

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

20192023

5551

Non-Instructional/Business Operations

SUBJECT: ALLOCATION OF TITLE I, PART A FUNDS IN THE DISTRICT

Allocation of Funds

The District allocates the Title I, Part A funds it receives to District school buildings on the basis of the total number of students from low-income families in each eligible school attendance area or eligible school, as defined in law. Unless the District school building is participating in a school wide program, the District school building will only use Title I, Part A funds for programs that provide services to eligible children, as defined in law, identified as having the greatest need for special assistance.

The District will reserve from its allocation of Title I, Part A funds, such funds as are necessary to provide services comparable to those provided to students in District school buildings that receive Title I, Part A funds in order to serve:

- a) Homeless children and youths, including educationally related support services to children in shelters and other locations where children may live;
- b) Children in local institutions for neglected children; and
- c) If appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day programs.

Funds Will Supplement Not Supplant

The District will ensure that Title I, Part A funds only supplement, not supplant, the funds that would, in the absence of such federal funds, be made available from state and local sources for the education of students participating in programs assisted by Title I, Part A funds.

Allocation Methodology

The District has developed an allocation methodology that is consistent with Title I guidelines.

20 USC §§ 6312-6315 and 6321

NOTE: Refer also to Policies # 5110 - Budget Planning and Development
8260 - Title I Parent and Family Engagement

Adoption Date: 05/28/2019

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

~~2019~~2023

5560

Non-Instructional/Business Operations

SUBJECT: USE OF FEDERAL FUNDS FOR POLITICAL EXPENDITURES

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

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

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

Compliance Supplement for Single Audit
of State and Local Governments (revised
September 1990) supplementing OMB
Circular A-128

Adoption Date: ~~05/28/2019~~

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

20192023

5570

Non-Instructional/Business Operations 1 of 2

SUBJECT: FINANCIAL ACCOUNTABILITY

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

The District has 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 District's governance and control environment will include the following:

- a) The District's code of ethics addresses conflict of interest transactions with Board members and employees. Transactions that are less-than-arm's length are prohibited. Less-than-arm's length is a relationship between the District and employees or vendors who are related to District officials or Board members.
- b) The Board requires corrective action for issues reported in the 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 extra-classroom activity fund reports, and
 - 5. Fund balance projections (usually starting in January).
- e) The District has a long-term (three to five years) financial plan for both capital projects and operating expenses.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

20192023

5570

Non-Instructional/Business Operations 2 of 2

SUBJECT: FINANCIAL ACCOUNTABILITY

- 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.
- k) If a staff member takes leave, another staff member will perform the duties of the member on leave. Staff may also schedule transactions and other responsibilities to occur electronically before taking leave.

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 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.

Education Law § 2116-a(3-b)
General Municipal Law § 33(2)(e) and 35(1),(2)
8 NYCRR § 170.12

Adoption Date: 05/28/2019

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

20192023

5571

Non-Instructional/Business Operations 1 of 2

SUBJECT: ALLEGATIONS OF FRAUD

Reporting and Investigations of Fraud

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

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

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

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

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

20192023

5571

Non-Instructional/Business Operations 2 of 2

SUBJECT: ALLEGATIONS OF FRAUD

Protection of School Employees who Report Information Regarding Illegal or Inappropriate Financial Practices

Any employee of the District who has reasonable cause to believe that the fiscal practices or actions of an employee or officer of the District violates any local, state, federal law or rule and regulation relating to the financial practices of the District, and who in good faith reports such information to an office of the District, or to the Office of the State Comptroller, the Commissioner of Education, or to law enforcement authorities, shall have immunity from any civil liability that may arise from the making of such report. Further, neither the District, nor employee or officer thereof, shall take, request, or cause a retaliatory action against any such employee who makes such a report.

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

The Board also prohibits any retaliatory behavior directed against any witnesses and/or any other individuals who participate in the investigation of an allegation of illegal or inappropriate fiscal practices or actions. Follow-up inquiries shall be made to ensure that no reprisals or retaliatory behavior has occurred to those involved in the investigation. Any act of retaliation is prohibited and subject to appropriate disciplinary action by the District.

