



Wilson Central School

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WILSON CENTRAL SCHOOL DISTRICT WILSON, NEW YORK

District Shared Decision Making Team

May 15, 2024

Agenda

1. Welcome/Introductions/Sign-In
2. Review of Minutes of 4/17/24
3. Educational Study Council Grants-Update
4. New Club Proposals- Elementary Page Turners
5. District Goals-Update
 - a. Building Level SDMT Update
 - b. 2023-2024 Goals
 - c. CDEP Action Plans
6. Review and Comment on Policy 5520- Extraclassroom Activity Funds
7. Review and Comment on Policy 5573- Financial Accountability
8. Review and Comment on Policy 5683- Fire and Emergency Drills, Bomb Threats and Bus Emergency Drills
9. Review and Comment on Policy 5740- School Bus Safety Program
10. Review and Comment on Policy 5741- Idling School Buses on School Grounds
11. Review and Comment on Policy 5750- Qualifications of Bus Driver
12. Review and Comment on Policy 5751- Drug and Alcohol Testing for School Bus Drivers
13. Review and Comment on Policy 6120- Equal Employment Opportunity



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14. Review and Comment on Policy 6130- Evaluation of Personnel

15. Superintendent's Conference Day Reflection-

16. Curriculum Committee Report

17. Round Table-

Shared Decision Making Team

Meeting Minutes

April 17, 2024

Attendance: T. Carter, K. Peck, J. Hardy (Virtual), P. Galgovich, J. Woolson, S. Benton, J. Wilkie (Virtual), M. Shank, S. Harvey (Virtual), T. Kent (Virtual), A. Townsend (Virtual), B. Simpson, A. Seeley (Virtual), S. Wheeler (Virtual)

Mr. Carter brought the meeting to order at 3:34 pm in person and Google Meet.

March Minute Review-Accepted as submitted-**Approved**

New Business

Educational Study Grant

- No grants have been submitted. Jackie and Scott have been working on how to change the form for next year. They will bring it before SDM for approval.
- Stop accepting on May 1st.
- Current balance is \$1699.19

New Club Proposal-None

District Goals-

- **CDEP Action Plans**
- **2023-2024 Goals**
- **Building Level SDMT-**
 - a. **MS-** Up to date on CDEP.
 - i. Culture: working on a few possibilities Student Spotlight, Career Day, Cool Outside of School
 - 1. Academic: SST Team outline has been established, 6th Grade Mentor Focus Group, Captain's Club involved with Middle School.
 - b. **HS-** Put our ideas on paper
 - i. Culture: Sunshine Club, The Big Picture Program- shadowed it to see what it was about and how we could implement things here. Capstone and Freshman Program
 - c. **WES-** All is well
 - i. Culture: Going great- Character Ed Committee, 5th Grade Breakfast Club, PBIS,
 - ii. Communications: Pick UP Patrol

Policies

- **Policy 6190 Workplace Violence and Prevention** was approved at the last BOE Meeting.
- **Policy 1270-Absentee, Military and Early Mail Ballots-Moving forward to the BOE for adoption**

- a. Changed pronouns
 - b. Added the entire section on page 3 about Early Mail Ballots.
- **Policy 3310 Public Access to Records- Moving to BOE for adoption**
 - a. Updated to meet State Standards- All changes are made in blue.
- **Policy 5130-Budget Adoption- Moving to BOE for adoption**
 - a. Grammatical changes
 - b. Green is what we have added
 - c. Blue is what Policy Service has added
- **Policy 5140- Administration of the Budget-Moving to BOE for adoption**
 - a. Removing the Statement of the Total Funding Allocation section, it is no longer required.
- **Policy 5150-Contingency Budget (Deleted) Moving to BOE for adoption**
 - a. This was deleted in order to create Policy 5130
- **Policy 5230- Acceptance of Gifts, Grants and Requests to the School District-Moving to BOE for adoption**
 - a. Updated Educational Law Sections
 - b. Grammatical changes

Superintendent's Conference Day Reflection-Table until next time

Curriculum Committee- Approved Wonders as the new Reading Curriculum

- Graduation requirements, are we meeting them in MS/HS? What are we doing that is extra? What aren't we doing?

