



## **Policy Committee Meeting**

Thursday, April 11, 2024  
One Larkin Center, Board Room, 4<sup>th</sup> Floor  
Yonkers, New York 10701  
5:00 p.m.

**I.** Welcome & Updates

**II.** Draft Policies for Review:

<b>Section</b>	<b>Policy</b>
5605	Student Voter Registration and Pre-Registration

**III.** Final Draft Policies for Review:

<b>Section</b>	<b>Policy</b>
4730	Homework
5500	Student Records
5500 R	Student Records Regulation
5550	Student Privacy
8130.2	Workplace Violence Prevention

**IV.** Adjournment

## STUDENT VOTER REGISTRATION AND PRE-REGISTRATION

The Board of Education encourages student voter registration and pre-registration and believes that getting young people involved in the election process helps to secure the future of democracy by preparing young people to be educated, engaged voters and life-long participants in the democratic process. Further, in supporting student voter registration, the District hopes to foster a habit of voting and contributing to civic life in its students.

In accordance with the law, and in an effort to promote student voter registration, the Board directs the Superintendent of Schools and designee(s) thereof to offer all students who are at least sixteen (16) years old, and will not turn eighteen (18) years old by the next election, opportunities to pre-register to vote. Students who pre-register to vote will be automatically registered upon reaching the age of eligibility, following verification of qualifications and address. Students who are or will be at least eighteen (18) years old by the next election will be offered opportunities to register to vote. These students must be otherwise qualified to register to vote.

The District will provide students with access to voter registration and pre-registration applications during the school year, and assistance with filing such applications. The District will also inform students of the state requirements for voter registration and pre-registration. The District will meet these obligations by providing information and/or supports such as, but not limited to:

1. posting information regarding voter registration and pre-registration on the District's website;
2. offering registration and pre-registration materials through United States History, Participation in Government/Economics, or other required classes at different times during the year;
3. displaying voter registration and pre-registration posters in school offices;
4. ensuring voter registration and pre-registration applications are available in school offices;
5. hosting voter registration and pre-registration events throughout the year; and/or
6. collaborating with local organizations to promote voter registration and pre-registration.

Students who do not wish to register or pre-register shall not be obligated to do so. Completion and submission of voter registration or pre-registration forms shall not be a course requirement or graded assignment for students and there will be no penalty (including participation grades or credits) for choosing not to register or pre-register.

The Board hereby authorizes the Superintendent to establish any regulations, procedures, and/or practices necessary to implement this policy.

Ref: Election Law §5-507

Adoption date: December 18, 2019

Revised:

## HOMWORK

The Board of Education defines homework or extra class study as a continuation and extension of work previously reviewed and/or completed in the classroom. Homework assignments should be used as a teaching and learning strategy to provide reinforcement of the concept or practice on a principle or skill already taught; to provide real-life application of the matter in hand; and to develop appreciation for or knowledge of community resources. Homework provides excellent opportunities for developing good study habits, providing for individual differences and abilities, and encouraging self-initiative on the part of the student.

The Board encourages a balanced approach to homework, recognizing the importance of allowing time for extracurricular activities, family responsibilities, and personal interests. Homework will be assigned according to these guidelines:

- it should not be excessive in length, generally following the rule that students should spend no more than approximately 10 minutes multiplied by their grade level per night to complete all homework assignments, i.e., the “10-minute rule” (e.g., first graders should have roughly 10 minutes of homework per night, approximately 40 minutes total per night for fourth graders, reaching a maximum of up to two hours per night in total for high school seniors);
- should take into consideration students’ grade levels and ability to work independently;
- the number, frequency, and degree of difficulty of homework assignments should be based on the needs of the students, taking into consideration cognitive and/or language abilities as well as their strengths and interests;
- it should be aligned to grade level standards;
- it should develop literacy, be culturally-responsive, and/or foster meaningful experiences;
- for students in the earliest grades, it should foster positive attitudes, habits, and character traits, permit appropriate parent involvement, and reinforce learning of simple skills in class;
- for students in upper elementary grades, it should play a more direct role in fostering school achievement; and
- in sixth grade and beyond, it should play an important role in improving standardized test scores, college and career readiness, and grades.

