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2003

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Non-Instructional/Business  
Operations

## Windham-Ashland-Jewett Central School District

### NON-INSTRUCTIONAL/BUSINESS OPERATIONS

(Section 5000)

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**SUBJECT: BUDGET PLANNING AND DEVELOPMENT**

Budget planning and development for the District will be an integral part of program planning so that the annual operating budget may effectively express and implement programs and activities of the School System. Budget planning will be a year-round process involving participation of District-level administrators, superintendents, directors, coordinators, teachers, and other personnel. The process of budget planning and development should allow for community input and contain numerous opportunities for public information and feedback.

The Superintendent will have overall responsibility for budget preparation, including the construction of and adherence to a budget calendar. Program managers and conveners will develop and submit budget requests for their particular areas of responsibility after seeking the advice and suggestion of staff members as to the most effective way to use available resources in achieving progress toward the approved educational objectives of the school. Program budgets will reflect state and/or federal requirements, special sources of funding, and District objectives and priorities.

The Board will give consideration to budget requests, and will review allocations for appropriateness and for their consistency with the School System's educational priorities.

All budget documents for distribution to the public shall be in plain language and organized in a manner which best promotes public comprehension of the contents. Documents shall be complete and accurate and contain sufficient detail to adequately inform the public regarding such data as estimated revenues, proposed expenditures, transfers to other funds, fund balance information, and changes in such information from the prior's submitted budget.

The budget will be presented in three (3) components which are to be voted upon as one (1) proposition:

- a) A program component which shall include, but need not be limited to, all program expenditures of the School District, including the salaries and benefits of teachers, teacher assistants, aides and monitors who spend a majority of their time performing teaching duties, and all transportation operating expenses;
- b) A capital component which shall include, but need not be limited to, all transportation capital, debt service, and lease expenditures; costs resulting from judgments and tax certiorari proceedings or the payment of awards from court judgments, administrative orders or settled or compromised claims; and all facilities costs of the School District, including facilities leases expenditures, the annual debt service and total debt for all facilities financed by bonds and notes of the School District, and the costs of construction, acquisition, reconstruction, rehabilitation or improvement of school buildings, provided that such budget shall include a rental, operations and maintenance section that includes base rent costs, total rent costs, and any and all expenditures associated with custodial salaries and benefits, service contracts, supplies, utilities, and maintenance and repairs of school facilities; and

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**SUBJECT: BUDGET PLANNING AND DEVELOPMENT (Cont'd.)**

- c) An administrative component which shall include, but need not be limited to, office and central administrative expenses, traveling expenses and salaries and benefits of all certified school administrators and supervisors who spend a majority of their time performing administrative or supervisory duties, any and all expenditures associated with the operation of the Office of the School Board, the Office of the Superintendent of Schools, General Administration, the School Business Office, consulting costs not directly related to direct student services and programs, planning and all other administrative activities.

Each component must be separately delineated in accordance with Commissioner's Regulations.

Additionally, the Board of Education shall append to the proposed budget the following documents:

- a) A detailed statement of the total compensation to be paid to the Superintendent, and Assistant Superintendent of Schools in the ensuing school year, including a delineation of the salary, annualized cost of benefits and any in-kind or other form of remuneration;
- b) A list of all other school administrators and supervisors, if any, whose annual salary for the coming school year will be at or above that designated in law for such reporting purposes, with the title of their positions and annual salary identified;
- c) A School District Report Card, prepared pursuant to Commissioner's Regulations, which includes measures of the academic performance of the School District and measures of the fiscal performance of the District; and
- d) A Property Tax Report Card prepared in accordance with law and Commissioner's Regulations (see subheading "Property Tax Report Card").

The proposed budget for the ensuing school year shall be reviewed by the Board of Education and publicly disseminated, in accordance with law, prior to its submission to District voters for approval.

District funds may be expended to inform the public regarding the annual budget and to present the annual budget to District voters; however, such funds shall not be utilized to promote either a favorable or negative opinion of the proposed budget.

**Property Tax Report Card**

Each year, the Board of Education shall prepare a Property Tax Report Card, pursuant to Commissioner's Regulations, and shall make it publicly available by transmitting it to local

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## **SUBJECT: BUDGET PLANNING AND DEVELOPMENT (Cont'd.)**

newspapers of general circulation, appending it to copies of the proposed budget made publicly available as required by law, making it available for distribution at the Annual Meeting, and otherwise disseminating it as required by the Commissioner.

The Property Tax Report Card shall include:

- a) The amount of total spending and total estimated school tax levy that would result from adoption of the proposed budget, and the percentage increase or decrease in total spending and total school tax levy from the School District budget for the preceding school year; and
- b) The projected enrollment growth for the school year for which the budget is prepared, and the percentage change in enrollment from the previous year; and
- c) The percentage increase in the average of the Consumer Price Indexes from January first of the prior school year to January first of the current school year as defined in Education Law.

A copy of the Property Tax Report Card prepared for the Annual District Meeting shall be submitted to the State Education Department in the manner prescribed by the Department by the end of the business day next following approval of the Property Tax Report Card by the Board of Education, but no later than twenty-four (24) days prior to the statewide uniform voting day (i.e., the third Tuesday in May).

The State Education Department shall compile such data for all school districts whose budgets are subject to a vote of the qualified voters, and shall make such compilation available electronically at least ten (10) days prior to the statewide uniform voting day.

Education Law Sections 1608(3)-(7), 1716(3)-(7),  
2022(2-a), and 2601-a(3) and (7)  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 170.8, 170.9 and 170.11  
General Municipal Law Section 36  
State Education Department  
Handbook No. 3 on Budget

Adopted: 8/05/03

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## **SUBJECT: SCHOOL DISTRICT BUDGET HEARING**

The Board of Education will hold an annual budget hearing, in accordance with law, so as to inform and present to District residents a detailed written statement regarding the District's estimated expenditures and revenue for the upcoming school year prior to the budget vote which is taken at the Annual District Meeting and Election.

The budget hearing will be held not less than seven (7) nor more than fourteen (14) days prior to the Annual District Meeting and Election or Special District Meeting at which the budget vote will occur. The proposed budget will be completed at least seven (7) days prior to the budget hearing at which it is to be presented.

Copies of the proposed annual operating budget for the succeeding year may be obtained by any District resident, on request, in the District Office during certain designated hours on each day other than a Saturday, Sunday or holiday during the fourteen (14) days immediately preceding the Annual District Meeting and Election or Special District Meeting at which the budget vote will occur. The availability of this budget information shall be included in the legal notice of the Annual and/or Special District Meeting; and copies of the proposed budget will also be available to District residents at the time of the Annual and/or Special District Meeting. Additionally, the Board will include notice of the availability of copies of the budget at least once during the school year in any District-wide mailing.

Notice of the date, time and place of the annual budget hearing will be included in the notice of the Annual Meeting and Election and/or Special District Meeting as required by law.

The School District budget submitted for voter approval shall be presented in three (3) components: a program component, an administrative component, and a capital component; and each component will be separately delineated in accordance with law and/or regulation.

The Board of Education will also prepare and append to copies of the proposed budget a School District Report Card, pursuant to the Regulations of the Commissioner of Education, referencing measures of academic and fiscal performance. Additionally, the Board of Education shall also append to copies of the proposed budget a detailed statement of the total compensation to be paid to various administrators as enumerated in law and/or regulation, and a Property Tax Report Card prepared in accordance with law and Commissioner's Regulations.

All budget documents for distribution to the public will be written in plain language and organized in a manner which best promotes public comprehension of the contents.

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## **SUBJECT: SCHOOL DISTRICT BUDGET HEARING (Cont'd.)**

### **Budget Notice**

The School District Clerk shall mail a School Budget Notice to all qualified voters of the School District after the date of the Budget Hearing, but no later than six (6) days prior to the Annual Meeting and Election or Special District Meeting at which a school budget vote will occur. The School Budget Notice shall compare the percentage increase or decrease in total spending under the proposed budget over total spending under the School District budget adopted for the current school year, with the percentage increase or decrease in the average of the Consumer Price Indexes from January first of the prior school year to January first of the current school year as defined in Education Law.

The Budget Notice shall include a description of how total spending and the tax levy resulting from the proposed budget would compare with a projected contingency budget, assuming that such contingency budget is adopted on the same day as the vote on the proposed budget. Such comparison shall be in total and by component (i.e., program, capital and administrative), and shall include a statement of the assumptions made in estimating the projected contingency budget.

The Notice shall also include, in a manner and format prescribed by the Commissioner of Education, a comparison of the tax savings under the basic school tax relief (STAR) exemption and the increase or decrease in school taxes from the prior year, and the resulting net taxpayer savings for a hypothetical home within the District with a full value of one hundred thousand dollars (\$100,000) under the existing School District budget as compared with such savings under the proposed budget.

The Notice shall also set forth the date, time and place of the school budget vote in the same manner as in the Notice of the Annual Meeting. The School Budget Notice shall be in a form prescribed by the Commissioner of Education.

#### **Notice of Budget Hearing/Availability of Budget Statement**

Education Law Sections 1608(2), 1716(2), 2003(1), 2004(1), and 2601-a(2)

#### **Election and Budget Vote**

Education Law Sections 1804(4), 1906(1), 2002(1), 2017(5) and (6), 2022(1), and 2601-a(2)

#### **Budget Development and Attachments**

Education Law Sections 1608(3), (4), (5), (6), and (7); 1716(3), (4), (5), (6), and (7); 2022(2-a); and 2601-a(3)  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.2(bb), 170.8 and 170.9

Adopted: 8/05/03

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## **SUBJECT: BUDGET ADOPTION**

The Board of Education shall review the recommended budget of the Superintendent of Schools and shall seek public input and feedback regarding the recommended budget including, but not limited to, holding a public budget hearing not less than seven (7) nor more than fourteen (14) days prior to the Annual District Meeting and Election at which the budget vote is to occur. The Board may modify the recommended budget of the Superintendent prior to its submission to District voters. Final authorization of the proposed budget is dependent upon voter approval unless a contingency budget is adopted by the Board.

In the event the original proposed budget is not approved at the Annual District Meeting and Election, the Board may resubmit the original proposed budget or a revised budget for voter approval, or individual propositions may be placed before District voters, at a special meeting held at a later date. In the alternative, if the initial proposed budget is defeated, the Board may adopt a contingency budget and levy taxes as necessary for implementation of the contingency budget expenditures. If the voters fail to approve the second budget submittal, or budget propositions(s), the Board shall adopt a contingency budget in accordance with law.

The School District budget for any school year, or any part of such budget, or any proposition(s) involving the expenditure of money for that school year, shall not be submitted for a vote of the qualified District voters more than twice.

The School District budget, once adopted, becomes the basis for establishing the tax levy on real property within the District.

Education Law Sections 1608, 1716, 1804(4), 1906(1),  
2002(1), 2003(1), 2004(1), 2022, 2023, and 2601-a  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.2(bb), 170.8 and 170.9

Adopted: 8/05/03

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## **SUBJECT: ADMINISTRATION OF THE BUDGET**

The Superintendent of Schools, working in conjunction with the administrative staff, is responsible to the Board for the administration of the budget.

- a) He/she shall acquaint District employees with the final provisions of the program budget and guide them in planning to operate efficiently and economically within these provisions.
- b) Under his/her direction the District shall maintain such records of accounting control as are required by the New York State Uniform System of Accounts for School Districts, the Board of Education, and such other procedures as are deemed necessary and shall keep the various operational units informed through periodic reports as to the status of their individual budgets.
- c) Board approval is required prior to the expenditure of District funds.

Adopted: 8/05/03

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## **SUBJECT: CONTINGENCY BUDGET**

The School District budget for any school year or any part of such budget, or any proposition involving the expenditure of money for such school year, shall not be submitted for a vote of the qualified voters of the District more than twice in any school year.

If the original proposed budget is not approved by District voters at the Annual District Meeting and Election, the Board has the option of either resubmitting the original or revised budget for voter approval at a special meeting held at a later date; or the Board may, at that point, adopt a contingency budget and levy a tax for teachers' salaries and ordinary contingent expenses as enumerated in law. If the Board decides to submit either the original or a revised budget to the voters for a second time, and the voters do not approve the second budget submittal, the Board shall adopt a contingency budget and levy a tax for those expenditures mandated pursuant to law and/or for those services necessary to maintain the educational program.

The contingency budget will include the sum necessary for teachers' salaries (i.e., professional educator positions certificated by the State Education Department which include teachers, administrators, teaching assistants, and professional specialists in the various areas of pupil personnel services) and ordinary contingent expenses as determined by the Board in accordance with law including, but not limited to, the purchase of library books and other instructional materials associated with the school library; and expenses incurred for interscholastic athletics, field trips and other extracurricular activities. Ordinary contingent expenses include, but are not limited to, legal expenses incurred by the District; expenditures specifically authorized by statute; and other items necessary to maintain the educational program, preserve property, and assure the health and safety of students and staff. As deemed necessary, school counsel may be consulted for review as to those items considered to be ordinary contingent expenses prior to Board adoption of the contingency budget.

In accordance with law, the contingency budget will reflect the statutory expenditure limits imposed on the administrative component of the contingency budget as well as the total spending authorized in the overall contingency budget.

With regard to overall District spending, the contingency budget, as a whole, shall not result in a percentage increase in total spending over the District's total spending under the school district budget for the prior year that exceeds the lesser of:

- a) The result when one hundred twenty percent (120%) is multiplied by the percentage increase in the Consumer Price Index (CPI), with the result rounded to two decimal places; or
- b) Four percent (4%).

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## **SUBJECT: CONTINGENCY BUDGET (Cont'd.)**

Additionally, the administrative component of the contingency budget shall not comprise a greater percentage of the contingency budget exclusive of the capital component than the lesser of:

- a) The percentage the administrative component had comprised in the prior year budget exclusive of the capital component; or
- b) The percentage the administrative component had comprised in the last proposed defeated budget exclusive of the capital component.

The Consumer Price Index to be used refers to the percentage that represents the average of the national consumer price indexes determined by the U.S. Department of Labor for the twelve-month period preceding January first of the current year.

In determining the increase in total expenses when computing the contingency budget percentage increase, the following expenditures shall be disregarded:

- a) Expenditures resulting from a tax certiorari proceeding;
- b) Expenditures resulting from a court order or judgment against the School District;
- c) Emergency expenditures that are certified by the Commissioner of Education as necessary as a result of damage to, or destruction of, a school building or school equipment;
- d) Capital expenditures resulting from the construction, acquisition, reconstruction, rehabilitation or improvement of school facilities, including debt service and lease expenditures, subject to voter approval;
- e) Expenditures in the contingency budget attributable to projected increases in public school enrollment, which may include increases attributable to the enrollment of students attending a pre-kindergarten program established in accordance with Education Law Section 3602-e;
- f) Non-recurring expenditures in the prior year's School District budget; and
- g) Expenditure of gifts and grants in aid and use of insurance proceeds.

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## **SUBJECT: CONTINGENCY BUDGET (Cont'd.)**

Should the Board of Education adopt a contingency budget, it will officially pass a resolution reflecting such action; and that resolution shall incorporate by reference a statement specifying the projected percentage increase or decrease in total spending for the school year, and explain the reasons why the Board disregarded any portion of an increase in spending in formulating the contingency budget.

Regulations will be developed enumerating a sample list of expenditures which have been determined, pursuant to law, to constitute ordinary contingent expenses. However, the Board reserves the right, in accordance with its legal responsibility, to designate other items as ordinary contingent expenses as deemed necessary to maintain the educational program of the District, preserve property, and assure the health and safety of students and staff.

Education Law Sections 2002, 2023, 2024, and 2601-a

Adopted: 8/05/03

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## **SUBJECT: REVENUES**

The School District treasurer will have custody of all District funds in accordance with the provisions of state law. The treasurer will be authorized and directed by the Board to invest the balances available in various District funds in accordance with regulations set forth in state law.

Education Law Sections 1604(a) and 1723(a)

Adopted: 8/05/03

## **SUBJECT: DISTRICT INVESTMENTS**

### **I. SCOPE**

This investment policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

### **II. OBJECTIVES**

The primary objectives of the local government's investment activities are, in priority order,

- To conform with all applicable federal, state and other legal requirements (legal);
- To adequately safeguard principal (safety);
- To provide sufficient liquidity to meet all operating requirements (liquidity); and
- To obtain a reasonable rate of return (yield).

### **III. DELEGATION OF AUTHORITY**

The governing board's responsibility for administration of the investment program is delegated to the Business Manager/Treasurer who shall establish written procedures for the operation of the investment program for all securities with a maximum one year maturity consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees. Board of Education approval is necessary on all transactions that go beyond the maximum one year maturity date.

### **IV. PRUDENCE**

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Windham-Ashland-Jewett Central School.

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Investments shall be made with judgement and care, under circumstances then prevailing, which persons of prudence discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

## V. DIVERSIFICATION

It is the policy of the Windham-Ashland-Jewett Central School to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

## VI. INTERNAL CONTROLS

It is the policy of the Windham-Ashland-Jewett Central School for all moneys collected by any officer or employee of the government to transfer those funds to the Business Manager/Treasurer within 2 days of deposit, or within the time period specified in law, whichever is shorter.

