

2018~~2019~~

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Community Relations

SUBJECT: FLAG DISPLAY

In keeping with State Education Law and Executive Law, the Board accepts its duty to display the United States flag upon or near each public school building during school hours, weather permitting, and such other times as it may direct.

When ordered by the President, Governor, or local official, to commemorate a tragic event or the death of an outstanding individual, the flag shall be flown at half-mast. ~~The Superintendent's approval shall be required for the flag to be flown at half mast upon any other occasion. Regulations for seeking such approval shall be established in the Administrative Manual of the District.~~

The flag shall be displayed in every assembly room (i.e., the auditorium) including the room where the Board meetings are conducted, as well as displayed in all rooms used for instruction.

4 United States Code (USC) Section 6 Education Law Sections 418, 419 and 802
Executive Law Sections 402 and 403
8 New York Code of Rules and Regulations (NYCRR) Sections 108.1-108.3

Adoption Date: ~~11/20/2018~~03/19/2019

Community Relations

SUBJECT: SOLICITATION OF CHARITABLE DONATIONS**School Children**

Direct solicitation of charitable donations from children in the District schools on school property during regular school hours shall not be permitted. It will be a violation of District policy to ask District school children directly to contribute money or goods for the benefit of a charity during the hours in which District students are compelled to be on school premises.

However, this policy does not prevent the following types of fund raising activities:

- a) Fund raising activities which take place off school premises, or outside of regular school hours during before-school or after-school extracurricular periods;
- b) Arms-length transactions, where the purchaser receives a consideration for his/her donation. For example, the sale of goods or tickets for concerts or social events, where the proceeds go to charity, shall not be prohibited as the purchaser will receive consideration - the concert or social event - for the funds expended;
- c) Indirect forms of charitable solicitation on school premises that do not involve coercion, such as placing a bin or collection box in a hallway or other common area for the donation of food, clothing, other goods or money. However, collection of charitable contributions of food, clothing, other goods or funds from students in the classroom or homeroom is prohibited.

The ~~Board~~ Superintendent/designee shall ~~ultimately~~ decide which organizations, groups, etc. can solicit charitable donations and for what purposes, as long as the activities comply with the terms of this policy and the Rules of the Board of Regents.

Regulations shall be developed by the administration to implement this policy.

School Personnel

Soliciting of funds from school personnel by persons or organizations representing public or private organizations shall be prohibited. The Superintendent shall have the authority to make exceptions to this policy in cases where such solicitation is considered to be in the District's best interest. The Board shall be notified of these instances.

Distribution of information about worthwhile area charities may be made through the Office of the Superintendent as a service to District personnel.

New York State Constitution Article 8, Section 1; Education Law Section 414
8 New York Code of Rules and Regulations (NYCRR) Section 19.6

NOTE: Refer also to Policy #7450 - Fund Raising by Students

Adoption Date: ~~11/20/2018~~ 03/19/2019

SUBJECT: USE OF SCHOOL FACILITIES, MATERIALS AND EQUIPMENT**School Facilities**

It is the policy of the Board to encourage the greatest possible use of school facilities for community-wide activities. This is meant to include those uses permitted by New York State law. Groups wishing to use the school facilities must secure written permission from the Board or its designee and abide by the rules and regulations established for such use including restrictions on alcohol, tobacco and drug use.

The District reserves the right to charge a fee for the use of its facilities in a manner consistent with law and form ~~3260-13280F1~~, and on terms specified in regulation ~~3280R~~ or by agreement with such organizations. At the Reorganization Meeting, the Superintendent shall recommend, annually to the Board, a schedule of Facility Usage Fees for the ensuing school year.

Materials and Equipment

Except when used in connection with or rented under provisions of Education Law Section 414, school-owned materials or equipment may be used for school related purposes only. Private and/or personal use of school-owned materials and equipment is strictly prohibited. The loan of equipment and materials for public purposes that serve the welfare of the community is allowed, as long as the equipment is not needed at that time for school purposes and that the proposed use will not disrupt normal school operations.

The Board will permit school materials and equipment to be loaned to staff members when such use is directly or peripherally related to their employment and to students when the material and equipment is to be used in connection with their studies or extracurricular activities. Community members will be allowed to use school-owned materials and equipment only for educational purposes that relate to school operations. The Board will also allow the loan of equipment to local governments and other entities that benefit the welfare of the surrounding community. The Board supports such inter-municipal cooperation as it saves taxpayer monies and is a more efficient use of scarce or costly equipment and resources.