The Board of Education believes that parental involvement in students' homework is essential to making homework an integral part of the educational program. Parents are expected to encourage and monitor homework assignments and, to the extent possible, provide conditions that are conducive to their successful completion.

Adoption date: July 20, 2011

Revised:

## STUDENT RECORDS

The Board of Education recognizes its legal responsibility to maintain the confidentiality of student records. As part of this responsibility, the Board will ensure that eligible students and parents/guardians have the right to inspect and review education records, the right to seek to amend education records, and the right to have some control over the disclosure of information from the education record. The procedures for ensuring these rights will be consistent with state and federal law, including the Family Educational Rights and Privacy Act of 1974 (FERPA) and its implementing regulations.

The Board also recognizes its responsibility to ensure the orderly retention and disposition of the District's student records in accordance with the Retention and Disposition Schedule LGS-1 for New York Local Government Records as adopted by the Board in policy 1120.

The District will use reasonable methods to authenticate the identity of the requestor and provide access to student educational records only to those authorized under the law. The District will document requests for and release of records, and retain the documentation in accordance with law. Furthermore, pursuant to Chapter 56 of the Laws of 2014, the District will execute agreements with third-party contractors who collect, process, store, organize, manage, or analyze student personally identifiable information (PII) to ensure that the contractors comply with the law in using appropriate means to safeguard the data.

The Superintendent of Schools is responsible for ensuring the District implements and complies with all requirements under law and the Regulations of the Commissioner of Education.

### Definitions

Authorized Representative: an authorized representative is any individual or entity designated by a State or local educational authority or a Federal agency headed by the Secretary, the Comptroller General, or the Attorney General to carry out audits, evaluations, or enforcement or compliance activities relating to educational programs.

Education Record: means those records, in any format, directly related to the student and maintained by the District or by a party acting on behalf of the District, except:

1. records in the sole possession of the individual who made it and not accessible or revealed to any other person except a substitute (e.g. memory joggers);
2. records of the District's law enforcement unit;
3. grades on peer-graded papers before they are collected and recorded by a teacher.

Eligible Student: a student who has reached the age of 18 or is attending postsecondary school.

Legitimate educational interest: a school official has a legitimate educational interest if they need to review a student's record in order to fulfill their professional responsibilities.

Personally identifiable information (PII): as it pertains to students, is information that would allow a reasonable person in the school or its community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. Such data might include social security number, student identification number, parents' name and/or address, a biometric record, etc. This term is fully defined in federal regulations at 34 CFR 99.3.

School official: a person who has a legitimate education interest in a student record who is employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a member of the Board of Education; a person or company with whom the District has contracted to perform a special task (such as attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official performing their tasks. Volunteers may be considered school officials for purposes of access to personally identifiable information if they are under the direct control of the District, are trained in the requirements of law under this policy, have a legitimate educational interest, and the District uses reasonable methods to limit access to only the information that is necessary to fulfill their volunteer duties. Volunteers may only access the information necessary for the assignment, and must not disclose student information to anyone other than a school official with a legitimate educational interest. The Building Principal will provide adequate training on confidentiality of student records.

Third party contractor: is any person or entity, other than an educational agency (which includes schools, school districts, BOCES, or the State Education Department), that receives student or teacher/principal PII from an educational agency pursuant to a contract or other written agreement for purposes of providing services to such educational agency. Such services may include, but not limited to, data management or storage services, conducting studies for or on behalf of such educational agency, or audit or evaluation of publicly funded programs. This includes educational partnership organizations that receive student or teacher/principal PII from a school district to carry out responsibilities under Education Law §211-e (for persistently lowest-achieving schools or schools under registration review) and is not an educational agency. This also includes not-for-profit corporations or other nonprofit organizations, other than an educational agency.