Knowingly Makes False Accusations

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

Education Law Section 3028-d

Note: Refer also to Policy# 6432 Whistleblower Policy

Approved: 05/28/2019

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

20192023

5572

Non-Instructional/Business Operations 1 of 3

SUBJECT: AUDIT COMMITTEE

An Audit Committee has been established by Board resolution. The Audit Committee may consist of:

- a) The Board as a whole;
- b) A subcommittee of the Board; or
- c) An Advisory Committee that may include, or be composed entirely of persons other than Board members if, in the opinion of the Board, membership is advisable to provide accounting and auditing expertise.

Persons other than Board members who serve on the advisory committee will be independent and will not be:

- d) Employed by the District;
- e) An individual who within the last two years provided, or currently provides, services or goods to the District;
- f) The owner of or have a direct and material interest in a company providing goods or services to the District; or
- g) A close or immediate family member of an employee, officer, or contractor providing services to the District.

The Audit Committee will consist of at least three members who should collectively possess knowledge in accounting, auditing, financial reporting, and District finances. They will serve without compensation, but will be reimbursed for any actual and necessary expenditure incurred in relation to attendance at meetings. Employees of the District are prohibited from serving on the Audit Committee. Members of the Audit Committee will be deemed District Officers, but will not be required to be residents of the District.

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

The Audit Committee will develop and submit to the Board for approval a formal, written charter which includes, but is not limited to, provisions regarding the committee's purpose, mission, duties, responsibilities, and membership requirements.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

20192023

5572

Non-Instructional/Business Operations 2 of 3

SUBJECT: AUDIT COMMITTEE

The Audit Committee will hold regularly scheduled meetings and report to the Board on the activities of the Committee on an as needed basis, but not less than annually. The report will address or include at a minimum:

- a) The activities of the Audit Committee;
- b) A summary of the minutes of the meeting;
- c) Significant findings brought to the attention of the Audit Committee;
- d) Any indications of suspected fraud, waste, or abuse;
- e) Significant internal control findings; and
- f) Activities of the internal audit function.

The responsibilities of the Audit Committee include the following:

- a) Providing recommendations regarding the appointment of the External (Independent) Auditor for the District;
- b) Meeting with the External (Independent) Auditor prior to commencement of the audit;
- c) Reviewing and discussing with the External (Independent) Auditor any risk assessment of the District's fiscal operations developed as part of the Auditor's responsibilities under governmental auditing standards for a financial statement audit and federal single audit standards if applicable;
- d) Receiving and reviewing the draft annual audit report and accompanying draft management letter and, working directly with the External (Independent) Auditor, assist the Board in interpreting such documents;
- e) Making a recommendation to the Board on accepting the annual audit report; and
- f) Discussing and analyzing every corrective action plan developed by the District in response to any audit and assist the Board in its implementation.

Corrective Action Plan

Within 90 days of receipt of the report or management letter, the Superintendent/designee will prepare a corrective action plan approved by the Board in response to any findings contained in:

- a) The annual external audit report or management letter;
- b) A final audit report issued by the District's internal auditor;
- c) A final report issued by the State Comptroller;
- d) A final audit report issued by the State Education Department (SED); or
- e) A final audit report issued by the United States or an office, agency, or department thereof.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

20192023

5572

Non-Instructional/Business Operations 3 of 3

SUBJECT: AUDIT COMMITTEE

The Audit Committee will review and approve the corrective action plans developed by the Superintendent and Assistant Superintendent for Administrative Services. The corrective action plan must be filed with the SED, and if appropriate, must include the expected date(s) of implementation. The District will also post a copy of this plan on its website. To the extent practicable, implementation of the corrective action plan should begin no later than the end of the next fiscal year.