Rules

Consistent with Board Policy and applicable law, the District encourages the use of school facilities. Any such use will comply with ~~the following:~~ regulations, ~~3280R~~.

- ~~1) Requests for use of school facilities must be submitted to the Board or its designee at least two (2) weeks prior to the anticipated activity. Authorization to use school facilities will be granted on a "first come first serve" basis. The District reserves the right to deny requests for use of school facilities for legitimate, non-discriminatory reasons.~~
- ~~2) A District employee will be on duty at all times when facilities inside a school building are in use. An additional fee will be assessed to reimburse the District for this service.~~

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LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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Community Relations 2 of 3

SUBJECT: USE OF SCHOOL FACILITIES, MATERIALS AND EQUIPMENT

- ~~3) — The District may not aid or perpetuate discrimination on the basis of race, creed, color, country of national origin, religion, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, disability, or use of a recognized service animal. Community groups and organizations should review their use of school facilities request for conformity. The District reserves the right to require evidence of compliance with civil rights law. However, in accordance with law, the District will not discriminate in its community use of school facilities against any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United State Code. Nor will the District deny such access or opportunity for reasons based on the membership or leadership criteria or oath of allegiance to God and country. However, such use must be in accordance with the District's community use of school facilities guidelines.~~
- ~~4) — All activities conducted on school property must conform to federal and New York State laws, municipal ordinances, and District policies and regulations.~~
- ~~5) — Organizations authorized to use school facilities assume responsibility for the conduct of both participants and spectators. Each group must designate a responsible adult representative who will be present at all times. Arrangements for supervision of anticipated crowds must receive prior approval of the Board or its designee.~~
- ~~6) — School facilities must be left in the same condition as they are found. Desks, displays, etc. should not be disturbed. All electrical equipment or movable properties owned by the District will at all times remain under the control of the District.~~
- ~~7) — The District will assume no responsibility for equipment or property belonging to a community group or organization. Such property may not be stored on school property, unless specifically approved by the Board or its designee.~~
- ~~8) — Community groups will be liable for any damage to school property resulting from activities they sponsor. A check of the school facility will be made before and after each activity by the "person in charge" and the custodian assigned.~~
- ~~9) — If the pool is to be used, one adult lifeguard, with a valid certificate, must be on duty for every 3,400 square feet of pool surface area. In the event the lifeguard is providing instruction or is subject to distraction, a second person, who is certified to provide at least Level III supervision, must be in the pool for bather supervision and injury prevention. Each group is responsible for providing and paying its own lifeguard. Rules for use of the pool are posted in the pool room and must be strictly observed.~~
- ~~10) — Kitchen facilities are only available by prior arrangement with the Food Service Supervisor and only when a Food Service employee is on duty. An additional fee will be assessed to reimburse the District for this service.~~
- ~~11) — Vehicles are not allowed on grassed areas or athletic fields. Parking for any large event should be controlled by sufficient personnel. Use of auxiliary police for this purpose may be required. Any and all charges associated with the use of such services will be assumed by the organization.~~

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SUBJECT: USE OF SCHOOL FACILITIES, MATERIALS AND EQUIPMENT

- 12) ~~Admission charges, approved registration fees, or concessions may only be administered as stated on the request.~~
- 13) ~~Except for rest room facilities, participants and spectators should remain in the area or room assigned for an activity.~~
- 14) ~~The District assumes no liability for injuries resulting from community group activities or any other use of its facilities. For certain activities, the District may require submission of a certificate of liability or insurance bond to the Board or its designee.~~
- 15) ~~The District or its representative will have free access to all facilities at all times.~~
- 16) ~~The District reserves the right to revoke authorization to use school facilities at any time.~~
- 17) ~~The District reserves the right to charge a fee for the use of its facilities by outside organizations in a manner consistent with law, and in the amounts specified in the fee schedule provided in Form #3260F.1.~~
- 18) ~~The use of tobacco products, e-cigarettes, and vaping products on school grounds or within one hundred (100) feet of the entrance, exit or outdoor area of a school is prohibited. Likewise, no person may knowingly possess alcoholic beverages and/or illegal or non-prescribed "controlled substances," as defined by Penal Law Section 220.00, on school grounds.~~

The use of tobacco products, e-cigarettes and vaping products are prohibited on school grounds.