### Annual Notification

The District will annually notify parents, guardians, and eligible students currently in attendance of their rights under FERPA and New York State Law, and the procedures for exercising those rights. A 'Parents' Bill of Rights for Data Privacy and Security' will be posted on the District website and included in any agreements with third-party contractors (see 8635-E). The notice and 'Bill of Rights' may be published in a newspaper, handbook, or other school bulletin or publication. The notice and 'Bill of Rights' will also be provided to parents, guardians, and eligible students who enroll during the school year.

The notice and Parents' Bill of Rights will include a statement that the parent/guardian or eligible student has a right to:

1. inspect and review the student's education records;

2. request that records be amended to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy rights;
3. consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent; and
4. file a complaint with the United States Department of Education alleging failure of the District to comply with FERPA and its regulations; and/or file a complaint regarding a possible data breach by a third party contractor with the District and/or the New York State Education Department's Chief Privacy Officer for failure to comply with state law.

The annual notice and Parents' Bill of Rights will inform parents/guardians and eligible students:

1. that it is the District's policy to disclose PII from student records, without consent, to other school officials within the District whom the District has determined to have legitimate educational interests. The notice will define 'school official' and 'legitimate educational interest.'
2. that, upon request, the District will disclose education records without consent to officials of another school district in which a student seeks to or intends to enroll or is actually enrolled.
3. that PII will be released to third party authorized representatives for the purposes of educational program audit, evaluation, enforcement, or compliance purposes.
4. that the District, at its discretion, releases directory information, as defined below, without prior consent, unless the parent/guardian or eligible student has exercised their right to prohibit release of the information without prior written consent. The District will not sell directory information.
5. that, upon request, the District will disclose a high school student's name, address, and telephone number to military recruiters and institutions of higher learning unless the parent or secondary school student exercises their right to prohibit release of the information without prior written consent.
6. of the procedure for exercising the right to inspect, review, and request amendment of student records.
7. that the District will provide information as a supplement to the 'Parents' Bill of Rights' about third parties with which the District contracts that use or have access to personally identifiable student data.

The District may also release student education records, or the PII contained within, without consent, where permitted under federal law and regulation. For a complete list of exceptions to FERPA's prior consent requirements see accompanying regulation 5500-R.

The District will effectively notify parents, guardians, and eligible students who have a primary or home language other than English in their primary language.

In the absence of the parent or secondary school student exercising their right to opt out of the release of information to the military, the District is required, under federal law, to release the information indicated in number five (5) above.

### Directory Information

The District has the option under FERPA of designating certain categories of student information as “directory information.” The Board directs that “directory information” include a student’s

- Name
- ID number, user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems (only if the ID cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the student’s identity)
- Address (except information about a homeless student’s living situation, as described below)
- Telephone number
- Date and place of birth
- Major course of study
- Participation in school activities or sports
- Weight and height if a member of an athletic team
- Dates of attendance
- Degrees, honors, and awards received
- Most recent school attended
- Grade level
- Photograph
- E-mail address
- Enrollment status
- Class schedule
- Class roster

Information about a homeless student’s living situation will be treated as a student educational record, and will not be deemed directory information. A parent/guardian or eligible student may elect, but cannot be compelled, to consent to release of a student’s address information in the same way they would for other student education records. The District’s McKinney-Vento liaison will take reasonable measures to provide homeless students with information on educational, employment, or other postsecondary opportunities, and other beneficial activities. The District permits the parent/guardian to select the school’s address as the student’s address for purposes of directory information.

Social security numbers or other PII will not be considered directory information.

Once the District provides proper FERPA notification, a parent/guardian or eligible student has fourteen (14) days to notify the District of any objections they have to any of the “directory

information” designations. If no objection is received, the District may release directory information without prior approval of the parent/guardian or eligible student. Once a parent/guardian or eligible student provides the District with an “opt-out,” it will remain in effect after the student is no longer enrolled in the District.

The District may elect to provide a single notice regarding both directory information and information disclosed to military recruiters and institutions of higher education.