Additional responsibilities of the Audit Committee include: assisting in the oversight of the Internal Audit Function including, but not limited to, providing recommendations regarding the appointment of the Internal Auditor; reviewing significant findings and recommendations of the Internal Auditor; monitoring the District's implementation of these recommendations; and participating in the evaluation of the performance of the Internal Audit Function.

The Audit Committee may conduct an Executive Session pertaining to the following matters:

- a) To meet with the External (Independent) Auditor prior to commencement of the audit;
- b) To review and discuss with the External (Independent) Auditor any risk assessment of the District's fiscal operations developed as part of the Auditor's responsibilities under governmental auditing standards for a financial statement audit and federal single audit standards if applicable; and
- c) To receive and review the draft annual audit report and accompanying draft management letter and, working directly with the External (Independent) Auditor, assist the Board in interpreting such documents.

Any Board member who is not a member of the Audit Committee may be allowed to attend an Audit Committee Meeting, including an executive session of the Audit Committee, if authorized by a Board resolution. However, if the Board member's attendance results in a meeting of a quorum of the full Board, any action taken by formal vote may constitute official Board action.

Education Law §§ 2116-a, 2116-c, and 3811-3813
Public Officers Law §§ 105(b), 105(c), and 105(d), 8 NYCRR § 170.12(d)

NOTE: Refer also to policies #1320 - Nominations and Election of Board Officers and Duties of the President and Vice President
#2210 - Committees of the Board

Adoption Date: 05/28/2019

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2019 2023

5573

Non-Instructional/Business Operations

SUBJECT: INTERNAL AUDIT FUNCTION

The District has established an Internal Audit Function which includes:

- a) Development of a risk assessment of District operations including, but not limited to, a review of financial policies, procedures and practices;
- b) An annual review and update of such risk assessment;
- c) Annual testing and evaluation of one or more of the District's internal controls, taking into account risk, control weaknesses, size, and complexity of operations;
- d) Preparation of reports, at least annually or more frequently as the Board may direct, which analyze significant risk assessment findings, recommend changes for strengthening controls and reducing identified risks, and specify timeframes for implementation of such recommendations.

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

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

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

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

Adoption Date: 05/28/2019

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

20192023

5574

Non-Instructional/Business Operations 1 of 2

SUBJECT: MEDICAID COMPLIANCE PROGRAM POLICY

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

The District as a provider receiving or submitting Medicaid claims of at least \$500,000 in any consecutive twelve-month period, has established and implemented a Medicaid Compliance Program designed to detect and prevent fraud, waste and abuse.

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

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

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

20192023

5574

Non-Instructional/Business Operations 2 of 2

SUBJECT: MEDICAID COMPLIANCE PROGRAM POLICY

- e) Disciplinary procedures that encourage good faith and fair dealing in the District's Medicaid Compliance Program by all affected individuals. Such disciplinary procedures shall include procedures that articulate expectations for reporting and assisting with the resolution of compliance issues and also provide sanctions for the failure to report suspected problems and participating (either actively or passively) in non-compliant behavior;
- f) A system for the routine identification of Medicaid compliance risk areas in the District's Medicaid Compliance Program. Self-evaluation of such risk areas may be accomplished by, but not necessarily limited to, internal audits and external audits, as appropriate;
- g) A system for responding to, investigating, correcting and reporting compliance issues as they are raised, including the development of procedures and systems to reduce the potential for recurrence, identifying and reporting compliance issues to the OMIG and refunding overpayments; and
- h) A policy of non-intimidation and non-retaliation against any person for the good faith participation in any aspect of the administration of the District's Medicaid Compliance Program including, but not limited to, the reporting of potential issues, assisting as a witness with any investigation, evaluation, audit, remedial actions or reporting to appropriate officials as provided in Sections 740 and 741 of the New York State Labor Law.

Retention of Medicaid Records

Retention/destruction of Medicaid records will be in accordance with the law.

