

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023

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Non-Instructional/Business Operations 1 of 4

SUBJECT: MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING

School Food Service Program

It is the District's goal to provide students with access to nutritious no- or low-cost meals each school day and to ensure that a student whose parent/guardian has unpaid meal charges is not shamed or treated differently than a student whose parent/guardian does not have unpaid meal charges.

Unpaid meal charges place a large financial burden on the District. The purpose of this policy is to ensure compliance with federal requirements for the USDA Child Nutrition Program and to provide oversight and accountability for the collection of outstanding student meal balances to ensure that the student is not stigmatized, distressed, or embarrassed.

The intent of this policy is to establish procedures to address unpaid meal charges throughout the District in a way that does not stigmatize, distress, or embarrass students. The provisions of this policy pertain to regular priced reimbursable school breakfast, lunch and snack meals only. Charging of items outside of the reimbursable meals (a la carte items, adult meals, etc.) is expressly prohibited.

All necessary staff will be trained annually on the implementation of this policy.

Applying for the Free/Reduced Meal Program/Parent Outreach

The District will send every family an application to enroll in the free or reduced-price meal program. In addition, the District will:

- a) Make every attempt to determine if the student is directly certified to be eligible for free or reduced-priced meals.
- b) Make at least two additional attempts (not including the application package) to reach the student's parent or guardian to fill out a meal application.
- c) Contact the parent or guardian to;
 - 3) Offer assistance with a meal application
 - 3) Determine if there are other issues within the household that have caused the child to have insufficient funds to purchase a school meal
 - 3) Offer any other assistance that is appropriate

The District may in accordance with 7 CFR 245.6(d) complete and file an application for a free or reduced-price meal for a student if the District becomes aware that a student who has not submitted a meal application is eligible for free or reduced priced meals.

The Liaison for Homeless Children and Youth will coordinate with the Food Services Department to ensure such students are receiving free meals in accordance with federal law.

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Access to Meals

- a) Free meal benefit eligible students will be allowed to receive a free breakfast and lunch meal of their choice each day. A la carte items or other similar items must be paid/prepaid.
- b) Reduced meal benefit eligible students will be allowed to receive a free breakfast and lunch of their choice each day. A la carte items or other similar items must be paid/prepaid.
- c) Full pay students will pay for meals at the District's published paid meal rate each day. The charge meals offered to students will be reimbursable meals available to all students, unless the student's parent or guardian has specifically provided written permission to the District to withhold a meal. A la carte items or other similar items must be paid/prepaid.

Prepaid Accounts

Students/Parents/Guardians may pay for meals in advance via myschoolbucks.com or with a check payable to Lewiston-Porter School District. Further details are available on the District's webpage at www.lew-port.com. Funds should be maintained in accounts to minimize the possibility that a student may be without meal money on any given day. Any remaining funds for a particular student will be carried over to the next school year.

To obtain a refund for a withdrawn or graduating student, a written or e-mailed request for a refund of any money remaining in the student's account must be submitted. Students who are graduating at the end of the year will be given the option to transfer any remaining money to a sibling's account through a written request.

Unclaimed funds must be requested within one school year. Unclaimed funds will then become the property of the District Food Service Program.

Charging School Meals/Snacks

It is the right of the District to receive compensation for food that is sold during the school year. It is solely the responsibility of the parent(s)/guardian(s) to provide their child with a meal or the means to purchase a meal. This funding may come through the state as reimbursement, which is why families are encouraged to fill out a free and reduced meal application to assess their child's eligibility for free meals. If students are not eligible for free meals, the payment for individual meals must come from the parent/guardian. This policy regarding school meal charges is in accordance with New York State child nutrition guidelines and is consistent with other districts in the area.

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If a participating student does not have the money to purchase a meal, the student will be provided a reimbursable meal and no action will be taken against the student to collect unpaid meal fees.

In addition, no snacks will be charged and no snacks will be sold to a student who has a negative account balance. This policy applies to all paying students, whether they are paying full or reduced-price.

Meal Account Parent/Guardian Notification

The following protocols will be used to notify parents/guardians of accounts with low or negative balances:

Prepaid Meals	Elementary/Secondary
2 remaining meals	Food Service Manager will notify Administration. Administration will contact the parent/guardian.
1 remaining meal	Food Service Manager will notify Administration. Administration will contact the parent/guardian.
None remaining – first instance	Food Service Manager will notify Administration. Administration will contact the parent/guardian.
Exhausted - Letter will be generated by the Food Service Department and sent home to the parent/guardian.	Food Service Manager will notify Administration. Administration will contact the parent/guardian.

Minimizing Student Distress

- a) Staff will not publicly identify or stigmatize any student in line for a meal or discuss any outstanding meal debt in the presence of any other students.
- b) Students with unpaid meal charges will not be required to wear a wristband or handstamp, or to do chores or other work to pay for meals.
- c) Staff will not throw away a meal after it has been served because of the student's inability to pay for the meal or because of previous unpaid meal charges.
- d) Staff will not take any action directed at a student to collect unpaid meal charges.
- e) Staff will deal directly with parents/guardians regarding unpaid meal charges.