The Business Manager/Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

## VII. DESIGNATION OF DEPOSITARIES

The banks and trust companies authorized for the deposit of monies up to the maximum amounts are:

<u>Depository Name</u>	<u>Maximum Amount</u>
Key Bank	\$7,000,000
The Bank of Greene County	\$3,000,000
The National Bank of Coxsackie	\$7,000,000

Additionally, other Commercial Banks or Trust Companies may be utilized after meeting policy requirements when bidding conditions warrant.

## VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provisions of General Municipal Law §10, all deposits of the Windham-Ashland-Jewett Central School, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By pledge of “eligible securities” with an aggregate “market value” as provided by GML §10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.
2. By an eligible “irrevocable letter of credit” issued by a qualified bank other than The bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims – paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

## IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by a bank or trust company subject or a cooperative investor to security and custodial agreements. All security and custodial agreements shall be renewed annually.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to Windham-Ashland-Jewett Central School or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be

commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

## **X. PERMITTED INVESTMENTS**

As authorized by General Municipal Law § 11, the Windham-Ashland-Jewett Central School authorizes the Business Manager/Treasurer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments and shall not exceed a one-year maturity and not to exceed an amount in excess of \$100,000 (except for amounts deposited in the approved depository list outlined in Section VII} unless pre-authorized by the Board:

- Special time deposit accounts subject to one year maturity or less;
- Certificates of deposit;
- Obligations of the United States of America that are less than one year;
- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- Obligations of the State of New York.

All investment obligations shall be payable or redeemable at the option on the Windham-Ashland-Jewett Central School within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Windham-Ashland-Jewett Central School within one year of the date of purchase.

## **XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS**

The Windham-Ashland-Jewett Central School shall maintain a list (refer to list on page 3) of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial

institution or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Windham-Ashland-Jewett Central School. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the Anew York Federal Reserve Bank, as primary dealers. The Business Manager/Treasurer is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

## XII. PURCHASE OF INVESTMENTS

The Business Manager/Treasurer is authorized to contract for the purpose of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.
3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Windham-Ashland-Jewett Central School BY THE BANK OR TRUST COMPANY. Any obligation held in the custody of a bank or trust company shall be held pursuant to written custodial agreement as described in General Municipal Law, §10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfect interest in the securities.

## **SUBJECT: DISTRICT INVESTMENTS**

### **I. SCOPE**

This investment policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

### **II. OBJECTIVES**

The primary objectives of the local government's investment activities are, in priority order,

- To conform with all applicable federal, state and other legal requirements (legal);
- To adequately safeguard principal (safety);
- To provide sufficient liquidity to meet all operating requirements (liquidity); and
- To obtain a reasonable rate of return (yield).

### **III. DELEGATION OF AUTHORITY**

The governing board's responsibility for administration of the investment program is delegated to the Business Manager/Treasurer who shall establish written procedures for the operation of the investment program for all securities with a maximum one year maturity consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees. Board of Education approval is necessary on all transactions that go beyond the maximum one year maturity date.

### **IV. PRUDENCE**

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Windham-Ashland-Jewett Central School.

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Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

## V. DIVERSIFICATION

It is the policy of the Windham-Ashland-Jewett Central School to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

## VI. INTERNAL CONTROLS

It is the policy of the Windham-Ashland-Jewett Central School for all moneys collected by any officer or employee of the government to transfer those funds to the Business Manager/Treasurer within 2 days of deposit, or within the time period specified in law, whichever is shorter.

The Business Manager/Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

## VII. DESIGNATION OF DEPOSITARIES

The banks and trust companies authorized for the deposit of monies up to the maximum amounts are:

<u>Depository Name</u>	<u>Maximum Amount</u>
Key Bank	\$7,000,000
First Niagara	\$5,000,000
The Bank of Greene County	\$3,000,000
JP Morgan Chase	\$3,000,000
The National Bank of Coxsackie	\$5,000,000

Additionally, other Commercial Banks or Trust Companies may be utilized after meeting policy requirements when bidding conditions warrant.

## VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provisions of General Municipal Law, §10, all deposits of the Windham-Ashland-Jewett Central School, including certificates of deposit and special time

deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By a pledge of "eligible securities" with an aggregate "market value" as provided by GML §10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.
2. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims – paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

## **IX. SAFEKEEPING AND COLLATERALIZATION**

Eligible securities used for collateralizing deposits shall be held by a bank or trust company subject or a cooperative investor to security and custodial agreements. All security and custodial agreements shall be renewed annually.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Windham-Ashland-Jewett Central School or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be

commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

## **X. PERMITTED INVESTMENTS**

As authorized by General Municipal Law, §11, the Windham-Ashland-Jewett Central School authorizes the Business Manager/Treasurer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments and shall not exceed a one-year maturity and not to exceed an amount in excess of \$100,000 (except for amounts deposited in the approved depository list outlined in Section VII) unless pre-authorized by the Board:

- Special time deposit accounts subject to one year maturity or less;
- Certificates of deposit;
- Obligations of the United States of America that are less than one year;
- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United State of America;
- Obligations of the State of New York;
- Obligations issued pursuant to LFL §24.00 or 25.00 (with approval of the State Comptroller) by a municipality, school district or district corporation other than the Windham-Ashland-Jewett Central School, subject to Board of Education pre-approval.
- Certificates of Participation (COPS) issued pursuant to GML §109-b.

All investment obligations shall be payable or redeemable at the option of the Windham-Ashland-Jewett Central School within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Windham-Ashland-Jewett Central School within two years of the date of purchase.

## **XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS**

The Windham-Ashland-Jewett Central School shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Windham-Ashland-Jewett Central School. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the Anew York Federal Reserve Bank, as primary dealers. The Business Manager/Treasurer is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

## **XII. PURCHASE OF INVESTMENTS**

The Business Manager/Treasurer is authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.
3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Windham-Ashland-Jewett Central School **BY THE BANK OR TRUST COMPANY**. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, §10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the

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securities. Such agreement shall include all provisions necessary to provide the local government a perfect interest in the securities.

**SUBJECT: DISTRICT INVESTMENTS**

Whenever the District has funds (including operating funds, reserve funds and proceeds of obligations) that exceed those necessary to meet current expenses, the Board of Education shall authorize the School Business Official to invest such funds in accordance with all applicable laws and regulations and in conformity with the guidelines established by this policy.

**Objectives**

The objectives of this investment policy are four-fold:

- a) Investments shall be made in a manner so as to safeguard the funds of the School District; and
- b) Bank deposits shall be made in a manner so as to safeguard the funds of the School District.
- c) Investments shall be sufficiently liquid so as to allow funds to be available as needed to meet the obligations of the School District.
- d) Funds shall be invested in such a way as to earn the maximum yield possible given the first three (3) investment objectives.

**Authorization**

The authority to deposit and invest funds is delegated to the School Business Official. These functions shall be performed in accordance with the applicable sections of the General Municipal Law and the Local Finance Law of the State of New York.

The School Business Official may invest funds in the following eligible investments:

- a) Obligations of the State of New York.
- b) Obligations of the United States Government, or any obligations for which principal and interest are fully guaranteed by the United States Government.
- c) Time Deposit Accounts placed in a commercial bank authorized to do business in the State of New York, providing the account is collateralized as required by law. [Banking Law Section 237(2) prohibits a savings bank from accepting a deposit from a local government. This also applies to savings and loan associations.]

(Continued)

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## **SUBJECT: DISTRICT INVESTMENTS (Cont'd.)**

- d) Transaction accounts (demand deposits) both interest bearing and non-interest bearing that do not require notice of withdrawal placed in a commercial bank authorized to do business in the State of New York, providing the account is collateralized as required by law.
- e) Certificates of Deposits placed in a commercial bank authorized to do business in the State of New York providing the Certificates are collateralized as required by law.
- f) Securities purchased pursuant to a Repurchase Agreement whereby one party purchases securities from a second party and the second party agrees to repurchase those same securities on a specific future date at an agreed rate of return (the interest rate).

### **Implementation**

Using the policy as a framework, regulations and procedures shall be developed which reflect:

- a) A list of authorized investments;
- b) Procedures including a signed agreement to insure the School District's financial interest in investments;
- c) Standards for written agreements consistent with legal requirements;
- d) Procedures for the monitoring, control, deposit and retention of investments and collateral which shall be done at least once a month;
- e) Standards for security agreements and custodial agreements consistent with legal requirements;
- f) Standards for diversification of investments including diversification as to type of investments, and firms and banks with whom the School District transacts business; and
- g) Standards for qualification of investment agents which transact business with the School District including, at minimum, the Annual Report of the Trading Partner.

This policy shall be reviewed and re-adopted at least annually or whenever new investment legislation becomes law, as staff capabilities change, or whenever external or internal issues warrant modification.

General Municipal Law Section 39  
Education Law Sections 1604-a and 1723(a)  
Local Finance Law Section 165

Adopted: 8/05/03

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Opportunities

## **SUBJECT: ACCEPTANCE OF GIFTS, GRANTS AND BEQUESTS TO THE SCHOOL DISTRICT**

The Board may accept gifts, grants and/or bequests of money, real or personal property, as well as other merchandise which, in view of the Board, add to the overall welfare of the School District, provided that such acceptance is in accordance with existing laws and regulations. However, the Board is not required to accept any gift, grant or bequest and does so at its discretion, basing its judgment on the best interests of the District. Furthermore, the Board will not accept any gift, grant or bequest which constitutes a conflict of interest and/or gives an appearance of impropriety.

At the same time, the Board will safeguard the District, the staff and students from commercial exploitation, from special interest groups, and the like.

The Board will not accept any gifts or grants which will place encumbrances on future Boards, or result in unreasonable additional or hidden costs to the District.

The Board of Education will not formally consider the acceptance of gifts or grants until and unless it receives the offer in writing from the donor/grantor. Any such gifts or grants donated to the Board and accepted on behalf of the School District must be by official action and resolution passed by Board majority. The Board would prefer the gift or grant to be a general offer rather than a specific one. Consequently, the Board would suggest that the donor/grantor work first with the school administrators in determining the nature of the gift or grant prior to formal consideration for acceptance by the Board. However, the Board, in its discretion, may direct the Superintendent of Schools to apply such gift or grant for the benefit of a specific school program.

The Board is prohibited, in accordance with the New York State Constitution, from making gifts/charitable contributions with School District funds.

Gifts and/or grants of money to the District shall be annually accounted for under the trust and agency account in the bank designated by the Board of Education.

All gifts, grants and/or bequests shall become School District property. A letter of appreciation, signed by the President of the Board and the Superintendent, may be sent to a donor/grantor in recognition of his/her contribution to the School District.

### **Gift Giving**

The Board of Education recognizes that gift giving, especially during the holiday season, may be a common practice for many District employees. While the giving or exchanging of gifts may be acceptable among staff members, the Board strongly encourages District employees and students to show appreciation through written notes or greeting cards.

(Continued)

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Non-Instructional/Business  
Opportunities

**SUBJECT: ACCEPTANCE OF GIFTS, GRANTS AND BEQUESTS TO THE SCHOOL  
DISTRICT (Cont'd.)**

Additionally, all business contacts will be informed that gifts exceeding seventy-five dollars (\$75) to District employees will be returned or donated to charity.

New York State Constitution Article 8, Section 1  
Education Law Sections 1709(12) and (12-a)  
and 1718(2)  
General Municipal Law Section 805-a(1)

Adopted: 8/05/03

# POLICY

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Non-Instructional/Business  
Operations

**SUBJECT: SCHOOL TAX ASSESSMENT AND COLLECTION**

A tax collection plan giving dates of warrant and other pertinent data shall be prepared annually and submitted for review and consideration by the School Business Official to the Board of Education. Tax collection shall occur by mail or by direct payment to the place designated by the Board of Education.

Real Property Tax Law Sections 1300-1342  
Education Law Section 2130

Adopted: 8/05/03

# POLICY

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Non-Instructional/Business  
Operations

**SUBJECT: PROPERTY TAX EXEMPTION FOR SENIOR CITIZENS**

Unless specifically exempted by law, real property used exclusively for residential purposes and owned by one (1) or more persons, each of whom is sixty-five (65) years of age or over, or real property owned by husband and wife or by siblings, one of whom is sixty-five (65) years of age or over, shall be exempt from taxation to the extent of percentum of the assessed valuation determined by the Board if the owners meet the criteria established annually by the Board.

The real property tax exemption of real property owned by husband and wife, when one of them is sixty-five (65) years of age or over, once granted, shall not be rescinded solely because of the death of the older spouse so long as the surviving spouse is at least sixty-two (62) years of age.

Real Property Tax Law Section 467

Adopted: 8/05/03

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## **SUBJECT: SALE AND DISPOSAL OF SCHOOL DISTRICT PROPERTY**

### **Sale of School Property**

No school property shall be sold without prior approval of the Board of Education. However, the responsibility for such sales may be delegated. The net proceeds from the sale of school property shall be deposited in the General Fund.

### **Disposal of District Personal Property**

#### Equipment

School District equipment that is obsolete, surplus, or unusable by the District shall be disposed of in such a manner that is advantageous to the District.

The Superintendent will be responsible for selling the equipment in such a way so as to maximize the net proceeds of sale which may include a bona fide public sale preceded by adequate public notice. If it is determined that reasonable attempts to dispose of the equipment have been made and such attempts have not produced an adequate return, the Superintendent or his/her designee may dispose of the equipment in any manner which he/she deems appropriate.

#### Textbooks

Textbooks may lose their value to the educational program because of changes in the curriculum or they contain outdated material and/or are in poor condition.

If textbooks are no longer useful or usable, the procedures for disposal shall adhere to the following order of preference:

- a) Sale of textbooks. If reasonable attempts to dispose of surplus textbooks fail to produce monetary return to the School District; then
- b) Donation to charitable organizations; or
- c) Disposal as trash.

Education Law Sections 1604(4) and (30) and (36),  
1709(9) and (11)  
General Municipal Law Sections 51 and 800 et seq.

Adopted: 8/05/03

# POLICY

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Operations

## **SUBJECT: BONDING OF EMPLOYEES AND SCHOOL BOARD MEMBERS**

In accordance with New York State Education Law and the Commissioner's Regulations, the Board of Education directs that the Treasurer of the Board of Education, the tax collector and the internal auditor be bonded prior to assuming their duties. Such bonds shall be in the amounts as determined and approved by the Board of Education.

Other school personnel and members of the Board of Education authorized or required to handle School District revenues may be covered by a blanket undertaking provided by the District in such amounts as approved by the Board of Education based upon the recommendations of the Superintendent or his/her designee.

Education Law Sections 1709(20-a), 1720, 2130(5),  
2526, and 2527  
Public Officers Law Section 11(2)  
8 New York Code of Rules and Regulations  
(NYCRR) Section 170.2(d)

Adopted: 8/05/03

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Operations

**SUBJECT: EXPENDITURES OF SCHOOL DISTRICT FUNDS**

The Board of Education authorizes the Purchasing Agent to expend school funds as appropriated by approved operational and capital budgets, and by the adoption of special resolutions. He/she will make expenditures in accordance with applicable law and in a manner that will achieve the maximum benefit from each dollar expended.

All claims shall be properly confirmed and verified before payment.

Complete records of all expenditures shall be maintained for future analysis and reporting within the time frame required by the Records Disposition Law or regulation.

Education Law Section 1720

Adopted: 8/05/03

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## **SUBJECT: BUDGET TRANSFERS**

Within monetary limits as established by the Board, the Superintendent is authorized to transfer funds within the budget. Whenever changes are made, they are to be incorporated in the next Board agenda for information only.

8 New York Code of Rules and Regulations  
(NYCRR) Section 170.2(l)  
Education Law Section 1718

Adopted: 8/05/03

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Non-Instructional/Business  
Operations

**SUBJECT: BORROWING OF FUNDS**

The School District may borrow money only by means of serial bonds, bond anticipation notes, capital notes, tax anticipation notes, revenue anticipation notes and budget notes.

New York State Local Finance Law Section 20

Adopted: 8/05/03

# POLICY

2005

Policy 5410

NON-INSTRUCTIONAL  
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## **Subject: IMPLEMENTATION OF POLICY 5410**

### **1. PURCHASING – BIDDING REQUIREMENTS**

- A. The Windham-Ashland-Jewett Central School District is required by law to award all purchase contracts for supplies, materials and equipment involving expenditures in excess of \$20,000 and all contracts for public works in excess of \$35,000 to the lowest possible bidder after advertising for public sealed bids.
- B. When a contract involves acquisition of both goods and services, a judgment must be made as to the primary purpose of the contract. If the services are minor, incidental or customarily provided by the vendor in connection with the purchase, the contract should be viewed as a purchase contract. If the service component is extensive or predominant or involves special skills, the contract should be treated as one for public works.
- C. In determining the necessity for competitive bidding, the aggregate amount to be expended during the fiscal year on an item or those of a similar nature (a "reasonable commodity grouping") must be considered. For example, office supplies or art materials would constitute an appropriate grouping for bidding purposes. The requirements of the bidding status may not be evaded by artificially splitting contracts into purchases for sums less than the threshold amount.
- D. Additionally, in determining whether the dollar requirements have been reached, allowance for any trade-in related to the purchase must be treated as an expenditure; the estimated gross cost of the item is the controlling factor. Net cost is relevant only to the determination of the low bid.