Social Services Law Section 363-d
18 New York Code of Rules and Regulations (NYCRR) Part 521

NOTE: Refer also to Policies #5570 - Financial Accountability
#5571 - Allegations of Fraud
#5572 - Audit Committee
#5573 - Internal Audit Function
#6110 - Code of Ethics for Board Members and All District
Personnel

Adoption Date: 05/28/2019

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

~~2019~~2023

5575

Non-Instructional/Business Operations

SUBJECT: PAYROLL

The Board recognizes the importance of the payroll function to the effective administration of the District. The Board is also aware that this is an area at risk of fraud and abuse. The Board directs the Superintendent to establish procedures to reasonably ensure the accuracy and integrity of the payroll system.

A duly certified payroll is one that has been examined and approved by the Assistant Superintendent for Administrative Services. It shall be the responsibility of the Assistant Superintendent for Administrative Services and ~~his/her~~their staff to prepare all payrolls.

The Assistant Superintendent for Administrative Services will initiate a periodic test to verify the accuracy and appropriateness of the district payroll. This test shall be conducted by a designee of the Assistant Superintendent for Administrative Services. The test shall confirm that individuals listed on the payroll are currently employed by the district, and that the title, hours worked, and wages listed are correct. The Assistant Superintendent for Administrative Services will evaluate the results of the test and determine if improvements need to be made.

Payroll procedures will also be reviewed periodically by the internal auditor. The internal auditor will report findings and recommendations to the Board. It is the intention of the Board to take reasonable and necessary steps to safeguard the district's payroll.

Note: Refer also to Policies #5320 - Expenditure of School District Funds
#5411 - Contracts for Instruction

Education Law Article 11; §§1604; 1719;
1720; 2116-a Retirement and
Social Security Law §34
2 NYCRR §§315.2; 315.3

Adoption date: 03/19/2019

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023

5630

Non-Instructional/Business Operations

1 of 8

SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE

Operation and Maintenance

~~—The Board, through the Superintendent and his or her staff, has the responsibility of protecting the District's facilities through a systematic maintenance program. The program will include periodic preventive maintenance activities, long range maintenance schedules, and emergency repair procedures. The District will make reasonable attempts to ensure that all maintenance work will be carried out in the least intrusive manner.~~

Overview

The District is committed to providing a healthy and safe environment for all individuals on school grounds. As part of this commitment, the District will comply with all applicable laws, regulations, and codes related to the construction, inspection, operation, and maintenance of District facilities.

Construction and Remodeling of School Facilities

The District will ensure all capital projects and maintenance comply with the requirements of the New York State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code, the Manual of Planning Standards, and the Commissioner's regulations. ~~Relevant documentation regarding all new buildings must be formally submitted to the State Education Department (SED) no matter the size or cost.~~ The New York State Education Department (NYSED) Office of Facilities Planning has provided an Instruction Guide on its official website.

Plans and specifications for the erection, enlargement, repair, or remodeling of District facilities ~~of the District~~ will be submitted to the Commissioner consistent with applicable law and regulation.

Plans and specifications submitted to the Commissioner will bear the signature and seal of an architect or engineer licensed to practice in the State of New York. The architect or engineer who sealed the plans and specifications must also certify that the plans and specifications conform to the standards set forth in the State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code.

For remodeling or construction projects, the District will ensure compliance with the requirements of the State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code, and applicable law and Commissioner's regulations. The District will also retain the services of an architect or engineer licensed to practice in New York State as required by law or regulation, or as necessary given the scope and cost of the project.

Carbon Monoxide Detection Requirements

~~—All new and existing District buildings that have appliances, devices, or systems that may emit carbon monoxide, and all attached garages, must have a means to detect carbon monoxide. Buildings include school buildings, administrative buildings, bus maintenance facilities, concession stands, and~~

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LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023

5630

Non-Instructional/Business Operations

2 of 8

SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE

~~field houses. Carbon monoxide may be produced by fuel fired heating systems (boilers, HVAC units, and makeup air units), emergency or standby electric generation within a building, fuel fired kitchen equipment (ranges, ovens, steamers, dishwashers, and makeup air units serving hoods), fuel fired domestic hot water heaters, laboratory/shop equipment (gas outlets, torches, gas fired kilns, and stationary or portable engines), maintenance and storage areas with fuel fired equipment, and in garages.~~

~~The District may use a self contained carbon monoxide alarm, a carbon monoxide detection system, or both. The District will comply with all laws and regulations regarding alarms or detectors, including where they must be located, their power sources, and labeling requirements. The District should develop written standard operating procedures to follow when a carbon monoxide detector is activated.~~

All District facilities will have carbon monoxide alarms or detection systems installed in accordance with all applicable laws, regulations, and/or codes.