Education Law Section 414
NY Constitution Article 8

NOTE: Refer also to Policies #3410 - Code of Conduct on School Property
#5640 - Smoking/Tobacco Use
#7320 - Alcohol, Tobacco, Drugs and Other Substances
#7410 - Extracurricular Activities
District Code of Conduct

Adoption Date: ~~11/20/2018~~03/19/2019

SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE SCHOOL DISTRICT

The Board is committed to providing an environment free from discrimination and harassment. Accordingly, the Board prohibits discrimination and harassment on the basis of race, color, religion, national origin, sex, sexual orientation, age, disability or other legally protected category. Such actions and occurrences are prohibited regardless of whether they take place on District premises or at school-sponsored events, programs, or activities held at other locations.

Prohibited Conduct

Determinations as to whether conduct or occurrences constitute discrimination or harassment for the purposes of this Policy will be made consistent with applicable law. Such determinations may depend upon a number of factors, including but not limited to: the particular conduct or occurrence at issue, the ages of the parties involved, the context in which the conduct or occurrence takes place, the relationship of the parties to one another, the category or characteristic that is alleged to have been the basis for the action or occurrence, and other considerations as are necessary and consistent with law. The characterizations and examples below are intended to serve as a general guide for individuals in determining whether to file a complaint of discrimination or harassment, and should not be construed to add or limit the rights individuals and entities possess as a matter of law.

Discrimination is, generally, the practice of conferring or denying privileges on the basis of membership in a legally protected class. Discriminatory actions may include, but are not limited to: refusing to promote or hire an individual on the basis of his/her membership in a protected class, denying an individual access to facilities or educational benefits on the basis of his/her membership in a protected class, or impermissibly instituting policies or practices that disproportionately and adversely impact members of a protected class.

Harassment generally consists of subjecting an individual, on the basis of his/her membership in a protected class, to conduct and/or communications that are sufficiently severe, pervasive, or persistent as to have the purpose or effect of: creating an intimidating, hostile, or offensive environment; substantially or unreasonably interfering with an individual's work or a student's educational performance, opportunities, benefits, or well-being; or otherwise adversely affecting an individual's employment or educational opportunities.

Harassment can include unwelcome verbal, written, or physical conduct which offends, denigrates, or belittles an individual because of his/her membership in a protected class. Such conduct includes, but is not limited to: derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting, or the display or circulation of written materials or pictures.

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SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE SCHOOL DISTRICT

Civil Rights Compliance Officer

The District will designate one or more individuals to serve as Civil Rights Compliance Officer. The Civil Rights Compliance Officer will be responsible for coordinating the District's efforts to comply with and carry out its responsibilities regarding non-discrimination and anti-harassment, including investigations of complaints alleging discrimination, harassment, or the failure of the District to comply with its obligations under relevant non-discrimination and anti-harassment laws and regulations (e.g., the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973).

Prior to the beginning of each school year, the District shall issue an appropriate public announcement or publication which advises students, parents/guardians, employees and other relevant individuals of the District's established grievance procedures for resolving complaints of discrimination and harassment. Included in such announcement or publication will be the name, address, telephone number, and email address of the Civil Rights Compliance Officer(s).

The Civil Rights Compliance Officer(s) for the District is/are:

- Assistant Superintendent of Administrative Services
- Assistant Director of Curriculum, Instruction and Technology

Investigation of Complaints and Grievances

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of discrimination and/or harassment based on any of the characteristics described above, and will promptly take appropriate action to protect individuals from further discrimination or harassment. In the event an anonymous complaint is filed, the District will respond to the extent possible.

It is essential that any individual who is aware of a possible occurrence of discrimination or harassment immediately report such occurrence. All reports will be directed or forwarded to the District's designated Civil Rights Compliance Officer(s). Such complaints are recommended to be in writing, although verbal complaints of discrimination or harassment will also be promptly investigated in accordance with applicable law and District policy and procedure. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

To the extent possible, all complaints will be treated as confidential as possible. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials. Also, a written record of the investigation and any action taken will, however, be established. Additionally, parents of students accused of or subjected to possible discrimination and/or harassment may be notified by the appropriate administrator of such occurrence and/or allegations as appropriate. The complainant, the alleged perpetrator, and any witnesses will be directed to refrain from talking about the investigation while it is pending.