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Delinquent Account Information

In the event that pre-paid meals have been exhausted, as indicated in the above chart:

- a) A letter will be generated by the Food Service Department and sent to the household which will include the amount to be paid for a \$0 balance, including an application for free/reduced price lunch.
- b) If full payment is not received within five (5) school days, the District Business Office will be notified of the problem.
- c) A call will be placed to the child's home by the District Business Office when a child owes charges that have exceeded the limits outlined above.
- d) If repeated requests for payment are not answered and the student returns to school with no means to obtain a meal, the District may consider this a case of neglect. The matter will be turned over to the School Social Worker which may lead to a referral to the Niagara County Social Service Agency and/or the District may pursue payment in small claims court. Parents will be notified of such mandated action.

Child Nutrition and WIC Reauthorization Act of 2004, PL 108-265
Child Nutrition Act 1966, 42 United States Code (USC) Section 1771 et seq.
Richard B. Russell National School Lunch Act 1946, 42
United States Code (USC) Section 1751 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 United
States Code (USC) Section 794 et seq.
Individuals with Disabilities Education Act (IDEA), 20
United States Code (USC) Sections 1400-1485
7 Code of Federal Regulations (CFR) Parts 15B, 210 and 220
Education Law Sections 902(b), 915, 918, 1604(28), 1709(22), 1709(23) and 2503(9)(a)
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(1) and 200.2(b)(2)
Social Services Law Section 95

Adoption Date: 11/27/2023

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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Non-Instructional/Business Operations 1 of 10

SUBJECT: WELLNESS

The District believes in, and is committed to, providing a school environment that promotes and protects students and staff wellness. This includes a coordinated and comprehensive approach sensitive to individual and community needs.

To achieve that purpose, the Board has established a Wellness Committee that shall meet on a semi-annual basis to establish goals and oversee development of the District's wellness policy. The Director of Athletics, Physical Education, Health and Recreation has been designated the District Wellness Coordinator to convene the committee. The District's Wellness Committee includes but is not limited to parents, students, food service employees, registered nurses, school counselors, school social workers, Board members, teachers, school administrators and community agencies.

Additionally, the District will continue to form unique partnerships with community organizations to provide the district with the resources necessary to promote all aspects of health and wellness for our school district.

The Board believes that children of all ages who are healthy individuals:

- a) Learn more effectively;
- b) Have improved attendance;
- c) Are more likely to complete their formal education.

The Board also believes that healthy staff:

- a) More effectively perform their assigned duties;
- b) Model appropriate wellness behaviors for students;
- c) Enjoy an improved quality of life.

The District's Wellness Policy is firmly rooted in the New York State Standards in Health and Physical Education and the health and physical education standards outlined in the Center for Disease Control (CDC) Coordinated School Health Program model.

Goals to Promote Student Wellness

The District seeks to ensure all of its students obtain the knowledge and skills necessary to make nutritious food selections and enjoy life-long physical activity. To this end, the District sets forth the following goals relating to nutrition promotion, health education, physical activity, and other school based activities.

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SUBJECT: WELLNESS

Nutritional Promotion and Education

The District will model and encourage healthy eating by all students by engaging in nutrition education and promotion.

- a) Nutrition will be integrated into core curricula (e.g., math, science, language arts).
- b) The District will ensure that staff members who provide nutrition education (e.g., teachers and food service staff) have appropriate training.
- c) Nutritional services (dietary nutritional professionals such as dietitians and nurses) will be available, per faculty request, to support classroom activities that include hands-on applications of good nutrition practices to promote health.

Academic performance and quality of life issues are affected by the choice and availability of healthy foods in our schools.

- a) Nutrition guidelines that require the use of products that are high in fiber, low in added fats, sugar and sodium, and served in appropriate portion sizes consistent with USDA standards, will be established for all foods offered by the Lewiston-Porter Central School District's Nutrition Services Department or contracted vendors. Menu and product selection will utilize student, parent, staff and community advisory groups whenever possible.
- b) Nutrition services policies and guidelines for reimbursable meals will not be more restrictive than federal and state regulations require.

Goals to Promote Nutritional Wellness

- a) The District will provide:
 - 1) A clean and safe environment;
 - 2) Adequate time for lunch and schedule student meals at nutritionally and age appropriate times;
 - 3) Encouragement to participate in the Healthy School Meal Programs;
 - 4) Access to free and reduced priced meals in a non-stigmatizing manner for all eligible students;
 - 5) Confidentiality of the identity of all students who participate in the free and reduced meal programs.
- b) The District will prohibit the use of food as a punishment in schools and will limit the use of food as a reward in schools.

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SUBJECT: WELLNESS

- c) All foods and beverages available on school campuses during the school day will offer nutritious choices. Students' lifelong eating habits are greatly influenced by the types of foods and beverages available in their daily environment. In addition to ensuring that reimbursable school meals meet program requirements and nutritional standards, the District believes it must also establish standards and guidelines to address all foods and beverages sold or served to students on the school campus, including those available outside of the school meal programs.
 - 1) The District will make guidelines based on nutritional goals, not profit making.
 - 2) Foods and beverages sold as part of school-sponsored fundraising activities and/or sold at concession stands on campus will include nutritious food choices.
 - 3) Refreshments served at celebrations and meetings during the school day will include nutritious food choices.
 - 4) Foods and beverages sold through school vending machines will provide options high in fiber, and low in sugar, fat, and sodium.
- d) Students will receive consistent messages about good nutrition across the campus, including in classrooms and cafeterias.