Cross-ref: 1120, School District Records  
4321, Programs for Students with Disabilities  
4532, School Volunteers  
5151, Homeless Children  
5550, Student Privacy  
8635, Information and Data Privacy, Security, Breach, and Notification

Ref: 20 USC §§1232g; 7908  
34 CFR Part 99  
10 USC §503  
Education Law §§2-a; 2-b; 2-c; 2-d; 225  
Public Officers Law §87(2)(a)  
Arts and Cultural Affairs Law, Article 57-A  
8 NYCRR Part 121; Part 185; Appendix L  
U.S. Department of Education Student Privacy Policy Office’s Student Privacy website:  
<https://studentprivacy.ed.gov/?src=fpc>

Adoption date: May 8, 2007

Revised:

## STUDENT RECORDS REGULATION

The Board recognizes the District's responsibility for maintaining the confidentiality of student records and hereby adopts the following procedures in furtherance of protecting the confidentiality of student records. The terms used herein are defined in the accompanying policy.

### Section 1

Pursuant to the Family Educational Rights and Privacy Act (FERPA) and state law it is the policy of the District to permit parents/guardians and eligible students to inspect and review any and all official records, files, and data directly related to that student, including all materials that are incorporated into each student's cumulative record folder.

The rights created by FERPA and state law transfer from the parents/guardians to the student once the student attains eligible student status. However, the District may disclose information to parents of eligible students under certain circumstances including when the student is a dependent under the IRS tax code; the student has violated a law or the school's rules regarding alcohol or substance abuse (and the student is under 21); the information is needed to protect the health or safety of the student or other individuals.

### Section 2

The District will provide parents/guardians or eligible students an opportunity for a hearing to challenge the content of the student's school records, to ensure the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, and to provide an opportunity for the correction or deletion of any inaccurate, misleading, or otherwise inappropriate data contained therein.

### Section 3

The District will annually notify parents/guardians of students currently in attendance and eligible students currently in attendance of their rights pursuant to FERPA and state law, and the procedures for exercising those rights. A Parents' Bill of Rights will be posted on the District's website (see 8635-E). The District will effectively notify parents, guardians, and eligible students who have a primary or home language other than English.

### Section 4

In an effort to ensure the rights provided for in sections 1 and 2 above, the District will implement the following procedures:

1. A parent/guardian or an eligible student who wishes to inspect and review student records must make a request for access to the student's school records, in writing, to the Superintendent and/or any designee(s) thereof, including, but not limited to the building principal. Upon receipt of such request, the District will verify the identity of the parent/guardian or eligible student and provide access to such records within forty-five (45) days of receipt of the request. If the record to which access is sought contains information on more than one student, the parent/guardian or eligible student will be allowed to inspect and review only the specific information about the student on whose behalf access is sought.

- a. Before providing access to student records, the District will verify the identity of the parent/guardian or eligible student.
  - b. The District may provide the requested records to the parent/guardian or eligible student electronically, as long as the parent/guardian or eligible student consents. The District will transmit PII electronically in a way that maintains its confidentiality, using safeguards such as encryption and password protection.
2. A parent/guardian or an eligible student who wishes to challenge the contents of the student's school records must submit a request, in writing, to the Superintendent and/or any designee(s) thereof, including, but not limited to, the Building Principal identifying the record(s) which they believe to be inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student together with a statement of the reasons for their challenge to the record.
3. Upon receipt of a written challenge, the District will provide a written response within a reasonable amount of time following its receipt of the written challenge indicating either:
  - a. A finding that the challenged record is inaccurate, misleading, or otherwise in violation of the student's rights and that the record will be corrected or deleted; or
  - b. A finding that there is no basis for correcting or deleting the record in question, but that the parent/guardian or eligible student may request an opportunity for a hearing. The District's response will also outline the procedures to request such hearing.
4. Within thirty (30) days following receipt of the District's written response, a parent/guardian or eligible student may request, in writing, that a hearing be held to review the challenged record determination.
5. The District will schedule the hearing within a reasonable amount of time following its receipt of the written hearing request. The parent/guardian or eligible student will receive reasonable notice of the date, time, and place of the hearing. The Superintendent shall ensure that the hearing is conducted by an individual who does not have a direct interest in the outcome of the hearing.
6. The parent/guardian or eligible student will be given a full and fair opportunity to present evidence at the hearing relevant to the challenge that the student's educational record is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. The parent/guardian or eligible student may, at their own expense, be assisted or represented by one or more individuals of their own choice, including an attorney.
7. The Superintendent or other individual designated by the Superintendent will provide the parent/guardian or eligible student a decision in writing within a reasonable time following the hearing. The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.
8. After the hearing, if the Superintendent or the individual designated by the Superintendent decides not to amend the record, the District will inform the parent/guardian or eligible student that they have the right to place a statement in the record commenting on the contested information or stating why they disagree with the decision of the District. Any statement placed in the record will be maintained with the contested part of the student record for as long as the record is maintained. Further, the statement will be disclosed by the District whenever it discloses the portion of the record to which the statement relates.

