

**Board of Education**

**Stephanie Clark-Tanner**

President

**Jona Snyder**

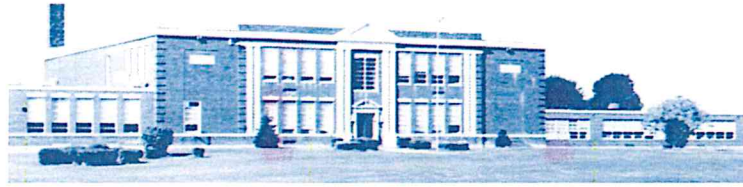
Vice President

**Jessica Clark**

**Michael Filipovich**

**Jennifer Lavoie**

**Steven Yancey**



**Madison Central School District**

7303 Route 20, Madison, New York 13402

Phone: (315) 893-1878

Fax: (315) 893-7111

**Michael Davis**

Superintendent

**Larry Nichols**

Building Principal

**Brian J. Latella**

Elementary Principal

**Melanie Brouillette**

Treasurer

**Tracey Lewis**

District Clerk

**BOARD OF EDUCATION  
REGULAR MEETING**

**DECEMBER 18, 2018  
6:30 P.M. – LIBRARY**

- I. Call to Order
- II. Agenda Additions
- III. Consent Agenda
  - a. Approval of Agenda for This Meeting
  - b. Approval of Minutes
    1. November 20, 2018 Regular Meeting Minutes
    2. December 12, 2018 Executive Session Meeting Minutes
- IV. Public Forum
- V. Reports
  - a. Treasurer
    1. Internal Claim Auditor's Report
    2. Treasurer's Report dated November 30, 2018
    3. Detail Warrants
      - a. Warrant Number 20 – Fund A – 11/6/18 – 5 pages
      - b. Warrant Number 21 – Fund A – 11/12/18 – 7 pages
      - c. Warrant Number 22 – Fund A – 11/26/18 – 4 pages
      - d. Warrant Number 10 – Fund C – 11/12/18 – 2 pages
      - e. Warrant Number 11 – Fund C – 11/26/18 – 2 pages
      - f. Warrant Number 5 – Fund TA – 12/6/18 – 4 pages
      - g. Warrant Number 5 – Fund HBUS – 12/6/18 – 2 pages
      - h. Warrant Number 3 – Fund FA19 – 11/12/18 – 1 page
      - i. Warrant Number 4 – Fund FA19 – 11/26/18 – 1 page
    4. Financial Status Report
  - b. Superintendent – Information and Discussion Items
    1. Holding a gun safety assembly
    2. The use of seatbelts on the bus for students in grades PreK-5<sup>th</sup> grade
    3. Notice of ESSA workshop to be held January 7, 2019

- c. Superintendent – Approval Items
      - 1. Approval to increase substitute teacher pay rates to \$85 per day for certified teachers and \$80 per day for non-certified teachers
      - 2. Approval to keep two pre-kindergarten classes as long as we have more than twenty (20) students signed up to attend
      - 3. Acceptance of Grant in the amount of \$2500 from Cornell University
      - 4. Approval of Non-Resident Student for 2018-19 entering 6<sup>th</sup> grade
- VI. Policy
  - a. Second Reading of Policy # 0010 entitled “Equal Opportunity and Prohibition of Discrimination and Harassment (Including Sexual Harassment)
  - b. First Reading of Policy # \_\_\_\_ entitled “Drug and Alcohol Testing (Transportation)
  - c. Notice of Superintendent’s Approval of Regulation # \_\_\_\_ .1 entitled Acknowledgement, Authorization and Consent Form for Drug and Alcohol Testing
- VII. Old Business
- VIII. New Business
  - a. Personnel
    - 1. Resignation
      - a. Stephen Dodge – Board of Education Member effective 11/27/18
    - 2. Volunteer Appointment
      - a. Debbi Harrington – Fitness Center Tuesday and Thursday from 5-7 pm when the Fitness Center becomes available to the public
    - 3. Appointment
      - a. Samantha Conklin – Substitute Nurse effective 12/3/18
  - b. CSE/CPSE Recommendations – in official packet
  - c. Principal Reports
- IX. Correspondence
  - a. Richard Engelbrecht’s monthly BOCES newsletter for December 2018
  - b. School Boards Institute Brochure
  - c. Madison-Oneida BOCES Banner Newsletter
- X. Vote and Motions to fill vacated board seat
  - a. Ballot casting (voting for 1 candidate out of 4 candidates that applied)
  - b. Motion for the candidate with the most votes to replace the board seat formerly held by Stephen Dodge which will expire on 6/30/19. The new term will start on 7/1/19 and this seat will be filled by vote at the annual meeting for the remaining 2 years of this term, expiring on 6/30/21.
- XI. Adjournment

O/C

**DRAFT**

The Regular Meeting of the Board of Education of Madison Central School was held on November 20, 2018 at 6:30 pm in the library.