Health and Mental Health Education

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

- a) Mental health;
- b) The relation of physical and mental health;
- c) Alcohol, tobacco, and other drugs; and
- d) The prevention and detection of certain cancers.

By including such instruction, the District will enhance student understanding, attitudes, and behaviors that promote health, well-being, and human dignity.

The District will provide for an interdisciplinary, sequential, standard-based, skill-driven, student-centered health education program based upon "A Guidance Document for Achieving the New York State Standards in Health Education" Commissioner Regulations Part 135 and the National Health Education Standards for schools.

- a) In accordance with the NYS Standards and National Health Education Standards for schools, students in the Lewiston-Porter Central School District will receive:
 - 1) Instruction and practice to acquire and develop skills in self-management, relationship management, communication, stress management, goal setting, decision-making, and advocacy that enhance personal, family and community health.
 - 2) Instruction and practice based on three Standards: Personal Health and Fitness, A Safe and Healthy Environment, and Resource Management.

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SUBJECT: WELLNESS

- 3) Age-appropriate functional knowledge that includes, but is not limited to, the following: instruction in understandings, attitudes and behavior in regard to the several dimensions of health. This instruction relates to alcohol, tobacco and other drugs, safety, mental health, nutrition, dental health, sensory perception, disease prevention and control, environmental and public health, consumer health, first aid and other health-related areas (Commissioner Regulations Part 135).

The Board recognizes that the purpose of the district's sexual health and HIV/AIDS prevention instruction is to provide students with the knowledge and skills necessary to protect them from unintended pregnancy and sexually transmitted diseases, to encourage students to delay sexual activity and to develop healthy attitudes concerning adolescent growth and development, body image, gender roles, sexual orientation, dating, marriage, and family. The Board therefore desires to provide a well-planned sequence of instruction on comprehensive sexual health and HIV/AIDS prevention.

The district's curriculum shall be aligned with the state's content standards, based on medically accurate and factual information, and designed to teach students to make healthy choices and reduce high-risk behaviors. The district's program shall comply with the requirements of law, Board policy and administrative regulation and shall respect the rights of parents/guardians to supervise their children's education on these subjects and to impart values regarding human sexuality to their children.

A parent/guardian may request, in writing, that their child be excused from participating in HIV/AIDS prevention or sexual health education. Students so excused by their parents/guardians shall be given an alternative educational activity. A student shall not be subject to disciplinary action, academic penalty, or other sanction if the student's parent/guardian declines to permit the student to receive the instruction (Education Code 135). The instruction of Health Education will be provided as follows:

- a) K-3 by regular classroom teachers;
- b) Grades 4-5 by regular classroom teachers with additional curriculum support provided by appropriately trained professionals;
- c) Grades 6-8, a minimum of a half-year credit by a certified health educator.
- d) Grades 9-12, a minimum of a half-year credit by a certified health educator.

Other wellness curriculum will be provided by classroom teachers in various subjects, including, but not limited to PE, Science, Family and Consumer Science.

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SUBJECT: WELLNESS

Physical Education and Activity

The District believes that physical education (PE) and physical activity must be an essential element of each school's instructional program. The primary goals for schools' physical activity components are to:

- a) Provide opportunities for every student to develop the knowledge, skills and attitudes necessary for specific physical activities;
- b) Maintain students' physical fitness;
- c) Ensure students' regular participation in physical activity;
- d) Teach students the short- and long-term benefits of a physically active and healthy lifestyle.

The District will ensure that the following standards are met to achieve its goals relative to physical education and physical activity:

- a) The District will have a Board approved Physical Education Plan on file with the New York State Education Department that meets or exceeds the requirements set forth in Section 135.4 of the Commissioner's regulations.
- b) The District recognizes the importance of physical education classes in providing students with meaningful opportunities for physical exercise and development. Consequently, the District will ensure:
 1. All physical education classes are taught or supervised by a certified physical education teacher;
 2. All physical education staff receive professional development relevant to physical education on a yearly basis;
 3. Students in grades K-3 are required to participate in the physical education program on a daily basis;
 4. Students in grades 4-5 are required to participate in the physical education program no less than three (3) times per week. The minimum time devoted to such programs will be at least 120 minutes in each calendar week, exclusive of any time that may be required for dressing or showering;