Inspections

~~The District is mindful of the health and safety of its students, staff, and visitors and, as such, the District administration will cooperate with appropriate officials conducting health, fire, asbestos, bus, and boiler inspections. In addition, the administration will keep the Board informed of the results of these inspections in a timely fashion.~~

Asbestos Inspections

In accordance with the Asbestos Hazard Emergency Response Act (AHERA), the District will inform all employees and building occupants (or their legal guardians) at least once each school year about all asbestos inspections, response actions, post-response action activities, as well as triennial re-inspection activities and surveillance activities that are either planned or in progress. The District will provide yearly **written** notification to parent, teacher, and employee organizations on the availability of the District's asbestos management plan and any asbestos-related actions taken or planned in the school.

Lead Testing

The District will **triennially** test potable (**drinking**) water for lead contamination from all outlets as required by law **and regulation**. If an outlet exceeds the action level for lead content, the District will prohibit use of the outlet ~~for drinking and cooking purposes,~~ and it will remediate **the lead level of** the outlet before allowing **these its** uses. The District will make all required notifications and issue all mandated reports to the public, local health department, ~~or and the~~ **NYSED**. For ten years following creation, the District will retain all records of test results, lead remediation plans, lead-free building determinations, and waiver requests. The District may seek a waiver from testing requirements from the local health department by demonstrating prior substantial compliance with testing requirements.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023

5630

Non-Instructional/Business Operations

3 of 8

SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE

***Legionella Testing**

To help protect staff, students, and visitors from contracting Legionnaires' disease from Legionella bacteria, the District will register any cooling towers it owns with the New York State Department of Health (NYSDOH), providing the information in any form that ~~the~~ NYSDOH requires. The District will also adhere to the inspection, annual certification, and maintenance program and planning requirements mandated by ~~the~~ NYSDOH. Further, the District will maintain records regarding all inspection results, corrective action, cleaning and disinfection, tests, and certifications for at least three years. The District will keep a copy of its required maintenance program and plan on the premises where the cooling tower is located.

Comprehensive Long-Range Plan

The District will develop and keep on file a comprehensive long-range plan pertaining to educational facilities in accordance with the Commissioner's regulations. This plan will be reevaluated and updated at least annually and will include, at a minimum, an appraisal of the following:

- a) The educational philosophy of the District, with resulting administrative organization and program requirements;
- b) Present and projected student enrollments;
- c) Space use and state-rated student capacity of existing facilities;
- d) The allocation of instructional space to meet the current and future special education program and service needs, and to serve students with disabilities in settings with nondisabled peers;
- e) Priority of need of maintenance, repair, or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and
- f) The provision of additional facilities.

**Customize to District -- Add if the District owns any cooling towers, evaporative condensers, or fluid coolers, or other wet cooling devices that are capable of aerosolizing water and that are part of, or contain, a recirculated water system and are incorporated into a building's cooling, industrial process, refrigeration or energy production system.*

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SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE**Comprehensive Public School Building Safety Program ~~(RESCUE)~~**

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

~~The program will be reevaluated and made current at least annually, and will include, at a minimum, the following:~~