### **2. GUIDELINES FOR PURCHASING SUPPLIES AND EQUIPMENT**

- A. When procurements for supplies, materials and equipment cannot be obtained through the sources and methods outline under Item No. I.E., "Competitive Bidding Not Required", the following procedures should be followed:

#### **SUPPLIES & EQUIPMENT**

<b><u>Estimated Amount of Purchase</u></b>	<b><u>Procedure/Requirements</u></b>	<b><u>Responsibility</u></b>
\$1,000 to \$1,500	Two verbal quotations, name of vendor and date of quote	The originator shall indicate on the purchase requisition why he or she believes the suggested vendor be used.
\$1,501 to \$20,000	2-5 Written quotations, name of vendor and date of quote	Obtained by the Purchasing Department
\$20,001 and over	Public, advertised bids	Obtained by the Purchasing Department

Revised and Adopted  
12/19/2010

**PUBLIC WORKS CONTRACTS**

<b><u>Estimated Amount of Purchase</u></b>	<b><u>Procedure/Requirement</u></b>	<b><u>Responsibility</u></b>
Less than \$2,000	No quotation required	Originator must substantiate the need and choice of contractor.
\$2,001 to \$4,500	2 Verbal quotations with name and date obtained	Originator must substantiate the need and choice of contractor, consult with Purchasing Department.
\$4,501 to \$12,000	2-5 Formal, written quotations	Obtained by the Purchasing Department and Superintendent to review need.
\$12,001 to \$35,000	3-5 Formal requests proposals (RFP)	Obtained by the Purchasing Department and Superintendent to review need and choice of contractor.
\$35,001 and over	Public, advertised bids.	Obtained by Purchasing Department, reviewed by Superintendent and submitted to the Board.

**CONSTRUCTION/RENOVATIONS**

<b><u>Estimated Amount of Purchase</u></b>	<b><u>Procedure/Requirement</u></b>	<b><u>Responsibility</u></b>
\$5,000 to \$9,999	Complete description of project. 2-5 Written quotations	Division of Buildings & Grounds supplies project description. Quotations obtained by the Purchasing Department
\$10,000 to \$19,000	Complete description of project. Retention of architect or engineer. Submittal of plans to SED for approval and "Project NO". 2-5 Written quotations.	Division of Building & Grounds supplies project description. Quotations by the Purchasing Department.
\$19,001 and over	Retention of architect or engineer. Submittal of plans to SED for approval and "Project No." Public, advertised bids.	Division of Building & Grounds supplies project description. Bids obtained by the Purchasing Department.

### **3. COMPETITIVE BIDDING NOT REQUIRED**

When procurements for supplies, materials and equipment are obtained through the following methods competitive bidding is not required.

1. Under a State Contract (G.M. Law, Section 103 [3])
2. Under a County Contract (G.M. Law, Section 104)
3. From State Correctional Institutions (Corrections Law Sections 184, 186)
4. From State Agencies for the Blind and Severely Handicapped (State Finance Law, Section 175-b)
5. Emergencies (G.M. Law, Section 103 [4])
6. Sole Source, Professional Services (e.g. architects, engineers, accountants, lawyers, underwriters, fiscal consultants, etc.), True Leases and Insurance (State Comptroller's Financial Management Guide, Subsection 8.0060)
7. Second-Hand Equipment From Another Government Agency or from any other political sub-division, district or public benefit corporation (G.M. Law, Section 103 [6]).

### **4. BID SPECIFICATIONS**

1. Although the Windham-Ashland-Jewett Central School District has broad discretion to set reasonable standards and limitations when preparing bid specifications, particular care and thoroughness are essential to ensure that potential bidders are not misled or confused about the specifications. Specifications will describe completely the item or services to be purchased, including size, color, weight, time of delivery and other relevant considerations.
2. If a brand name product represents an industry-wide standard, it may be specified as a standard of supply provided that the specifications indicate that products, which are reasonably EQUIVALENT, are acceptable. compliance with competitive bidding requirements is still required; any vendor who can furnish the specified item must be afforded the opportunity to bid.
3. The Windham-Ashland-Jewett Central School District reserves the right to reject any and all bids or to waive minor irregularities or variances in the bid. Every bid or proposal must be accompanied by a signed statement, affirmed under the penalties of perjury, certifying that there was no collusion with any other bidder over prices in the bid or any attempt by the bidder to restrict competition.
4. At the discretion of the Purchasing Agent, bid specifications may require "bid deposits" to be submitted by bidders with their bids. The deposit requirement has several purposes. It serves as security for the Windham-Ashland-Jewett Central School District that the bid will be kept open for the period specified and that the bidder will enter into a contract in accordance with the specifications after an award is made. It also protects the Windham-Ashland-Jewett Central School District from the submission of bids by financially irresponsible bidders.

When no bids are received, the Windham-Ashland-Jewett Central School District may re-advertise for bids and/or directly solicit bids from potential vendors. However, where the Windham-Ashland-Jewett Central School District has taken steps in good faith to obtain bids, it may make purchases in the open market until conditions change. In the case

tie bids, the Windham-Ashland-Jewett Central School District may award the contract to one of the low bidders or reject all bids and re-advertise the purchase. Windham-Ashland-Jewett Central School District may award the contract in such an instance to the local vendor or may draw lots to eliminate the charge of favoritism. However the contract may not be split among the tied bidders.

## **5. EXCEPTIONS FOR BIDDING**

There are several situations in which exceptions to the competitive bidding laws exist. Competitive bidding is not required under General Municipal Law when there is only one possible supplier or source from which to procure goods or services, such as in the case of public utility or a patented item.

1. In the case of emergencies, the necessity for formal competitive bidding also is exempted. To constitute an emergency within the meaning of the statute, the situation must arise out of an accident or unforeseen occurrence or condition, which constitutes an imminent danger to public buildings or property or to the life, safety or health of residents, and requires immediate action that cannot await competitive bidding. Nonetheless, since even in situations that are exempted from competitive bidding requirements, an award when made must generally be in the best interest of the public, informal solicitation of several written or verbal quotes will be undertaken to the extent practicable.
2. Contracts for professional services (e.g. architects, engineers, accountants, lawyers, underwriters, fiscal consultants, etc.) and other services requiring special or technical skills, training or expertise are not deemed to be contracts for public work or purchase contracts under General Municipal Law and, thus, are not subject to competitive bidding requirements.
3. The courts have held that "true lease" agreements are not subject to competitive bidding requirements since they are neither contract purchases nor contracts for public works. However, the Education Law provides that leases or personal property by school districts are subject to competitive bidding requirements.
4. There is a statutory exception to competitive bidding requirements that permits the purchase of surplus and second-hand supplies from the Federal and State governments or from any other political subdivision or public benefit corporation.

## **6. QUOTES WHEN COMPETITIVE BIDDING NOT REQUIRED**

Goods and services which are not required by law to be procured by the district through competitive bidding will be procured in a manner so as to ensure the prudent and economical use of public monies in the best interest of the taxpayers as determined by the Superintendent. Alternative proposals or quotations will be solicited by requests for qualifications, requests for proposals, written or verbal quotations or any other appropriate method of procurement, as set forth below.

### **A. Methods of Documentation**

1. Verbal quotations: the telephone log or other record will set forth, at a minimum, the date, item or service desired, price quoted, name of vendor, name of vendor's representative;
2. Written Quotations: vendors will provide, at a minimum, the date, description of the item or details of service to be provided, price quoted, name of contact. For example, with regard to insurance, the district will maintain documentation that will include bid advertisements, specifications and the awarding resolution. Alternatively, written or verbal quotation forms will serve as documentation if formal bidding is not required. "Requests for Proposals" (RFPs), documented in the same manner as described herein, may also be used;
3. Requests for qualifications: the district will contact a number of professionals (e.g. architects, engineers, accountants, lawyers, underwriters, fiscal consultants, etc.) and request that they submit written qualifications presenting appropriate credentials of prior performance
4. Requests for proposals: the district will contact a number of professionals (e.g. architects, engineers, accountants, lawyers, underwriters, fiscal consultants, etc.) and request that they submit written proposals. The RFPs may include negotiations on a fair and equal basis. The RFPs and evaluation of such proposals will consider price plus other factors such as:
  - a. The specialty knowledge or expertise of the professional or consultant service;
  - b. The quality of the Service to be provided;
  - c. The staffing of the service; and
  - d. The suitability for the district's needs

The District may locate prospective qualified firms by:

- a. Advertising in trade journals
- b. Checking listings of professionals
- c. Making inquiries of other districts or other appropriate sources or
- d. Using other professionally accepted methods

## **7. NONCOMPLIANCE WITH COMPETITIVE BIDDING REQUIREMENTS**

Contracts awarded to one other than the lowest responsible bidder must be justified and documented by the Windham-Ashland-Jewett Central School District.

The effect of noncompliance with competitive bidding requirements, as a general rule, renders the contract in question void and unenforceable.

Violation of the competitive bidding laws may subject an offender to criminal liability. It is a misdemeanor for any person or corporation to conspire to prevent or otherwise subvert competitive bidding on a contract for public work or purchase that has been advertised for bidding.

## **8. INSTALLMENT PURCHASE CONTRACTS**

1. General Municipal Law generally authorizes installment purchase agreements to acquire equipment, machinery and apparatus. The Education Law specifically authorizes school districts with prior written approval of the Commissioner, to enter into agreements for the installment, purchase of equipment, machinery and apparatus. An installment purchase contract is an agreement that provides for periodical payments to be applied toward the purchase price or transfers title at the end of the term to the Windham-Ashland-Jewett Central School District automatically or for a nominal sum, or for an option price which is an amount less than the fair market value at the time of purchase. Such agreements are subject to competitive bidding requirements if the total amount to be paid over the life of the agreement, including finance charges, exceeds the statutory threshold.
2. By statute, installment purchase contracts are subject to various restrictions.
  - a. They must be approved by the Windham-Ashland-Jewett Central School District;
  - b. Any down payment may not exceed ten percent of the full contract price;
  - c. Payment installment must be substantially equal;
  - d. No payment may be financed by the proceeds of bonds or notes, nor are payments considered an object or purpose for which bonds may be issued;
  - e. Such contracts are not deemed as indebtedness for gross indebtedness purposes or as evidence of indebtedness under the Local Finance Law;
  - f. The term of an installment purchase contract, including all renewals, cannot exceed thirty years or the period of probable usefulness.
  - g. In certain circumstances, the contract may be subject to a referendum of the voters of the districts; and
  - h. The contract must contain an "executory clause" which limits liability under the contract to the amount of monies actually appropriated and available for the contract.

**9. UNINTENTIONAL FAILURE TO COMPLY – General Municipal Law 1 04-Sub 5.**

General Municipal Law states that the unintentional failure to comply fully with the provisions of Section 104-b or the governing Board's policies and procedures shall not be grounds to void action taken or give rise to a cause of action against the political subdivision or the Windham-Ashland-Jewett Central School District or any officer or employee thereof.

**10. AUDIT OF CLAIMS**

A claim to be submitted to the Board of Education (or Windham-Ashland-Jewett Central School District's internal claims auditor) for approval for payment shall qualify when the following conditions are met:

- a. Bears the description and price of the items specified on the purchase order, less any allowed discounts;
- b. Is accompanied by a copy of the purchase order bearing the signature of the requisitioner that the item has been received in a satisfactory condition and in the quantity indicated.
- c. All extensions and totals have been checked for accuracy.
- d. Has the approval of the purchasing agent as officer giving rise to the claim.

The schedule of claims warrant is then audited by the Board of Education and/or the internal claims auditor to determine that;

- a. The purchasing agent's signature authorized the release of the purchase order.
- b. The receiving copy was signed and dated, indicating that the materials or services were received.
- c. The purchase order or schedule of claims contains the purchasing agent's signature as the "officer giving rise to the claim".
- d. The extensions are correct, no taxes are paid, discounts are taken, and transportation charges (where applicable) are accurate.
- e. The charges do not duplicate any item(s) already paid.
- f. The proposed payment is for a valid and legal purpose.
- g. The unit price billed (invoice) does not exceed the bid or contract authorization.

**11. INVENTORY AND INVENTORY CONTROLS**

- a. The school business official shall develop a system for the inventory or equipment to conform to the State's requirements for fixed assets accounting. In addition, the business administrator shall develop a system of supply inventory.
- b. The business administrator shall be responsible for maintaining the inventory of equipment
- c. The purchasing agent shall periodically review the inventory records and make personal inspections of all district storage spaces to ascertain surpluses or shortages of materials and equipment.
- d. The business administrator, in accordance with established procedures, may authorize the transfer of equipment from place to place within the district.

## GUIDELINES TO BE USED FOR NON-BID PROCUREMENTS

This chart identified the Procurement Guidelines to be used by the Windham-Ashland-Jewett CSD.

### SUPPLIES & EQUIPMENT:

Purchase Amount	Responsibility	2 Verbal Quotes	2-5 Written Quotes	RFP	Public Advertised Bids	Name of Vendor Date of Quote
\$1,000- \$1,500	Originator of Request	X				X
\$1,501 to \$20,000	Purchasing Department		X			X
20,001 and over	Purchasing Department				X	

### PUBLIC WORKS CONTRACTS

Purchase Amount	Responsibility	2 Verbal Quotes	2-5 Written Quotes	RFP	Public Advertise d Bids	Name of Vendor/Date of Quote
Less than \$2000	Originator must substantiate need					
\$2001 to \$4500	Originator must substantiate need & choice of contractor, consult with Purchasing Dept.	X				X
\$4,501 to \$12,000	Purchasing Dept. w/ Superintendent Review		X			
\$12,001 to \$35,000	Purchasing Dept. w/ Superintendent to review need and choice of contractor			X		
\$35,001	Purchasing Dept, Reviewed by Superintendent and submitted to the Board				X	

### CONSTRUCTION/RENOVATIONS

Purchase Amount	Responsibility	2 Verbal Quotes	2-5 Written Quotes	RFP	Public Advertise d Bids	Name of Vendor/Date of Quote
\$5,000 to \$9,999	Bldg & Grounds supplies project description. Purchasing Dept. obtains quotes		X			X
\$10,000 to \$19,000	Bldg & Grounds supplies project description. Quotes obtained by Purchasing Dept.		X			X
\$19,001 and over	Bldg & Grounds supplies project descriptions. Bids obtained by Purchasing Dept.				X	

## PURCHASING

The Windham-Ashland-Jewett Central School District's Board of Education views purchasing as serving the educational program by providing necessary supplies, equipment and related services. Purchasing will be centralized in the business office under the general supervision of the Purchasing Agent designated by the Windham-Ashland-Jewett Central School district's Board of Education.

It is the goal of the Windham-Ashland-Jewett Central School District's Board to purchase competitively, without prejudice or favoritism, and to seek the maximum educational value for every dollar expended. Competitive bids or quotations shall be solicited in connection with purchases pursuant to law. The General Municipal Law requires that purchase contracts for materials, equipment and supplies involving an estimated annual expenditure exceeding \$10,000 and public work contracts involving an expenditure of more than \$20,000 will be awarded only after responsible bids have been received in response to a public advertisement soliciting formal bids. Similar procurements to be made in a fiscal year will be grouped together for the purpose of determining whether a particular item must be bid.

Goods and services which are not required by law to be procured by the district through competitive bidding will be procured in a manner so as to ensure the prudent and economical use of public monies, in the best interests of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption.

Alternative proposals or quotations will be secured by requests for proposals, written or verbal quotations or any other appropriate method of procurement, except for procurements:

1. Under a county contract;
2. Under a State contract
3. Of articles manufactured in State correctional institutions; or

The Windham-Ashland-Jewett Central School District's purchasing activity will strive to meet the following objectives:

1. To effectively supply needed materials, supplies and contracted services;
2. To obtain materials, supplies and contracted services at the lowest prices possible consistent with the quality and standards needed as determined by the Purchasing Agent in cooperation with the requisitioning unit. The educational welfare of the students is the foremost consideration in making any purchase;
3. To ensure that all purchases fall within the framework of budgetary limitations and that they are consistent with the educational goals and programs of the district;
4. To maintain an appropriate and comprehensive accounting and reporting system to record and document all purchasing transactions; and
5. To ensure, through the use of proper internal controls, that loss and/or diversion of district property is prevented.

Opportunities shall be provided to all responsible suppliers to do business with the school district. Suppliers whose place of business is situated within the district may be given preferential consideration only when bids or quotations on an item or service are identical as to price, quality and other factors. Purchases will be made through available cooperative BOCES bids, State contracts of the office of General Services or county contracts whenever such purchases are in the best interests of the district. In addition, the district will make purchases from correctional institutions and severely disable persons through charitable or non-profit making agencies, as provided by law.

The Windham-Ashland-Jewett Central School District will provide justification and documentation of any contract awarded to an offeror other than the lowest responsible dollar offeror, setting forth the reasons why such award is in the best interests of the Windham-Ashland-Jewett Central School District and otherwise furthers the purposes of section 104-b of the General Municipal Law.

The purchasing agent will not be required to secure alternative proposals or quotations for:

1. Emergencies where time is a crucial factor;
2. Procurements for which there is no possibility of competition (sole source items);
3. Procurements of professional services, which because of the confidential nature of the services, do not lend themselves to procurement through solicitation; or
4. Very small procurements when solicitations of competition would not be cost-effective.