Except to the extent that FERPA authorizes disclosure of student records without consent, student records, and any material contained therein which is personally identifiable, are confidential and will not be released or made available to persons other than parents/guardians or eligible students without the prior written consent of the parents/guardians or eligible student.

Exceptions to FERPA's prior consent requirement include, but are not limited to, disclosure:

1. To other school officials within the District who have been determined to have legitimate educational interests.
2. To officials of another school, school system, or post-secondary institution where the student seeks or intends to enroll.
3. To authorized representatives of the Comptroller General of the United States, the U.S. Secretary of Education, the U.S. Attorney General, or state and local education authorities in connection with an audit or evaluation of a federal- or state-supported education program or in compliance with legal requirements related to those programs.
4. In connection with the student's application for or receipt of financial aid.
5. To state and local officials or authorities in compliance with state law that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are being released.
6. To organizations conducting studies for, or on behalf of, education agencies or institutions, in order to develop tests, administer student aid, or improve instruction.
7. To accrediting organizations to carry out their accrediting functions.
8. To parents of a dependent student, as defined by the Internal Revenue Code.
9. To comply with a judicial order or lawfully issued subpoena, including ex parte court orders under the USA Patriot Act. Prior to complying with a judicial order or subpoena, the District will make a reasonable effort to notify the parent/guardian or eligible student, unless the District has been ordered not to disclose the existence or content of the order or subpoena, or unless the parent is the subject of a court proceeding involving child dependency or child abuse and neglect matters, and the order is issued in context of that proceeding.
10. In connection with a health or safety emergency, the District will disclose information when, taking into account the totality of circumstances, a determination is made that there is an articulable and significant threat to the health or safety of the student or other individuals.
11. To teachers and school officials in other schools who have legitimate educational interests in the behavior of the student when the information concerns disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.
12. To provide information that the District has designated as "directory information."
13. To provide information from the school's law enforcement unit records.
14. To a court, when the District is involved in legal action against a parent or student, those records necessary to proceed with the legal action.
15. To the U.S. Secretary of Agriculture, its authorized representatives from the Food and Nutrition Service, or contractors acting on its behalf, to monitor, evaluate, and measure

performance of federally-subsidized school food programs, subject to certain privacy protections.

16. To any caseworker or representative of a state or local child welfare agency or tribal organization who has the right to access a student's case plan, where the agency or organization is legally responsible for the care and protection of that student, not to be redisclosed except as permitted by law.

In any situation wherein a District staff member has a question as to whether disclosure of a record without consent is permissible in accordance with a FERPA exception, the staff member should contact the Superintendent, the appropriate Assistant Superintendent, and/or the District's legal counsel for guidance prior to disclosure.

The District will use reasonable methods to provide access to student educational records to only those authorized under the law and to authenticate the identity of the requestor. The District will use an array of methods to protect records, including physical controls, technological controls, and administrative procedures. The District will document requests for and release of records, and retain the documentation in accordance with law.