**MEMBERS PRESENT:** Ms. Jessica Clark  
Ms. Stephanie Clark  
Mr. Stephen Dodge – 6:55 pm  
Mr. Mike Filipovich  
Mrs. Jennifer Lavoie  
Mr. Jona Snyder  
Mr. Steven Yancey

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Mr. Michael Davis, Superintendent  
Mr. Larry Nichols, Building Principal  
Mr. Brian Latella, Elementary Principal  
Ms. Tracey Lewis, District Clerk

- I. Call to Order
  - a. Ms. Stephanie Clark, president, called the meeting to order at 6:30 pm
- II. Oath of Office of New Members – The Oath Office was performed by the new members.
  - a. Jessica Clark
  - b. Michael Filipovich
- III. Agenda Additions
- IV. Consent Agenda
  - a. Approval of Agenda for This Meeting

**MOTION # 1 – APPROVAL OF AGENDA**

ON THE MOTION of Mr. Yancey, seconded by Mrs. Lavoie, the board moved to approve the agenda for this meeting. Motion carried 6 yes, 0 no.

- b. Approval of Minutes
  1. October 16, 2018 Audit Committee Meeting Minutes
  2. October 16, 2018 Regular Meeting Minutes

**MOTION # 2 – APPROVAL OF MINUTES**

ON THE MOTION of Mr. Snyder, seconded by Mrs. Lavoie, the board moved to approve the minutes from the October 16, 2018 meetings. Motion carried 6 yes, 0 nol.

- V. Public Forum
  - a. Mr. Perry, Anna McNamara, and Zachary Rollins of the FFA provided a presentation about the National FFA Convention.
- VI. Reports
  - a. Treasurer
    1. Internal Claim Auditor's Report

**MOTION # 3 – APPROVAL OF INTERNAL CLAIM AUDITOR'S REPORT**

ON THE MOTION of Mr. Snyder, seconded by Mrs. Lavoie, the board moved to approve the Internal Claims Auditor Report. Motion carried 6 yes, 0 no.

2. Treasurer's Report dated October 31, 2018

**MOTION # 4 – APPROVAL OF TREASURER'S REPORT**

ON THE MOTION of Mr. Yancey, seconded by Mr. Snyder, the board moved to approve the October 31, 2018 Treasurer's Report. Motion carried 6 yes, 0 no.

3. Detail Warrants

**MOTION # 5 – APPROVAL OF DETAIL WARRANTS**

ON THE MOTION of Mr. Yancey, seconded by Mrs. Lavoie, the board moved to approve the Detail Warrants as follow: Warrant Number 16 – Fund A – 11/2/18 – 1 page, Warrant Number 17 – Fund A – 10/12/18 – 6 pages, Warrant Number 18 – Fund A – 10/26/18 – 8 pages, Warrant Number 8 – Fund C – 10/12/18 – 2 pages, Warrant Number 9 – Fund C – 10/26/18 – 2 pages, Warrant Number 4 – Fund TA – 11/2/18 – 4 pages, Warrant Number 4 – Fund HBUS – 11/2/18 – 1 page, Warrant Number 1 – Fund FA19 – 10/12/18 – 1 page, Warrant Number 2 – Fund FA19 – 10/26/18 – 1 page. Motion carried 6 yes, 0 no.

b. Superintendent – Information Items

1. Mr. Davis provided notice of the upcoming “Fiscal Planning for 2019-20 Budget Year & Legislative Advocacy Initiatives” to be held on Monday, December 3, 2018 at Oneida BOCES.
2. Mr. Davis applauded William Hunter for having been approved by CollegeNow to teach BIO 104 General Biology for the 2019-20 school year for college credit.