- ~~a) A five year capital facilities plan which will include an appraisal of the following: the educational philosophy of the District, with resulting administrative organization and program requirements; present and projected student enrollments; space use and state rated student capacity of existing facilities; the allocation of instructional space to meet the current and future education program and service needs, and to serve students with disabilities in settings with nondisabled peers; priority of need of maintenance, repair or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and the provision of additional facilities.~~
- ~~b) A District wide building inventory, which will include information pertaining to each building including, but not limited to:
 - ~~1. Type of building, age of building, size of building;~~
 - ~~2. Rated capacity, current enrollment;~~
 - ~~3. List of energy sources and major systems (lighting, plumbing, electrical, heating); and~~
 - ~~4. Summary of triennial Asbestos Inspection reports.~~~~
- ~~c) A building condition survey will be conducted for all occupied school buildings once every five years by a team that includes at least one licensed architect or engineer.~~
- ~~d) A District wide monitoring system which includes:
 - ~~1. Establishing a Health and Safety Committee;~~
 - ~~2. Development of detailed plans and a review process of all inspections;~~~~

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023

5630

Non-Instructional/Business Operations

5 of 8

SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE

- ~~3. Procedures for a response in writing to all inquiries about building health and safety concerns, a copy of which will be sent to the District's Health and Safety Committee for oversight, and a copy kept on permanent file.~~
- ~~e) Procedures to ensure the safety of the building occupants while a construction or renovation project is taking place. These procedures will include:~~
 - ~~1. Notification to parents, staff, and the community at least two months in advance of a construction project of \$10,000 or more to be conducted in a school building while the building is occupied; provided, however, that in the case of emergency construction projects, notice will be provided as far in advance of the start of construction as is practicable;~~
 - ~~2. A plan to ensure that all contractors comply with all health and safety issues and regulations, and wear photo identification badges;~~
 - ~~3. An opportunity for the District's Health and Safety Committee to conduct a walk-through inspection of newly renovated or constructed areas to confirm that the area is ready to be reopened for use; and~~
 - ~~4. An emergency plan which will address potential concerns with the capital project including, but not limited to, evacuation procedures, fire drills, and structural failures.~~

The Comprehensive Public School Safety Program will consist of the following components:

a) Building Condition Surveys

Building condition surveys will be conducted on a schedule as assigned by the Commissioner of Education in calendar years 2020-2024 and at least every five years thereafter. Building condition surveys will be conducted on all occupied school buildings in accordance with law and regulation, including being conducted by a licensed architect or a licensed professional engineer who will assess the condition of all major building systems of a school building.

b) Visual Inspections

Visual inspections will be conducted when deemed necessary by the Commissioner to maintain the safety of public school buildings and the welfare of their occupants. When visual inspections occur, they will be conducted in accordance with law and regulation.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023

5630

Non-Instructional/Business Operations

6 of 8

SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE

c) Five-Year Capital Facilities Plan

The District will develop a five-year capital facilities plan and update the plan annually. In developing and amending the plan, the District will use the safety rating of each occupied school building. The plan must be consistent with all District planning requirements and identify critical maintenance needs. The plan will be prepared in a manner and format prescribed by the Commissioner and submitted to the Commissioner upon request. The plan will include, but not be limited to:

1. A breakdown for each of the five years of the plan of the estimated expenses for the following:
 - (a) Current or proposed new construction ranked in priority order;
 - (b) Current or proposed additions to school facilities ranked in priority order;
 - (c) Current or proposed alterations or reconstruction of school facilities ranked in priority order;
 - (d) Major repairs ranked in priority order;
 - (e) Major system replacement and repairs, and maintenance ranked in priority order; and
 - (f) Energy consumption.
2. A District-wide building inventory that includes, but is not limited to:
 - (a) The number and type of facilities owned, operated, or leased by the District;
 - (b) The age, enrollment, rated capacity, use, size, and the safety rating of the buildings as determined pursuant to Commissioner's regulations;
 - (c) The energy sources for the buildings;
 - (d) Probable useful life of each building and its major subsystems;
 - (e) Need for major system replacement and repairs, and maintenance;
 - (f) Summary of the triennial asbestos reports required pursuant to AHERA regulations; and
 - (g) Any other information which may be deemed necessary by the Commissioner to evaluate safety and health conditions in school facilities.