Roundtable

- **Comprehensive Counseling Plan-** Scott Benton
- **Code of Conduct-**Amanda Townsend
- **Professional Development Plan-** Amy Seeley

Meeting adjourned @ 4:06pm

Next Meeting: May 15, 2024 @3:30

Submitted by,

Kate Peck

MAY 03 2024

Wilson Central
School District**EXTRA-CURRICULAR CLUB PROPOSAL FORM**

Congratulations on your decision to propose a student club! By taking an active role in the Wilson Middle/High School community, you are helping to improve students' educational experiences. Below you will find the necessary information needed for consideration of a club proposal. Please be sure to fill in all the required information along with any additional pertinent documentation for consideration and return the form to your Building Principal. Once your proposal has been received by the Building Principal it will be sent to the Superintendent. If approved by the Superintendent, the Board of Education makes final approval of new clubs. New club advisors will receive a letter of approval.

Applicants are advised that new clubs will operate the first year at a compensation of 2% as referenced in 20.4.2 of this Collective Bargaining Agreement. Upon successful completion of one year and review of the club by the District Level Shared Decision Making Team, recommendations for any adjustments to the stipend will be put forth to the Superintendent.

Name of Proposed Club: Page Turners

Name of Faculty Member Proposing Club: Amy Kurtz + Dana Prebis

Faculty Member's Signature: Amy Kurtz

Contact for Club Officer (Email and Phone):

akurtz@wilsoncsd.org 716-628-2752

Club Mission/Brief Description of Proposed Club:

Page Turners is a literature-based competition for
students. Participants will be required to read up to 20
books to prepare for competitions.

Number of Anticipated Club Participants

15-20

Anticipated number of meetings/sessions/events (per school year):

Twice monthly (16 meetings); 2 competitions

Frequency of club meetings: 2 meetings per month

Number of Advisor(s) expected: 2

Please provide an overview of your experience/proficiency/background pertaining to proposed club:

My daughter participates in this club for her school.

I have witnessed her reading skills improve, as well as, her love for reading. I would love to bring this opportunity to students at Wilson Elementary.

Meeting Location: Elementary Library or classroom

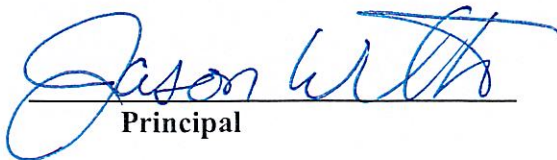
Events/Trips Planned: 2 competitions (December and March)

Are there any anticipated additional considerations related to this club? (i.e., travel/bus, special equipment, etc.):

Travel expenses and books for participants
↳ covered by building budget

Will there be any funding requirements/fundraising associated with this club? If yes, please provide an explanation.

Yes- bussing expenses for competitions, books,
BOCES CoSer fee


Principal

Superintendent

Board of Education Approval

Board Action: Approved _____ Denied _____ Date _____

Non-Instructional/Business
Operations**SUBJECT: EXTRACLASSROOM ACTIVITY FUND**

Any organization within the District whose activities are conducted by students, and whose financial support is raised other than by taxation or through charges of the Board, is an extraclassroom activity (ECA). The moneys raised by these organizations are referred to as ECA funds. ECA fund management provides students with the opportunity to learn proper business practices and how to operate a successful business. The Board and designated District staff will protect and provide oversight of ECA funds. All ECAs will be approved by the Board.

The Board will appoint an ECA Central Treasurer, a Extra Classroom Auditor, and a chief faculty counselor (appointed for each building in the District, typically the building principal). Each ECA will have a faculty advisor appointed by the chief faculty counselor. Additionally, each ECA will have a student activity treasurer elected by the members of the ECA.

All ECA funds will generally be handled in accordance with the financial procedures set forth in The Safeguarding, Accounting, and Auditing of Extraclassroom Activity Funds, Revised 2019, published by the New York State Education Department. All moneys received from the conduct, operation, or maintenance of any ECA will be deposited with the ECA Central Treasurer. Two separate and independent sets of records of receipts and expenditures will be maintained, one by the ECA Central Treasurer and one by the ECA's student activity treasurer. On a quarterly basis, the ECA Central Treasurer will submit to the Board a financial report relating to the receipts and expenditures for all ECA accounts. The authority to expend moneys will be distinct and separate from the custody of these moneys. The District will invest ECA funds in accordance with its investment policy.