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SUBJECT: WELLNESS

5. Students in grades 6-12 are required to participate in the physical education program no less than three (3) times per week in one (1) semester and two (2) times per week in other semesters; and
 6. Students in grades 9-12 are required to complete two (2) full credits for graduation, unless outlined in regulations related to early graduation.
- c) The District will provide a K-12 adapted physical education program to meet the needs of our special education students. In addition to physical education classes, intramural activities, modified sports and interscholastic sports will be offered throughout the year. The District will make every effort to ensure that students are not denied participation in physical activities or recess. Academic curriculum will be integrated into the Physical Education Program whenever practical.
- d) All classroom teachers, and particularly those engaged in the instruction of K-5 students, are strongly encouraged to incorporate into the school day short breaks for students that include physical activity, especially after long periods of inactivity. Teachers are encouraged to incorporate kinesthetic learning approaches into core learning subjects when possible so as to limit sedentary behavior during the school day. All elementary students will be offered a 20 minute recess activity over the course of the day. This requirement will not apply on days where students arrive late, leave early, or are otherwise on campus for less than a full day. Outdoor recess will be offered when weather permits. In the event that indoor recess is necessary, it will be offered in a place that accommodates moderate to vigorous physical activity.
1. Physical activity during the school day, including, but not limited to, recess or classroom activity breaks, will not be withheld for disciplinary action unless the student is a danger to him or herself or others. Classroom teachers will be provided with a list of ideas for alternative ways to discipline students. Every effort will be made to avoid using recess, physical education for instructional or other physical activity for instruction make up time.

Community Access to District Facilities for Physical Activities

- a) School grounds and facilities will be available to students, staff, community members and organizations, and agencies offering physical activity and nutrition programs consistent with District policy, including provisions regarding conduct on school grounds and administrative approval of use by outside organizations.

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SUBJECT: WELLNESS

- b) Community Partnerships – the District will build relationships with community partners in support of the implementation of this policy. Existing and new community partnerships will be evaluated to ensure they are consistent with this policy and its goals.
- c) Community Involvement, Outreach, and Communications – the District will use its official website, along with other electronic and non-electronic means, to notify parents and the public, in culturally and linguistically appropriate ways, about the content, implementation of, and updates to this policy as well as how to become involved and support this policy. The District will use these same means to inform the community about the availability of the annual and triennial reports relative to this policy.
- d) Before and After School Activities – the District will offer opportunities for students to participate in physical activity before and/or after the school day through various methods, such as physical activity clubs, intramurals, and interscholastic sports.

Health Services

The District believes an effective health care delivery system that promotes academic achievement by providing a broad scope of services will improve the health and wellness of students and staff.

- a) Primary coordination of health services will be through a well-trained, well-qualified, registered school nurse in collaboration with the school physician.
- b) Accessible Health Services provided to students and staff will include but are not limited to:
 - 1) Assessment of students and staff and emergency nursing care for illness, accident or injury;
 - 2) Addressing health concerns/problems of students and staff;
 - 3) Physical examinations, vision, hearing, and scoliosis screening for all students as scheduled for various grades by New York State Public Health Law with referrals to primary health provider as necessary;
 - 4) Communicable disease prevention and control;
 - 5) Maintenance of NYS required health records on all students while preserving confidentiality per the Federal Education Rights and Privacy Act (FERPA) regulations;
 - 6) Development and implementation of Individual Health Care Plans for students with special needs, including alignment and implementation with a 504 plan accommodation as needed;
 - 7) Monitoring of student immunizations mandated by New York State for school attendance;
 - 8) Completion of New York State mandated reporting surveys on immunizations mandated by New York State for school attendance;
 - 9) Completion of New York State mandated reporting surveys on immunizations (yearly) and Body Mass Index of students (as required).
- c) CPR/AED training will be provided by the District every two years to all Registered Nurses and CPR/AED/First Aid/Lifeguard training will be provided to physical education staff, coaches and other staff as deemed necessary.

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SUBJECT: WELLNESS

Pupil Personnel Support Services

The District is committed to developing and providing support to students and their parents and/or guardians that promotes academic, social and emotional well-being. Each school will provide a supportive environment that includes the services of school counselors, school psychologists and/or social workers. In accordance with NYS regulations, these support services will assist and empower students to develop optimal attendance, behavior and academic performance. Services will facilitate positive student choices in response to normal developmental issues and/or stressors.

School Counselors

The School Counselors are committed to nurturing and fostering academic achievement and personal growth. School counselors work cooperatively with administrators, teachers, and parents as it pertains to the needs of the students. School counselors provide support and guidance in the following areas:

- a) Social and emotional counseling
- b) Referral with community agencies and services
- c) Academic counseling
- d) College and career planning
- e) Transitional services
- f) Annual program planning

School Social Workers

School Social Workers are committed to assisting students with social, emotional and behavioral concerns in order to foster academic achievement and personal growth. School Social Workers work cooperatively with administrators, teachers and parents as it pertains to the needs of students. School Social Workers provide services in the following areas:

- a) Mental health services to students eligible for the School Supportive Health Services Program (SSHSP) of New York State
- b) Counseling services to students with Individual Education Programs
- c) Crisis counseling and intervention
- d) Consultation with school staff and parents
- e) Referral and linkage with school programs and services
- f) Referral and linkage with community programs and services

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SUBJECT: WELLNESS

School Psychologists

The School **Psychologists** are committed to ensuring that the special needs of students are identified and accommodated in order to foster academic achievement and personal growth. School psychologists work cooperatively with administrators, teachers, and parents as it pertains to the needs of the students. School psychologists provide services in the following areas;

- a) Participate on the Student Support Team in all grades
- b) Coordinate or participate in the Response to Intervention process
- c) Assist with the transition process for students with disabilities entering Kindergarten or exiting 12th grade
- d) Conduct psycho-educational evaluations in order to determine the nature of the student's learning needs
- e) Act as psychologist member or chair the Committee on Special Education meetings.