If the District enters into a contract with a third party that calls for receipt of student PII by the contractor, the agreement will include a data security and privacy plan that includes a signed copy of the Parents' Bill of Rights and addresses the following, among other contractual elements:

1. training of vendor employees regarding confidentiality requirements;
2. limiting access to PII to those individuals who have a legitimate educational interest or need access to provide the contracted services;
3. prohibiting the use of PII for any other purpose than those authorized under the contract;
4. prohibiting the disclosure of PII without the prior written consent of the parent/guardian or eligible student, unless it is to a subcontractor in carrying out the contract, or unless required by statute or court order, in which case they must provide notification to the district (unless notice is prohibited by the statute or court order);
5. maintaining reasonable administrative, technical, and physical safeguards to protect PII;
6. using encryption technology to protect PII while in motion or in its custody to prevent unauthorized disclosure;
7. breach and notification procedures.

The District will, via written agreements, designate authorized representatives who have access to educational records. The written agreement will specify how the work falls within the exception, what personally identifiable information is to be disclosed, how the educational record will be used, and that the records will be destroyed by the authorized representative once they are no longer needed for that purpose or the agreement expires.

## Section 6

Whenever a student record or any material contained therein is to be made available to third persons, other than those covered by the exceptions authorized by FERPA, the parent/guardian or eligible student must file a written consent to such action. The written consent must specify the records to be released, the reasons for such release, and to whom. Upon written request, the District will provide the parent/guardian or eligible student with a copy of the record(s)

disclosed. In addition, if the parent/guardian of a student who is not an eligible student so requests, the District will provide the student with a copy of the record(s) disclosed.

### Section 7

Unless specifically exempted by FERPA, all persons requesting access to such records will be required to sign a written form, which indicates the legitimate educational interest that such person has in inspecting the records. Such form will be kept with the student's file and will be maintained with the student's file as long as the file is maintained.

### Additional Rights under New York State Law Related to the Protection of Student Data and Third Party Contractors

New York State Law offers parents additional rights beyond FERPA in regard to third party contractors and student PII. The District will post on its website a 'Parents' Bill of Rights for Data Privacy and Security.' The 'Parents' Bill of Rights' will establish the following:

1. Educational purpose: The use of student personally identifiable information (PII) is for educational or related purposes only.
2. Transparency: Disclosure of third party contracts and their privacy provisions.
3. Authorization: Assurance that proper authorization will be secured prior to the release of PII.
4. Security: A description of the measures in place to protect PII, without compromising the security plan.
5. Data Breach Notification: An explanation of the procedures in the event of a data breach.
6. Complaint Procedure: The District offers a complaint procedure in the event that a parent suspects a breach of student data by a third party contractor and provides information about lodging a complaint with the New York State Education Department's Chief Privacy Officer.

See policy 8635 (and regulation 8635-R), Information and Data Privacy, Security, Breach and Notification for more information on data security and breaches of PII, and 8635-E for the Parent's Bill of Rights for Data Privacy and Security.

### Retention and Disposition of Student Records

The Board has adopted the Retention and Disposition Schedule LGS-1 for New York Local Government Records issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, which contains the legal minimum retention periods for District records. The Board directs all District officials to adhere to the schedule and all other relevant laws in retaining and disposing of student records. In accordance with Article 57-A, the District will dispose of only those records described in the schedule after they have met the minimum retention periods set forth in the schedule. The District will dispose of only those records that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond the established legal minimum periods.

Adoption date:

## STUDENT PRIVACY

The Board recognizes its responsibility to enact policies that protect student privacy, in accordance with law. This is particularly relevant in the context of the administration of surveys that collect personal information, the disclosure of personal information for marketing purposes, and in conducting physical examinations. The Board hereby authorizes the Superintendent to establish administrative regulations, procedures, and/or protocols in relation to this policy.