ECAs are prohibited from using the District's New York State sales tax exemption. The ECA Central Treasurer is responsible for filing the periodic sales tax returns for ECA funds.

All commitments and contracts will be the sole responsibility of the ECA incurring the transaction, regardless of a change in faculty advisors, membership, or officers.

In conjunction with the annual audit of District records, the Independent Auditor will audit all ECA funds. This audit will include a statement of receipts, disbursements, and balances for each ECA, together with a reconciliation of cash.

When an ECA becomes inactive or is discontinued, the ECA Central Treasurer is directed to expend the leftover ECA funds as voted by the organization controlling these funds. If this designation does not exist, then leftover funds of inactive or discontinued ECAs and of graduating classes will automatically revert to the account of the general student organization or student council. To reactivate, inactive or discontinued ECAs must follow the start-up procedures for new ECAs.

SUBJECT: EXTRACLASSROOM ACTIVITY FUND (Cont'd.)

8 NYCRR Part 172

NYSED Finance Pamphlet, The Safeguarding, Accounting, and Auditing of Extraclassroom Activity Funds,

Revised 2019

NOTE: Refer also to Policies #1330 -- Appointments and Designations by the Board
#1334 -- Duties of the External (Independent) Auditor
#1336 -- Duties of the Extraclassroom Activity Fund Central Treasurer and Extra Classroom Auditor
#3280 -- Use of School Facilities, Materials, and Equipment
#5220 -- District Investments
#5530 -- Petty Cash Funds and Cash in School Buildings
#5620 -- Fixed Asset Inventories, Accounting, and Tracking
#7410 -- Extracurricular Activities
#7450 -- Fundraising by Students

Adopted: 2/9/99

Revised: 1/11/11; 8/13/19; 7/14/20;

SUBJECT: FINANCIAL ACCOUNTABILITY

School districts must have internal controls in place to ensure that:

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

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

- a) The District's *Code of Ethics Policy* addresses conflict of interest transactions with Board members and employees. Transactions that are less-than-arm's length are prohibited. Less-than-arm's length is a relationship between the District and employees or vendors who are related to District officials or Board members.
- b) The Board requires corrective action for issues reported in the Certified Public Accountant's (CPA's) management letter, audit reports, the Single Audit, and consultant reports.
- c) The Board has established the required policies and procedures concerning District operations.
- d) The Board routinely receives and discusses the necessary fiscal reports including the:
 - 1. Treasurer's cash reports;
 - 2. Budget status reports;
 - 3. Revenue status reports;
 - 4. ~~Monthly~~ Quarterly extra-classroom activity fund reports; and
 - 5. Fund balance projections (usually starting in ~~January~~ May).
- e) The District has a long-term (three to five years) financial plan for both capital projects and operating expenses.

(Continued)

SUBJECT: FINANCIAL ACCOUNTABILITY (Cont'd.)

- f) The District requires attendance at training programs for Board members, business officials, treasurers, claims auditors, and others to ensure they understand their duties and responsibilities and the data provided to them.
- g) The Board has an audit committee to assist in carrying out its fiscal oversight responsibilities.
- h) The District's information systems are economical, efficient, current, and up-to-date.
- i) All computer files are secured with passwords or other controls, backed up on a regular basis, and stored at an off-site or in a secure fireproof location.
- j) The District periodically verifies that its controls are working efficiently.

Audit Response

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

8 NYCRR Section 170.12

General Municipal Law Section 33(2)(e) and 35(1)(2)

Education Law Section 2116-a(3-b)

NOTE: Refer also to Policies #5572 – Audit Committee

Adopted: 1/9/07

Revised: 4/8/14; 12/9/14; 6/12/18;

**SUBJECT: FIRE AND EMERGENCY DRILLS, BOMB THREATS, AND BUS
EMERGENCY DRILLS****Fire and Emergency Drills**

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

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

Summer School

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

After-School Programs, Events, or Performances

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

Bomb ThreatsSchool Bomb Threats

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

Police Notification and Investigation

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

(Continued)

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

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

Bus Emergency Drills

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

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

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

- a) Safe boarding and exiting procedures with specific emphasis on when and how to approach, board, disembark, and move away from the bus after dis barking;
- b) Advancing at least ~~ten~~15 feet in front of the bus before crossing the highway after disembarking; ~~and~~
- c) Specific hazards encountered during snow, ice, rain, and other inclement weather, including, but not necessarily limited to, poor driver visibility, reduced vehicular control, and reduced hearing; and
- ~~e~~d) Orderly conduct as bus passengers.