Family, School and Community Partnership

The District believes in fostering solid family, school and community partnerships. Long-term, effective family, school and community partnerships positively impact student wellness.

- (a) Community partnerships will be developed and maintained as a resource for District programs, projects, activities and events.
- (b) The diverse, cultural make-up of the school community will be valued in planning and implementing wellness activities.
- (c) The District will actively support the engagement of students, families and staff in community health enhancing activities and events within the District and throughout the community to respond more effectively to the health-related needs of students.
- (d) Each school will encourage parents and guardians to support their children's participation in physical activity, to be physically active role models, and to include family events requiring physical activity.
- (e) The District will encourage parents, teachers, school administrators, students, food service professionals, and community members to serve as role models in practicing healthy eating and being physically active, both in school and at home.
- (f) School buildings will foster interactive programs and projects to enhance collaboration with many students for the preparation of tutoring, mentoring and serving in healthy collaborative relationships across the Lewiston-Porter school community.
- (g) The District will make every effort to keep school or District-owned physical activity facilities open for use by the community outside the regular school hours.
- (h) The District will actively promote a comprehensive web-based communication system for parents and community members.

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SUBJECT: WELLNESS

Annual Notification

The District will inform families and the general public each year, via the District website and/or District-wide communications, of information about this policy, including, but not limited to, its content as well as any updates. The District will endeavor to share as much information as possible about its schools' nutrition environment, including, a summary of school events or activities relative to this policy implementation. Each year, the District will also publicize how the community may get involved with the wellness committee.

Triennial Assessments

At least once every three years, the District will assess its compliance with this wellness policy. The triennial assessment will measure the implementation of this wellness policy, and include an assessment of:

- a) The extent to which schools in the District are in compliance with the policy;
- b) The extent to which this policy compares to model local school wellness policies; and
- c) A description of the progress made in attaining the goals of this wellness policy.

The District will be responsible for managing the District's triennial assessment and will actively notify the public of the availability of the triennial assessment results.

Revisions and Updating the Policy

This Wellness Policy will be assessed and updated, at a minimum, every three years based on the results of the triennial assessment. This wellness policy may also be updated as District priorities change, community needs change, wellness goals are met, new health science, information and technology emerge, and/or new Federal or State guidance or standards are issued.

Recordkeeping

The District will retain records relative to compliance with this policy, but not limited to:

- a) Availability to the public;
- b) Efforts to review and update the policy;
- c) Compliance with the annual public notification requirements; and
- d) The most recent triennial assessment on the implementation of this policy.

National School Lunch Act, 42 USC § 1758(b)

National School Lunch Program and School Breakfast Program regulations, 7 CFR § 210.11

Local School Wellness Policy Implementation Under the Healthy, Hunger-Free Kids Act of 2010; 79 FR 10693

Education Law § 9158 NYCRR § 135.4

NOTE: Refer also to Policy # 5660 – Meal Charging and Prohibition Against Meal Shaming

Adoption Date: 11/27/2023

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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Non-Instructional/Business Operations

SUBJECT: RECORDS MANAGEMENT

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

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

Retention and Disposition of Records

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

Replacing Original Records with Microforms or Electronic Images

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

Retention and Preservation of Electronic Records

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

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

Adoption Date: 11/27/2023

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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Non-Instructional/Business Operations 1 of 4

SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION

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

1. "Personal information" means any information concerning a person which, because of name, number, symbol, mark, or other identifier, can be used to identify that person.
2. "Private information" means either:
 - a) Personal information consisting of any information in combination with any one or more of the following data elements, when either the data element or the combination of personal information plus the data element is not encrypted or encrypted with an encryption key that has also been accessed or acquired:
 - 1) Social security number;
 - 2) Driver's license number or non-driver identification card number;
 - 3) Account number, credit or debit card number, in combination with any required security code, access code, password, or other information which would permit access to an individual's financial account.;
 - 4) Account number, or credit or debit card number, if circumstances exist where the number could be used to access an individual's financial account without additional identifying information, security code, access code, or password; or
 - 5) Biometric information, meaning data generated by electronic measurements of an individual's unique physical characteristics, such as fingerprint, voice print, retina or iris image, or other unique physical representation or digital representation which are used to authenticate or ascertain the individual's identity;
 - b) A username or email address in combination with a password or security question and answer that would permit access to an online account.

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

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

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LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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Non-Instructional/Business Operations 2 of 4

SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION

Determining if a Breach Has Occurred

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

- 1) Indications that the information is in the physical possession or control of an unauthorized person, such as a lost or stolen computer or other device containing information;
- 2) Indications that the information has been downloaded or copied;
- 3) Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported; or
- 4) System failures.