The Business Office, with the assistance of the Purchasing Agent, shall be responsible for the establishment and implementation of the procedures and standard forms for use in all purchasing and related activities in the district. Such procedures shall comply with all applicable laws and regulations of the State and the Commissioner of Education.

No Board member, officer or employee of the school district shall have an interest in any contract entered into by the Board of the district, as provided in Article 18 of the General Municipal Law.

Comments will be solicited from those administrators involved in the procurement process before enactment of the Windham-Ashland-Jewett Central School District's policies regarding purchasing and from time to time thereafter. The policies must then be adopted by Board resolution. The Board will review all policies regarding procurement processes at least annually.

The unintentional failure to fully comply with the provision of section 104-b of the General Municipal Law or the Windham-Ashland-Jewett Central School District's policies regarding procurement will not be grounds to void action taken or give rise to a cause of action against the district or any officer or employee of the district.

### **PURCHASING PROCEDURES**

Only through the use of efficient purchasing procedures can the school district ensure that needed goods and services are acquired in the most economical manner. The Board of Education directs the Superintendent of Schools and the School Business Official to develop administrative regulations on how purchasing is to be done in the district.

All purchasing is to be done by the purchasing agent on an official purchase order blank

The purchasing agent is authorized to issue purchase orders without prior approval of the Board when formal bidding procedures are not required by law and budget appropriations are adequate to cover such obligations.

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## NON-INSTRUCTIONAL BUSINESS OPERATIONS

**SUBJECT: To IMPLEMENT POLICY #5410**

### **I. PURCHASING – BIDDING REQUIREMENTS**

- A. The Windham-Ashland-Jewett Central School District is required by law to award all purchase contracts for supplies, materials and equipment involving expenditures in excess of \$10,000 and all contracts for public works (except aidable building projects) in excess of \$20,000 to the lowest possible bidder after advertising for public sealed bids.
- B. When a contract involves acquisition of both goods and services, a judgment must be made as to the primary purpose of the contract. If the services are minor, incidental or customarily provided by the vendor in connection with the purchase, the contract should be viewed as a purchase contract. If the service component is extensive or predominant or involves special skills, the contract should be treated as one for public works.
- C. In determining the necessity for competitive bidding, the aggregate amount to be expended during the fiscal year on an item or those of a similar nature (a "reasonable commodity grouping") must be considered. For example, office supplies or art materials would constitute an appropriate grouping for bidding purposes. The requirements of the bidding status may not be evaded by artificially splitting contracts into purchases for sums less than the threshold amount.

Additionally, in determining whether the dollar requirements have been reached, allowance for any trade-in related to the purchase must be treated as an expenditure; the estimated gross cost of the item is the controlling factor. Net cost is relevant only to the determination of the low bid.

### **D. GUIDELINES FOR PURCHASING SUPPLIES AND EQUIPMENT**

When procurements for supplies, materials and equipment cannot be obtained through the sources and methods outline under Item No. I.E., "Competitive Bidding Not Required", the following procedures should be followed:

#### **Supplies & Equipment**

<u>Estimated Amount of Purchase</u>	<u>Procedure/Requirements</u>	<u>Responsibility</u>
\$1,000 to \$1,500	Two verbal quotations, name of vendor and date of quote	The originator shall indicate on the purchase requisition why he or she believes the suggested vendor be used.
\$1,501 to \$10,000	2-5 Written quotations, name of vendor and date of quote	Obtained by the Purchasing Department
\$10,001 and over	Public, advertised bids	Obtained by the Purchasing Department

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## NON-INSTRUCTIONAL BUSINESS OPERATIONS

### PUBLIC WORKS CONTRACTS

<u>Estimated Amount of Purchase</u>	<u>Procedure/Requirement</u>	<u>Responsibility</u>
Less than \$2,000	No quotation required	Originator must substantiate the need and choice of contractor.
\$2,001 to \$4,500	2 Verbal quotations with name and date obtained	Originator must substantiate the need and choice of contractor, consult with Purchasing Department.
\$4,501 to \$12,000	2-5 Formal, written quotations	Obtained by the Purchasing Department and Superintendent to review need.
\$12,001 to \$19,000	3-5 Formal requests proposals (RFP)	Obtained by the Purchasing Department and Superintendent to review need and choice of contractor.
\$19,001 and over	Public, advertised bids.	Obtained by Purchasing Department, reviewed by Superintendent and submitted to the Board.

### CONSTRUCTION/RENOVATIONS

<u>Estimated Amount of Purchase</u>	<u>Procedure/Requirement</u>	<u>Responsibility</u>
\$5,000 to \$9,999	Complete description of project. 2-5 Written quotations	Division of Buildings & Grounds supplies project description. Quotations obtained by the Purchasing Department
\$10,000 to \$19,000	Complete description of project. Retention of architect or engineer. Submittal of plans to SED for approval and "Project NO". 2-5 Written quotations.	Division of Building & Grounds supplies project description. Quotations by the Purchasing Department.
\$19,001 and over	Retention of architect or engineer. Submittal of plans to SED for approval and "Project No." Public, advertised bids.	Division of Building & Grounds supplies project description. Bids obtained by the Purchasing Department.

## **E. COMPETITIVE BIDDING NOT REQUIRED**

When procurements for supplies, materials and equipment are obtained through the following methods competitive bidding is not required.

1. Under a State Contract (G.M. Law, Section 103 [3])
2. Under a Country Contract (G.M. Law, Section 104)
3. From State Correctional Institutions (Corrections Law Sections 184, 186)
4. From State Agencies for the Blind and Severely Handicapped (State Finance Law, Section 175-b)
5. Emergencies (G.M. Law, Section 103 [4])
6. Sole Source, Professional Services (e.g. architects, engineers, accountants, lawyers, underwriters, fiscal consultants, etc.), True Leases and Insurance (State Comptroller's Financial Management Guide, Subsection 8.0060)
7. Second-Hand Equipment From Another Government Agency or from any other political sub-division, district or public benefit corporation (G.M. Law, Section 103 [6]).

## **II. BID SPECIFICATIONS**

- A. Although the Windham-Ashland-Jewett Central School District has broad discretion to set reasonable standards and limitations when preparing bid specifications, particular care and thoroughness are essential to ensure that potential bidders are not misled or confused about the specifications. Specifications will describe completely the item or services to be purchased, including size, color, weight, time of delivery and other relevant considerations.
- B. If a brand name product represents an industry-wide standard, it may be specified as a standard of supply provided that the specifications indicate that products, which are reasonably equivalent, are acceptable. Compliance with competitive bidding requirements is still required; any vendor who can furnish the specified item must be afforded the opportunity to bid.
- C. The Windham-Ashland-Jewett Central School District reserves the right to reject any and all bids or to waive minor irregularities or variances in the bid. Every bid or proposal must be accompanied by a signed statement, affirmed under the penalties of perjury, certifying that there was no collusion with any other bidder over prices in the bid or any attempt by the bidder to restrict competition.
- D. At the discretion of the Purchasing Agent, bid specifications may require "bid deposits" to be submitted by bidders with their bids. The deposit requirement has several purposes. It serves as security for the Windham-Ashland-Jewett Central School District that the bid will be kept open for the period specified and that the bidder will enter into a contract in accordance with the specifications after an award is made. It also protects the Windham-Ashland-Jewett Central School District from the submission of bids by financially irresponsible bidders.

- E. When one (1) or less bids are received, the Windham-Ashland-Jewett Central School District may re-advertise for bids and/or directly solicit bids from potential vendors. However, where the Windham-Ashland-Jewett Central School District has taken steps in good faith to obtain bids, it may make purchases in the open market until conditions change. In the case of tie bids, the Windham-Ashland-Jewett Central School District may award the contract to one of the low bidders or reject all bids and re-advertise the purchase. Windham-Ashland-Jewett Central School District may award the contract in such an instance to the local vendor or may draw lots to eliminate the charge of favoritism. However the contract may not be split among the tied bidders.

### **III. EXCEPTIONS FOR BIDDING**

- A. There are several situations in which exceptions to the competitive bidding laws exist. Competitive bidding is not required under General Municipal Law when there is only one possible supplier or source from which to procure goods or services, such as in the case of public utility or a patented item. In the case of emergencies, the necessity for formal competitive bidding also is exempted. To constitute an emergency within the meaning of the statute, the situation must arise out of an accident or unforeseen occurrence or condition, which constitutes an imminent danger to public buildings or property or to the life, safety or health of residents, and requires immediate action that cannot await competitive bidding. Nonetheless, since even in situations that are exempted from competitive bidding requirements, an award when made must generally be in the best interest of the public, informal solicitation of several written or verbal quotes will be undertaken to the extent practicable.
- B. Contracts for professional services (e.g. architects, engineers, accountants, lawyers, underwriters, fiscal consultants, etc.) and other services requiring special or technical skills, training or expertise are not deemed to be contracts for public work or purchase contracts under General Municipal Law and, thus, are not subject to competitive bidding requirements.
- C. The courts have held that "true lease" agreements are not subject to competitive bidding requirements since they are neither contract purchases nor contracts for public works. However, the Education Law provides that leases or personal property by school districts are subject to competitive bidding requirements.
- D. There is a statutory exception to competitive bidding requirements that permits the purchase of surplus and second-hand supplies from the Federal and State governments or from any other political subdivision or public benefit corporation.

### **IV. QUOTES WHEN COMPETITIVE BIDDING NOT REQUIRED**

Goods and services which are not required by law to be procured by the district through competitive bidding will be procured in a manner so as to ensure the prudent and economical use of public monies in the best interest of the taxpayers as determined by the Superintendent. Alternative proposals or quotations will be solicited by requests for qualifications, requests for proposals, written or verbal quotations or any other appropriate method of procurement, as set forth below.

- A. Methods of Documentation

1. Verbal quotations: the telephone log or other record will set forth, at a minimum, the date, item or service desired, price quoted, name of vendor, name of vendor's representative;
2. Written Quotations: vendors will provide, at a minimum, the date, description of the item or details of service to be provided, price quoted, name of contact. For example, with regard to insurance, the district will maintain documentation that will include bid advertisements, specifications and the awarding resolution. Alternatively, written or verbal quotation forms will serve as documentation if formal bidding is not required. "Requests for Proposals" (RFPs), documented in the same manner as described herein, may also be used;
3. Requests for qualifications: the district will contact a number of professionals (e.g. architects, engineers, accountants, lawyers, underwriters, fiscal consultants, etc.) and request that they submit written qualifications presenting appropriate credentials of prior performance
4. Requests for proposals: the district will contact a number of professionals (e.g. architects, engineers, accountants, lawyers, underwriters, fiscal consultants, etc.) and request that they submit written proposals. The RFPs may include negotiations on a fair and equal basis. The RFPs and evaluation of such proposals will consider price plus other factors such as:
  - a. The specialty knowledge or expertise of the professional or consultant service;
  - b. The quality of the Service to be provided;
  - c. The staffing of the service; and
  - d. The suitability for the district's needs

The District may locate prospective qualified firms by:

1. Advertising in trade journals
2. Checking listings of professionals
3. Making inquiries of other districts or other appropriate sources or
4. Using other professionally accepted methods

## **V. NONCOMPLIANCE WITH COMPETITIVE BIDDING REQUIREMENTS**

Contracts awarded to one other than the lowest responsible bidder must be justified and documented by the Windham-Ashland-Jewett Central School District.

The effect of noncompliance with competitive bidding requirements, as a general rule, renders the contract in question void and unenforceable.

Violation of the competitive bidding laws may subject an offender to criminal liability. It is a misdemeanor for any person or corporation to conspire to prevent or otherwise subvert competitive bidding on a contract for public work or purchase that has been advertised for bidding.

## **VI. INSTALLMENT PURCHASE CONTRACTS**

- A. General Municipal Law generally authorizes installment purchase agreements to acquire equipment, machinery and apparatus. The Education Law specifically authorizes school districts with prior written approval of the Commissioner, to enter into agreements for the installment, purchase of equipment, machinery and apparatus. An installment purchase contract is an agreement that provides for periodical payments to be applied toward the purchase price or transfers title at the end of the term to the Windham-Ashland-Jewett Central School District automatically or for a nominal sum, or for an option price which is

an amount less than the fair market value at the time of purchase. Such agreements are subject to competitive bidding requirements if the total amount to be paid over the life of the agreement, including finance charges, exceeds the statutory threshold.

- B. By statute, installment purchase contracts are subject to various restrictions.
1. They must be approved by the Windham-Ashland-Jewett Central School District;
  2. Any down payment may not exceed ten percent of the full contract price;
  3. Payment installment must be substantially equal;
  4. No payment may be financed by the proceeds of bonds or notes, nor are payments considered an object or purpose for which bonds may be issued;
  5. Such contracts are not deemed as indebtedness for gross indebtedness purposes or as evidence of indebtedness under the Local Finance Law;
  6. The term of an installment purchase contract, including all renewals, cannot exceed thirty years or the period of probable usefulness.
  7. In certain circumstances, the contract may be subject to a referendum of the voters of the districts; and
  8. The contract must contain an "executory clause" which limits liability under the contract to the amount of monies actually appropriated and available for the contract.

## **VII. UNINTENTIONAL FAILURE TO COMPLY – General Municipal Law 1 04-Sub 5.**

General Municipal Law states that the unintentional failure to comply fully with the provisions of Section 104-b or the governing Board's policies and procedures shall not be grounds to void action taken or give rise to a cause of action against the political subdivision or the Windham-Ashland-Jewett Central School District or any officer or employee thereof.

## **VIII. AUDIT OF CLAIMS**

A claim to be submitted to the Board of Education (or Windham-Ashland-Jewett Central School District's internal claims auditor) for approval for payment shall qualify when the following conditions are met:

1. Bears the description and price of the items specified on the purchase order, less any allowed discounts;
2. Is accompanied by a copy of the purchase order bearing the signature of the requisitioner that the item has been received in a satisfactory condition and in the quantity indicated.
3. All extensions and totals have been checked for accuracy.
4. Has the approval of the purchasing agent as officer giving rise to the claim.

The schedule of claims warrant is then audited by the Board of Education and/or the internal claims auditor to determine that;

1. The purchasing agent's signature authorized the release of the purchase order.
2. The receiving copy was signed and dated, indicating that the materials or services were received.
3. The purchase order or schedule of claims contains the purchasing agent's signature as the "officer giving rise to the claim".

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## NON-INSTRUCTIONAL BUSINESS OPERATIONS

4. The extensions are correct, no taxes are paid, discounts are taken, and transportation charges (where applicable) are accurate.
5. The charges do not duplicate any item(s) already paid.
6. The proposed payment is for a valid and legal purpose.
7. The unit price billed (invoice) does not exceed the bid or contract authorization.

### **IX. INVENTORY AND INVENTORY CONTROLS**

1. The school business official shall develop a system for the inventory or equipment to conform to the State's requirements for fixed assets accounting. In addition, the business administrator shall develop a system of supply inventory.
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**NON-INSTRUCTIONAL  
BUSINESS OPERATIONS  
ATTACHMENT A**

**GUIDELINES TO BE USED FOR NON-BID PROCUREMENTS**

This chart identified the Procurement Guidelines to be used by the Windham-Ashland-Jewett Central School District.

**SUPPLIES & EQUIPMENT:**

Purchase Amount	Responsibility	2 Verbal Quotes	2-5 Written Quotes	RFP	Public Advertised Bids	Name of Vendor Date of Quote
\$1,000- \$1,500	Originator of Request	X				X
\$1,501 to \$10,000	Purchasing Department		X			X
10,001 and over	Purchasing Department				X	

**PUBLIC WORKS CONTRACTS**

Purchase Amount	Responsibility	2 Verbal Quotes	2-5 Written Quotes	RFP	Public Advertised Bids	Name of Vendor Date of Quote
Less than \$2000	Originator must substantiate need					
\$2001 to \$4500	Originator must substantiate need & choice of contractor, consult with Purchasing Department	X				X
\$4,501 to \$12,000	Purchasing Dept. w/ Superintendent Review		X			
12,001 to \$19,000	Purchasing Dept. w/ Superintendent to review need and choice of contractor			X		
\$19,001	Purchasing Dept, Reviewed by Superintendent and submitted to the Board				X	

**CONSTRUCTION/RENOVATIONS**

Purchase Amount	Responsibility	2 Verbal Quotes	2-5 Written Quotes	RFP	Public Advertised Bids	Name of Vendor Date of Quote
\$5,000 to \$9,999	Div. of Bldg & Grounds supplies project description. Purchasing Dept. obtains quotes		X			X
\$10,000 to \$19,000	Div. of Bldg & Grounds supplies project description. Quotes obtained by Purchasing Dept.		X			X
\$19,001 and over	Div. of Bldg & Grounds supplies project descriptions. Bids obtained by Purchasing Dept.				X	

## **PURCHASING**

The Windham-Ashland-Jewett Central School District's Board of Education views purchasing as serving the educational program by providing necessary supplies, equipment and related services. Purchasing will be centralized in the business office under the general supervision of the Purchasing Agent designated by the Windham-Ashland-Jewett Central School district's Board of Education.