The administration of the drills will be in accordance with the New York State Education Department's Bus Safety Drill Guide and Compliance Form.

(Continued)

**SUBJECT: FIRE AND EMERGENCY DRILLS, BOMB THREATS, AND BUS
EMERGENCY DRILLS (Cont'd.)**Instruction on Use of Seat Belts

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

- a) Proper fastening and release of seat safety belts;
- b) Acceptable ~~adjustment and~~ placement of seat safety belts on students;
- c) Times at which the seat safety belts should be fastened and released; and
- d) Acceptable placement of the seat safety belts when not in use.

Education Law Sections 807, 2801-a, ~~and 3623~~, and 3635-a

Penal Law ~~§§ 240.55, 240.60, and 240.62~~ Article 240

8 NYCRR Sections 100.2(c), 155.17, and 156.3 ~~(f), 156.3(g), and 156.3(h)(2)~~

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

Adopted: 2/9/99

Revised: 9/14/04; 1/9/07; 3/10/09; 9/13/16; 1/9/18;

SUBJECT: 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.

Use of Portable Electronic Devices Prohibited

For purposes of this policy, and in accordance with applicable law, the terms below will be defined as follows:

- a) "Portable electronic device" means any mobile telephone (hand held or "hands free"), personal digital assistant (PDA), portable device with mobile data access, laptop computer, pager, **broadband personal communication device**, two-way messaging device, electronic game, ~~or~~ portable computing device, or any other electronic device when used to input, write, send, receive, or read text for present or future communication.
- b) "Using" means holding a portable electronic device while viewing, taking or transmitting images, playing games, or **for the purpose of present or future communication: performing a command or request to access a world wide web page**, composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving email, text messages, **instant messages**, or other electronic data.
- c) "In operation" means that the bus engine is running, whether in motion or not.

The use of portable electronic devices by a school bus driver at times the vehicle is in operation on the roadway poses a potential safety risk. All school bus drivers are prohibited from using portable electronic devices while the bus is in operation.

All school bus drivers' personal portable electronic devices are to be placed in the "off" position when in the possession of the school bus driver while the bus is in operation. Portable electronic devices including cell phones may be used in case of emergency.

Safety Rules and Inspections

The Transportation Supervisor, 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 Transportation Supervisor will maintain a comprehensive record of all maintenance performed on each vehicle.

(Continued)

SUBJECT: SCHOOL BUS SAFETY PROGRAM (Cont'd.)

Every bus driver is required to report promptly to the Transportation Supervisor any school bus accident regardless of the severity involving death, injury, or property damage.

Education Law Section 3623

Vehicle and Traffic Law Sections 509-a(7), 509-~~i~~(1-b), 1174(~~a~~) and ~~1174(b)~~, 1225-c, and 1125-d

8 NYCRR Section 156.3

17 NYCRR Sections 720.2, 721.1, and 721.2

NOTE: Refer also to Policies #5683 -- Fire and Emergency Drills, Bomb Threats, and Bus
Emergency Drills
#5751 -- Drug and Alcohol Testing for School Bus Drivers

Adopted: 2/9/99

Revised: 4/3/12; 5/10/16;

SUBJECT: IDLING SCHOOL BUSES ON SCHOOL GROUNDS

The ~~Board~~-District recognizes the need to promote the health and safety of District students and staff and to protect the environment from harmful emissions found in bus and vehicle exhaust. The District will ensure that each driver of a school bus or other vehicle owned, leased, or contracted for by the District turns off the engine of the bus or vehicle while waiting for passengers to load or off load on school grounds, or while the vehicle is parked or standing on school grounds or in front of or adjacent to any school. Rather than waiting for all buses to arrive before loading or unloading, individual buses will be promptly loaded and unloaded to minimize idling.

Exceptions

Unless otherwise required by state or local law, the idling of a school bus or vehicle engine may be permitted to the extent necessary to achieve the following purposes:

- a) For mechanical work; ~~or~~
- b) To maintain an appropriate temperature for passenger comfort and/or safety; or
- c) In emergency evacuations and/or where necessary to operate wheelchair lifts.

