

**BP 1000 REPLACED with 1001 New Manual 4-24-2017**

**BP 1050 REPLACED with 2201 New Manual 1-3-2019**

### **BOCES Annual Meeting**

The BOCES annual meeting shall be held on a date designated by the President of the BOCES board. At this meeting, the BOCES Board will present its tentative administrative, capital, and program budgets.

The Clerk of the BOCES shall publish a notice of the time, date and place of the annual meeting at least once each week during the two weeks prior to the meeting. The first publication of the notice shall be at least fourteen days prior to the meeting in two newspapers having general circulation within the district. Such notice shall include:

1. a summary of the tentative BOCES capital and program budgets;
2. a summary of the tentative BOCES administrative budget, including the salary and benefits payable to supervisory and administrative staff of the BOCES and the total compensation payable to the District Superintendent of Schools; and
3. when and where the tentative budgets will be available to the public for inspection.

The Clerk of the BOCES shall provide copies of the tentative administrative, capital and program budgets and attachments to the District Clerk and to the school boards of each component school district at least ten days prior to the annual meeting.

In addition, the BOCES shall comply with any reasonable request for additional information made prior to the annual meeting.

Ref: **LAMPS Documents**

**BP 1100 REPLACED with 1600 New Manual 6-15-17**

**BP 1110 REPLACED with 1500 New Manual 6-15-17**

**BP 1120 REPLACED with 1100 New Manual 4-24-2017**

**AR 1120 REPLACED with 1100.1 New Manual 4-24-2017**

**By Law Pertaining to Student Records**  
**Policies and Procedures**

For the purposes of this policy, the school district has used the following definitions of terms:

Student - Any person who attends or has attended a program of instruction sponsored by the school district.

Eligible Student – A student or former student who has reached age 18 or is attending a post-secondary school.

Parent – Either natural parent of a student unless his or her rights under the FERPA (Family Educational Rights and Privacy Act) has been removed by a court order, state statute or legally binding document relating to such matters as divorce, separation or custody that specifically revokes these rights, a guardian, or an individual acting as a parent or guardian, or an individual acting as a parent or guardian in the absence of the student's parent or guardian.

Educational Records – Any records (in handwriting, print, tape, film, microfilm, microfiche or other medium) maintained by the school district, an employee of the district or an agent of the district which is related to a student except:

- Any personal records kept by a school staff member which meet the following tests:
  - (a) It was made as a personal memory aid;
  - (b) It is in the personal possession of the individual who made it.
  - (c) Information contained in it has never been revealed or made available to any other person except the maker's temporary substitute.
- Employment records which are used only in relation to a student's employment by the school district. (Employment for this purpose does not include activities for which a student receives a grade or credit in a course).
- Alumni records which relate to the student after he or she no longer attends classes provided by the school district and the records do not relate to the person as a student.

Personal Identifiable Information – Any data or information that makes the subject of the records known. This includes the student's name, the student's parent's or other family member's name, the student's address, the student's social security number, a student



number, a list of personal characteristics or any other information which would make the student's identity known.

### Annual Notification

Within the first three weeks of each school year, the school district will publish in the legal section of a newspaper having general circulation in the district, a notice to parents and eligible students of their rights under the FERPA and this policy (see Model Notice on page 14). The district also will send home with each student a bulletin listing these rights. The bulletin will be included with a packet of material provided parents or an eligible student when the student enrolls during the school year.

The notice will include the following:

- (1) The right of a student's parents and eligible student to inspect and review the student's education records.
- (2) The intent of the school district to limit the disclosure of information contained in a student's education records except: (a) by the prior written consent of the student's parent or an eligible student, (b) as directory information, or (c) under certain limited circumstances, as permitted by the FERPA.
- (3) The right of a student's parents or an eligible student to seek to correct parts of the student's education records which he or she believes to be inaccurate, misleading or in violation of the student's rights. These rights include the right to a hearing to present evidence that the records should be changed if the district decides not to alter such records according to the parent or an eligible student's request.
- (4) The right of any person to file a complaint with the Department of Education if the school district violates the FERPA.
- (5) The procedure that a student's parents or an eligible student should follow to obtain copies of this policy and the locations where copies may be obtained.