It is the goal of the Windham-Ashland-Jewett Central School District's Board to purchase competitively, without prejudice or favoritism, and to seek the maximum educational value for every dollar expended. Competitive bids or quotations shall be solicited in connection with purchases pursuant to law. The General Municipal Law requires that purchase contracts for materials, equipment and supplies involving an estimated annual expenditure exceeding \$10,000 and public work contracts involving an expenditure of more than \$20,000 will be awarded only after responsible bids have been received in response to a public advertisement soliciting formal bids. Similar procurements to be made in a fiscal year will be grouped together for the purpose of determining whether a particular item must be bid.

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The Windham-Ashland-Jewett Central School District's purchasing activity will strive to meet the following objectives:

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2. To obtain materials, supplies and contracted services at the lowest prices possible consistent with the quality and standards needed as determined by the Purchasing Agent in cooperation with the requisitioning unit. The educational welfare of the students is the foremost consideration in making any purchase;
3. To ensure that all purchases fall within the framework of budgetary limitations and that they are consistent with the educational goals and programs of the district;
4. To maintain an appropriate and comprehensive accounting and reporting system to record and document all purchasing transactions; and
5. To ensure, through the use of proper internal controls, that loss and/or diversion of district property is prevented.

Opportunities shall be provided to all responsible suppliers to do business with the school district. Suppliers whose place of business is situated within the district may be given preferential consideration only when bids or quotations on an item or service are identical as to price, quality and other factors. Purchases will be made through available cooperative BOCES bids, State contracts of the office of General Services or county contracts whenever such purchases are in the best interests of the district. In addition, the district will make purchases from correctional institutions and severely disable persons through charitable or non-profit making agencies, as provided by law.

The Windham-Ashland-Jewett Central School District will provide justification and documentation of any contract awarded to an offeror other than the lowest responsible dollar offeror, setting forth the reasons why such award is in the best interests of the Windham-Ashland-Jewett Central School District and otherwise furthers the purposes of section 104-b of the General Municipal Law.

The purchasing agent will not be required to secure alternative proposals or quotations for:

1. Emergencies where time is a crucial factor;
2. Procurements for which there is no possibility of competition (sole source items);
3. Procurements of professional services, which because of the confidential nature of the services, do not lend themselves to procurement through solicitation; or
4. Very small procurements when solicitations of competition would not be cost-effective.

The Business Office, with the assistance of the Purchasing Agent, shall be responsible for the establishment and implementation of the procedures and standard forms for use in all purchasing and related activities in the district. Such procedures shall comply with all applicable laws and regulations of the State and the Commissioner of Education.

No Board member, officer or employee of the school district shall have an interest in any contract entered into by the Board of the district, as provided in Article 18 of the General Municipal Law.

Comments will be solicited from those administrators involved in the procurement process before enactment of the Windham-Ashland-Jewett Central School District's policies regarding purchasing and from time to time thereafter. The policies must then be adopted by Board resolution. The Board will review all policies regarding procurement processes at least annually.

The unintentional failure to fully comply with the provision of section 104-b of the General Municipal Law or the Windham-Ashland-Jewett Central School District's policies regarding procurement will not be grounds to void action taken or give rise to a cause of action against the district or any officer or employee of the district.

## **PURCHASING PROCEDURES**

Only through the use of efficient purchasing procedures can the school district ensure that needed goods and services are acquired in the most economical manner. The Board of Education directs the Superintendent of Schools and the School Business Official to develop administrative regulations on how purchasing is to be done in the district.

All purchasing is to be done by the purchasing agent on an official purchase order blank

The purchasing agent is authorized to issue purchase orders without prior approval of the Board when formal bidding procedures are not required by law and budget appropriations are adequate to cover such obligations.

# POLICY

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Non-Instructional/Business  
Operations

## **SUBJECT: PURCHASING**

The District's purchasing activities will be part of the responsibilities of the Business Office, under the general supervision of the Purchasing Agent designated by the Board of Education. The purchasing process should enhance school operations and educational programs through the procurement of goods and services deemed necessary to meet District needs.

### **Competitive Bids and Quotations**

As required by law, the Superintendent will follow normal bidding procedures in all cases where needed quantities of like items will total the maximum level allowed by law during the fiscal year, (similarly for public works-construction, repair, etc.) and in such other cases that seem to be to the financial advantage of the School District.

A bid bond may be required if considered advisable.

No bid for supplies shall be accepted that does not conform to specifications furnished unless specifications are waived by Board action. Contracts shall be awarded to the lowest responsible bidder who meets specifications. However, the Board may choose to reject any bid.

Rules shall be developed by the administration for the competitive purchasing of goods and services.

The Superintendent may authorize purchases within the approved budget without bidding if required by emergencies and are legally permitted.

The Superintendent is authorized to enter into cooperative bidding for various needs of the School District.

### **Procurement Of Goods And Services**

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

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

(Continued)

**SUBJECT: PURCHASING (Cont'd.)**

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

- a) Prescribe a process for determining whether a procurement of goods and services is subject to competitive bidding and if it is not, documenting the basis for such determination;
- b) With certain exceptions (purchases pursuant to General Municipal Law, Section 186; State Finance Law, Sections 175-a and 175-b; State Correction Law, Section 184; or those circumstances or types of procurements set forth in (f) of this section), provide that alternative proposals or quotations for goods and services shall be secured by use of written request for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of Section 104-b of General Municipal Law;
- c) Set forth when each method of procurement will be utilized;
- d) Require adequate documentation of actions taken with each method of procurement;
- e) Require justification and documentation of any contract awarded to other than the lowest responsible dollar offer, stating the reasons; and
- f) Set forth any circumstances when, or the types of procurement for which, the solicitation of alternative proposals or quotations will not be in the best interest of the District.

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

The Board of Education shall solicit comments concerning the District's policies and procedures from those employees involved in the procurement process. All policies and procedures regarding the procurement of goods and services shall be reviewed annually by the Board.

**Alternative Formats for Instructional Materials**

Preference in the purchase of instructional materials will be given to vendors who agree to provide materials in a usable alternative format (i.e., any medium or format, other than a traditional print textbook, for presentation of instructional materials that is needed as an accommodation for each student with a disability, including students requiring Section 504 Accommodation Plans, enrolled in the School District). Alternative formats include, but are not limited to, Braille, large print, open and closed captioned, audio, or an electronic file in an approved format as defined in Commissioner's Regulations.

(Continued)

**SUBJECT: PURCHASING (Cont'd.)**District Plan

The District will develop a plan by July 1, 2002, to ensure that all instructional materials to be used in the schools of the District are available in a usable alternative format for each student with a disability, including students requiring Section 504 Accommodation Plans, in accordance with his or her educational needs and course selection, at the same time as such instructional materials are available to non-disabled students. The District Plan shall include those provisions mandated by Education Law and Commissioner's Regulations.

**Apparel Purchases**Competitive Bidding Purchases

The Board of Education will only accept bids from "responsible bidders." A determination that a bidder on a contract for the purchase of apparel is not a "responsible bidder" shall be based upon either or both of the following considerations:

- a) The labor standards applicable to the manufacture of the apparel, including but not limited to employee compensation, working conditions, employee rights to form unions, and the use of child labor; or
- b) The bidder's failure to provide information sufficient for the Board of Education to determine the labor standards applicable to the manufacture of the apparel.

Non-Competitive Bidding Purchases

The Board's internal policies and procedures governing procurement of apparel, where such procurement is not required to be made pursuant to competitive bidding requirements, shall prohibit the purchase of apparel from any vendor based upon either or both of the following considerations:

- a) The labor standards applicable to the manufacture of the apparel, including but not limited to employee compensation, working conditions, employee rights to form unions, and the use of child labor; or
- b) The bidder's failure to provide information sufficient for the Board of Education to determine the labor standards applicable to the manufacture of the apparel.

(Continued)

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**SUBJECT: PURCHASING (Cont'd.)**

## **Contracts for Goods and Services**

No contracts for goods and services shall be made by individuals or organizations in the school that involve expenditures without first securing approval for such contract from the Purchasing Agent.

No Board member or employee of the School District shall have an interest in any contract entered into by the Board or the School District.

Education Law Sections 305(14), 1604, 1709, 1950,  
2503, 2554 and 3602  
General Municipal Law, Articles 5-A and 18  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 170.2 and 200.2(b)(10),  
(c)(2), and (i)

Adopted: 8/05/03

# POLICY

2003

5510

Non-Instructional/Business  
Operations

## **SUBJECT: ACCOUNTING OF FUNDS**

Accounting and reporting procedures shall be developed to facilitate analysis and evaluation of the District's financial status and fixed assets. The District will use the Uniform System of Accounts for School Districts.

Books and records of the District shall be maintained in accordance with statutory requirements.

Provision shall be made for the adequate storage, security, and disposition of all financial and inventory records.

Education Law Section 2116-a

Adopted: 8/05/03

# POLICY

2003

5520

Non-Instructional/Business  
Operations

## **SUBJECT: EXTRACLASSROOM ACTIVITIES FUND**

An extraclassroom activity fund shall be established for activities conducted by students whose financial support is raised other than by taxation or through charges of the Board of Education. All funds in the extraclassroom activities fund shall be kept according to standards of good financial management. Proper books will be kept and all moneys deposited in appropriate accounts as set up by the Board of Education. These accounts shall be subject to audit.

All transactions involving extraclassroom funds shall be on a cash basis and no accounts shall remain unpaid at the end of the school year. The Assistant Superintendent, with approval of the Superintendent of Schools, shall set up procedures for receipt and payment from the extraclassroom activities fund.

8 New York Code of Rules and Regulations  
(NYCRR) Part 172

Adopted: 8/05/03

# POLICY

2003

5530

Non-Instructional/Business  
Operations

## **SUBJECT: PETTY CASH FUNDS AND CASH IN SCHOOL BUILDINGS**

### **Petty Cash Funds**

A petty cash fund of not more than one hundred dollars (\$100) shall be maintained in the District Office and in each school building. Payments from petty cash funds may be made for materials, supplies or services only when payment is required upon delivery. At the time of reimbursement, an itemized statement of expenditures, together with substantiating receipts, shall be submitted. Such accounts shall be authorized by Board resolution at their annual meeting.

Appropriate regulations shall be developed for implementation of this policy.

### **Cash in School Buildings**

Not more than two hundred fifty dollars (\$250), whether District or extraclassroom funds, shall be held in the vault in the main office of each District school building. Under no circumstances shall cash be left in classroom areas or desks. The District will not be responsible for funds left unprotected.

All funds, whether District or extraclassroom funds, shall be deposited prior to close of school each week. Only authorized personnel designated by the building administrator shall be allowed in the main office vault.

Education Law Sections 1604(26) and 1709(29)  
8 New York Code of Rules and Regulations  
(NYCRR) Section 170.4

Adopted: 8/05/03

# POLICY

2007

Policy 5530.1

## CREDIT CARD POLICY

### **SUBJECT: CREDIT CARD POLICY**

It is recognized that specific District employees will be issued a District credit card to assist with their job responsibilities. Job titles that will be issued a District credit card shall be listed in regulation and reported to the Board of Education each year at the District's organizational meeting in July.

The district shall establish a credit line not to exceed \$1,000 for each specific employee. District issued credit cards shall be used prudently and only for official school business. Individuals authorized to use district credit card shall agree in writing to accept financial responsibility for any inappropriate and/or non-approved usage by that individual. Receipts will be obtained that are itemized to provide evidence that expenses are prudent and proper. If meals, those in attendance and purpose of the meeting should be provided. For other expenses, the reason for the cost incurred should be provided.

District credit cards should only be used in emergency situations or when routine purchasing procedures can not be used efficiently.

**SUBJECT: CREDIT CARD POLICY**

Effective February 9, 2007, the following positions are authorized to use a District issued credit card:

- Superintendent of Schools
- Employees Designated by Superintendent on Official School Business are authorized to use credit cards where necessary, which may include employees within the line supervision to the Assistant Superintendent, Transportation Supervisor or Superintendent of Buildings and Grounds.
  - Designated Employees for 2006-07 school year:
    - John Wiktorko, Superintendent
    - Dr. John Gratto, Assistant Superintendent
    - Marge Curran, Business Manager
    - Bruce Pallas, Superintendent of Buildings and Grounds
    - Diane Baker, Transportation Supervisor
    - Felicia Senigo, Confidential Secretary to the Superintendent
- Employees actually using and incurring expenses on district credit cards are ultimately responsible for full payment of all inappropriate and/or non-approved charges.

# POLICY

2007

Policy 5530.2

## CELLULAR TELEPHONE POLICY

### **SUBJECT: CELLULAR TELEPHONE POLICY**

It is recognized that specific District employees will be required to carry cellular telephones to meet with their job responsibilities. Job titles requiring cellular telephones shall be listed in Regulation and reported to the Board of Education each year, along with a report of usage and cost, at the District's organizational meeting in July.

The district shall establish the level of service contract for each specific employee, with the contract for same subject to review and approval by the Board of Education. The employee shall make every attempt to use their cellular phones for only business purposes; however, in the event an employee uses a cellular phone for other than business purposes he/she shall reimburse the District for such non-business calls. Individuals authorized to use district cellular telephones shall agree in writing to accept financial responsibility for any inappropriate and/or non-approved usage by that individual.

At least once per year, the Business Office shall evaluate the effectiveness of the cellular telephone plan.

**SUBJECT: CELLULAR TELEPHONE POLICY**

Effective *February 9, 2007*, the following positions are authorized to be issued a District owned cellular phone for district business:

- Superintendent of Schools
- Employees Designated by Superintendent on Official School Business are authorized to use credit cards where necessary, which may include employees within the line supervision to the Assistant Superintendent, Transportation Supervisor or Superintendent of Buildings and Grounds.
  - Designated Employees for 2006-07 school year:
    - John Wiktorko, Superintendent
    - Dr. John Gratto, Assistant Superintendent
    - Marge Curran, Business Manager
    - Bruce Pallas, Superintendent of Buildings and Grounds
    - John Mattice, Maintenance Supervisor
    - Diane Baker, Transportation Supervisor
    - Felicia Senigo, Confidential Secretary to the Superintendent
    - Superintendent Pre-Authorized District Staff responsible for supervision of field trips, extracurricular activities/events, transportation and other reasonable district responsibilities extending are allowed to use district cell phones while conducting school business.
- Employees actually using and incurring expenses on district cell phones are ultimately responsible for full payment of all non-authorized charges.

# POLICY

2007

Policy 5530.3

## MEALS AND REFRESHMENTS POLICY

### **SUBJECT: MEALS AND REFRESHMENTS POLICY**

The Board of Education recognizes that from time to time it may be appropriate to provide meals and/or refreshments at District meetings and/or events, which are being held for an educational purpose. Any expenditure made on such meals and/or refreshments should be appropriately documented with a receipt, itemized whenever possible, and submitted to the District's business office for the purposes of audit and possible reimbursement.

Examples of authorized categories of expenditures include but are not limited to refreshments for staff on teacher orientation day at the beginning of each year, staff recognition day, refreshments for Superintendent's Conference Day, community/district meetings, assessment day grading of tests, receptions for volunteers, and other meetings at which district business is conducted.

# POLICY

2007

Policy 5530.3R

## MEALS AND REFRESHMENTS POLICY

### **SUBJECT: MEALS AND REFRESHMENTS POLICY**

From time to time, meals and/or refreshments may be deemed appropriate for a particular meeting, event or situation.

Whenever meals and/or refreshments are ordered, the person making the request shall indicate the date, purpose of the meeting and identify the group in attendance. It is acknowledged that meal and/or refreshment expenditures may be incurred as an extension of the responsibilities of employees or to continue to enhance a specific activity or event that is being held for a business purpose. In such instances, documentation as noted above shall be submitted to the business office for the purposes of audit and possible reimbursement. In an instance where a receipt has been lost, at the discretion of the Business Manager, a signed statement may be submitted as a substitute document.

Examples of authorized categories include but are not limited to a meal with a consultant employed by the district, a meal provided to a committee or working group whose responsibilities require working through the meal hour, or other specific circumstances for which working through the meal hour is advantageous to the district.

Meal costs (excluding alcoholic beverages) included for travel-related approved conferences shall be regulated by the conference request/reimbursement forms available from the District Business Office. Meal reimbursement for district-related non-travel activities shall be guided by the rate identified on conference request/reimbursement forms.

**WINDHAM-ASHLAND-JEWETT CSD  
CONFERENCE/BUSINESS TRAVEL REQUEST**

Name: \_\_\_\_\_ Date Request Submitted: \_\_\_\_\_  
 Title: \_\_\_\_\_ Dept. or Program: \_\_\_\_\_  
 Sponsoring Organization: \_\_\_\_\_  
 Conference/Meeting Dates: \_\_\_\_\_  
 Location of Conference: \_\_\_\_\_  
 Purpose of Attending: \_\_\_\_\_

**Estimated Expenses:** (You must provide receipts for registration, travel, lodging and other expenses)

Registration Fee: \_\_\_\_\_  
 Travel: \_\_\_\_\_  
 Lodging: \_\_\_\_\_  
 Meals:  
     Breakfast per diem \$ 7.50 per day x \_\_\_\_\_ days = \_\_\_\_\_  
     Lunch per diem \$12.50 per day x \_\_\_\_\_ days = \_\_\_\_\_  
     Dinner per diem \$25.00 per day x \_\_\_\_\_ days = \_\_\_\_\_

Other Expenses: \_\_\_\_\_  
**TOTAL ESTIMATED EXPENSES:** \_\_\_\_\_

**Signature of Requestor:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Do Not Write Below this Line**

Approved Expense: \_\_\_\_\_ Budget Code: \_\_\_\_\_  
 Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Asst. Superintendent \_\_\_\_\_ Date \_\_\_\_\_  
 Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Superintendent \_\_\_\_\_ Date \_\_\_\_\_

**INSTRUCTIONS FOR PROCESSING CONFERENCE REQUEST**

This form must be approved in advance for conference or business travel.