Private Vendor Transportation Contracts

All contracts for pupil transportation services between the District and a private vendor will include a provision requiring the vendor's compliance with the provisions of reducing idling in accordance with Commissioner's regulations.

Education Law Section 3637
Vehicle and Traffic Law Section 142
8 NYCRR Section 156.3(~~h~~)

Adopted: 10/12/04
Revised: 6/12/18;

Non-Instructional/Business
Operations**SUBJECT: QUALIFICATIONS OF BUS DRIVERS**

A person ~~will~~ **shall** be qualified to operate a bus only if that person:

- a) Is at least 21 years of age;
- b) Has been issued ~~a currently valid operator's or commercial~~ **an appropriate** driver's license which is valid for the operation of a bus in New York State;
- c) Has passed the annual bus driver physical examination administered ~~pursuant to Regulations of the~~ **in accordance with** Commissioner of Education and ~~the~~ Commissioner of Motor Vehicles **regulations**. In no case will the interval between physical examinations exceed a 13-month period;
- d) Is not disqualified to drive a motor vehicle under ~~Sections 509-e and 509-ee and any other provisions of Article 19-A of the Vehicle and Traffic Law~~ any provision of law or regulation;
- e) Has on file at least three statements from three different persons who are not related **by either blood or marriage** to the driver/ or applicant pertaining to the moral character and to the reliability of ~~such~~ the driver/ or applicant;
- f) Has completed, or is scheduled to complete, **required New York 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 **approved by the Commissioner of Education** at least once every two years and/or following ~~an absence from service of~~ a period of being unavailable for service for 60 or more consecutive days from ~~his or her~~ their scheduled work duties. In no case will the interval between physical performance tests exceed 25 months; and
- 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 a vendor or contract bus company employs a new bus driver, the Superintendent or designee will be entitled to:

- a) Require the person to pass a physical examination within **eight** weeks prior to the beginning of service;

(Continued)

Non-Instructional/Business
Operations**SUBJECT: QUALIFICATIONS OF BUS DRIVERS (Cont'd.)**

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

Occasional Drivers

Under Commissioner's regulations, an occasional driver is defined as a certified teacher who is employed by a school district or Board of Cooperative Educational Services (BOCES) ~~who is not primarily employed as a school bus driver or substitute bus driver on either a full-time or part-time basis~~ whose employment does not include serving as either a regular or substitute school bus driver. Occasional drivers used for other than regular routes are not required to fulfill the training required for regular school bus drivers.

Omnibus Transportation Employee Testing Act of 1991, (Public Law 102-143)

49 ~~United States Code~~ USC Section 521(b)

~~49 Code of Federal Regulations (CFR) Parts 40, 382, 391, 392 and 395~~

Education Law Section 3624

Vehicle and Traffic Law ~~Sections 509-e, 509-ee and~~ Article 19-A

8 NYCRR Section 156.3

15 NYCRR Part 6 and Section 3.2

NOTE: Refer also to Policy #5751 -- Drug and Alcohol Testing for School Bus Drivers

Adoption Date: 2/9/99

Revised: 9/14/04; 1/11/11

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

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

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

****If District owns buses (use the paragraph below):***

~~The District will either establish and 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.~~

****If District contracts out for buses (use the paragraph below):***

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

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

- a) **Pre-employment drug testing** which will be conducted after a conditional offer to hire has been extended, but before the actual performance of safety-sensitive functions for the first time. This pre-employment testing will also be required when employees transfer to a safety-sensitive position.
- b) **Random drug and/or alcohol testing** which will be conducted on an unannounced basis.

(Continued)

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd.)

- c) **Reasonable suspicion drug and/or alcohol testing** which will be conducted when reasonable suspicion exists that a driver has engaged in prohibited use of drugs and/or alcohol. The required observation for reasonable suspicion drug and/or alcohol testing must be made by a supervisor or official who has been trained in accordance with federal law and regulation.
- d) **Post-accident drug and/or alcohol testing** which will be conducted as soon as practicable following certain occurrences involving a CMV operating on a public road.
- 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 and ~~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~~ CDL endorsement. Every school bus driver will be included in the random testing pool and must submit to testing when selected.