The district will arrange to provide translation of this notice to non-English speaking parents in their native language.

### Statement of Rights

Parents and eligible students have the following rights under the Family Educational Rights and Privacy Act and this policy:

- (1) The right to inspect and review the student's education records;
- (2) The right to exercise a limited control over other people's access to the student's education records;
- (3) The right to seek to correct the student's education records in a hearing if necessary;
- (4) The right to report violations of the FERPA to the Department of Education; and
- (5) The right to be informed about the FERPA rights.

All rights and protections given to parents under the FERPA and this policy transfer to the student when the student reaches age 18 or enrolls in a post-secondary school. The student then becomes an eligible student.

Under the No Child Left Behind Act of 2001, school receiving Title1 money must release names, addresses and telephone listings to military recruiters upon request. Parents have the right to request that information not be released to military recruiters without prior written consent.

### **Location of Education Records**

<b>Types</b>	<b>Location</b>	<b>Custodian</b>
Cumulative School Records	Vault	Records Management Officer
Cumulative School Records (Former Students)	Vault	Records Management Officer
Health Records	Health Office or Vault	Records Management Officer
Speech Therapy Records Psychological Records	CSE or Vault	CSE Office
School Transportation Records	School Bus Garage	Transportation Supervisor
Special Test Records	Vault	Records Management Officer
Occasional Records (Student Education records not identified above such as those in the Superintendent's office, in the school attorney's office or in the personal possession of a teacher)	Guidance Office	School Principal

### Procedure to Inspect Education Records

**Parents of students and eligible students may inspect and review the student's education records upon request. In some circumstances, it may be mutually more convenient for the record custodian to provide copies of records. See the schedule of fees for copies of records.**

**Since a student's records may be maintained in several locations, the Records Management Officer will offer to collect copies of records or the records themselves from locations other than a student's school, so that these records may be inspected at one site. However, if parents and eligible students wish to inspect records where they are maintained, school principals will accommodate their wishes.**

**Parents or eligible students should submit to the student's school principal a written request which identifies as precisely as possible the record or records he or she wishes to inspect.**

The Records Management Officer will contact the parent of the student or the eligible student to discuss how access will be best arranged (copies, at the exact location, or records brought to a single site).

The Records Management Officer will make the needed arrangements as promptly as possible and notify a parent or an eligible student of the time and place where the records may be inspected. This procedure must be completed in 45 days or less from the receipt of the request for access.

If, for any valid reason such as working hours, distance between records location sites or health, a parent or eligible student cannot personally inspect and review a student's education records, the school district will arrange for a parent or an eligible student to obtain copies of the records. See below for fees for copies of records.

When the records contain information about students other than the child or the eligible student involved, a parent or an eligible student may not inspect and review the records of other students.

### **Fees for Copies of Records**

The school district will not deny parents or eligible students any rights to copies of records because of the following published fees. Where the fee represents an unusual hardship, it may be waived in part or entirely by the record custodian. However, the district reserves the right to make a charge for copies such as transcripts it forwards to potential employers or to colleges and universities for employment or admissions purposes.

The FERPA requires a school district to provide copies of records:

- (1) When the refusal to provide copies effectively denies access to the records by a parent or an eligible student;
- (2) At the request of a parent or an eligible student when the school district has provided the records to third parties by the prior consent of the parent or an eligible student; or
- (3) At the request of a parent or an eligible student when the school district has forwarded the records to another school where the student seeks or intends to enroll.

The fee for copies provided under the FERPA may not include the costs for search and retrieval. This fee will be from no cost to 25 cents per page.

The fee for all other copies such as copies of records forwarded to third parties with prior consent or those provided to parents as a convenience will be 25 cents per page plus postage if mailing is involved.