1. Complete requested information and forward to the Asst. Superintendent for approval along with conference literature/information.
2. The Asst. Superintendent approves the request and forwards to the Superintendent for approval.
3. The Superintendent approves the request and sends it to the Business Manager.
4. The Business Manager completes the approved expense amount and budget code, photocopies the request and sends original back to the requestor.
5. To obtain out of pocket expenses reimbursement, the conference attendee must submit this approved form and a completed purchase order with original receipts attached to the Business Office. The reimbursement amount must not exceed the approved expense amount as indicated on the front of this form. Out of pocket reimbursements for registration fees, travel, lodging and other expenses will not be made unless original receipts are submitted.
6. If all supporting documentation is appropriate, a check will be processed within 30 days and sent to the conference attendee.

**SUBJECT:     MEDICAID FRAUD CONFIDENTIAL DISCLOSURE POLICY**

It is the intent of the Windham Ashland Jewett Central School to be in compliance with all regulations put forth by the New York State Department of Health, the New York State Education Department, and the New York Office of the Medicaid Inspector General. To this end, we have developed the following policy.

Any employee of the district is obligated to report any suspected Medicaid fraud or abuse. Examples of fraud include, but are not limited to:

- Billing for medical services not actually performed
- Providing unnecessary services
- Billing for more expensive services
- Billing for services separately that should legitimately be one billing
- Billing more than once for the same medical service
- Dispensing generic drugs but billing for brand-name drugs
- Giving or accepting something of value (cash, gifts, services) in return for medical services, i.e., kickbacks
- Lying about eligibility
- Lying about medical conditions

Employees may send information concerning any such fraudulent practices or billing procedures **in writing** to the State Compliance Officer by U.S. mail, courier service, email, or facsimile transmission. **Disclosures may be made anonymously.** However, if the employee chooses to reveal his or her identity, no adverse employment action of any type will be taken against the employee because he or she provided information to the Compliance Officer. Contact information for the Compliance Officer is listed below.

Rose Firestein  
State Compliance Officer  
New York State Department of Health  
Office of General Counsel  
90 Church St., 4<sup>th</sup> Floor  
New York, NY 10007  
Telephone: 212-417-4393  
Facsimile: 212-417-4392  
[ref01@health.state.ny.us](mailto:ref01@health.state.ny.us)

# POLICY

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Non-Instructional/Business  
Operations

## **SUBJECT: PUBLICATION OF THE DISTRICT'S ANNUAL FINANCIAL STATEMENT**

In compliance with Education Law, the Board of Education shall direct the District Treasurer to annually publish a full and detailed account of all moneys received by the Board or the Treasurer of the District for its account and use, and all of the money expended therefore, giving the items of expenditure in full.

This account must be published during the months of July or August.

The account shall be published in the official District newspaper once each year.

Education Law Sections 1610, 1721, 2117, 2528 and  
2577  
8 New York Code of Rules and Regulations  
(NYCRR) Section 170.2

Adopted: 8/05/03

# POLICY

2003

5550

Non-Instructional/Business  
Operations

## **SUBJECT: MAINTENANCE OF FISCAL EFFORT (TITLE I PROGRAMS)**

A Local Educational Agency (LEA) may receive its full allocation of Title I funds if the combined fiscal effort per student or the aggregate expenditures of state and local funds with respect to the provision of free public education in the (LEA) for the preceding fiscal year was not less than ninety percent (90%) of the combined fiscal effort per student or the aggregate expenditures for the second preceding fiscal year.

In determining an LEA's compliance with the maintenance of effort requirement, the State Educational Agency (SEA) shall consider the LEA's expenditures from state and local funds for free public education. These include expenditures for administration, instruction, attendance, health services, student transportation services, plant operation and maintenance, fixed charges, and net expenditures to cover deficits for food services and student body activities.

The SEA shall not consider the following expenditures in determining an LEA's compliance with the maintenance of effort requirements:

- a) Any expenditures for community services, capital outlay, and debt service;
- b) Any expenditures made from funds provided by the federal government for which the LEA is required to account to the federal government directly or through the SEA.

The Board of Education assigns the School Business Official the responsibility of reviewing, as part of the budgeting process, combined fiscal effort so that expenditures of state and local funds with respect to the provision of free public education per student and in the aggregate for any fiscal year are not budgeted at less than ninety percent (90%) of the combined fiscal effort per student or the aggregate of expenditures for the preceding fiscal year.

Title I of the Elementary and Secondary  
Education Act of 1965, as amended by the  
No Child Left Behind Act of 2001  
34 Code of Federal Regulations (CFR) Part 200

Adopted: 8/05/03

# POLICY

2003

5560

Non-Instructional/Business  
Operations

## **SUBJECT: USE OF FEDERAL FUNDS FOR POLITICAL EXPENDITURES**

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

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

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

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

NOTE: Refer also to Policy #6430 -- Employee Activities

Adopted: 8/05/03

# POLICY

2003

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Non-Instructional/Business  
Operations

## **SUBJECT: INSURANCE**

The objective of the Board of Education is to obtain the best possible insurance at the lowest possible cost, and to seek advice from an Insurance Appraisal Service to determine that adequate coverage is being provided regarding fire, boiler, general liability, bus and student accident insurance.

The Board shall carry insurance to protect the District's real and personal property against loss or damage. This property shall include school buildings, the contents of such buildings, school grounds and automobiles.

The Board may also purchase liability insurance to pay damages assessed against Board members and District employees acting in the discharge of their respective duties, within the scope of their employment and/or under the direction of the Board.

All insurance policies, along with an inventory of the contents of the building, should be kept in a fireproof depository or with the appropriate insurance agent for safekeeping and referral purposes. The Superintendent shall review the District's insurance program annually and make recommendations to the Board if more suitable coverage is required.

Public Officers Law Section 18  
General Municipal Law Sections 6-n and 52  
Education Law Sections 1709(8) and (26) and (34-b),  
3023, 3028, and 3811

Adopted: 8/05/03

# POLICY

2003

5620

Non-Instructional/Business  
Operations

## **SUBJECT: INVENTORIES**

The Superintendent or his/her designee shall be responsible for maintaining a continuous and accurate inventory of equipment owned by the District in accordance with "The Uniform System of Accounts for School Districts."

All supplies and equipment purchased and received by the School District shall be checked, logged, and stored through an established procedure.

Uniform System of Accounts for School Districts  
(Fiscal Section)

Adopted: 8/05/03

**SUBJECT: ACCOUNTING OF FIXED ASSETS**

The School Business Official shall be responsible for accounting for general fixed assets according to the procedures outlined by the Uniform System of Accounts for School Districts and GASB Statement 34 Regulations.

These accounts will serve to:

- a) Maintain a physical inventory of assets;
- b) Establish accountability;
- c) Determine replacement costs; and
- d) Provide appropriate insurance coverage.

Fixed assets with a minimum value established by the Board that have a useful life of one (1) year or more and physical characteristics not appreciably affected by use or consumption shall be inventoried and recorded on an annual basis. Fixed assets shall include land, buildings, equipment and materials.

The Board shall establish a dollar threshold as a basis for considering which fixed assets are to be depreciated. Such threshold shall ensure that at least 80 percent of the value of all assets is reported. However, it is recommended that such threshold shall not be greater than \$5,000. A standardized depreciation method and averaging convention shall also be established for depreciation calculations.

Fixed assets acquired having a value equal to or greater than the established threshold are considered depreciable assets and shall be inventoried for the purposes of GASB 34 accounting practices and placed on a depreciation schedule according to its asset class and estimated useful life as stipulated by the NY State Comptroller's Office or the IRS.

Assets shall be recorded at initial cost or, if not available, at estimated initial cost; gifts of fixed assets shall be recorded at estimated fair value at the time of the gift. A property record will be maintained for each asset and will contain, where possible, the following information:

- a) Date of acquisition;
- b) Description;
- c) Cost or value;

(Continued)

# POLICY

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Operations

## **SUBJECT: ACCOUNTING OF FIXED ASSETS (Cont'd.)**

- d) Location;
- e) Asset type;
- f) Estimated useful life;
- g) Replacement cost;
- h) Current value;
- i) Salvage value;
- j) Date and method of disposition; and
- k) Responsible official.

The School Business Official shall arrange for the annual inventory and appraisal of School District property, equipment and material. Any discrepancies between an inventory and the District's property records on file should be traced and explained.

Adopted: 8/05/03

**SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE****Operation and Maintenance**

The Superintendent is charged with the responsibility for administering plant operations in the most efficient and economical manner possible, while placing high priority on health and safety of students and conservation of natural resources.

The Board, through the Superintendent and his/her staff, has the responsibility of protecting the District investment in plant and facilities through a systematic maintenance program.

It is expected that the program shall include periodic preventive maintenance activities, long-range maintenance schedules and emergency repair procedures. It is further expected that all maintenance work will be carried out in a manner that will cause the least interference with the educational program.

**Construction and Remodeling of School Facilities**

Plans and specifications for the erection, enlargement, repair or remodeling of facilities of the School District shall be submitted to the Commissioner when the contemplated construction costs of such work are ten thousand dollars (\$10,000) or more, and for all projects affecting the health and safety of students.

Plans and specifications submitted to the Commissioner shall bear the signature and seal of an architect or engineer licensed to practice in the State of New York. The architect or engineer who sealed the plans and specifications shall also certify that the plans and specifications conform to the standards set forth in the State Uniform Fire Prevention and Building Code (9 NYCRR Parts 600 through 1250) and the State Energy Conservation Construction Code (9 NYCRR Parts 7810 through 7816).

For remodeling or construction projects costing five thousand dollars (\$5,000) or more, the District shall assure compliance with the requirements of the State Uniform Fire Prevention and Building Code (9 NYCRR 600 through 1250) and Part 155 of the Commissioner's Regulations, and shall retain the services of an architect or engineer licensed to practice in New York State.

For remodeling or construction projects costing less than five thousand dollars (\$5,000), the District shall assure compliance with the requirements of the State Uniform Fire Prevention and Building Code (9 NYCRR Parts 600 through 1250) and Part 155 of the Commissioner's Regulations.

(Continued)

**SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE (Cont'd.)****Inspections**

The administration of the School System shall cooperate with officials conducting health, fire, asbestos, bus, and boiler inspections. The administration shall keep the Board of Education informed of the results of such inspections in a timely fashion.

**Comprehensive Public School Building Safety Program (Rescue)**

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

The program shall be reevaluated and made current at least annually, and shall include the following:

- a) A five (5) year capital facilities plan which will include an appraisal of the following: the educational philosophy of the district, with resulting administrative organization and program requirements; present and projected pupil enrollments; space use and State-rated pupil capacity of existing facilities; the allocation of instructional space to meet the current and future special education program and service needs, and to serve students with disabilities in settings with nondisabled peers; priority of need of maintenance, repair or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and the provision of additional facilities.
- b) A District-wide building inventory, which will include information pertaining to each building including, but not limited to:
  1. Type of building, age of building, size of building;
  2. Rated capacity, current enrollment;
  3. List of energy sources and major systems (lighting, plumbing, electrical, heating); and
  4. Summary of triennial Asbestos Inspection reports.

(Continued)

**SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE (Cont'd.)**

- c) An annual visual inspection of each occupied building and assignment of a safety rating score. The inspection committee must include a state certified code enforcement official, the District's facility director or designee, and a member of the District's Health and Safety Committee.
- d) A building condition survey shall be conducted for all occupied school buildings once every five (5) years by a team that includes at least one (1) licensed architect or engineer.
- e) A District-wide monitoring system which includes:
  - 1. Establishing a Health and Safety Committee;
  - 2. Development of detailed plans and a review process of all inspections;
  - 3. Procedures for a response in writing to all inquiries about building health and safety concerns, a copy of which will be sent to the District's Health and Safety Committee for oversight, and a copy kept on permanent file.
- f) Procedures to ensure the safety of the building occupants while a construction/renovation project is taking place. These procedures will include:
  - 1. Notification to parents, staff and the community at least two (2) months in advance of a construction project of ten thousand dollars (\$10,000) or more to be conducted in a school building while the building is occupied; provided, however, that in the case of emergency construction projects, such notice shall be provided as far in advance of the start of construction as is practicable;
  - 2. A plan to ensure that all contractors comply with all health and safety issues and regulations, and wear photo ID badges;
  - 3. An opportunity for the District's Health and Safety Committee to conduct a walk-through inspection of newly renovated or constructed areas to confirm that the area is ready to be reopened for use; and
  - 4. An emergency plan which will address potential concerns with the capital project including, but not limited to, evacuation procedures, fire drills, and structural failures.

(Continued)

# POLICY

2003

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Non-Instructional/Business  
Operations

**SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE (Cont'd.)**

## School Facility Report Cards

Commencing January 1, 2001 and each year thereafter, the School District shall prepare a School Facility Report Card for the District school.

The School Facility Report Card for each building shall be reviewed annually by the Board of Education. The Board shall report in a public meeting on the status of each item set forth in Commissioner's Regulations for each facility located in the District.

### Fire Inspection:

8 New York Code of Rules and Regulations  
(NYCRR) Section 155.4  
Education Law Section 807-a

Health Inspection: Education Law Section 906

Asbestos Inspection: Education Law, Article 9-A  
40 Code of Federal Regulations (CFR)  
Part 763, Subpart E

### Plans and Specifications:

Education Law Sections 408, 408-a and 409  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 155.1 and 155.2

### Structural Safety Inspections:

Education Law Sections 409-d and -e, 3602, and  
3641(4)  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 155.1, 155.3, 155.41, and 155.6

Adopted: 8/05/03

# POLICY

2003

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Non-Instructional/Business  
Operations

**SUBJECT: HAZARDOUS WASTE AND HANDLING OF TOXIC SUBSTANCES BY  
EMPLOYEES**

The Board of Education recognizes the need to protect human health and the environment from damage resulting from the improper handling of hazardous wastes.

The management of hazardous waste from its point of generation to the ultimate disposal is regulated through specific Federal and State laws.

The Board directs the Superintendent to adopt rules to ensure District implementation of applicable Federal and State laws pertaining to the identification, transportation, treatment, storage, and disposal of hazardous wastes.

Environmental Protection Agency  
40 Code of Federal Regulations (CFR) 261 and 262  
6 New York Code of Rules and Regulations  
(NYCRR) Part 371

Adopted: 8/05/03

# POLICY

2003

5640  
1 of 2

Non-Instructional/Business  
Operations

## **SUBJECT: SMOKING/TOBACCO USE**

### **School Grounds**

Tobacco use shall not be permitted and no person shall use tobacco on school grounds at any time. For purposes of this policy, "school grounds" means any building, structure, and surrounding outdoor grounds contained within the District's preschool, nursery school, elementary or secondary school's legally defined property boundaries as registered in the County Clerk's Office; as well as all District vehicles, including vehicles used to transport children or school personnel.

For purposes of this policy, tobacco is defined to include any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove cigarette, and any other smoking product, and spit tobacco (smokeless, dip, chew and/or snuff) in any form.

### **Posting/Notification of Policy**

In compliance with the New York State Clean Indoor Air Act, the District will prominently post its Smoking/Tobacco Use policy and signs prohibiting all forms of tobacco products in District buildings and other appropriate locations; and will supply a copy upon request to any current or prospective employee. The District will also designate a school official to tell individuals who smoke in a non-smoking area that they are in violation of Article 13-E of the New York State Public Health Law, Education Law, the federal Pro-Children Act of 1994 and District policy.

The District shall also ensure that this policy is communicated to staff, students, parents/guardians, volunteers, and visitors as deemed appropriate in order to orient all persons to the District's "No Smoking" Policy and environment.

### **Prohibition of Tobacco Promotional Items/Tobacco Advertising**

Tobacco promotional items (e.g., brand names, logos and other identifiers) are prohibited:

- a) On school grounds;
- b) In school vehicles;
- c) At school-sponsored events;
- d) In school publications;
- e) On clothing, shoes, accessories, gear, and school supplies in accordance with the District Code of Conduct and applicable collective bargaining agreements.

(Continued)

# POLICY

2003

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Non-Instructional/Business  
Operations

**SUBJECT: SMOKING/TOBACCO USE (Cont'd.)**

This prohibition of tobacco promotional items shall be implemented in accordance with the Code of Conduct and applicable collective bargaining agreements.

In addition, tobacco advertising is also prohibited in all school-sponsored publications and at all school sponsored events.