For purposes of this policy, the term “parent” includes parents, legal guardians, and persons in parental relation, as defined by law. Further, the rights provided to parents under this policy transfer to the student when the student turns eighteen years old or is an emancipated minor under applicable State law.

### Surveys

The Board of Education recognizes that student surveys are a valuable tool in determining student needs for educational services. In accordance with law and Board policy, parental consent is required for minors to take part in surveys that gather any of the following information:

1. political affiliations or beliefs of the student or the student's parent;
2. mental or psychological problems of the student or the student's family;
3. sex behavior or attitudes;
4. illegal, anti-social, self-incriminating or demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
7. religious practices, affiliations or beliefs of the student or the student's parent; or
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

In the event that the District plans to survey students to gather information included in the list above, the District will obtain written consent from the parent in advance of administering the survey. The notification/consent form will also apprise the parent of their right to inspect the survey prior to their child’s participation.

### Marketing

It is the policy of the Board not to collect, disclose, or use personal information gathered from students for the purpose of marketing or selling that information, or providing it to others for that purpose. Marketing does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products, services, or therapies for or to students or educational institutions. For purposes of this policy, educational institutions shall include, but are not limited to:

1. college or other postsecondary education recruitment, or military recruitment;
2. book clubs, magazines, and programs providing access to low-cost literary products;
3. curriculum and instructional materials used in schools;

4. tests and assessments used to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information for students, or to generate other statistically useful data for the purpose of securing such tests and assessments, and the subsequent analysis and public release of the aggregate data from such tests and assessments;
5. student recognition programs; and
6. the sale by students of products or services to raise funds for school-related activities.

In the event that such data is collected by the District, disclosure or use of student personal information will be protected by the District pursuant to the requirements of the Family Educational Rights and Privacy Act (FERPA). [For guidance regarding the disclosure of “directory information,” rather than personal information, see policy 5500, Student Records and its associated regulation 5500 R, Student Records Regulation.]

#### Inspection of Instructional Material

Parents and eligible students shall have the right to inspect, upon request, instructional material used as part of the educational curriculum for students. “Instructional material” is defined as: “instructional content that is provided to a student, regardless of format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). It does not include tests or academic assessments.”

A parent who wishes to inspect and review such instructional material shall submit a request in writing to the Building Principal. The Building Principal shall make arrangements to provide reasonable access to the requested instructional material within a reasonable period of time after the written request is received.

#### Invasive Physical Examinations

The term “invasive physical examination” means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injecting into the body. It does not include a hearing, vision, or scoliosis screening and does not apply to any physical examination or screening required or permitted under State law, including those permitted without parental notification.

Prior to the administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the District not necessary to protect the immediate health or safety of the student or other students, and not otherwise permitted or required by state law, a student’s parent must be notified and given an opportunity to opt their child out of the exam. Hearing, vision, and scoliosis screenings are not subject to prior notification.

#### Notification

Parents and eligible students shall be notified of this policy at least annually, at the beginning of the school year and/or when enrolling students for the first time in the District. The District shall also notify parents and eligible students within a reasonable period of time after any substantive change to this policy.

Cross-ref: 5420, Student Health Services  
5500, Student Records  
8635, Information and Data Privacy, Security, Breach, and Notification

Ref: 20 USC §§1232g; 1232h  
34 CFR Part 98  
Education Law §903  
8 NYCRR §136.3

Adoption date:

DRAFT

## WORKPLACE VIOLENCE PREVENTION

The District is committed to establishing and maintaining a safe and secure workplace for employees. Workplace violence is a safety hazard to the District, its employees, and everyone in the workplace, and will not be tolerated. All employees are expected to work together to create and maintain a safe and respectful work environment for everyone.