### **Directory Information**

The school district proposes to designate the following personally identifiable information contained in a student's education records as directory information, and it will disclose that information without prior written consent:

- (1) The student's name;
- (2) The student's address;
- (3) The student's telephone listing;
- (4) The student's date and place of birth
- (5) The student's class designation and major field of study (e.g. 1<sup>st</sup> grade, tenth grade and the like);
- (6) The student's participation in officially recognized activities and sports.
- (7) The student's degrees, achievement awards or honors;
- (8) The student's weight and height if a member of an athletic team;
- (9) Dates of attendance;
- (10) The student's photograph;
- (11) The most recent educational institution attended before the student enrolled in the school district; and
- (12) Electronic mail address

Within the first three weeks of each school year, the school district will publish in the legal section of a newspaper having general circulation in the district the above list, or a revised list, of the items of directory information it proposes to designate as directory information. For students enrolling after the notice is published, the list will be given to the student's parent or the eligible student at the time and place of enrollment.

After parents or the eligible students have been notified, they will have two weeks to advise the school district in writing (a letter to the school superintendent's office) of any or all of the items they refuse to permit the district to designate as directory information about that student.

At the end of the two-week period, each student's records will be appropriately marked by the Records Management Officer to indicate the items the district will designate as directory information about that student. This designation will remain in effect until it is modified by written direction of a student's parents or an eligible student.

The district may disclose directory information about former students without following the procedures specified in this paragraph.

#### Use of Student Education Records

To carry out their responsibilities, school officials will have access to student education records for legitimate educational purposes. The school district will use the following criteria to determine school officials. An official:

- (1) A person duly elected to the school Board;
- (2) A person certified by the State and appointed by the school Board to an administrative or supervisory position;
- (3) A person certified by the State and under appointment to the school Board as an instructor.

- (4) A person employed by the school Board as a temporary substitute for administrative, supervisory or instructional personnel for the period of his or her performance as a substitute; or
- (5) A person employed by or under appointment to the school Board to perform a special task such as a secretary, a clerk, the school Board attorney or auditor for the period of that person's performance as an employee or contractor.

School officials who meet the criteria listed above will have access to student's records if they have a legitimate educational interest in doing so. A legitimate educational interest is the person's need to know in order to:

- (1) Perform an administrative task required in the school officials position description approved by the school Board.
- (2) Perform a supervisory or instructional task directly related to the student's education; or
- (3) Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement or student financial aid.

The school district only will release information from or permit access to student's education records with a parent or an eligible student's prior written consent except that the school superintendent or a person designated in writing by the superintendent may permit disclosure:

- (1) When a student seeks or intends to enroll in another school district or a post-secondary school. The district will not further notify parents or eligible students prior to such a transfer of records. Parents and students have a right to obtain copies of records transferred under this provision.
- (2) When certain Federal and State officials need information in order to audit or enforce legal conditions related to federally supported education programs in the district.
- (3) To parties who provide or may provide financial aid to a student to:
  - (a) Establish the student's eligibility for the aid;
  - (b) Determine the amount of financial aid;
  - (c) Establish the conditions for the receipt of the financial aid.
  - (d) Enforce the agreement between the provider and the receiver of financial aid.
- (4) If a State law adopted before November 19, 1974 required certain specific items of information to be disclosed in personally identifiable form from student records to State or local officials.
- (5) When the school district has entered into a written agreement or contract for an organization to conduct studies on the school district's behalf to develop tests, administer student aid or improve instruction. Such studies may not permit personal identifiable information of parents or students by individuals other than representatives of the organizations. Such information must be destroyed when no longer needed.
- (6) To accrediting organizations to carry out their accrediting functions.
- (7) To parents of eligible students if the parents claim the student as a dependent as defined by the Internal Revenue Code.

- (8) To comply with a judicial order or lawfully issued subpoena. The district will make a reasonable effort to notify the student's parents or the eligible student before making a disclosure under this provision.
- (9) In connection with a health or safety emergency under conditions described below.
- (10) If the disclosure is an item of directory information and the student's parents or an eligible student has not refused to allow the district to designate that item as directory information for that student.
- (11) Disclosure to a parent of a student who is not an eligible student or the student.