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SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE SCHOOL DISTRICT

If an investigation reveals that discrimination or harassment has occurred, the District will take immediate corrective action as warranted. Such action will be taken in accordance with applicable laws and regulations, as well as any and all relevant codes of conduct, District policies and administrative regulations, collective bargaining agreements, and/or third-party contracts.

If the complainant attempts to withdraw his/her complaint, the Civil Rights Compliance Officer will determine, with the assistance of any individual or entity designated to investigate the complaint, whether the withdrawal request was caused by retaliatory behavior, harassment, undue pressure, or fear of such actions. In the event the Civil Rights Compliance Officer determines the withdrawal request was not prompted by the above factors, he/she will document the complainant's reasons for the withdrawal, ask the complainant to sign the documentation, and terminate the investigation, provided such action is not inconsistent with the District's legal obligations. If the request to withdraw the complaint is the result of retaliatory behavior, harassment, undue pressure, or the fear of such actions, or if the investigation must be carried out to ensure compliance with relevant District obligations, the investigation will continue and interim measures will be taken to protect the alleged victim, the complainant, and witnesses, as appropriate.

Complaint and Grievance Procedures

~~—All complaints of discrimination and/or harassment will be investigated in a prompt, thorough, and equitable fashion, consistent with the following procedures:~~

- ~~1) An employee or student who believes that he/she has been subjected to any type of discrimination or harassment, or has knowledge of an occurrence of discrimination or harassment, may file a complaint with his/her immediate supervisor, the building principal or other individual in charge of his/her building, or the District's Civil Rights Compliance Officer. All complaints will ultimately be directed to the Civil Rights Compliance Officer, who will coordinate the District's investigation into the allegations of discrimination and/or harassment. If the Civil Rights Compliance Officer is the individual suspected of engaging in discrimination or harassment, the complaint will be directed to another Civil Rights Compliance Officer, if the District has designated an additional individual to serve in such capacity, or to the Superintendent.~~

~~The District recognizes that discrimination and harassment of students is a sensitive issue and that students may choose to inform any trusted staff member of suspected discrimination or harassment. Staff members who receive such complaints will immediately inform the Civil Rights Compliance Officer. Where appropriate, the Civil Rights Compliance Officer may seek the assistance of the relevant Dignity Act Coordinator in investigating, responding to, and remedying student complaints of discrimination and/or harassment.~~

~~Complaints of discrimination and/or harassment may be made verbally or in writing. Complainants will be encouraged to fill out a complaint form provided by the District. The District will, however, investigate all complaints of discrimination and/or harassment~~

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SUBJECT: ~~NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE SCHOOL DISTRICT~~

~~regardless of the form in which those complaints are made. Victims and/or witnesses should attempt to provide as much detail as possible when making such complaints.~~

- ~~2) Where appropriate, the District may appoint legal counsel or other appropriate third parties to participate in the investigation of a complaint. The appointment of such individuals or entities does not relieve the Civil Rights Compliance Officer from his/her obligation to coordinate the District's compliance with relevant laws and regulations.~~
- ~~3) Within three (3) business days of receiving the complaint, the Civil Rights Compliance Officer will notify the complainant, in writing, that his/her complaint has been received. The designated Civil Rights Compliance Officer, or the individual or entity assigned to investigate the allegations of discrimination and/or harassment, will begin such investigation promptly.~~
- ~~4) In conducting an investigation, the Civil Rights Compliance Officer, or the individual or entity assigned to investigate the allegations of discrimination and/or harassment, will, as appropriate: collect and review all relevant documents; interview the complainant, the accused, and any witnesses presented by either the complainant or the accused; review relevant files and video; and collect and review other evidence as appropriate. Interviews of the complainant, the alleged victim, and the accused will be conducted separately.~~
- ~~5) Upon completing the investigation, the Civil Rights Compliance Officer, or the individual or entity assigned to investigate the allegations of discrimination and/or harassment, will promptly submit a written report detailing his/her/its findings to the Superintendent. While timelines for investigating complaints of discrimination and/or harassment will vary depending upon the scope and complexity of the matter, it is anticipated that most reports will be submitted **within approximately** sixty (60) calendar days from the receipt of the complaint.~~
- ~~6) The Civil Rights Compliance Officer, or the individual or entity assigned to investigate the allegations of discrimination and/or harassment, will inform the Superintendent if extenuating circumstances require more than sixty (60) calendar days for the investigation to be completed. Written notification will also be provided to all parties regarding the need for additional time.~~
- ~~7) The complainant and the accused will be informed, in writing, of the investigator's finding as to whether or not discrimination and/or harassment occurred.~~
- ~~8) If the investigation results in a finding that discrimination and/or harassment did occur, the appropriate school official will take prompt action in accordance with the terms of District policy and regulations, the District *Code of Conduct*, federal and state law and regulation, and/or any applicable contract or collective bargaining agreement.~~