Prohibitions and Consequences for School Bus Drivers

Under federal law and regulation, individuals who operate a CMV designed to transport 16 or more occupants (including the driver) and are subject to CDL requirements established by the United States Department of Transportation are prohibited from:

- a) Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If testing shows an alcohol concentration of 0.02 or greater but less than 0.04, the employee must be removed from performing safety-sensitive functions for not less than 24 hours, but no punitive action will be taken by the employer;
- b) Using alcohol while performing safety-sensitive functions;

(Continued)

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd.)

- c) Performing safety-sensitive functions within four hours after using alcohol;
- d) When required to take a post-accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first;
- e) Refusing to submit to a drug or alcohol test required by post-accident, random, reasonable suspicion, return-to-duty, or follow-up testing requirements;
- f) Refusing to submit to a pre-employment drug test;
- g) Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the driver uses any drugs, as defined by federal law and regulation. This prohibition does not apply when the use is pursuant to the instructions of a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a CMV; or
- h) Reporting for duty, remaining on duty, or performing a safety-sensitive function, if the driver tests positive for drugs.

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

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

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

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

(Continued)

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd.)

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

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

- a) Are evaluated by a SAP;
- b) Complete any requirements for rehabilitation as set by the employer and the SAP; and
- 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.

The Drug and Alcohol Clearinghouse

The Drug and Alcohol Clearinghouse ("Clearinghouse") is a secure online database that provides real-time information about CDL and commercial learner's permit holder's drug and alcohol program violations. The District will comply with all federal law and regulation regarding the Clearinghouse.

In accordance with 49 CFR Part 382, the following personal information will be collected, maintained, and reported to the Clearinghouse:

- a) A verified positive, adulterated, or substituted drug test result;
- b) An alcohol confirmation test with a concentration of 0.04 or higher;
- c) A refusal to submit to any required test;
- d) An employer's report of actual knowledge of:
 - 1. On duty alcohol use;
 - 2. Pre-duty alcohol use;
 - 3. Alcohol use following an accident; and
 - 4. Drug use;
- e) A SAP's report of the successful completion of the return-to-duty process;

(Continued)

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd.)

- f) A negative return-to-duty test; and
- g) An employer's report of completion of follow-up testing.

****Prohibitions and Consequences for Vendors or Contract Bus Companies (If District owns buses delete this subheading)***

Any significant violation of this policy or District procedures, and applicable federal and state law and regulation by a vendor or contract bus company and its employees will result in revocation of its contract for the transportation of students.

Employee Notification****If District owns buses (use following three paragraphs):***

~~—The Superintendent or designee will ensure that each school bus driver receives a copy of educational materials that explain the requirements of drug and alcohol testing law and regulation and any policies, 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.~~

*****If District contracts out for buses (use following three paragraphs):***

The Superintendent or designee will ensure that vendors or contract bus companies receive a copy of educational materials that explain the requirements of drug and alcohol testing law and regulation and any policies, 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

(Continued)

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd.)

is distributed to vendors or contract bus companies, who will sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of any drug and/or alcohol testing as well as at the beginning of each school year or at the time of hire for any school bus driver.

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

The Superintendent or designee can assist vendors or contract bus companies with arrangements for training of all supervisors who may be utilized to determine whether reasonable suspicion exists to test a driver for prohibited conduct involving the drugs and/or alcohol.

Records Management and Retention

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

49 USC Sections 31136 and 31306

49 CFR Parts 40, 382, and 383

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

Adoption Date: 2/9/99

Revised:

Personnel

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY**Overview**

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses employment discrimination. It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Consistent with this commitment and in accordance with law and regulation, the District is an equal opportunity employer that does not discriminate against any employee or applicant for employment in its programs and activities on the basis of any legally protected class or category including, but not limited to: age; race; creed; religion; color; national origin; sexual orientation; gender identity or expression; military status; sex; disability; predisposing genetic characteristics; familial status; marital status; status as a victim of domestic violence; and criminal arrest or conviction record.

The District adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of employment discrimination. The District will promptly respond to reports of employment discrimination, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections, and impose disciplinary measures and implement remedies when warranted.

Inquiries about this policy may be directed to the District's Civil Rights Compliance Officer(s) (CRCO(s)).

Reporting Allegations of Employment Discrimination

Any person may report employment discrimination regardless of whether they are the alleged victim or not. Reports of employment discrimination may be made orally or in writing to the District's CRCO or any other District employee including, but not limited to, a supervisor or building principal.