Mr. Dodge arrived at 6:55 pm.

c. Superintendent – Discussion Items

1. The board discussed at length the difference between districts and the necessary upgrades to our substitute teacher pay rates.
2. The Puerto Rico Trip was discussed at length regarding the need for a third chaperone and how that expense might be covered.
3. The use of the weight room and possible solutions for coverage and accessibility were discussed at length.
4. The Pre-Kindergarten numbers and cost of running the program were discussed at length as well as the pros and cons of running one classroom versus two classrooms.
5. The board discussed the benefits and expenses of hiring on a School Resource Officer and the impact that would make on the district both financially and supportively.
6. The transportation of students outside of school hours, as well as transportation needs of students during school hours was discussed at length as well as the financial impact and numbers of drivers and buses that would be required to satisfy every need versus creating a policy which would prohibit the use of school transportation for travel other than the required routes currently in place.
7. The board discussed the lack of bus drivers, the need for insurance to entice drivers to become employed and the salaries necessary to retain drivers.
8. The School Climate Survey was shared and discussed by Mr. Davis.

Ms. S. Clark left at 8:26 pm.

9. The Healthy Kids Extended Day Program was discussed as an option to provide services to parents both before and after school.

Ms. S. Clark returned at 8:29 pm.

d. Superintendent– Approval Items

1. Approval of 2019-20 Budget Development Calendar

**MOTION # 6 – APPROVAL OF 2019-20 BUDGET DEVELOPMENT CALENDAR**

ON THE MOTION of Mr. Yancey, seconded by Mrs. Lavoie, the board moved to approve the 2019-20 Budget Development Calendar. Motion carried 7 yes, 0 no.

2. Approval of Municipal Cooperative Agreement for Workers' Compensation

**MOTION # 7 – APPROVAL OF MUNICIPAL COOPERATIVE AGREEMENT FOR WORKER'S COMPENSATION**

ON THE MOTION of Mr. Yancey, seconded by Mrs. Lavoie, the board moved to approve the Municipal Cooperative Agreement for Worker's Compensation. Motion carried 7 yes, 0 no.

3. Approval of Resolution to enter into a Municipal Cooperative Agreement with Madison-Oneida-Herkimer Workers' Compensation Plan Consortium

**MOTION # 8 – APPROVAL OF RESOLUTION TO ENTER INTO A MUNICIPAL COOPERATIVE AGREEMENT WITH MADISON-ONEIDA-HERKIMER WORKER'S COMPENSATION PLAN CONSORTIUM**

ON THE MOTION of Mr. Snyder, seconded by Mrs. Lavoie, the board moved to approve the Resolution to Enter into a Municipal Cooperative Agreement with Madison-Oneida-Herkimer Worker's Compensation Plan Consortium. Motion carried 7 yes, 0 no.

4. Approval to appointment of representative and alternate to the Madison-Oneida-Herkimer Workers' Compensation Plan Consortium Board of Directors

**MOTION # 9 – APPROVAL OF APPOINTMENT OF REPRESENTATIVE AND ALTERNATE TO THE MADISON-ONEIDA-HERKIMER WORKER'S COMPENSATION PLAN CONSORTIUM BOARD OF DIRECTORS**

ON THE MOTION of Mr. Snyder, seconded by Mr. Dodge, the board moved to approve the appointment of Michael Davis as the Representative and Jona Snyder as the Alternate Representative to the Madison-Oneida-Herkimer Worker's Compensation Plan Consortium Board of Directors. Motion carried 7 yes, 0 no.

5. Acceptance of DonorsChoose.org Grant of classroom materials valued at approximately \$150

**MOTION # 10 – ACCEPTANCE OF DONORSCHOOSE.ORG GRANT**

ON THE MOTION of Mr. Lavoie, seconded by Mr. Yancey, the board moved to accept the DonorsChoose.org Grant of classroom materials valued at approximately \$150. Motion carried 7 yes, 0 no.

6. Approval of Committee Appointment of School Physician as Community Memorial Hospital to replace Dr. Robert Burdick as per reorganizational meeting appointments

**MOTION # 11 – APPROVAL OF COMMITTEE APPOINTMENT OF SCHOOL PHYSICIAN**

ON THE MOTION of Mr. Dodge, seconded by Mr. Filipovich, the board moved to approve the Committee Appointment of School Physician as Community Memorial Hospital to replace Dr. Robert Burdick as per reorganizational meeting appointments. Motion carried 7 yes, 0 no.

7. Approval to close 3 Key Bank accounts and open new accounts in the same name with the same dollar values at NBT Bank

**MOTION # 12 – APPROVAL TO CLOSE 3 KEY BANK ACCOUNTS**

ON THE MOTION of Mr. Lavoie, seconded by Ms. Clark, the board moved to approve the closure of three (3) Key Bank accounts and open new accounts in the same name with the same dollar values at NBT Bank. Motion carried 7 yes, 0 no.