Continued

SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE**d) Monitoring System**

The District will establish a process to monitor the condition of all occupied school buildings in order to assure that they are safe and maintained in a state of good repair. The process will include, but not be limited to:

1. The establishment of a health and safety committee comprised of representation from District officials, staff, bargaining units, and parents.
2. The establishment of a comprehensive maintenance plan for all major building systems to ensure the building is maintained in a state of good repair. This plan will include provisions for a least toxic approach to integrated pest management and establish maintenance procedures and guidelines which will contribute to acceptable indoor air quality. The comprehensive maintenance plan will be available for public inspection.
3. The annual review and approval by the Board of the annual building inspection reports and the five-year building condition surveys.
4. Procedures for assuring that an annual fire safety inspection of each building is conducted in accordance with all applicable laws, regulations, and/or codes.
5. Procedures for assuring that a current and valid certificate of occupancy is maintained for each building and posted in a conspicuous place.
6. Procedures for the investigation and disposition of complaints related to health and safety. These procedures will involve the health and safety committee and, at a minimum, will conform to the following requirements:
 - (a) Provide for a written response to all written complaints. The written response will describe:
 - 1) The investigations, inspections, or tests made to verify the substance of the complaint, or a statement explaining why further investigations, inspections, or tests are not necessary;
 - 2) The results of any investigations, inspections, or tests which address the complaint;
 - 3) The actions, if any, taken to solve the problem; and
 - 4) The action, if any, taken if the complaint involved a violation of law or of a contract provision.
 - (b) A copy of the response will be forwarded to the health and safety committee.
 - (c) Copies of all correspondence will be kept in a permanent project file.
 - (d) These records will be made available to the public upon request.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023

5630

Non-Instructional/Business Operations

8 of 8

SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE

7. The Board will take actions to immediately remedy serious conditions affecting health and safety in school buildings, and will report the actions to the Commissioner.
8. All construction and maintenance activities will comply with the Uniform Safety Standards for School Construction and Maintenance Projects.

~~Asbestos Inspection: 40 CFR Part 763, Subpart E
15 USC Sections 2641-2656
Carbon Monoxide Detection: 19 NYCRR Section 1228.4
Fire Inspection: Education Law 807-a
-8 NYCRR Section 155.4
Health and Safety Committee: 8 NYCRR Section 155.4(d)(1)
Lead Testing: 10 NYCRR Section 67-4.1, et seq.
Legionella Protection: 10 NYCRR Section 4-1.1, et seq.
Plans and Specifications: Education Law Sections 408, 408-a and 409
-8 NYCRR Sections 155.1 and 155.2
-19 NYCRR Sections 1221-1240
Structural Safety Inspections: Education Law Sections 409-d, 409-e, 3602 and 3641(4)
-8 NYCRR Sections 155.1, 155.3, and 155.4(b)(1)
15 USC Sections 2641-2656
40 CFR Part 763, Subpart E
Education Law Sections 408, 409, 409-d, 3602, and 3641
Executive Law Section 378
Public Health Law Section 1110
8 NYCRR Sections 155.1, 155.2, 155.3, and 155.4
10 NYCRR Sections 4-1.1 et seq. and 67-4.1 et seq.
19 NYCRR Sections 1219-1240~~

Adoption Date

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM**General Principles and Eligibility**

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

Athletic eligibility requires that the student:

- a) Provide written parental or guardian consent. The consent form must contain information regarding mild traumatic brain injuries (concussions) and sudden cardiac arrests as specified in the Commissioner's regulations.
- b) Have a current health examination and, if the health examination was not completed within 30 days of the start of the season, a completed and signed interval health history form.
- bc) Obtain medical clearance from the student's personal/private medical provider or the school physician ~~school physician or nurse practitioner or the student's personal physician District's Medical Director. The school physician or nurse practitioner retains final approval on any physicals performed by a student's personal physician.~~
- ed) Meet the requirements for interscholastic competition as set forth by the Commissioner's regulations and the NYSPHSAA.
- de) Comply with all District rules, codes, and standards applicable to athletic participation.