~~After an investigation has concluded, either party may submit to the Civil Rights Compliance Officer additional information that was previously unavailable and would materially impact the investigator's findings. The District, in its sole discretion, will determine whether and to what extent such information will be considered, and whether additional action should be taken.~~

~~The Superintendent will inform the Board of the results of each investigation of discrimination and/or harassment.~~

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SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE SCHOOL DISTRICT

~~The above procedures do not prohibit the District from taking interim steps to prevent discrimination and/or harassment. Such steps may include, but are not limited to, separating the complainant and/or the alleged victim from the accused in a way that minimizes the burden on the complainant and the alleged victim. Moreover, the filing of a complaint, and/or the rendering of a decision regarding the complaint shall in no way prohibit, prevent or limit an individual from taking appropriate legal action in accordance with state and federal law.~~

~~All investigations will be conducted in a manner consistent with state and federal law and regulation, applicable collective bargaining agreements, and the District *Code of Conduct*.~~

Finding That Discrimination and/or Harassment Occurred: Corrective Action

If the District's investigation reveals that an individual or entity was discriminated against or harassed, immediate corrective action will be taken. Should the offending individual be a school employee, appropriate remedial and/or disciplinary measures will be applied, including but not limited to termination of the offender's employment, in accordance with contractual and legal guidelines. Should the offending individual be a student, appropriate remedial and/or disciplinary measures will be applied, including but not limited to suspension, in accordance with applicable law, regulation, and the *Code of Conduct*.

Vendors/contractors and other individuals who do business with the District, who have been found to violate the terms of this policy by engaging in prohibited conduct will be subject to appropriate sanctions up to and including loss of District business. School volunteers who are found to have violated this policy may face loss of volunteer status.

Should the offending individual be a visitor, guest or other third party, any corrective action deemed appropriate will be taken, including but not limited to expulsion from District premises and/or school activities/events under the control and supervision of the District.

Knowingly Makes False Accusations

Any employee or student who *knowingly* makes false accusations against another individual as to allegations of discrimination or harassment will face appropriate disciplinary action.

Prohibition of Retaliatory Behavior

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination and/or harassment. Complaints of retaliation may be directed to the Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

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

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SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE SCHOOL DISTRICT

Additional Provisions

In order to promote familiarity with issues pertaining to discrimination and harassment in the schools, and to help reduce incidents of prohibited conduct, the District will provide appropriate information and/or training to staff and students. As may be necessary, special training will be provided for individuals involved in the investigation of discrimination and/or harassment complaints.

A copy of this policy will be available upon request and will be posted and/or published in appropriate locations and/or school publications.

This policy should not be read to abrogate other District policies and/or regulations or the *District Code of Conduct* prohibiting other forms of unlawful discrimination, harassment, and/or inappropriate behavior within this District. It is the intention of the District that all such policies and/or regulations be read consistently to provide protection from unlawful discrimination and harassment. However, different treatment of any individual which has a legitimate, legal, and nondiscriminatory reason shall not be considered a violation of District policy.

Age Discrimination in Employment Act, 29 USC Section 621
Americans with Disabilities Act, 42 USC Section 12101 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d et seq.
Title VII of the Civil Rights Act of 1964, 42 USC Section 2000e et seq.
Title IX of the Education Amendments of 1972, 20 USC Section 1681 et seq.
Education Law Section 2801(1)
Executive Law Section 290 et seq.

NOTE: Refer also to Policies #6120 - Equal Employment Opportunity
#6121 - Sexual Harassment of District Personnel
#7550 - Dignity For All Students Act
#7551 - Sexual Harassment of Students
#7552 - Student Gender Identity
District Code of Conduct

Adoption Date: ~~11/20/2018~~ 03/19/2019

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Community Relations

SUBJECT: EMERGENCY SCHOOL CLOSINGS

In the event it is necessary to close school for the day, activate a delayed starting time or early dismissal (as well as information relating to cancellation of after-school activities/late bus runs), due to inclement weather, impassable roads, or other emergency reasons; ~~the announcements thereof shall be made over local radio and television stations, automated message system and the Internet/District website.~~ **will be made using available resources.**

When school is closed, all related activities, including athletic events and student activities, will be cancelled for that day and evening.