Notification Requirements

- 1) For any computerized data owned or licensed by the District that includes private information, the District will disclose any breach of the security of the system following discovery or notification of the breach to any New York State resident whose private information was, or is reasonably believed to have been, accessed or acquired by a person without valid authorization. The disclosure to affected individuals will be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, or any measures necessary to determine the scope of the breach and restore the integrity of the data system. The District will consult with the New York State Office of Information Technology Services to determine the scope of the breach and restoration measures. Within 90 days of the notice of the breach, the New York State Office of Information Technology Services will deliver a report to the District on the scope of the breach and recommendations to restore and improve the security of the system.
- 2) Notice to affected persons under State Technology Law is not required if the exposure of private information was an inadvertent disclosure by persons authorized to access private information, and the District reasonably determines the exposure will not likely result in the misuse of the information, or financial or emotional harm to the affected persons. This determination must be documented in writing and maintained for at least five years. If the incident affected over 500 New York State residents, the District will provide the written determination to the New York State Attorney General within ten days after the determination.

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SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION

- 3) If notice of the breach of the security of the system is made to affected persons pursuant to the breach notification requirements under certain laws and regulations, the District is not required to provide additional notice to those affected persons under State Technology Law. However, the District will still provide notice to the New York State Attorney General, the New York State Department of State, the New York State Office of Information Technology Services, and to consumer reporting agencies.
- 4) For any computerized data maintained by the District that includes private information which the District does not own, the District will notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, accessed or acquired by a person without valid authorization.

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

If the District is required to provide notification of a breach, including breach of information that is not private information, to the United States Secretary of Health and Human Services pursuant to the Health Insurance Portability and Accountability Act of 1996 or the Health Information Technology for Economic and Clinical Health Act, it will provide notification to the New York State Attorney General within five business days of notifying the United States Secretary of Health and Human Services.

Methods of Notification

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

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

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SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION

- 3) Telephone notification, provided that a log of each notification is kept by the District when notifying affected persons by phone; or
- 4) Substitute notice, if the District demonstrates to the New York State Attorney General that the cost of providing notice would exceed \$250,000, or that the affected class of subject persons to be notified exceeds 500,000, or that the District does not have sufficient contact information. Substitute notice will consist of all of the following:
 - a) Email notice when the District has an email address for the subject persons;
 - b) Conspicuous posting of the notice on the District's website page, if the District maintains one; and
 - c) Notification to major statewide media.

Regardless of the method by which notice is provided, the notice will include:

- 1) Contact information for the notifying District;
- 2) The telephone numbers and websites of the relevant state and federal agencies that provide information regarding security breach response and identity theft prevention and protection information; and
- 3) A description of the categories of information that were, or are reasonably believed to have been, accessed or acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, accessed or acquired.

In the event that any New York State residents are to be notified, the District will notify the New York State Attorney General, New York State Department of State, and New York State Office of Information Technology Services as to the timing, content, and distribution of the notices and approximate number of affected persons and provide a copy of the template of the notice sent to affected persons. This notice will be made without delaying notice to affected New York State residents.

In the event that more than 5,000 New York State residents are to be notified at one time, the District will also notify consumer reporting agencies as to the timing, content, and distribution of the notices and approximate number of affected persons. This notice will be made without delaying notice to affected New York State residents.

A list of consumer reporting agencies will be compiled by the New York State Attorney General and furnished upon request to any district required to make a notification in accordance with State Technology Law.

State Technology Law §§ 202 and 208

Adoption Date: 11/27/2023

Non-Instructional/Business Operations

SUBJECT: EMPLOYEE PERSONAL IDENTIFYING INFORMATION

In accordance with Section 203-d of the New York State Labor Law, the District shall restrict the use and access to employee personal identifying information. As enumerated in law, "personal identifying information" shall include social security number, home address or telephone number, personal electronic mail address, internet identification name or password, parent's surname prior to marriage, or driver's license number.

The District shall not unless otherwise required by law:

- a) Publicly post or display an employee's social security number;
- b) Visibly print a social security number on any identification badge or card, including any time card;
- c) Place a social security number in files with unrestricted access; or
- d) Communicate an employee's personal identifying information to the general public.

A social security number shall not be used as an identification number for purposes of any occupational licensing.

District staff shall have access to this policy, informing them of their rights and responsibilities in accordance with Labor Law Section 203-d. District procedures for safeguarding employee "personal identifying information" shall be evaluated; and employees who have access to such information as part of their job responsibilities shall be advised as to the restrictions on release of such information in accordance with law.

Labor Law Section 203-d

Adoption Date: 11/27/2023

SUBJECT: DATA NETWORKS AND SECURITY ACCESS

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

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

- a) Inventory and classify personal, private, and sensitive information on the DCS to protect the confidentiality, integrity, and availability of information;
- b) Develop password standards for all users including, but not limited to, how to create passwords and how often such passwords should be changed by users to ensure security of the DCS (refer to 5674R);
- c) Ensure that the "audit trail" function is enabled within the District's network operating system, which will allow the District to determine on a constant basis who is accessing the DCS, and establish procedures for periodically reviewing such audit trails;
- d) Develop procedures to control physical access to computer facilities, data rooms, systems, networks, and data to only authorized individuals; such procedures may include ensuring that server rooms remain locked at all times and the recording of arrival and departure dates and times of employees and visitors to and from the server room;
- e) Establish procedures for tagging new purchases as they occur, relocating assets, updating the inventory list, performing periodic physical inventories, and investigating any differences in an effort to prevent unauthorized and/or malicious access to these assets;
- f) Periodically grant, change, and terminate user access rights to the overall networked computer system and to specific software applications and ensure that users are given access based on, and necessary for, their job duties;
- g) Limit user access to the vendor master file, which contains a list of vendors from which District employees are permitted to purchase goods and services, to only the individual who is responsible for making changes to such list, and ensure that all former employees' access rights to the vendor master list are promptly removed;
- h) Determine how, and to whom, remote access should be granted, obtain written agreements with remote access users to establish the District's needs and expectations, as appropriate, and monitor and control such remote access;