All District employees who witness or receive an oral or written report of employment discrimination must immediately inform the CRCO. Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Additionally, District employees must comply with reporting requirements in any other applicable District policy or document. Applicable policies or documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District.

(Continued)

Personnel

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)**Grievance Process for Complaints of Employment Discrimination**

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether oral or written, of employment discrimination and will promptly take appropriate action to protect individuals from further discrimination.

Various District policies and documents address employment discrimination. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District. All complaints will be handled in accordance with the applicable District policies and/or documents.

The determination as to which District policies and/or documents are applicable is fact specific, and the CRCO may work with other District staff to determine which District policies and/or documents are applicable to the specific facts of the complaint.

If an investigation reveals that employment discrimination has occurred, the District will take immediate corrective action as warranted. This action will be taken in accordance with applicable law and regulation, as well as any applicable District policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the District's *Code of Conduct*.

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

The District prohibits retaliation against any individual because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing related to a complaint of employment discrimination.

Complaints of retaliation may be directed to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Where appropriate, follow-up inquiries will be made to ensure that the discrimination has not resumed and that those involved in the investigation have not suffered retaliation.

8 USC Section 1324b

29 USC Section 206

42 USC Section 1981

Age Discrimination in Employment Act of 1967 (ADEA), 29 USC Section 621 et seq.

Americans with Disabilities Act (ADA), 42 USC Section 12101 et seq.

Genetic Information Non-Discrimination Act (GINA), 42 USC Section 2000ff et seq.

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Personnel

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)

National Labor Relations Act (NLRA), 29 USC Section 151 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 790 et seq.
Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d et seq.
Title VII of the Civil Rights Act of 1964, 42 USC Section 2000e et seq.
Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.
Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC Section 4301 et seq.
28 CFR Part 35
29 CFR Chapter I – National Labor Relations Board
29 CFR Chapter XIV – Equal Employment Opportunity Commission
34 CFR Parts 100, 104, and 106
45 CFR Part 86
Civil Rights Law Sections 40, 40-a, 40-c, 47-a, 47-b, and 48-a
Civil Service Law Sections 75-b and 115
Correction Law Section 752
Labor Law Sections 194-a, 201-d, 201-g, 203-e, 206-c, and 215
New York State Human Rights Law, Executive Law Section 290 et seq.
Military Law Sections 242, 243, and 318
9 NYCRR Section 466 et seq.

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District

#3421 -- Title IX and Sex Discrimination
#6121 -- Sexual Harassment in the Workplace
#6122 -- Employee Grievances

Adopted: 2/9/99

Revised: 1/23/01; 12/9/03; 1/9/07; 7/14/09; 1/11/11; 10/11/16; 6/11/19;

SUBJECT: EVALUATION OF PERSONNEL**All Staff Members**

The administration will undertake a continuous program of supervision and evaluation of all personnel, including support staff, in the District. The primary purposes of the evaluations will be to encourage and promote improved performance and to make decisions about the occupancy of positions.

Teachers and Administrators

The District is committed to supporting the development of effective teachers and administrators. To this end, the District will provide procedures for the evaluation of all professional staff. The District ~~plans for Annual Professional Performance Review (APPR) of teachers and principals will be developed~~ ~~an Annual Professional Performance Review (APPR) plan/educator evaluation plan~~ in accordance with applicable laws, ~~Commissioner's~~ and regulations, ~~and Rules of the Board of Regents~~.

The primary purposes of these evaluations are:

- a) To encourage and promote improved performance;
- b) To guide professional development efforts; and
- c) To provide a basis for evaluative judgments by applicable school officials.

Disclosure of APPR/Educator Evaluation Ratings

The Commissioner is required to disclose professional performance review/evaluation data for teachers and building principals on the New York State Education Department website and in any other manner to make this data widely available to the public. The District will provide notice to parents or legal guardians of their right to obtain this information and the methods by which the data can be obtained.

Education Law Sections 3012-c; and 3012-d
Public Officers Law ~~Sections 87 and 89~~ Article 6
8 NYCRR Subpart 30-3
8 NYCRR Sections 80-1.1 and 100.2(o)

Adopted: 2/9/99

Revised: 9/14/04; 1/11/11; 8/9/11; 9/13/11; 1/9/18;