The school district will permit any of its officials to make the needed disclosure from student education records in health or safety emergency if:

- (1) The official deems it is warranted by the seriousness of the threat to the health and safety of the student or other persons;
- (2) The information is necessary and needed to protect the health and safety of the student or other individuals;
- (3) The persons to whom the information is to be disclosed are qualified and in a position to deal with the emergency; and
- (4) Time is an important and limiting factor in dealing with the emergency. (The health and safety exception shall be strictly construed).

School district officials may release information from student's education records if the student's parents or the eligible student gives his prior written consent for the disclosure. The written consent must include at least:

- (1) A specification of the records to be released;
- (2) The reasons for the disclosure;
- (3) The person or the organization or the class of persons or organizations to whom the disclosure is to be made;
- (4) A parent or an eligible student's signature; and
- (5) The date of the consent and, if appropriate, a date when the consent is to be terminated.

The student's parents or the eligible student may obtain a copy of any records disclosed under this provision.

The school district will not release information contained in student's educational records, except directory information, to any third parties except its own officials, unless those parties agree that the information will not be re-disclosed without the parents or eligible student's prior written consent.

### **Records of Requests for Access and Disclosure Made From Educational Records**

The school district will maintain an accurate record of all requests for it to disclose information from or to permit access to a student's education records and of information it discloses and access it permits with some exceptions listed below. These records will be kept with, but will not be a part of, each student's Cumulative School

Records. It will be available only to the record custodian, the eligible student, the parents of the student or to Federal, State or local officials for the purpose of auditing or enforcing federally supported educational programs.

The records will include at least:

- (1) The name of the person or agency that made the request;
- (2) The interest the person or agency had in the information;
- (3) The date the person or agency made the request; and
- (4) Whether the request was granted and, if it was, the date access was permitted or the disclosure was made.

The district will maintain these records as long as it maintains the student's education records. Such records may be inspected by the parent or eligible student or the school official or that person's assistant responsible for the custody of the records.

These records will not include requests for access or access granted to parents of the student or to an eligible student, requests for access or access granted to officials of the school district who have a legitimate educational interest in the student, requests for, or disclosure of, information contained in the student's education records if the request is accompanied by the prior written consent of a parent of the student or an eligible student or the disclosure is authorized by such prior consent, or for requests for, or disclosure of, directory information designated for that student.

#### Procedures to Seek to Correct Education Records

Parents of students and eligible students have a right to seek to change any part of the student's records they believe inaccurate, misleading or in violation of the student's rights. (NOTE: Under the FERPA, the district may decline to consider a request to change the grade a teacher assigns for a course).

For the purpose of outlining the procedures to seek to correct education records, the term incorrect will be used to describe records that are inaccurate, misleading or in violation of the student's rights. Also, in this section, the term requester will be used to describe a parent of a student or an eligible student who is asking the school district to correct the records.

To establish orderly process to review and correct education records for a requester, the district may make a decision to comply with the request for change at several levels in the procedure.

First Level Decision – When a parent of a student or an eligible student finds an item in the student's education records which he or she believes is inaccurate, misleading or in violation of student's rights, the parent immediately should ask the record custodian to correct it. If the records are incorrect because of an obvious error and it is a simple matter to make the record change at this level, the record custodian will make the correction. However, if the records are changed at this level, the method and result must satisfy the requester.

If the custodian cannot change the records to the requester's satisfaction or the records do not appear to be obviously incorrect, the custodian will:

- (1) Provide the requester a copy of the questioned records at no cost.
- (2) Ask the requester to initiate a written request for the change; and
- (3) Follow the procedure for a second level decision.

Second Level Decision – The written request to correct a student's education records through the procedure at this level should specify the correction the requester wishes the district to make. It should at least identify the item the requester believes is incorrect and state whether the requester believes the item:

- (1) is inaccurate and why;
- (2) Is misleading and why; or
- (3) Violates the student's rights and why.

The request will be dated and signed by the requester.

