toileting policies and supports for younger students and school-age students, where toileting independence depends on developmental stages.

m) Ensure that, upon request, multilingual learners and their families receive information about toileting procedures, expectations, and supports in their preferred language.

8 NYCRR Section 136.10

SUBJECT: INSTRUCTION IN CERTAIN SUBJECTS

Generally, the Board has the authority to prescribe the course of study in the schools of the District. However, there are general curriculum areas and specific topics in which the District must prescribe instruction. All students in the District will receive instruction in accordance with any applicable laws and regulations.

Driver Education

A driver education course may be offered under the conditions set forth by the New York State Education Department and Commissioner's Regulations.

Gifted and Talented Students

The Board may provide appropriate educational programs for students identified as gifted and talented.

Physical Education Class

All students, except those with medical excuses, will participate in physical education in accordance with the Commissioner's Regulations, which require that all students attend and participate in physical education as follows:

a) All students in grades K through 3 will participate in a daily program for a minimum of 120 minutes per week. All students in grades 4 through 6 will participate in a program three times per week for a minimum of 120 minutes per week. The minimum time devoted to these programs (K through 6) is exclusive of any time that may be required for dressing and showering.

b) Students in grades 5 through 6 that are in a middle school will participate in the physical education program a minimum of three periods per calendar week during one semester of each school year and two periods during the other semester, or a comparable time each semester if the school is organized in other patterns.

c) All secondary students (in grades 7 through 12) will have the opportunity for regular physical education, but not less than three times per week in one semester and two times per week in the other semester or for a comparable time each semester if the school is organized in other patterns. For students in grades 10 through 12 only, a comparable time each semester will be provided if students have demonstrated acceptable levels of physical fitness, physical skills, and knowledge of physical education activities in interschool athletic programs or out-of-school activities approved by the physical education staff and the school administration.

d) For grades K through 12, a district may provide an equivalent program as approved by the Commissioner of Education.

(Continued)

SUBJECT: INSTRUCTION IN CERTAIN SUBJECTS (Cont'd.)

An excuse from physical education class may be accepted from a licensed health professional, consistent with their scope of practice.

Any student who is temporarily or permanently unable to participate in the regular program of physical education will be provided with adaptive physical education that meets their particular needs.

Sudden Cardiac Arrest

For purposes of this policy, the following definition applies:

a) "Physical activities" means participation in physical education classes and recess or similar activities during the school day.

The District promotes safe physical activities and strives to prevent incidents of sudden cardiac arrest in students by:

a) Immediately removing from physical activities any student who displays signs or symptoms of pending sudden cardiac arrest;

b) Prohibiting any student from resuming physical activities until the student has been evaluated by and received written and signed authorization from a healthcare provider to resume physical activities;

c) Requiring the healthcare provider's written and signed authorization to be kept on file in the student's permanent health record;

d) Abiding by any limitations or restrictions concerning school attendance and physical activities issued by the student's healthcare provider;

e) Either posting on the district website information developed by the Commissioner of Health on the definition of sudden cardiac arrest and signs and symptoms of pending or increased risk of sudden cardiac arrest or providing a reference for how to obtain this information from the web pages of the New York State Education Department and the New York State Department of Health.

Health and Mental Health Education

The District's health education program recognizes the multiple dimensions of health by including instruction related to:

a) Mental health;

(Continued)

SUBJECT: INSTRUCTION IN CERTAIN SUBJECTS (Cont'd.)

b) The relation of physical and mental health;

c) The misuse and abuse of alcohol, tobacco, and other drugs; and

d) The prevention and detection of certain cancers.

This instruction will enhance student understanding, attitudes, and behaviors that promote health, well-being, and human dignity.

Health education programs provided by the District will be designed according to the needs and abilities of the students at successive grade levels in accordance with applicable laws and regulations.

Education Law Article 90 and Sections 803, 804, 806-a, 923, 1709, and 3204
8 NYCRR Part 142 and Sections 100.2(c), 107.2, 135.1, 135.3, 135.4, and 136.9

NOTE: Refer also to Policy #7420 -- Sports and the Athletic Program

Adoption Date: 06/13/22
Revised: