

2017

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1 of 2Non-Instructional/Business  
Operations**SUBJECT: PROCUREMENT OF GOODS AND SERVICES****Purchasing Authority**

The Port Jervis City School District's purchasing activities will be part of the responsibilities of the Business Office, under the general supervision of the Purchasing Agent designated by the Board. The Purchasing Agent is authorized to enter into cooperative bidding and cooperative purchasing arrangements to meet the various needs of the District. No contracts for goods and services will be made by individuals or organizations in the school that involve expenditures without first securing approval for the contract from the Purchasing Agent.

Except as authorized by law, no Board member or employee of the District will have an interest in any contract entered into by the District.

**Purchasing Process**

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

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

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

- a) Prescribe a process for determining whether a procurement of goods and services is subject to competitive bidding and if it is not, documenting the basis for such determination;
- b) With certain exceptions, provide that alternative proposals or quotations for goods and services will be secured by use of written request for proposals, written quotations, verbal quotations, or any other method of procurement which furthers the purposes of General Municipal Law Section 104-b;
- c) Set forth when each method of procurement will be utilized;
- d) Require adequate documentation of actions taken with each method of procurement;
- e) Require justification and documentation of any contract awarded to other than the lowest responsible dollar offer, stating the reasons;

(Continued)

**SUBJECT: PROCUREMENT OF GOODS AND SERVICES (Cont'd.)**

- f) Set forth any circumstances when, or the types of procurement for which, the solicitation of alternative proposals or quotations will not be in the best interest of the District; and
- g) Identify the individual or individuals responsible for purchasing and their respective titles. This information will be updated biennially.

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

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

Professional Services

Professional services are generally those services that require specialized skills, training, professional judgment, expertise, and creativity. Examples include attorneys, architects, and engineers. The procurement of professional services falls within an exception to competitive bidding. In order to procure professional services, the District will use the request for proposals (RFP) process as set forth in General Municipal Law in order to protect the District's interests and to avoid the appearance of favoritism or impropriety. Although not necessarily bound to select the lowest bidder in response to its RFP, the District will adequately document its selection process to demonstrate its economical and prudent use of public monies and to ensure fair competition.

Education Law §§ 1604, 1709, 1950, 2503, 2554, and 3602  
General Municipal Law Articles 5-A and 18  
General Municipal Law § 119-o

NOTE: Refer also to Policies #5410 -- Purchasing: Competitive Bidding and Offering  
#5412 -- Alternative Formats for Instructional Materials

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1 of 34Non-Instructional/Business  
Operations**SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)****School Food Service Program (Lunch and Breakfast)**

The Board has entered into an agreement with the New York State Education Department (SED) to participate in the National School Lunch Program, School Breakfast Program and/or Special Milk Program to receive commodities donated by the Department of Agriculture and to accept responsibility for providing free and reduced price meals to elementary and secondary students in the schools of the District.

The Superintendent or designee will have the responsibility to carry out the rules of the School Lunch and Breakfast Programs. The determination of which students are eligible is the responsibility of the Reviewing Official and Verification Official or the Office of Temporary and Disability Assistance of the Department of Social Services. Appeals regarding eligibility should be submitted to the Hearing Official of the District.

Free or reduced price meals may be allowed for qualifying students attending District schools upon receipt of a written application from the student's parent or guardian or a "Direct Certification" letter from the New York State Office of Temporary and Disability Assistance (OTDA). Applications will be provided by the District to all families.

School officials must also determine eligibility for free/ or reduced meals and milk by using the Direct Certification Matching Process, a dataset supplied by the Office of Temporary and Disability Assistance, and made available by the SED. Any student receiving federal assistance through Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance to Needy Families (TANF) is automatically eligible for free meals and milk. There is no need for families to complete further applications. The District will notify parents or guardians of eligibility, giving them the opportunity to decline free meals and milk if they so choose.

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

**Child Nutrition Program/Charging Meals**

~~Although not required by law, because of~~ Since the District's participation in the Child Nutrition Program, the Board approves the establishment of a system to allow a student to charge a meal. The Board authorizes the Superintendent to develop rules which address:

- a) What can be charged;
- b) The limit on the number of charges per student;
- c) The system used for identifying and recording charged meals;

(Continued)

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

- d) The system used for collection of repayments; and
- e) Ongoing communication of the policy to parents and students. The District's meal charge policies and procedures will be distributed to all households and applicable staff in writing at the start of each school year and to new households that transfer into the District during the school year. These policies and procedures may vary by grade.

Charging Meals

- a) Students may charge up to five dollars, and will not be permitted to exceed that limit until the outstanding charges are paid in full;
- b) The only item(s) permitted to be charged are a complete meal or milk. A la carte items such as snacks or ice cream may not be charged;
- e) The District's point of sale system will track all charges and payments;
- d) Once the charge limit has been reached, and if the student comes to school without a lunch, a sandwich, fruit and milk will be provided to the student so that he or she does not go hungry that day;
- e) If, after exceeding the allowable meal charge limit, a student continues to come to school without a meal, District administration may contact Social Services;

Unpaid meal charges will be addressed directly with the child's parent or guardian who is responsible for providing funds for meal purchases. District administration will further consider the benefits of attempted collections and the costs that would be expended in collection attempts.

Restriction of Sweetened Foods in School

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

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

Restrictions on Sale of Milk Prohibited

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

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**SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST) (Cont'd.)****Food Substitutions for Children with Disabilities**

Federal regulations governing the operation of Child Nutrition Programs, Part B of the Individuals with Disabilities Education Act, and Section 504 of the Rehabilitation Act of 1973 require that children with disabilities be offered the opportunity to participate in all academic and nonacademic activities including the school nutrition programs. The District will make reasonable accommodations to those children with disabilities whose disabilities restrict their diets, such as providing substitutions and/or modifications in the regular meal patterns. These meal substitutions for students with disabilities will be offered at no extra charge. A student with a disability must be provided substitutions in food when that need is supported by a statement signed by a physician attesting to the need for the substitutions and recommending alternate foods.

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

**Food Substitutions for Nondisabled Children**

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

The District may also allow substitutions for fluid milk with a non-dairy beverage that is nutritionally equivalent (as established by the Secretary of Agriculture) to fluid milk and meets nutritional standards for students who are unable to consume fluid milk because of medical or other special dietary needs if the request is supported by a statement signed by a recognized medical authority or by the student's parent/legal guardian.

**Prohibition Against Adults Charging Meals**

Adults should pay for their meals at the time of service or set up pre-paid accounts.

**HACCP-Based Food Safety Program**

Schools participating in the National School Lunch and/or School Breakfast programs are required to implement a food safety program based on Hazard Analysis and Critical Control Point (HACCP) principles. The District must develop a written food safety program for each of its food preparation and service facilities that is based on *either* traditional HACCP principles *or* the "Process Approach" to HACCP. (The "Process Approach" simplifies traditional HACCP by grouping foods according to preparation process and applying the same control measures to all menu items within the group, rather than developing an HACCP plan for each item.) Regardless of the implementation option that is selected, the District's written food safety program must also include:

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

- a) Critical control points and critical limits;
- b) Monitoring procedures;
- c) Corrective actions;
- d) Verification procedures;
- e) Recordkeeping requirements; and
- f) Periodic review and food safety program revision.

Child Nutrition and WIC Reauthorization Act of 2004, PL 108-265

Child Nutrition Act 1966, 42 USC § 1771 et seq.

Richard B. Russell National School Lunch Act 1946, 42 USC § 1751 et seq.

§ 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.

Individuals with Disabilities Education Act (IDEA), 20 USC §§ 1400-1485

7 CFR Parts 15B, 210 and 220

Education Law §§ 902(b), 915, 918, 1604(28), 1709(22), 1709(23) and 2503(9)(a)

8 NYCRR §§ 200.2(b)(1) and 200.2(b)(2)

Social Services Law § 95

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Personnel

**SUBJECT: FAMILY AND MEDICAL LEAVE ACT**

Consistent with the federal Family and Medical Leave Act of 1993, as amended, the Port Jervis Board of Education recognizes the right of eligible employees to unpaid family and medical leave for up to 12 weeks during any 12 month period. For the purposes of family and medical leave, the twelve month period necessary for eligibility shall be a rolling year. A rolling 12 month period is measured backward from the date an employee uses any FMLA leave. The Board shall ensure that all eligible employees who use such leave shall have their health benefits continued during the leave, shall not have any previously accrued benefits altered and except as otherwise authorized by law, shall be returned to their previous position or to an equivalent position according to established Board practices, policies and collective bargaining agreements.

To be eligible for family or medical leave, an employee must have been employed for at least twelve months and have worked at least 1,250 hours during the prior twelve months.

Family leave shall be provided when a son or daughter is born to the employee or one is placed with the employee for adoption or foster care or to care for an adult child who is incapable of self-care due to a disability and has a serious health condition. Medical leave shall be provided in order for the employee to take care of a spouse, child, adult child incapable of self-care due to a disability (regardless of date of the onset of disability), or parent who has a serious health condition or when the employee has a serious health condition rendering him/her unable to perform the functions of the employee's job.

The term "serious health condition" means an illness, injury, impairment, physical or mental condition that involves:

- A. inpatient care in a hospital, hospice or residential medical care facility; or
- B. continuing treatment by a health care provider.

Family leave shall be provided because of a qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is a military member on covered active duty status (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member is entitled to a total of 26 weeks of unpaid leave in a single twelve month period to care for the service member who is seriously ill or injured in the line of duty while on active duty in the Armed Forces.

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**SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)**

Under certain circumstances, an eligible employee may choose or be required to substitute accrued or earned paid leave for FMLA unpaid leave. For an employee's own serious health condition, ~~the eligible employee may elect, or~~ the District may require the employee to use sick, personal or vacation days. For the birth of a child or placement of a child for adoption or foster care, ~~the eligible employee may elect, or~~ the District may require the employee to use vacation or personal days. For the care of a family member with a serious health condition, ~~the eligible employee may elect, or~~ the District may require the employee to use vacation or personal days; family illness or family sick days, if any, may be used if permitted under the applicable Collective Bargaining Agreement; the employee's own sick days may only be used to care for a member with a serious health condition if and as permitted under the applicable Collective Bargaining Agreement.

The employee shall notify the District of his/her request for leave, if foreseeable, at least 30 days prior to the date when the leave is to begin. If such leave is not foreseeable, then the employee shall give such notice as is practical. The District may require a certification from a health care provider if medical leave is requested. When an employee returns following a leave, he/she must be returned to the same or equivalent position of employment, except as otherwise authorized by law. The Superintendent of Schools or designee may reassign a teacher consistent with the teacher's collective bargaining agreement to a different grade level, building or other assignment consistent with the employee's certification and tenure area.

**Instructional Personnel**

As to instructional employees, if the leave begins more than five (5) weeks prior to the end of a semester, the employee may be required to continue the leave until the end of the semester, (A) if the leave is for at least three (3) weeks, and (B) the employee's return to work would occur during the three (3) week period prior to the end of the semester.

If the leave is requested within five (5) weeks of the end of the semester, the instructional employee may be required to continue on leave until the end of the semester, if (A) the leave is longer than two (2) weeks, and (B) the employee would return from leave with two (2) weeks of the end of the semester.

Instructional employees whose family or medical of service member family leave extends past (5) days and begins during the three (3) week period prior to the end of the semester may be required to take the leave until the end of the semester. This does not apply to medical leave for the employee's own serious health condition.

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**SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)**

Special rules apply to an employee who works principally in an instructional capacity who needs intermittent leave or leave on a reduced schedule to care for a family member, or for the employee's own serious health condition or to care for a covered service member and the employee would be on leave for more than twenty percent of the number of working days over the period the leave would extend. These special rules include being required to take leave for periods of a particular duration or to transfer temporarily to an alternative, equivalent position that better accommodates the leave.

The Board shall ensure that family and medical leave, consistent with the Family and Medical Leave Act, is provided to all eligible employees. This policy is a brief summary of the legal requirements of the Family and Medical Leave Act and is intended to be consistent with all the provisions of the Act.

The District shall post a notice in designated areas and include a notice stating the pertinent provisions of the Family and Medical Leave Act, including information concerning enforcement of the law.

Family and Medical Leave Act - 29 U.S.C. §§2601-2654  
29 CFR Part 825



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Students

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH**

The Port Jervis City School District Board of Education recognizes the unique challenges that face homeless students and will provide these students with access to the same free, appropriate public education, including public preschool education, as other children and youth and access to educational and other services necessary to be successful in school, and will ensure that they are not separated from the mainstream school environment. The Board is also committed to eliminating barriers to the identification, enrollment, attendance, or success of homeless students.

~~The parent or person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the District in the case of an unaccompanied youth; or the director of a residential program for runaway and homeless youth established in accordance with Executive Law Article 19-H, in consultation with the homeless child, where such homeless child is living in such program, may designate either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child will attend.~~

~~In accordance with~~ As defined in Commissioner's regulations, a "homeless child" means a child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child who is:

- a) Sharing the housing of other persons due to a loss of housing, economic hardship, or a similar reason;
- b) Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
- c) Abandoned in hospitals; or
- d) ~~Awaiting foster care placement;~~
- d)e) A migratory child who qualifies as homeless in accordance with Commissioner's regulations. The term "migratory child" includes a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who has moved from one school district to another in the preceding 36 months, in order to obtain, or accompanies ~~such~~ his or her parent or spouse in order to obtain, temporary, or seasonal employment in agricultural or fishing work; or
- e)f) A child or youth who has a primary nighttime location that is:
  1. A supervised, publicly, or privately operated shelter designed to provide temporary living accommodations, including, but not limited to, shelters operated or approved by the state or local department of social services, and residential programs for runaway and homeless youth established in accordance with Executive Law Article 19-H; or

(Continued)

Students

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH**

2. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station or similar setting.

g) ~~Considered a~~ An "unaccompanied youth" means:

1. ~~An unaccompanied youth is a homeless child (for whom no parent or person in parental relation is available) or youth not in the physical custody of a parent or legal guardian.~~
2. ~~An unaccompanied youth will~~ This term does not include a child or youth who is residing with someone other than a parent or legal guardian for the sole reason of taking advantage of the schools of the District.

~~The term "homeless child" does not include a child in foster care or receiving educational services in accordance with Education Law Sections 3202(4), (5), (6), (6a) or (7) or pursuant to Articles 81, 85, 87 or 88. For example, a child in a family home at board, a school for the intellectually disabled, a hospital or other institution for the care, custody and treatment of children; youths under the direction of the Division for Youth incarcerated in county correctional facilities or youth shelters; or children residing in child care institutions or schools for the deaf or blind would not be considered "homeless."~~

A designator will decide which school district a homeless child or unaccompanied youth will attend. A designator is:

- a) The parent or person in parental relation to a homeless child; or
- b) The homeless child, together with the homeless liaison designated by the District, in the case of an unaccompanied youth; or
- c) The director of a residential program for runaway and homeless youth, in consultation with the homeless child, where the homeless child is living in that program.

The designator may select either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child will attend. However, the designated school district must determine whether the designation made by the parent, guardian, or youth, in the case of an unaccompanied youth, is consistent with the best interest of the child by considering certain student-centered factors, including factors related to the impact on education and the health and safety of the child or youth.

A homeless child is entitled to attend the school district of origin for the duration of his or her homelessness and also through the remainder of the school year in which he or she locates permanent housing in accordance with his or her best interest.

(Continued)

Students

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH**

The term "school district of origin" includes preschool and feeder schools as defined by applicable law.

**Enrollment, Retention, and Participation in the Educational Program**

*The District will immediately enroll children and youth who are homeless even if the child missed any relevant application or enrollment deadlines during any period of homelessness. Enrollment of homeless children will not be delayed and their The ability of a homeless child or youth to continue or participate in the educational program will similarly not be restricted due to issues such as:*

- a) Transportation;
- b) Immunization requirements;
- c) Residency requirements;
- d) Birth certificates, medical records, individualized education programs (IEPs), school records and other documentation;
- e) Guardianship issues;
- f) Comprehensive assessment and advocacy referral processes;
- g) Resolution of disputes regarding school selection;
- h) Proof of social security numbers;
- i) Attendance requirements;
- j) Sports participation rules;
- k) Inability to pay fees associated with extracurricular activities such as club dues and sports uniforms; or
- l) Other enrollment issues.

(Continued)

Students

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH****Educational Programs and Services**

The District will provide homeless children and youth with access to all of its programs, activities, and services to the same extent that they are provided to resident students.

Homeless children and youth will be educated as part of the school's regular academic program. Services ~~must~~ will be provided to homeless children and youth through programs and mechanisms that integrate homeless children and youth with their non-homeless counterparts, including programs for special education, vocational and technical education, gifted and talented students, before and after school, English language learners, Head Start, Even Start, and school nutrition. Services provided with McKinney-Vento funds ~~must~~ will expand upon or improve services provided as part of the regular school program. Consequently, the District will ensure that homeless children and youth are not segregated in a separate school, or in a separate program within the school, based on their status as homeless; and to the extent feasible consistent with the requirements of Commissioner's regulations, keep a homeless child or youth in the school of origin except when doing so is contrary to the wishes of the child's or youth's parent or guardian. Further, the District will review and revise policies and practices, including transportation guidelines as well as those related to outstanding fees, fines, or absences, that may act as barriers to the enrollment, attendance, school success, and retention of homeless children and youth in the District.

~~All homeless children and youth are automatically eligible for Title I Part A services regardless of whether they meet the academic standards or live in a Title I school attendance area. Homeless students may receive Title I educational or support services from school-wide and targeted assistance school programs.~~

**Transportation**

In order to ensure immediate enrollment, and so as not to create barriers to the attendance, retention, and success of homeless students, transportation must be promptly provided. If the local social service district or the Office of Children and Family Services is not required to provide transportation, the designated district is responsible for the provision and the cost of the student's transportation through the remainder of the school year in which the homeless student becomes permanently housed.

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Students

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)**

Where a homeless student designates the school district of current location as the district the student will attend, then that district will provide transportation to the student on the same basis as a resident student. Where the homeless student designates the school district of origin or a school district participating in a regional placement plan, then that district must provide transportation to and from the homeless child's temporary housing and school not to exceed 50 miles each way unless the Commissioner certifies that the transportation is in the best interests of the child.

Transportation is required even if the school of origin is located in another local educational agency (LEA) as long as attendance at the school of origin is in the best interest of the child or youth, even if it requires students to cross district lines. If two school districts are involved, the districts must agree on a method to apportion the cost and responsibility of transportation, or they must split it equally.

Transportation responsibilities apply to all school districts regardless of whether or not they receive McKinney-Vento funds. Transportation must be provided during the pendency pending of final resolution of any enrollment disputes, including any available appeals. If the designated district provides transportation for non-homeless preschool children, it must also provide comparable transportation services for homeless preschool children.

**School District Liaison for Homeless Children and Youth**

The District will designate an appropriate staff person, who may also be a coordinator for other federal programs, as the local educational agency liaison for homeless children and youth to carry out the duties as enumerated described in law, Commissioner's regulations, and applicable guidance issued by the U.S. and New York State Education Departments. The District will inform school personnel, local service providers, and advocates of the office and duties of the local homeless liaison.

**Training**

~~The District will train a~~ All school enrollment staff, secretaries, school counselors, school social workers, and principals will be trained on the legal requirements for enrollment of homeless students. Other staff members including school nutrition staff, school registered professional nurses, teachers, and bus drivers will receive training on homelessness that is specific to their field.

**Outreach**

The District will make every effort to inform the parents or guardians of homeless children and youth of the education, transportation, and related opportunities available to their children including transportation to the school of origin. The parent(s) or guardian(s) will be assisted in accessing transportation to the school they select, and will be provided with meaningful opportunities to participate in the education of their children. Public notice of educational rights of homeless children and youth will be disseminated by the District in places where families and youth are likely to be present (e.g., schools, shelters, soup kitchens), and in comprehensible formats (e.g., geared for low literacy or other community needs).