Within two weeks after the record custodian receives a written request, the custodian will:

- (1) Study the request;
- (2) Discuss it with other school officials (the person who made the records or those who may have professional concern about the district's response to the request);
- (3) Make a decision to comply or decline to comply with the request; and
- (4) Complete the appropriate steps to notify the requester or move the request to the next level for a decision.

If, as a result of this review and discussion, the record custodian decides the records should be corrected, the custodian will effect the change and notify the requester in writing that the change has been made. Each such notice will include an invitation for the requester to inspect and review the student's education records to make certain the records are in order and the correction is satisfactory.

If the custodian decides the records are correct, the custodian will make a written summary of any discussions with other officials and of the custodian's findings in the matter. The custodian will transmit this summary and a copy of the written request to the school superintendent.

Third Level Decision – The school superintendent will review the material provided by the record custodian and, if necessary, discuss the matter with other officials such as the school attorney or the school Board (in executive session). The superintendent will then make a decision concerning the request and complete the steps at this decision level. Ordinarily, this level of the procedure should be completed within two weeks. If it will take longer, the superintendent will notify the requester in writing of the reasons for the delay and a date when the decision will be made.



If the superintendent decides the records are incorrect and should be changed, the superintendent will advise the record custodian to make the change. The record custodian will advise the requester of the change as the custodian would if the change had been made at the second level. If the superintendent decides the records are correct, the superintendent will prepare a letter to the requester which will include:

- (1) The school district's decision that the records are correct and the basis for the decision.
- (2) A notice to the requester that the requester has the right to ask for a hearing to present evidence that the records are incorrect and that the district will grant such a hearing.
- (3) Instructions for the requester to contact the superintendent or an official designated by the superintendent, to discuss acceptable hearing officers, convenient times and a satisfactory site for the hearing. (The district will not be bound by the requester's positions on these items but will, so far as possible, arrange the hearing as the requester wishes).
- (4) That the requester may be represented or assisted in the hearing by other parties, including an attorney at the requester's expense.

Fourth Level Decision – After the requester has submitted (orally or in writing) that person's wishes concerning the hearing officer and the time and place for the hearing, the superintendent will, within a week, notify the requester when and where the district will hold the hearing and whom the superintendent has designated as the hearing officer.

At the hearing, the hearing officer will provide the requester a full and reasonable opportunity to present material evidence and testimony to demonstrate that the questioned part of the student's education records are incorrect as shown in the requester's written request for a change in the records (second level).

Within two weeks after the close of the hearing, the hearing officer will submit to the school superintendent a written summary of the evidence submitted at the hearing. Along with the summary, the hearing officer will submit recommendations, based solely on the evidence presented at the hearing, that the records should be changed or remain unchanged.

The school superintendent will prepare the district's decision within three weeks of the hearing. That decision will be based on the summary of the evidence presented at the hearing and the hearing officer's recommendation. The district's decision will be based solely on the evidence presented at the hearing. The superintendent may overrule the hearing officer if the superintendent believes the hearing officer's recommendation is not consistent with the evidence presented. As a result of the district's decision, the superintendent will take one of the following actions:

- (1) If the decision is that the district will change the records, the superintendent will instruct the record custodian to correct the records. The record custodian will correct the records and notify the requester as at the second level decision.

- (2) If the decision is that the district will not change the records, the superintendent will prepare a written notice to the requester which will include:
- (a) The school district 's decision that the records are correct and will not be changed.
  - (b) A copy of the summary of the evidence presented at the hearing and a written statement of the reasons for the district's decision.
  - (c) A statement advising the requester that the requester may place an explanatory statement which states the reasons the requester disagrees with the school district's decision or the reasons the requester believes the records are incorrect in the student's education record.

Final Administrative Step in the Procedure – When the school district receives an explanatory statement from the requester after a hearing, it will maintain that statement as part of the student's education record as long as it maintains the questioned part of the records. The statement will be attached to the questioned part of the records and, whenever the questioned part of the records are disclosed, the explanatory statement also will be disclosed.