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SUBJECT: DATA NETWORKS AND SECURITY ACCESS

- i) Verify that laptop computer systems assigned to teachers and administrators use full-disk encryption software to protect against loss of sensitive data;
- j) Deploy software to servers and workstations to identify and eradicate malicious software attacks such as viruses and malware;
- k) Develop a disaster recovery plan appropriate for the size and complexity of District IT operations to ensure continuous critical IT services in the event of any sudden, catastrophic event, including, but not limited to fire, computer virus or deliberate or inadvertent employee action.

Adoption Date: 11/27/2023

SUBJECT: STUDENT GRADING INFORMATION SYSTEMS

Student performance is assessed in many ways, but primarily through assigned grades. The District will help ensure the integrity of student grades by controlling access to its grading information system and by approving modifications to grades where warranted.

The System

The District utilizes an electronic software system that contains a record of student performance, credit accumulation, report cards, and a transcript. More specifically, the system includes class rosters where teachers enter student grades and track their students' academic progress. The system is used to generate student report cards and transcripts, and to maintain all student grading records.

To protect student data in the system, the District will first establish who has the authority to grant, change, or terminate user access. The personnel with this authority will be very limited. Further, if the grading system has a feature that allows one user or account to assume the identity of another user or account, the District will restrict or disable that feature. These types of features could allow a user greater access than intended, including inheriting permissions of another user that are greater than the user's.

System Access

The District will create categories of system users and assign appropriate system permissions to each. Users' permissions will be compatible with and restricted by their roles and job duties; their access will be as restrictive as possible. Typically, teachers will have the ability to enter, update, and modify grades each marking period before a pre-determined lockout date. The lockout function will be consistently used throughout the school year to help prevent grade modifications without authorization after a marking period closes. Through increased system permissions, other individuals such as non-classroom teachers, guidance counselors, information technology (IT) staff, clerical staff, and support staff will be able to view or modify grades.

The District will work with its IT, human resources, and other appropriate departments to determine how best to timely establish access rights, add users, deactivate or modify user accounts, and monitor user accounts. The District will develop further IT controls to protect against improper access, if needed.

Grade Changes

Once the lockout period begins, only authorized users identified by the District may change grades, and only under certain circumstances. The system will recognize when grades change, and a log of modified grades may then be viewed and printed. Any grade mismatches will be reconciled before the next marking period closes or before the end of the school year, whichever is earlier.

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SUBJECT: STUDENT GRADING INFORMATION SYSTEMS

The staff member seeking to change a grade will submit a grade-change form (refer to 5675F) signed by the requesting party, the teacher who assigned the original grade, and the appropriate administrator. This form and all other documents supporting a grade modification will be electronically filed in the grading system or filed in a non-electronic system if electronic filing is impossible or impractical and maintained for six years. The personnel seeking the modification should specify one or more reasonable grounds for the grade change on the form. There must be reasonable grounds to alter a grade. The reasons may include:

- a) Data entry error;
- b) Computational error;
- c) A modification based on work submitted or considered after the lockout date;
- d) Changing an incomplete grade to a regular grade because a student completed course requirements;
- e) Credit recovery coursework;
- f) Administrative change; or
- g) Other acceptable justifications.

Audit Log and Monitoring

The District's grading system will have an audit log or grade-change report function that records certain system activities, including modifications to grades. The District will periodically monitor audit logs or grade-change reports to confirm the integrity of the system, to ensure proper access by personnel, and to confirm that modifications within the system are appropriate and completed in a timely manner. The District will also periodically monitor user accounts and rights so that the permissions granted are proper and the minimum necessary for each user or user group. To the extent feasible, the District will make sure that user accounts are current and updated regularly. The District will be able to print user information, logs, reports, and other documents from the student grading information system, as needed.

Student Transcripts

Student transcripts may show all credit-bearing classes; final grades; test scores; grade-point average; class rank; diploma type; SAT, ACT, and other standardized test scores; and graduation date. The same controls, protections, and monitoring applicable to student grading information apply equally to student transcripts.

Adoption Date: 11/27/2023

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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Non-Instructional/Business Operations 1 of 14

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

The District is committed to maintaining the privacy and security of student data and teacher and principal data and will follow all applicable laws and regulations for the handling and storage of this data in the District and when disclosing or releasing it to others, including, but not limited to, third-party contractors. The District adopts this policy to implement the requirements of Education Law Section 2-d and its implementing regulations, as well as to align the District's data privacy and security practices with the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1).