Title IX Compliance

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

- a) ~~Its accommodation of athletic interests and abilities (the nature and extent of sports offered, including levels of competition, team competition, and team performance)~~ Whether the selection of sports and levels of competition effectively accommodate all students' interests and abilities;
- b) The provision of Eequipment and supplies;
- c) Scheduling of games and practice time;
- d) Travel costs and opportunities for travel;
- e) Assignment and compensation of coaches;
- f) The provision of Llocker rooms, practice facilities, and competitive facilities;
- g) Available medical and training facilities and services; and
- h) The nature and extent of support, publicity, and promotion.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023

7420

Students

2 of 4

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM

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

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

Booster Clubs

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

Athletic Placement Process for Interschool Athletic Programs (APP)*

The APP is a method for evaluating students who want to participate in sports at higher or lower levels, consistent with their physical and emotional maturity, size, fitness level, and skills. The Board approves the use of the APP for students in grades no lower than seventh grade to compete on interscholastic athletic teams organized for senior high school students, and for senior high school students to compete on interscholastic athletic teams organized for students in the seventh and eighth grades. The Superintendent will implement procedures for the APP, and will direct the ~~a~~Athletic ~~d~~Director to maintain records of students who have successfully completed the APP.

~~*District Option—Districts which use the APP should keep this section and modify it if necessary. Districts may be more restrictive than the Commissioner's regulations, but not less restrictive. If any limitations are to be placed on the APP (example: specific sports or specific levels), it should be specified here.~~

Continued

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM**Student Athletic Injuries**

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

Athletic Program-Safety

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

- a) Requiring timely medical examinations of participants;
- b) Employing certified or licensed staff to coach all varsity, junior varsity, and modified practices and games;
- c) Providing or requiring certified or licensed officials to officiate all competitions;
- d) Ensuring that its players' equipment is safe and operates within the applicable manufacturers' guidelines;
- e) Ensuring that all home fields, courts, pools, tracks, and other areas where athletes practice, warm-up, or compete are safe and appropriate for use; and
- f) Providing professional development and training opportunities for all coaching staff.

Sudden Cardiac Arrest

For purposes of this policy, the following definition applies:

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

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023

7420

Students

4 of 4

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM

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

- a) Including information developed by the Commissioner of Health on the definition of sudden cardiac arrest and signs and symptoms of pending or increased risk of sudden cardiac arrest in any document that may be required from a parent or person in parental relation for a student's participation in interscholastic sports, including a permission or consent form;
- b) Immediately removing from athletic activities any student who displays signs or symptoms of pending or increased risk of sudden cardiac arrest;
- c) Prohibiting any student from resuming athletic activities until the student has been evaluated by and received written and signed authorization from a licensed physician and until the student has been evaluated and received clearance from the ~~District's Medical Director~~ **School Physician** to resume athletic activities;
- d) Requiring the licensed physician's written and signed authorization to be kept on file in the student's permanent health record;
- e) Abiding by any limitations or restrictions concerning school attendance and athletic activities issued by the student's treating physician;
- f) Requiring coaches of extra periods (**extra curricular activities**) in physical education to hold a valid certification in first aid knowledge and skills including instruction in recognizing signs and symptoms of cardiac arrest and sudden cardiac arrest; and
- g) Either posting on the District website information developed by the Commissioner of Health on the definition of sudden cardiac arrest and signs and symptoms of pending or increased risk of sudden cardiac arrest or providing a reference for how to obtain this information from the webpages of NYSED and the New York State Department of Health.

Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.

34 CFR Sections 106.8, 106.41, and 106.45

45 CFR Section 86.41

~~45 CFR Part 86~~

Education Law Sections 305, 923, and 3208-a

8 NYCRR Sections ~~135 and 136~~ 135.4, 135.5, 136.3, 136.5, and 136.9

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

Adoption Date