Safe and Drug-Free Schools and Communities Act  
20 United States Code (USC) Section 7101 et seq.  
Pro-Children Act of 2001 and  
20 United States Code (USC) Sections 7181-7184,  
as amended by the No Child Left Behind Act of 2001  
Public Health Law Article 13-E  
Education Law Sections 409 and 3020-a

NOTE: Refer also to Policies #3280 -- Community Use of School Facilities  
#3410 -- Code of Conduct on School Property  
#7310 -- School Conduct and Discipline  
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)  
#8211 -- Prevention Instruction  
*District Code of Conduct on School Property*

Adopted: 8/05/03

# POLICY

2003

5650

Non-Instructional/Business  
Operations

## **SUBJECT: ENERGY/WATER CONSERVATION AND RECYCLING OF SOLID WASTE**

The Board of Education recognizes the importance of energy and water conservation and is committed to the analysis, development, and initiation of conservation measures throughout the District for the purpose of reducing energy consumption.

### **Recycling**

The Superintendent will develop a program for the source separation and segregation of recyclable or reusable materials in the District. This District-wide recycling plan shall include:

- a) A conservation education program to teach students about their social responsibility for preserving our resources, and involvement of all students and personnel in a comprehensive effort to reduce, reuse and recycle waste materials;
- b) A concerted effort to purchase recycled items and biodegradable rather than non-biodegradable products;
- c) Separation of waste into appropriate categories for the purpose of recycling;
- d) A cooperative effort with community recycling programs.

General Municipal Law Section 120-aa

Adopted: 8/05/03

**SUBJECT: MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING**

It is *Windham-Ashland-Jewett Central School'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 *Windham-Ashland-Jewett Central School* 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.

**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 breakfast of their choice for \$0.25 and lunch of their choice for \$0.25 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.

**Ongoing Staff Training**

- a) Staff will be trained annually and throughout the year as needed on the procedures for managing meal charges using the State Education Department (SED) Webinar or the District's training program.

(Continued)

**SUBJECT: MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING  
(Cont'd.)**

- b) Staff training will include ongoing eligibility certification for free or reduced-price meals.

**Parent Notification**

Parents/guardians will be notified that a student's meal card or account balance is exhausted and has accrued unpaid meal charges within 5 days of the charge and then every week thereafter.

**Parent Outreach**

- a) Staff will communicate with parents/guardians with five or more unpaid meal charges to determine eligibility for free or reduced-price meals.
- b) Staff will make two documented attempts to reach out to parents/guardians to complete a meal application in addition to the application and instructions provided in the school enrollment packet.
- c) Staff will contact the parent/guardian to offer assistance with completion of meal application to determine if there are other issues within the household causing the student to have insufficient funds, offering any other assistance that is appropriate.

**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.

**Ongoing Eligibility Certification**

- a) Staff will conduct direct certification through the New York Student Identification System (NYSSIS) or using SED Roster Upload to maximize free eligibility. NYSED provides updated direct certification data monthly.

(Continued)

**SUBJECT: MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING  
(Cont'd.)**

- b) Staff will provide parents/guardians with free and reduced-price application and instructions at the beginning of each school year in the school enrollment packet.
- c) If the District uses an electronic meal application, it will provide an explanation of the process in the school enrollment packet and instructions on how to request a paper application at no cost.
- d) The District will provide at least two additional free and reduced-price applications throughout the school year to families identified as owing meal charges.
- e) The District will use its administrative prerogative to complete an application on a student's behalf judiciously, and only after using exhaustive efforts to obtain a completed application from the student's parent/guardian. The District will complete the application using only available information on family size and income that falls within approvable guidelines.
- f) The District will coordinate with the foster, homeless, migrant, and runaway coordinators to certify eligible students. School liaisons required for homeless, foster, and migrant students will coordinate with the nutrition department to make sure these students receive free school meals, in accordance with federal law.

## **Prepaid Accounts**

Students/Parents/Guardians may pay for meals in advance via *myschoolbucks.com* or with a check payable to *Windham-Ashland-Jewett Cafeteria*. Further details are available on the District's webpage at *wajcs.org*. 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 *Windham-Ashland-Jewett* Food Service Program.

42 USC Section 1758  
7 CFR Sections 210.12 and 245.5  
Education Law Section 908  
8 NYCRR Section 114.5

Adoption Date 12-13-2023

**SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)**

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

The Superintendent or his/her designee shall have the responsibility to carry out the rules of the School Lunch and Breakfast Programs. The determination of which students are eligible is the responsibility of the Superintendent or his/her designee. Appeals regarding eligibility should be submitted to the Assistant Superintendent.

Free or reduced price "Type A" school meals may be allowed for qualifying students attending Windham-Ashland-Jewett Central School District schools upon written application of the student's parent or guardian. Applications will be provided by the School District.

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

**Child Nutrition Program/Charging Meals**

Because of the District's participation in the Child Nutrition Program, the Board of Education approves the establishment of a system to allow a student to charge a meal. The Board authorizes the Superintendent to develop rules which address:

- a) What can be charged;
- b) The limit on the number of charges per student (a minimum of three charges must be allowed);
- c) The system used for identifying and recording charged meals;
- d) The system used for collection of repayments; and
- e) Communication of the policy to parents and students.

**Restriction of Sweetened Foods in School**

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

(Continued)

# POLICY

2003

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Non-Instructional/Business  
Operations

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

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

Education Law Sections 915, 1604(28),  
1709(22) and (23)  
National School Lunch Act 1946  
Child Nutrition Act 1966

Adopted: 8/05/03

# POLICY

2003

5670

Non-Instructional/Business  
Operations

## **SUBJECT: RECORDS MANAGEMENT**

A records management officer shall be designated by the Superintendent, subject to the approval of the Board of Education. Such records management officer shall coordinate the development of and oversee a program for the orderly and efficient management of records, including the legal disposition or destruction of obsolete records, and be given the authority and responsibility to work with other local officials at all levels in the development and maintenance of the records management program.

In addition, a Records Advisory Board may be created to assist in establishing and supporting the records management program. The District's legal counsel, the fiscal officer, and the Superintendent/designee may comprise the Advisory Board.

Appropriate regulations and procedures shall be developed.

### **Retention and Disposition of Records**

The Superintendent shall retain records for such a period and dispose of them in the manner described in Records Retention and Disposition Schedule ED-1, established pursuant to Part 185, Title VIII of the Official Compilation of Codes, Rules and Regulations of the State of New York and Article 57-A of the Arts and Cultural Affairs Law.

Arts and Cultural Affairs Law Section 57.19  
8 New York Code of Rules and Regulations  
(NYCRR) Section 185

Adopted: 8/05/03

**SUBJECT: SAFETY AND SECURITY**

The Board of Education of the Windham-Ashland-Jewett Central School District hereby declares that it is the policy of this School 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 that 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 ensure 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 for reports to the Board of Education regarding the significant aspects of safety and security of the District.

Labor Law Section 27-a

**Student Safety**

All staff who are made aware of physical and/or verbal threats to students must immediately report these threats against students to the next level of supervisory authority for prompt action. The immediate supervisor must then inform the Superintendent/designee, including any action taken, after learning of such threats to students.

The District shall disseminate this policy to all employees in order to ensure staff awareness.

**Hazard Communication Standard**

All personnel shall be provided with applicable training to comply with the New York State "Right-to-Know" Law and the Hazard Communication Standard.

(Continued)

# POLICY

2003

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Non-Instructional/Business  
Operations

**SUBJECT: SAFETY AND SECURITY (Cont'd.)**

The Superintendent/designee shall maintain a current record of the social security numbers of every employee who handles toxic substances.

Rules and regulations will be developed to ensure District implementation of this policy which shall include awareness information, employee training and record keeping.

New York State Labor Law Section 27-a  
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

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

Adopted: 8/05/03

# POLICY

2003

5681

Non-Instructional/Business  
Operations

## **SUBJECT: SCHOOL SAFETY PLANS**

The District has developed, and will update by July 1 of each succeeding year, as necessary, a comprehensive District-wide school safety plan and building-level school safety plans, as enumerated in Education Law and Commissioner's Regulations, and in a form as prescribed by the Commissioner of Education. These plans will be designed to prevent or minimize the effects of serious violent incidents and emergencies and to facilitate the coordination of schools and the School District with local and county resources in the event of such incidents or emergencies. The School District, consisting of one school building, shall develop a single building-level school safety plan, which shall also fulfill all requirements for development of the District-wide plan to ensure the safety and health of children and staff and to ensure integration and coordination with similar emergency planning at the municipal, county and state levels.

Each plan shall be reviewed by the appropriate school safety team on at least an annual basis, updated as needed and recommended to the Board of Education for approval. However, District-wide and building-level school safety plans shall be adopted by the School Board only after at least one (1) public hearing that provides for the participation of school personnel, parents, students, and any other interested parties. Further, the Board shall make the District-wide and building-level school safety plans available for public comment at least thirty (30) days prior to its adoption, provided that only a summary of each building-level emergency response plan (i.e., building-level school safety plan) shall be made available for public comment.

### **District-Wide School Safety Plan**

*District-wide school safety plan* means a comprehensive, multi-hazard school safety plan that addresses prevention and intervention strategies, emergency response and management at the District level and has the contents as prescribed in Education Law and Commissioner's Regulations.

The District-wide school safety plan shall be developed by the District-wide school safety team appointed by the Board of Education. The District-wide team shall include, but not be limited to, representatives of the School Board, student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

### **Filing/Disclosure Requirements**

The District shall file a copy of its comprehensive District-wide school safety plan and any amendments thereto with the Commissioner of Education no later than thirty (30) days after their adoption. A copy of each building-level school safety plan and any amendments thereto shall be filed with the appropriate local law enforcement agency and with the state police within thirty (30) days of its adoption. Building-level emergency response plans shall be confidential and shall **not** be subject to disclosure under the Freedom of Information Law or any other provision of law.

Education Law Section 2801-a  
Public Officers Law Article 6  
8 New York Code of Rules and Regulations  
(NYCRR) Section 155.17

Adopted: 8/05/03

# POLICY

2003

5682

Non-Instructional/Business  
Operations

**SUBJECT: CRISIS RESPONSE (POST INCIDENT RESPONSE)**

When a crisis arises no school system is immune to the negative, physical or mental effect on its students, staff and the local community. Immediate, effective and responsible management and communication can address the crisis and maintain a District's integrity and credibility. Therefore, the District shall develop and maintain a unified position by:

- a) Identifying a crisis response team to develop a plan and maintain a strong, ongoing communications program in each school. This is the foundation for long range success.
- b) Identifying a media spokesperson who will be briefed on all details. This spokesperson shall be the Superintendent or his/her designee. Only this spokesperson shall talk to and maintain a timely flow of information to the media.

The Superintendent/designee shall be responsible for informing staff of the crisis plan that is to be developed by both administration and the crisis response team.

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

Adopted: 8/05/03

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

The administration of each school building shall provide instruction for and training of students, through fire drills, in procedures for leaving the building in the shortest possible time and without confusion or panic.

Fire drills shall be held at least twelve (12) times in each school year; eight (8) of these shall be held between September 1 and December 1. At least one (1) of the twelve (12) drills shall be held during each of the regular lunch periods, or shall include special instruction on the procedures to be followed if a fire occurs during a student's lunch period.

At least two (2) additional drills shall be held during summer school in buildings where summer school is conducted and one (1) of these drills shall be held during the first week of summer school.

**After-School Programs**

The Assistant Principal or his/her designee shall require those in charge of after-school programs, attended by any individuals unfamiliar with the school building, to announce at the beginning of such programs the procedures to be followed in the event of an emergency.

**Bomb Threats****School Bomb Threats**

A bomb threat, even if later determined to be a hoax, is a criminal action. No bomb threat should be treated as a hoax when it is first received. The school has an obligation and responsibility to ensure the safety and protection of the students and other occupants upon the receipt of any bomb threat. This obligation must take precedence over a search for a suspect object. Prudent action is dependent upon known information about the bomb threat - location, if any; time of detonation; etc. If the bomb threat is targeted at the school parking lot or the front of the school, building evacuation may not be an appropriate response. If the bomb threat indicates that a bomb is in the school, then building evacuation is necessary unless the building has been previously inspected and secured in accordance with State Education Department Guidelines. Specific procedures can be found in the building level school plan, as required by Project SAVE.

The decision to evacuate a building or to take shelter is dependent upon information about where the bomb is placed and how much time there is to reach a place of safety. Prudent action dictates that students and other occupants be moved from a place of danger to a place of safety. Routes of egress and evacuation or sheltering areas must be thoroughly searched for suspicious objects before ordering an evacuation. Failure to properly search evacuation routes before an evacuation takes place can expose students and staff to more danger than remaining in place until the search has taken place. Assistance is available from local police agencies and the New York State Police to train staff to check evacuation routes.

(Continued)

# POLICY

2003

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Non-Instructional/Business  
Operations

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

## Police Notification and Investigation

A bomb threat to a school is a criminal act, which is within the domain and responsibility of law enforcement officials. Appropriate State, county, and/or local law enforcement agencies must be notified of any bomb threat as soon as possible after the receipt of the threat. Law enforcement officials will contact, as the situation requires, fire and/or county emergency coordinators according to the county emergency plan.

Therefore, the building administrator or designee is to notify local law enforcement officials and follow established procedures to move all occupants out of harm's way.

## Implementation

The Board of Education directs the Superintendent or his/her designee to develop administrative regulations to implement the terms of this policy. Additionally, such regulations are to be incorporated in the District-wide School Safety Plan and the building level school safety plan, with provisions to provide written information to all staff and students regarding emergency procedures by October 1 of each school year, an annual drill to test the emergency response procedures under each of its building level school safety plans; and the annual updating of the District-wide and building level school safety plans, by July 1, as mandated pursuant to law and/or regulation.

## **Bus Emergency Drills**

The Board of Education directs the administration to conduct a minimum of three (3) emergency drills to be held on each school bus during the school year. The first drill is to be conducted during the first seven days of school, the second drill between November 1 and December 31, and the third drill between March 1 and April 30.

Each drill shall include instruction in all topics mandated by the Education Law and the Commissioner's Regulations and shall include, but will not be limited to, the following:

- a) Safe boarding and exiting procedures;
- b) The location, use and operation of the emergency door, fire extinguishers, first aid equipment and windows as a means of escape in case of fire or accident;
- c) Orderly conduct as bus passengers.

Students who ordinarily walk to school shall also be included in the drills.

8 New York Code of Rules and Regulations  
(NYCRR) Sections 155.17 and 156.3(h)(2)  
Penal Law Sections 240.55, 240.60 and 240.62  
Education Law Sections 807, 2801-a and 3623

Adopted: 8/05/03

# POLICY

2003

5684

Non-Instructional/Business  
Operations

**SUBJECT: ANTHRAX AND OTHER BIOLOGICAL TERRORISM: PREVENTION  
PROTOCOLS/PROTOCOLS FOR MAIL HANDLING**

The School District shall assess and review their protocols for handling mail or packages. Common sense and care should be used in inspecting and opening mail or packages. Whenever feasible, the opening of mail should be limited to one (1) individual staff member in an area that is separate from other accessible areas within the school building, including the main office.

Additionally, precautions will be taken for those staff members responsible for handling letters or packages such as making available protective gloves to be worn when handling mail and providing appropriate training and protocols for the handling of mail and identifying suspicious envelopes or packages.

The Assistant Superintendent should limit the area and persons exposed to the threat. Immediately after identifying the threat, the building administrator/designee shall notify the Superintendent/designee, dial 911 and/or the local law enforcement authorities according to the procedures identified in the applicable School Safety Plan (whether District-wide or Building-level plans). The local FBI field office and the county health department will also be notified, if not otherwise provided for in the applicable School Safety Plan.

As far as possible, the school will attempt to limit the area and the persons exposed to the threat and will not allow anyone other than qualified emergency personnel to enter. Custodial and maintenance personnel will follow established procedures for quickly shutting down the building(s) heating/air conditioning/and ventilation systems if possible and as may be deemed necessary.

Furthermore, the Assistant Superintendent/designee shall, as soon as possible, make a list of all persons who have been identified as having actual contact with the powder or other suspicious element, such as anthrax, for investigating authorities.

Administration shall review and revise, as appropriate, their school safety plans; and provide information regarding applicable safety prevention and response procedures to all staff.

All threats to school buildings and/or its occupants shall be treated seriously. All threats shall be treated as criminal actions and measures shall be taken to preserve the evidence.

Under no circumstances, shall students be permitted to organize and/or handle School District mail; nor shall students be present in the room/area during the time that District mail is being opened by school staff.