Definitions

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

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

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Non-Instructional/Business Operations 2 of 14

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

- h) "Educational agency" means a school district, board of cooperative educational services (BOCES), school, or the New York State Education Department (NYSED).
- i) "Eligible student" means a student who is eighteen years or older.
- j) "Encryption" means methods of rendering personally identifiable information unusable, unreadable, or indecipherable to unauthorized persons through the use of a technology or methodology specified or permitted by the Secretary of the United States Department of Health and Human Services in guidance issued under 42 USC Section 17932(h)(2).
- k) "FERPA" means the Family Educational Rights and Privacy Act and its implementing regulations, 20 USC Section 1232g and 34 CFR Part 99, respectively.
- l) "NIST Cybersecurity Framework" means the U.S. Department of Commerce National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1). A copy of the NIST Cybersecurity Framework is available at the Office of Counsel, State Education Department, State Education Building, Room 148, 89 Washington Avenue, Albany, New York 12234.
- m) "Parent" means a parent, legal guardian, or person in parental relation to a student.
- n) "Personally identifiable information (PII)," as applied to student data, means personally identifiable information as defined in 34 CFR Section 99.3 implementing the Family Educational Rights and Privacy Act, 20 USC Section 1232g, and, as applied to teacher or principal data, means personally identifying information as this term is defined in Education Law Section 3012-c(10).
- o) "Release" has the same meaning as disclosure or disclose.
- p) "Student" means any person attending or seeking to enroll in an educational agency.
- q) "Student data" means personally identifiable information from the student records of an educational agency.
- r) "Teacher or principal data" means personally identifiable information from the records of an educational agency relating to the annual professional performance reviews of classroom teachers or principals that is confidential and not subject to release under the provisions of Education Law Sections 3012-c and 3012-d.
- s) "Third-party contractor" means any person or entity, other than an educational agency, that receives student data or teacher or principal data from an educational agency pursuant to a contract or other written agreement for purposes of providing services to the educational agency, including but not limited to data management or storage services, conducting studies for or on behalf of the educational agency, or audit or evaluation of publicly funded programs. This term will include an educational partnership organization that receives student and/or teacher or principal data from a school district to carry out its responsibilities pursuant to Education Law Section 211-e and is not an educational agency, and a not-for-profit corporation or other nonprofit organization, other than an educational agency.
- t) "Unauthorized disclosure" or "unauthorized release" means any disclosure or release not permitted by federal or state statute or regulation, any lawful contract or written agreement, or that does not respond to a lawful order of a court or tribunal or other lawful order.

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

Data Collection Transparency and Restrictions

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

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

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

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

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

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

Chief Privacy Officer

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

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

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

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

Data Protection Officer

The District has designated a District employee to serve as the District's Data Protection Officer. The Data Protection Officer for the District is the Director of Technology and Data.

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

The District will ensure that the Data Protection Officer has the appropriate knowledge, training, and experience to administer these functions. The Data Protection Officer may perform these functions in addition to other job responsibilities. Additionally, some aspects of this role may be outsourced to a provider such as a BOCES, to the extent available.

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

District Data Privacy and Security Standards

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

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

The District will protect the privacy of PII by:

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

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

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SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA**Third-Party Contractors**District Responsibilities

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

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

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

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

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SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATAThird-Party Contractor Responsibilities

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

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

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

Continued

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATACooperative Educational Services through a BOCES

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

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

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

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

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

Continued

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

Click-Wrap Agreements

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

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

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

Parents' Bill of Rights for Data Privacy and Security

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

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

Continued

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

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

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

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

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

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

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

Continued

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

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

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

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

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

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

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

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

The District will maintain a record of all complaints of breaches or unauthorized releases of student data and their disposition in accordance with applicable data retention policies.

Continued

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

Reporting a Breach or Unauthorized Release

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

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

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

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

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

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

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

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

Continued

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

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

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

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

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

Notification of a Breach or Unauthorized Release

The District will notify affected parents, eligible students, teachers, and/or principals in the most expedient way possible and without unreasonable delay, but no more than 60 calendar days after the discovery of a breach or unauthorized release of PII by the District or the receipt of a notification of a breach or unauthorized release of PII from a third-party contractor unless that notification would interfere with an ongoing investigation by law enforcement or cause further disclosure of PII by disclosing an unfixed security vulnerability. Where notification is delayed under these circumstances, the District will notify parents, eligible students, teachers, and/or principals within seven calendar days after the security vulnerability has been remedied or the risk of interference with the law enforcement investigation ends.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023

5676

Non-Instructional/Business Operations

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

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

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

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

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

Annual Data Privacy and Security Training

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

Notification of Policy

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

Education Law § 2-d
8 NYCRR Part 121

Adoption Date: 11/27/2023

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2023

5680

Non-Instructional/Business Operations

SUBJECT: SAFETY AND SECURITY

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

It shall be the responsibility of the Superintendent to establish and carry out written regulations which will:

- a) Identify those staff members who will be responsible for the effective administration of the regulations;
- b) Provide staff time and other necessary resources for the effective administration of the regulations;
- c) Establish periodic written review of the activities of the staff to insure compliance with applicable laws and regulations;
- d) Provide an on-going mechanism for the effective review of safety and security concerns of the staff, students and affected public;
- e) Provide reports to the Board regarding the significant aspects of safety and security of the District.

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

Adoption Date: 11/27/2023

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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