**Model Notice for Directory Information**  
**Family Educational Rights and Privacy Act (FERPA)**

The Family Educational Rights and Privacy Act (FERPA), a Federal Law, requires that the Bainbridge-Guilford Central School District, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, The Bainbridge-Guilford Central School District may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with District procedures. The primary purpose of directory information is to allow the Bainbridge-Guilford Central School District to include this type of information from your child's education records in certain school publications. Examples include:

- A playbill, showing your student's role in a drama production;
- The annual yearbook;
- Honor Roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.
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Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEA's) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with student names, addresses and telephone listings – unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.

If you do not want the Bainbridge-Guilford Central School District to disclose directory information from your child's education records without your prior written consent, you must notify the District in writing by September 15 (new enrollees after the first day of school, return within two weeks of enrollment). The Bainbridge-Guilford Central School District has designated the following information as directory information:

- |                           |  |
|---------------------------|--|
| - Student's name          | - Participation in officially recognized activities and sports   |
| - Student's address       | - Weight and Height of members of athletic teams   |
| - Telephone listing       | - Degrees, honors, and Awards  |
| - Electronic mail address | - The most recent educational agency or institution attended   |
| - Photograph              | - Student ID number, User ID or other unique personal identifier used to communicate in electronic systems that cannot be used to access education records without a PIN, Password, etc. (A student's SSN, in whole or in part, cannot be used for this purpose) |
| - Date and place of Birth |  |
| - Major Field of study    |  |
| - Dates of Attendance     |  |
| - Grade level             |  |

**BP 1130 REPLACED with 1600 New Manual 6-15-17**



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**BP 1131 REPLACED with 1600 New Manual 6-15-17**





**BP 1135 REPLACED with 1600 New Manual 6-15-17**



**BP 1140 REPLACED with 1600 New Manual 6-15-17**



**BP 1000 REPLACED with 1001 New Manual 4-24-2017**



**BP 1220 REPLACED with 1302 New Manual 6-15-17**

**BP 1221 REPLACED with 1303 New Manual 6-15-17**



**BP 1222 REPLACED with 1304 New Manual 6-15-17**

**BP 1240 REPLACED with 1304 New Manual 4-24-2017**



**BP 1300 REPLACED with 1001 New Manual 4-24-2017**



**AR 1240 REPLACED with 1003 New Manual 4-24-2017**



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**BP 1420 REPLACED with 8304 New Manual 2-16-2017**

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**BP 1440 REPLACED with 1500 New Manual 6-15-17**



**BP 1500 REPLACED with 1002 New Manual 6-15-17**  
**AR 1500 REPLACED with 1002, 1002.1, 1002.2, and 1002.3 New**  
**Manual 6-15-17**

**BP 1510 REPLACED WITH NEW POLICY #1002 NEW MANUAL 5/2/2019**

**BP 1511 REPLACED WITH NEW POLICY #1007 NEW MANUAL 5/2/2019**

**Public Conduct on School Property**

The Board of Education recognizes that the primary purpose of the school district is to provide a superior atmosphere for learning and education. Any action by an individual or groups aimed at disrupting, interfering with or delaying the education process or having such effect, is hereby declared to be in violation of Board policy. The Board shall approve rules and regulations to effect this policy as required by Education Law Section 2801.

The Board also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. The Board will also seek restitution from, and prosecution of, any person or persons who willfully damage school property.

**Intent of Policy**

It is not the intent of this policy to limit freedom of speech or peaceful assembly. The Board recognizes that free inquiry and free expression are indispensable to the objectives of a school district. The purpose of the rules and regulations is to prevent abuse of the rights of others and to maintain public order, not to prevent or restrain controversy or dissent.

**Ref:** Education Law §§2801; 3214  
Penal Law §§140.00; 140.10; 240.35  
LAMPS Documents  
1240, Visitors to the Schools



**Public Conduct on School Property****Purpose**

The following rules and regulations are adopted for the maintenance of public order on district property, and provide a program for enforcement thereof in accordance with Section 2801 of the Education Law. Nothing contained herein is intended nor shall it be construed to limit or restrict the freedom of speech or peaceful assembly.