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## Students

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)****Dispute Resolution**

The District will establish procedures for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth and provide a written explanation, including a statement regarding the right to appeal to the parent or guardian if the District sends the student to a school other than the school of origin or the school requested by the parent or guardian. These disputes will include, but are not limited to, disputes regarding transportation and/or a child's or youth's status as a homeless child or unaccompanied youth.

In the event of a dispute regarding eligibility, school selection, or enrollment, the homeless child or youth will be entitled to immediate or continued enrollment and transportation pending final resolution of the dispute, including all available appeals.

~~If there is a factual dispute over whether a student is homeless, the District will immediately enroll the student and then provide the parent or guardian the opportunity to submit verification of homelessness. The student will remain enrolled until a final determination is made by the District and for a minimum of 30 days after the final determination to allow the parent or guardian opportunity to appeal to the Commissioner of Education. If the student files an appeal that contains a request for a stay within 30 days of such final determination, the District must continue to enroll the student until the Commissioner rules on the stay request.~~

**Record and Reporting Requirements**

If the District, as the school district of origin, receives a request to forward student records to a receiving district, the records must be forwarded within five days of receipt of the request.

The District will maintain documentation regarding all aspects of the District's contact with and services provided to homeless students and youth for possible on-site monitoring by the State Education Department.

The District will collect and transmit to the Commissioner of Education, at such time and in the manner as the Commissioner may require, a report containing information as the Commissioner determines is necessary to assess the educational needs of homeless children and youths within the state.

**Student Privacy**

Any information pertaining to the living situation of a homeless student, such as his or her homeless status or temporary address, is considered a student educational record and is not subject to disclosure as directory information under the Family Educational Rights and Privacy Act (FERPA).

McKinney-Vento Homeless Education Assistance Act, as reauthorized by the Every Student Succeeds Act (ESSA), 42 USC § 11431 et seq.  
Education Law §§ 902(b) and 3209  
Executive Law Article 19-H  
8 NYCRR § 100.2(x)

NOTE: Refer also to Policy #7511 -- Immunization of Students

1<sup>st</sup> Reading: 03/07/17



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Students

**SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS**

Students are protected by the Constitution from unreasonable searches and seizures. A student may be searched and ~~contraband~~/prohibited items seized on school grounds or in a school building by an authorized Port Jervis City School District official only when the School District official has reasonable suspicion to believe the student has engaged in or is engaging in proscribed activity which is in violation of the law and/or the rules of the school (i.e., the *District Code of Conduct*). The reasonableness of any search involves a twofold inquiry. School officials must first determine whether the action was justified at its inception, and second, determine whether the search, as actually conducted, was reasonably related in scope to the circumstances which justified the interference in the first place.

Factors to be considered in determining whether reasonable suspicion exists to search a student include:

- a) The age of the student;
- b) The student's school record and past history;
- c) The predominance and seriousness of the problem in the school where the search is directed;
- d) The probative value and reliability of the information used as a justification for the search;
- e) The school official's prior knowledge of and experience with the student; and
- f) The urgency to conduct the search without delay.

If reasonable suspicion exists to believe that a student has violated or is violating the law and/or school rules, it is permissible for an authorized school official to search that student's outer clothing, pockets, or property. The search may include, but is not limited to, the student's outer clothing such as a jacket or coat, pockets, backpack, and/or purse. Whenever possible, searches will be conducted by a staff member of the same sex as the student and, ~~whenever possible~~, another staff member will be present as a witness.

**Strip Searches**

~~— A strip search is a search that requires a student to remove any or all of his/her clothing, other than an outer coat or jacket. Strip searches are intrusive in nature and are almost never justified. If school officials have highly credible evidence that such a search would prevent danger or yield evidence, such a search may be conducted under exigent circumstances. In the alternative, if school authorities believe there is an emergency situation that could threaten the safety of others, the student shall, to the extent practicable, be isolated and secured. Police and parents will be contacted immediately.~~

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## Students

**SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS (Cont'd.)****Searches and Seizure of School Property**

Student desks, lockers, textbooks, computers, and other materials, supplies or storage spaces loaned by the school to students remain the property of the school, and may be opened and inspected by school employees at any time without prior notice to students and without their consent. The purpose of these searches, when they occur, is to ensure the safety of students, faculty and staff, enhance school security and prevent disruptions of the learning environment. ~~Searches have been proven to have a deterrent effect on student behavior.~~ Students have no reasonable expectation of privacy with respect to school property; and school officials retain complete control over such property. ~~This means that student desks, lockers, textbooks, computers, and other materials, supplies or storage spaces may be subject to search and/or seizure of contraband/prohibited items at any time by school officials, without prior notice to students and without their consent.~~ However, a student's personal belongings contained within the locker, desk, etc. are subject to the reasonable suspicion standard for searches by an authorized school official.

**Questioning of Students by School Officials**

School officials have the right to question students regarding any violations of school rules and/or illegal activity. In general, administration may conduct investigations concerning reports of misconduct which may include, but are not limited to, questioning students, staff, parents/guardians, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.

Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, if possible, in private by the appropriate school administrator. The student's parent/guardian may be contacted; the degree, if any, of parental/guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

The questioning of students by school officials does not preclude subsequent questioning/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right/responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

School officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials (~~at least until after the questioning of students by school authorities has been conducted~~) are not required to give the so-called "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him/her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

(Continued)

Students

**SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS (Cont'd.)**

~~If deemed appropriate and/or necessary, the Superintendent/designee may also review the circumstances with School District legal counsel so as to address concerns and the course of action, if any, which may pertain to and/or result from the questioning of students by school officials.~~

**Law Enforcement Officials**

It shall be the policy of the School District that a cooperative effort shall be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school premises or during a school-sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions.

**School Resource Officers**

Districts may utilize School Resource Officers (SROs), law enforcement officers who work within the school building. There are different types of SROs: those employed by the District and those employed by local law enforcement. SROs, acting in their capacity as law enforcement, are held to a different search standard than School District staff. Searches by law enforcement SROs must be justified by probable cause, not the District's standard of reasonable suspicion. District staff need to clearly establish who is initiating and conducting a search, the District or law enforcement, and that the appropriate standard for such a search has been met.

**Interrogation of Students by Law Enforcement Officials**

~~If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Generally, police authorities may only interview students on school premises without the permission of the parent/guardian in situations where a warrant has been issued for the student's arrest (or removal). Police authorities may also question students for general investigations or general questions regarding crimes committed on school property. Police authorities generally have no right to initiate interviews with students in the school building related to a potential crime unless parental/guardian permission is given to school administration or the police have a warrant. However, police officials and other law enforcement authorities who are assigned to work exclusively in school buildings ("SRO") may interview students on school property or at school functions if they possess a reasonable suspicion that an act has been committed which violates the Code of Conduct.~~

In all other situations, unless an immediate health or safety risk exists, if the police wish to speak to a student without a warrant they should take the matter up directly with the student's parent/guardian.

Whenever police wish to question a student on school premises, administration will attempt to notify the student's parent/guardian.

(Continued)

Students

**SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS (Cont'd.)**

If possible, questioning of a student by police should take place in private and in the presence of the Building Principal/designee.

**Child Protective Services' Investigations**

~~From time to time~~, Child Protective Services may desire to conduct interviews of students on school property. ~~Such~~ These interviews generally pertain to allegations of suspected child abuse and/or neglect. The Board ~~encourages cooperation~~ will cooperate with Child Protective Services (CPS) and their multi-disciplinary team, including providing requested data and assistance, in accordance with applicable Social Services law. CPS workers and members of the multi-disciplinary team must comply with the District's procedures for visitors, provide identification and identify the child(ren) to be interviewed.

Education Law Sections 1604(9), 1604(30), 1709(2), 1709(33) and 2801  
Family Court Act Section 1024  
Social Services Law Sections 411-428  
8 NYCRR Section 100.2(l)  
18 NYCRR Section 432.3

1<sup>st</sup> Reading: 03/07/17