Workplace violence is defined as any physical assault or act of aggressive behavior occurring where employees perform any work-related duty in the course of their employment including but not limited to an attempt or threat, whether verbal or physical, to inflict physical injury upon an employee; any intentional display of force which would give an employee reason to fear or expect bodily harm; intentional and wrongful physical contact with a person without their consent that entails some injury; or stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

Employees are responsible for notifying the building principal or, if the employee does not work in a school building, the direct supervisor of any violent incidents or threatening behavior, including threats they have witnessed, received, or were told that another person witnessed or received. All reported acts of workplace violence will be promptly and thoroughly investigated by the principal or supervisor and appropriate action will be taken including contacting the designated Assistant Superintendent, the Safety and Security Department, the Department of Human Resources, and/or law enforcement where necessary.

As required by Labor Law §27-b, the District will develop and implement a Workplace Violence Prevention Program to comply with the law and its implementing regulations. The Program will include those elements required by law and regulation, including:

- the risk factors present in the workplace;
- the methods the District will use to prevent incidents of violence in the workplace;
- the methods and means by which the District will address specific identified hazards;
- a system to report workplace violence incidents in writing;
- a written outline for employee training; and
- a plan for annual program review and update.

In developing the Workplace Violence Prevention Program, the District will conduct an evaluation to identify likely potential risks of violence in the workplace. Authorized employee representative(s) will be involved in:

- evaluating the physical environment;
- developing the Workplace Violence Prevention Program; and
- reviewing workplace violence incident reports at least annually to identify trends in the types of incidents reported, if any, and reviewing the effectiveness of the mitigating actions taken.

### Employee Notice and Training

As required by law, all employees will participate in Workplace Violence Prevention Training Program at the time of initial assignment and annually thereafter. Employees must be trained on:

- the details of the workplace violence prevention program;
- the measures they can take to protect themselves from risks of violence; and
- the specific procedures the District has implemented to protect employees (such as appropriate work practices, emergency procedures, and the use of security alarms).

Additionally, at the time of initial assignment and at least annually, employees will be informed of the requirements of Labor Law §27-b, the risk factors identified in the workplace, and the location of the District's Workplace Violence Prevention Program.

This policy must be posted where notices to employees are normally posted.

#### Allegations of Violations and Non-Retaliation

The process for employees to allege violations of the workplace violence prevention program to the state Commissioner of Labor, and the employment protections for doing so, is set forth in Labor Law §27-b and 12 NYCRR §800.6.

A "serious violation" of the workplace violence prevention program is the failure to develop and implement a program or address situations that could result in serious physical harm. "Imminent danger" is any condition or practice in the workplace where a danger exists which could reasonably be expected to cause death or serious physical harm immediately, or before the imminence of the danger can be eliminated through these complaint procedures.

Employees or their representatives who believe that a serious violation of the workplace violence prevention program exists or that an imminent danger exists (as defined above), must bring the matter to their supervisor's attention in writing, and must give the District a reasonable opportunity to correct the activity, policy, or practice, before notifying the Commissioner of Labor. However, such prior written notice and opportunity for correction is not required if there is an imminent danger or threat to the safety of a specific employee, and the employee reasonably believes in good faith that reporting to a supervisor would not result in corrective action.

If, after the matter has been brought to a supervisor's attention and a reasonable opportunity to correct the issue has passed, the issue has not been resolved and the employee still believes that a violation of the workplace violence prevention program remains or that an imminent danger exists, employees or their representatives may request an inspection from the Commissioner of Labor in writing. The Commissioner will provide a copy of the request to the District, but the employee may request that their name be withheld.

A District representative and authorized employee representative may accompany the Commissioner of Labor during the inspection to assist in the inspection. If there is no authorized employee representative, the Commissioner will consult with District employees concerning workplace safety.

The District will not take retaliatory action (terminate, suspend, demote, penalize, discriminate, or other adverse employment action in the terms and conditions of employment) against any employee because they have alleged a serious violation of the workplace violence prevention program or imminent danger exists, requested an inspection by the Commissioner of Labor, or accompanied the Commissioner on the inspection, as prescribed by state law and regulation.

Cross-ref: 5300, Code of Conduct  
8130, School Safety Plans and Teams

Ref: Labor Law §27-b  
12 NYCRR §800.6

Adoption date:

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