**Prohibited Conduct**

No person, either singly or in concert with others, shall:

1. willfully cause physical injury to any other person, nor threaten to do so for the purpose of compelling or inducing such other person to refrain from any act which he has a lawful right to do, or to do any act which he has a lawful right not to do;
2. physically restrain or detain any other person, nor remove such person from any place where he is authorized to remain;
3. willfully damage or destroy property of the District, nor remove or use such property without authorization;
4. without permission, express or implied, enter into any private office of an administrative officer, member of the faculty or staff member;
5. other than student, employee or board member, enter a classroom or the building beyond the administrative office without written permission of the chief administrative officer or his designee;
6. enter upon and remain in any building or facility for any purpose other than its authorized uses, or in such manner as to obstruct its authorized use by others;
7. without authorization, remain in any building or facility after it is normally closed;
8. refuse to leave any building or facility after being requested to do so by an authorized administrative officer;
9. obstruct the free movement of persons and vehicles in any place to which these rules apply;

10. deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings, or deliberately interfere with any person to express his views, including invited speakers;
11. knowingly have in his possession upon any premises to which these rules apply, any knife, shotgun, pistol, revolver, or other firearm or weapon without the written authorization of the chief administrative officer whether or not a license to possess the same has been issued to such person;
12. willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so;
13. possess any illicit drugs or drug paraphernalia for sale or use on school property.

### **Penalties**

A person who shall violate any of the provisions of these rules:

1. if he is a licensee or invitee, have his authorization to remain upon the district property withdrawn, and shall be directed to leave the premises. In the event of his failure or refusal to do so, he shall be subject to ejection;
2. if he is a trespasser or visitor without specific license or invitation, be subject to ejection;
3. if he is a student, be subject to suspension or such lesser disciplinary action as the facts of the case may warrant;
4. if he is a faculty member, be guilty of misconduct and be subject to dismissal or termination of his employment, or such lesser disciplinary action as the facts may warrant, including suspension without pay or censure;
5. if he is a staff member in the classified service of the Civil Service, described in Section 75 of the Civil Service Law, be guilty of misconduct and subject to the penalties prescribed in said section; and
6. if he is a staff member not in the classified service of the Civil Service, described in Section 75 of the Civil Service Law, be guilty of misconduct and be subject to dismissal or termination of his employment or such lesser disciplinary action as the facts may warrant, including suspension without pay or censure.

### **Procedure**

The procedure to be followed when individuals violate BP 1520 and AR 1520 is:

1. the chief administrative officer or his designee, shall inform any licensee or invitee who shall violate any provision of these rules, that his license or invitation is withdrawn, and shall direct him to leave the district grounds;

2. in the case of any other violator, who is neither a student nor faculty or other staff member, the chief administrative officer or his designee shall inform the individual he/she is not authorized to remain on the property of the district, and direct him to leave such premises. In the event of his failure or refusal to do so, such officer shall cause his ejection from such property. Nothing in this subdivision shall be construed to authorize the presence of any such person at any time prior to such violation, nor to affect his liability to prosecution for trespass or loitering, as prescribed in the Penal Law;
3. in the case of a student, charges for violation of any of these rules shall be presented and shall be heard and determined in the manner provided in Section 3214-3 of the Education Law;
4. in the case of a faculty member having tenure, charges for misconduct and violation of these rules shall be made, heard and determined in accordance with Section 3020-a of the Education Law;
5. in the case of a faculty member not having tenure, the chief administrative officer shall conduct a hearing, after written notice to the teacher, of the charges, and shall determine the punishment if the teacher is found guilty;
6. in the case of any staff member who holds a position in the classified Civil Service, described in Section 75 of the Civil Service Law or is covered by Section 75 of the Civil Service Law, charges of misconduct and violation of these rules shall be made, heard, and determined as prescribed in that section; and
7. in the case of any staff member who does not hold a position in the classified Civil Service and is not covered by the provision of Section 75 of the Civil Service Law, the chief administrative officer shall conduct a hearing after written notice to such staff member of the charges, and shall determine the punishment if such staff member is found guilty.