Adopted: 8/05/03

**SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN  
PUBLIC SCHOOL FACILITIES**

The School District shall provide and maintain on-site in each *instructional school facility* functional cardiac automated external defibrillator (AED) equipment as defined in Public Health Law Section 3000-b for use during emergencies. Each such facility shall have sufficient automated external defibrillator equipment available to ensure ready and appropriate access for use during emergencies in quantities and types as deemed by the Commissioner of Education, in consultation with the Commissioner of Health. Determination of the quantity and placement of AEDs must be made with consideration of at least the factors enumerated in Commissioner's Regulations. *An instructional school facility means a building or other facility maintained by the School District where instruction is provided to students pursuant to its curriculum.*

Whenever an *instructional School District facility* is used for a school-sponsored or school-approved curricular or extracurricular event or activity and whenever a *school-sponsored athletic contest* is held at any location, the public school officials and administrators responsible for such school facility or athletic contest shall ensure that AED equipment is provided on-site and that there is present during such event, activity or contest at least one staff person who is trained in accordance with Public Health Law in the operation and use of an AED. *School-sponsored or school-approved curricular or extracurricular events or activities means events or activities of the School District that are, respectively, associated with its instructional curriculum or otherwise offered to its students. A school-sponsored athletic contest means an extraclass intramural athletic activity of instruction, practice and competition for students in grades 4 through 12 consistent with Commissioner's Regulations Section 135.4.*

Where a *school-sponsored competitive athletic event* is held at a site other than a School District facility, School District officials shall assure that AED equipment is provided on-site by the sponsoring or host district and that at least one staff person who is trained, in accordance with Public Health Law, in the operation and use of the AED is present during such athletic event. *A school-sponsored competitive athletic event means an extraclass interscholastic athletic activity of instruction, practice and competition for students in grades 7 through 12 consistent with Commissioner's Regulations Section 135.4.*

School District facilities and District staff responsible for carrying out the duties enumerated in Education Law Section 917 are deemed a "public access defibrillation provider" as defined pursuant to Public Health Law Section 3000-b and subject to the Public Health Law requirements and limitations.

Therefore, it is the policy of our School District to provide proper training requirements for District AED users, to ensure the immediate calling of 911 and/or the community equivalent ambulance dispatch entity whenever the AED is used, to ensure ready identification of the location of the AED units as enumerated in the District's Public Access Defibrillation Collaborative Agreement.

(Continued)

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Non-Instructional/Business  
Operations

**SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN  
PUBLIC SCHOOL FACILITIES (Cont'd.)**

The District will provide for regular maintenance and checkout procedures of the AED unit(s) which meet or exceed manufacturer's recommendations. Appropriate documentation will be maintained in accordance with law and/or regulation. Further, the District will participate in the required Quality Improvement Program as determined by the Regional Emergency Medical Services Council.

Pursuant to Public Health Law Sections 3000-a and 3000-b, the School District (as a public access defibrillation provider), or any employee or other agent of the School District who, in accordance with the provisions of law, voluntarily and without expectation of monetary compensation renders emergency medical or first aid treatment using an AED to a person who is unconscious, ill or injured, shall not be liable for damages for injury or death unless caused by gross negligence.

Education Law Section 917  
Public Health Law Sections 3000-a and 3000-b  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 135.4 and 136.4

Adopted: 8/05/03

# POLICY

2003

5690

Non-Instructional/Business  
Operations

## **SUBJECT: EXPOSURE CONTROL PROGRAM**

The District shall establish an exposure control program designed to prevent and control exposure to bloodborne pathogens. According to the New York State Department of Labor's Division of Safety and Health and OSHA standards, the program shall consist of:

- a) Guidelines for maintaining a safe, healthy school environment to be followed by staff and students alike.
- b) Written standard operating procedures for blood/body fluid clean-up.
- c) Appropriate staff education/training.
- d) Evaluation of training objectives.
- e) Documentation of training and any incident of exposure to blood/body fluids.
- f) A program of medical management to prevent or reduce the risk of pathogens, specifically hepatitis B and HIV.
- g) Written procedures for the disposal of medical waste.
- h) Provision of protective materials and equipment for all employees who perform job-related tasks involving exposure or potential exposure to blood, body fluids or tissues.

Occupational Safety and Health Administration  
(OSHA)  
29 Code of Federal Regulations (CFR) 1910.10:30

Adopted: 8/05/03

# POLICY

2003

5691

Non-Instructional/Business  
Operations

**SUBJECT: COMMUNICABLE DISEASES**

Regulations and procedures will be developed for dealing with communicable diseases in ways that protect the health of both students and staff while minimizing the disruption of the education process.

Adopted: 8/05/03

# POLICY

2003

5692

Non-Instructional/Business  
Operations

**SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES**

The Board of Education contends that a student shall not be denied the right to attend school or continue his/her education nor shall an employee be denied the right to continue his/her employment who has been diagnosed or identified as having a positive blood test for the antibodies to the Human Immunodeficiency Virus (HIV). The Board further contends that under current law and regulations, the disclosure of confidential HIV-related information shall be strictly limited.

Administrative regulations and procedures shall be developed and implemented by the administration based on recommendations from the New York State Education Department and from consultation with appropriate professional and medical staff in the District.

The Superintendent shall also establish protocols for routine sanitary procedures for dealing with the cleaning and handling of body fluids in school, with special emphasis placed on staff awareness.

Confidentiality: Public Health Law, Article 27-F

Adopted: 8/05/03

# POLICY

2003

5710

Non-Instructional/Business  
Operations

## **SUBJECT: TRANSPORTATION PROGRAM**

It is the intent of the Board of Education to comply with the letter and spirit of the New York State Education Law; with the regulations of the Department of Motor Vehicles and of the Department of Transportation and with the Commissioner of Education's regulations and decisions pertinent to student transportation, and these shall govern any questions not covered by specific declaration of policy herein.

The purposes of the transportation program are to transport students to and from school, to transport them for extracurricular activities, to transport them on field trips, and to transport those requiring special services.

The Board of Education recognizes and assumes the responsibility for all aspects of the transportation of children wherein the health and safety of students are involved, for the Board of Education has a legal obligation to safeguard the welfare of bus-riding children.

Education Law Sections 3602(7) and 3635 et seq.

Adopted: 8/05/03

# POLICY

2003

5720

Non-Instructional/Business  
Operations

## **SUBJECT: SCHEDULING AND ROUTING**

Bus routes are authorized by the Board of Education and any requests for a change must be submitted to the Superintendent or his/her designee.

Transportation services shall be provided to meet the needs of the students of the District within specified limits and areas established by the Board of Education.

Education Law Sections 3621 and 3635

Adopted: 8/05/03

**SUBJECT: TRANSPORTATION OF STUDENTS****Requests for Transportation to and from Non-Public Schools**

The parent or guardian of a parochial or private school child residing in the School District who desires that the child be transported to a parochial or private school outside of the School District during the next school year should submit a written request to the Board of Education no later than April 1 of the preceding year, or within thirty (30) days of moving into the District. No late request of a parent or guardian shall be denied where a reasonable explanation is provided for the delay.

**Transportation of Students with Disabilities**

Students with disabilities in the District shall be transported up to fifty (50) miles (one way) from their home to the appropriate special service or program, unless the Commissioner certifies that no appropriate nonresidential special service or program is available within fifty (50) miles. The Commissioner may then establish transportation arrangements.

**Transportation to School Sponsored Events**

Where the District has provided transportation to students enrolled in the District to a school sponsored field trip, extracurricular activity or any other similar event, it shall provide transportation back to either the point of departure or to the appropriate school in the District unless the parent or legal guardian of a student participating in such event has provided the District with written notice, consistent with District policy, authorizing an alternative form of return transportation for such student or unless intervening circumstances make such transportation impractical. In cases where intervening circumstances make transportation of a student back to the point of departure or to the appropriate school in the District impractical, a representative of the School District shall remain with the student until such student's parent or legal guardian has been contacted and informed of the intervening circumstances which make such transportation impractical; and the student has been delivered to his/her parent or legal guardian.

**Occasional Drivers**

Certified teachers who are full time employees and not certified as bus drivers are considered occasional drivers when they transport students. As occasional drivers, the teachers must produce a valid driver's license, have an annual physical, and be approved to drive by the Superintendent.

For teachers who transport students in their own vehicles, their own auto policy will be primary and the District will not reimburse for collision, comprehensive, personal injury protection, or uninsured motorist. The District's auto policy covers liability over and above the teacher's policy up to \$1,000,000 per accident.

(Continued)

# POLICY

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Non-Instructional/Business  
Operations

**SUBJECT: TRANSPORTATION OF STUDENTS (Cont'd.)**

Education Law Sections 1604, 1709, 1804, 1903, 1950,  
2503, 2554, 2590-e, 3635, 4401(4), 4404, and 4405  
8 New York Code of Rules and Regulations  
(NYCRR) Section 156.3

Adopted: 8/05/03

# POLICY

2003

5740

Non-Instructional/Business  
Operations

## **SUBJECT: USE OF BUSES BY COMMUNITY GROUPS**

Upon formal application to and approval by the Board of Education buses may be rented to a municipal corporation; to any senior citizen center recognized and funded by the Office for the Aging; to any not-for-profit organization serving those with disabilities; or, to any not-for-profit organization which provides recreational youth services or neighborhood recreation centers. Such rentals can be made only for times when vehicles are not needed for student transport and must be made for a consideration acceptable to the Board.

Education Law Section 1501-b

Adopted: 8/05/03

# POLICY

2003

5750

Non-Instructional/Business  
Operations

## **SUBJECT: SCHOOL BUS SAFETY PROGRAM**

The safe transportation of students to and from school is of primary concern in the administration of the school bus program. All state laws and regulations pertaining to the safe use of school buses shall be observed by drivers, students and school personnel.

To assure the safety and security of students boarding or exiting school buses on school property, it shall be unlawful for a driver of a vehicle to pass a stopped school bus when the red bus signal is in operation.

The Transportation Supervisor, in cooperation with the Assistant Superintendent, has the responsibility of developing and publishing safety rules to be followed by drivers and passengers, including rules of student conduct. In order to ensure maximum safety to those riding school buses, it is necessary that students and drivers cooperate in this effort. There is no substitute for training to develop safe habits in pedestrian and vehicular traffic.

All buses and other vehicles owned and operated by the School District will have frequent safety inspections, and will be serviced regularly. The Transportation Supervisor will maintain a comprehensive record of all maintenance performed on each vehicle.

Every bus driver is required to report promptly any school bus accident involving death, injury, or property damage. All accidents, regardless of damage involved, must be reported at once to the Transportation Supervisor.

Education Law Section 3623  
8 New York Code of Rules and Regulations  
(NYCRR) Section 156.3  
Vehicle and Traffic Law  
Section 1174, subdivisions a and b

**NOTE:** Refer also to Policy #5761 -- Drug and Alcohol Testing for School Bus Drivers and Other Safety-Sensitive Employees

Adopted: 8/05/03

**SUBJECT: QUALIFICATIONS OF BUS DRIVERS**

A person shall be qualified to operate a bus only if such person:

- a) Is at least twenty-one (21) years of age;
- b) Has been issued a currently valid driver's license or permit which is valid for the operation of a bus in New York State;
- c) Has passed the annual bus driver physical examination administered pursuant to Regulations of the Commissioner of Education and the Commissioner of Motor Vehicles. In no case shall the interval between physical examinations exceed a thirteen-month period;
- d) Is not disqualified to drive a motor vehicle under Sections 509-c and 509-cc and any other provisions of Article 19-A of the Vehicle and Traffic Law;
- e) Has on file at least three (3) statements from three (3) different persons who are not related to the driver/applicant pertaining to the moral character and to the reliability of such driver/applicant;
- f) Has completed, or is scheduled to complete, State Education Department safety programs as required by law;
- g) Is in compliance with federal law and regulations, as well as District policy and/or regulations, as it pertains to meeting the standards governing alcohol and controlled substance testing of bus drivers if and when applicable.
- h) Has taken and passed a physical performance test at least once every two (2) years and/or following an absence from service of sixty (60) or more consecutive days from his/her scheduled work duties;
- i) Is in compliance with all other laws and regulations for operating a school bus, including licensing and training requirements.

(Continued)

# POLICY

2003

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Non-Instructional/Business  
Operations

## **SUBJECT: QUALIFICATIONS OF BUS DRIVERS (Cont'd.)**

### **Special Requirements For New Bus Drivers**

Before employing a new bus driver, the Superintendent or his/her designee shall:

- a) Require such person to pass a physical examination within four (4) weeks prior to the beginning of service;
- b) Obtain a driving record from the appropriate agency in every state in which the person resided, worked, and/or held a driver's license or learner's permit during the preceding three (3) years;
- c) Investigate the person's employment record during the preceding three (3) years;
- d) Require such person to submit to the mandated fingerprinting procedures;
- e) Request the Department of Motor Vehicles to initiate a criminal history check;
- f) Require that newly hired bus drivers take and pass the physical performance test, as mandated by Commissioner's Regulations, before they transport students.

Sections 509-c, 509-cc, and Article 19-A of the  
Vehicle and Traffic Law  
Education Law Section 3624  
15 New York Code of Rules and Regulations  
(NYCRR) Part 6  
8 New York Code of Rules and Regulations  
(NYCRR) Section 156.3  
Omnibus Transportation Employee Testing Act of 1991  
(Public Law 102-143)  
49 United States Code (USC) Section 521(b)  
49 Code of Federal Regulations (CFR)  
Parts 40, 382, 391, 392, and 395

**NOTE:** Refer also to Policy #5761 -- Drug and Alcohol Testing For School Bus Drivers and Other Safety-Sensitive Employees

Adopted: 8/05/03

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND  
OTHER SAFETY-SENSITIVE EMPLOYEES**

In accordance with federal regulations, employees in safety-sensitive positions as defined in regulations, including school bus drivers who are required to have and use a commercial drivers license (CDL), are now subject to random testing for alcohol, marijuana, cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP). The District shall adhere to federal law and regulations requiring the implementation of a drug and alcohol testing program for such employees in safety-sensitive positions.

The District shall either establish and manage its own program, by contract, or through a consortium for the provision of alcohol and drug testing of employees in safety-sensitive positions. Safety-sensitive employees (SSE), including school bus drivers who drive a vehicle which is designed to transport sixteen (16) or more passengers (including the driver), shall be subject to this requirement.

Federal regulations require that the District test school bus drivers and other SSEs for alcohol and drugs at the following times:

- a) Drug testing will be conducted after an offer to hire, but before actually performing safety-sensitive functions for the first time. Such pre-employment testing will also be required when employees transfer to a safety-sensitive position.
- b) Safety-sensitive employees are also subject to a random drug and/or alcohol test on an unannounced basis just before, during or just after performance of safety-sensitive functions.
- c) In addition, testing will be ordered if a trained supervisor has a "reasonable suspicion" that an employee has engaged in prohibited use of drugs and/or alcohol.
- d) There will also be post accident testing conducted after accidents on employees whose performance could have contributed to the accidents.
- e) Finally, return-to-duty and follow-up testing will be conducted when an individual who has violated the prohibited alcohol and/or drug conduct standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after an employee returns to duty. Follow-up testing may be extended for up to sixty (60) months following return-to-duty.

All employee drug and alcohol testing will be kept confidential and shall only be revealed without the driver's consent to the employer, a substance abuse professional, drug testing laboratory, medical review officer and any other individual designated by law.

(Continued)

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)**

The following alcohol and controlled substance-related activities are prohibited by the Federal Highway Administration's drug use and alcohol misuse rules for drivers of commercial motor vehicles and other SSEs:

- a) Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater.
- b) Being on duty or operating a commercial motor vehicle (CMV) while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.
- c) Using alcohol while performing safety-sensitive functions.
- d) Using alcohol four (4) hours or less before duty.
- e) When required to take a post-accident alcohol test, using alcohol within eight (8) hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.
- f) Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion or follow-up testing requirements.
- g) Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the SSE uses any controlled substance. This prohibition does not apply when instructed by a physician who has advised the SSE that the substance does not adversely affect the SSE's ability to safely operate a CMV.
- h) Reporting for duty, remaining on duty or performing a safety-sensitive function, if the SSE tests positive for controlled substances.

Drivers and other SSEs who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substances are subject to disciplinary action and penalties pursuant to District policy and collective bargaining agreements, as well as the sanctions provided for in federal law. SSEs who have engaged in such prohibited behavior shall not be allowed to perform safety-sensitive functions until they are:

- a) Evaluated by a substance abuse professional (SAP).

(Continued)

# POLICY

2003

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Non-Instructional/Business  
Operations

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)**

- b) Complete any requirements for rehabilitation as set by the District and the SAP.
- c) Pass a return-to-duty test with the result below 0.02 if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved controlled substance use.
- d) The SSE shall also be subject to unannounced follow-up alcohol and controlled substance testing. The number and frequency of such follow-up testing shall be as directed by the SAP, and consist of at least six (6) tests in the first twelve (12) months.

The Superintendent of Schools shall ensure that each SSE receives a copy of District policy, educational materials that explain the requirements of the alcohol and drug testing regulations, and any regulations and/or procedures developed by the District with respect to meeting those requirements. The Superintendent or his/her designee shall ensure that a copy of these materials is distributed to each SSE, who shall sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of alcohol and controlled substance testing as well as at the beginning of each school year or at the time of hire for any safety-sensitive employees. Representatives of applicable collective bargaining units shall be notified of the availability of this information.

The Superintendent or his/her designee shall arrange for training of all supervisors who may be utilized to determine whether "reasonable suspicion" exists to test a driver for prohibited conduct involving alcohol or controlled substance use/abuse.

Any violation of this policy and/or District procedures, and applicable federal and state laws by a covered employee shall be grounds for disciplinary action including, but not limited to, fines, suspension, and/or discharge in a manner consistent with District policy, collective bargaining agreements and applicable law.

Omnibus Transportation Employee Testing Act of 1991  
(Public Law 102-143)  
49 United States Code (USC) Section 521(b)  
49 Code of Federal Regulations (CFR) Parts 40, 382,  
391, 392 and 395

Adopted: 8/05/03