The attendance of personnel shall be determined by the Superintendent or designated representative.

Education Law Section 3604(7)

Adoption Date: ~~11/20/2018~~ 03/19/2019

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Non-Instructional/Business
Operations

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

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

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

~~{District to list title of position responsible for answering driver questions about this policy and related materials.}~~

Drug and Alcohol Testing Program

School bus drivers are subject to drug and/or alcohol testing in a variety of circumstances. The District will comply with all federal and state law and regulation regarding the implementation of a drug and alcohol testing program for school bus drivers.

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

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

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

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

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

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

~~*Customize to District~~

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Non-Instructional/Business
Operations

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

- c) **Reasonable suspicion drug and/or alcohol testing** which will be conducted when reasonable suspicion exists that a driver has engaged in prohibited use of drugs and/or alcohol. The required observation for reasonable suspicion drug and/or alcohol testing must be made by a supervisor or official who has been trained in accordance with federal law and regulation.
- d) **Post-accident drug and/or alcohol testing** which will be conducted as soon as practicable following certain occurrences involving a CMV operating on a public road.
- e) **Return-to-duty drug and/or alcohol testing** which will be conducted on a driver who has engaged in prohibited drug and/or alcohol conduct before the driver returns to perform a safety-sensitive function.
- f) **Follow-up drug and/or alcohol testing** which will be conducted on a driver who has engaged in prohibited drug and/or alcohol conduct and has returned to performing a safety-sensitive function. This testing will be conducted on an unannounced basis in accordance with a written follow-up testing plan developed by a substance abuse professional (SAP).

All procedures used to test for the presence of drugs and/or alcohol will conform to the requirements outlined in federal law and regulation for protecting the driver, ensuring the integrity of the testing process, safeguarding the validity of the test results, and ensuring that all test results are attributed to the correct driver.

Under New York State law and regulation, all school bus drivers are subject to pre-employment and random drug and alcohol testing in accordance with the provisions and requirements of federal regulations, regardless of commercial driver's license endorsement. Every school bus driver will be included in the random testing pool and must submit to testing when selected.

Prohibitions and Consequences for School Bus Drivers

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

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

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Non-Instructional/Business
Operations

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

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

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

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

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

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

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Non-Instructional/Business
Operations

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

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

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

- a) Are evaluated by a SAP;
- b) Complete any requirements for rehabilitation as set by the employer and the SAP; and
- c) Pass a return-to-duty test with the result below 0.02 if the conduct involved alcohol, or a drug test with a verified negative result if the conduct involved drug use.

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

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

Employee Notification

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

~~—— The Superintendent or designee will ensure that each school bus driver receives a copy of District policy, educational materials that explain the requirements of drug and alcohol testing law and regulation, and any regulations and/or procedures developed by the District with respect to meeting those requirements. The Superintendent or designee will ensure that a copy of these materials is distributed to each school bus driver, who will sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of any drug and/or alcohol testing as well as at the beginning of each school year or at the time of hire for any school bus driver. Representatives of applicable collective bargaining units will be notified of the availability of this information.~~

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

~~***Customize to District**~~

Continued

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Non-Instructional/Business
Operations

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

The Superintendent or designee will arrange for training of all supervisors who may be utilized to determine whether reasonable suspicion exists to test a driver for prohibited conduct involving drugs and/or alcohol.

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

The Superintendent or designee will ensure that vendors or contract bus companies receive a copy of District policy, educational materials that explain the requirements of drug and alcohol testing law and regulation, and any regulations and/or procedures developed by the District with respect to meeting those requirements. The Superintendent or designee will ensure that a copy of these materials is distributed to vendors or contract bus companies, who will sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of any drug and/or alcohol testing as well as at the beginning of each school year or at the time of hire for any school bus driver.

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

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

Records Management and Retention

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

49 USC §§ 31136 and 31306
49 CFR Parts 40, 382, and 383
Vehicle and Traffic Law §§ 142, 509-g, 509-l

~~**Customize to District*~~

Adoption Date: ~~03/20/2018~~ 03/19/2019

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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Non-Instructional/Business Operations

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 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 Assistant Superintendent for Administrative Service 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