### **Enforcement Program**

The chief administrative officer of the district is responsible to enforce this policy as follows:

1. the chief administrative officer shall be responsible for the enforcement of these rules and he/she shall designate the other administrative officers who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect; and
2. the chief administrative officer or his designee may apply to the public authorities for any aid which he deems necessary in causing the ejection of any violator of these rules, and he may request the attorney of the district to apply to any court of appropriate jurisdiction for an injunction to restrain the violation or threatened violation of these rules.

## **Application of Rules**

These rules shall apply to all buildings and grounds of the district and shall govern the conduct of students, teachers, and staff members, as well as visitors and other licensees and invitees.

## **Definition of Terms**

A “licensee” is defined as a person who enters the property of the school district for such person’s own interests, without express or implied invitation (an invitee).

An “invitee” is a person who enters the property of the school district with express or implied permission by someone who is authorized by the school district to give such permission.

## **Effective Date**

These regulations shall be effective as of the date of adoption by the Board of Education and shall supersede any regulations pertaining to this subject which have been adopted before.

**Gifts from the Public**

It shall be the policy of the district to accept a gift, provided it is made within the statutory authority granted to school districts and receives the approval of the Board of Education.

In granting or withholding of its consent, the Board of Education will review the following factors:

1. the terms of the gift must identify:
  - a. the subject of the gift;
  - b. the purpose of the gift;
  - c. the beneficiary or beneficiaries (if any); and
  - d. all conditions or restrictions that may apply.
2. the gift must not benefit a particular or named individual or individuals;
3. if the purpose of the gift is an award to a single student, the determination of the recipient of such award shall be made on the basis that all students shall have an opportunity to qualify for it and shall not be denied its receipt on the basis of race, religion or gender;
4. if the gift is in trust, the obligation of the investment and reinvestment of the principal shall be clearly specified and the application of the income or investment proceeds shall be clearly set forth;
5. no gift or trust will be accepted by the Board unless:
  - a. it is in support of and a benefit to all or to a particular public school in the district; or
  - b. it is for a purpose for which the school district could legally expend its own funds; or
  - c. it is for the purpose of awarding scholarships to students graduating from the district.

Any gift rejected by the Board of Education shall be returned to the donor or his/her estate within 60 days together with a statement indicating the reasons for the rejection of such gift.

**Ref:** LAMPS Document  
Education Law §§ 404(1) 1709(12)

**Gifts to School Personnel**

The Board of Education discourages students, parents, other district parents and taxpayers from presenting gifts to teachers and other district employees.

The Board of Education will accept gifts of either money or merchandise which adds to the overall welfare of the school district.

At times, various organizations or individuals may give donations to the Bainbridge-Guilford School District. Such donations should be made through the Business Manager. The donation may be in the form of money or supplies/equipment. The following guidelines must be followed in accepting such donation:

**Money Donations:**

1. at no time will a donation of money be given directly to a staff person or students;
2. all cash must immediately be sent by the administration to the District Treasurer for deposit;
3. the Business Manager will prepare the necessary Board resolutions accepting the donation of cash;
4. student groups with a formal organization and faculty advisory receiving money gifts should process such gifts through their financial accounts; and

**Donation of Supplies and/or Equipment:**

1. notification of the receipt of supplies and equipment donations are to be sent immediately by the administration to the Business Manager including a detailed description of the item(s) received; and
2. the Business Manager will, where necessary, prepare the necessary Board resolutions to accept the donated item(s).

**Ref:** LAMPS Documents  
General Municipal Law §§805-a; 806  
1800, Gifts from the Public  
2160, School Board Member Ethics  
**5660, Student Gifts Solicitations**

**BP 1900 REPLACED with 8501 New Manual 3-23-2017**

**AR1900 REPLACED with 8501.1 New Manual 3-23-2017**



**BP 1920 REPLACED with 8400 New Manual 3-23-2017**

**BP 1958 REPLACED with 8500 and 8500.1 New Manual 3-23-2017**