8. Approval of Resolution for Standard Work Day

**MOTION # 13 – APPROVAL OF RESOLUTION FOR STANDARD WORK DAY**

ON THE MOTION of Mrs. Lavoie, seconded by Mr. Snyder, the board moved to approve the Resolution for Standard Work Day. Motion carried 7 yes, 0 no.

9. Approval to donate the wrestling mats to Morrisville Eaton Central School

**MOTION # 14 – APPROVAL TO DONATE THE WRESTLING MATS**

ON THE MOTION of Mr. Snyder, seconded by Mr. Dodge, the board moved to approve the donation of the wrestling mats to Morrisville Eaton Central School. Motion carried 7 yes, 0 no.

VII. Policy

- a. Second Reading of Policy # 0010 entitled “Equal Opportunity and Prohibition of Discrimination and Harassment (Including Sexual Harassment)”

**MOTION # 15 – MOTION TO TABLE SECOND READING**

ON THE MOTION of Mr. Snyder, seconded by Mr. Dodge, the board moved to table the second reading of Policy # 0010 due to language regarding the “scouts”. The board would like legal clarity on this before approval. Motion carried 7 yes, 0 no.

VIII. Old Business

- a. None

IX. New Business

- a. Personnel

1. Leave Requests

- a. Carolee Snyder – January 3-14, 2019 utilizing personal time and unpaid leave time

**MOTION # 16 – APPROVAL OF LEAVE REQUESTS**

ON THE MOTION of Mr. Filipovich, seconded by Mr. Snyder, the board moved to approve the leave request for Carolee Snyder from January 3-14, 2019 utilizing personal time and unpaid leave time. Motion carried 7 yes, 0 no.

2. Appointments

- a. Dan Mitchell – Varsity Boys Basketball coach for 2018-19

**MOTION # 17 – APPROVAL OF DAN MITCHELL AS VARSITY BOYS BASKETBALL COACH**

ON THE MOTION of Mr. Snyder, seconded by Mr. Yancey, the board moved to approve Dan Mitchell as the Boys Varsity Basketball Coach for the 2018-19 season. Motion carried 6 yes, 1 no. Mr. Dodge voted no.

- b. MacKenzie Elliott – Certified Substitute Teacher effective 10/25/18

**MOTION # 18 – APPROVAL OF MACKENZIE ELLIOTT AS CERTIFIED SUBSTITUTE**

ON THE MOTION of Mrs. Lavoie, seconded by Mr. Dodge, the board moved to approve MacKenzie Elliott as a Certified Substitute Teacher effective 10/25/18. Motion carried 7 yes, 0 no.

- c. Rachel DiGeorge – Probationary School Counselor effective 12/17/18 with recommendation for tenure of 12/17/22 with Provisional Certification in School Counseling at M1, Step 1 with Masters at \$41,964 per year

**MOTION # 19 – APPROVAL OF RACHEL DIGEORGE AS SCHOOL COUNSELOR**

ON THE MOTION of Mrs. Lavoie, seconded by Mr. Yancey, the board moved to approve Rachel DeGeorge as a Probationary School Counselor effective 12/17/18 with recommendation for tenure of 12/17/22 with Provisional Certification in School Counseling at M1, Step 1, with Masters at \$41,964 per year pro-rated. Motion carried 7 yes, 0 no.

- d. Amber Thrasher – Detention Monitor

**MOTION # 20 – APPROVAL OF AMBER THRASHER AS DETENTION MONITOR**

ON THE MOTION of Mrs. Lavoie, seconded by Mr. Snyder, the board moved to approve Amber Thrasher as an additional Detention Monitor. Motion carried 7 yes, 0 no.

- e. Erin Coon – Non-Certified Substitute Teacher effective 11/20/18

**MOTION # 21 – APPROVAL OF ERIN COON AS NON CERTIFIED SUBSTITUTE**

ON THE MOTION of Mr. Snyder, seconded by Mrs. Lavoie, the board moved to approve Erin Coon as a Non-Certified Substitute Teacher effective 11/20/18. Motion carried 7 yes, 0 no.

- f. Kayla Gridley – Non-Certified Substitute Teacher effective 11/16/18

**MOTION # 22 – APPROVAL OF KAYLA GRIDLEY AS NON CERTIFIED SUBSTITUTE**

ON THE MOTION of Mr. Snyder, seconded by Ms. Clark, the board moved to approve Kayla Gridley as a Non-Certified Substitute Teacher effective 11/16/18. Motion carried 7 yes, 0 no.

- b. CSE/CPSE Recommendations – in official packet

**MOTION # 23 – APPROVAL OF CSE/CPSE RECOMMENDATIONS**

ON THE MOTION of Mr. Yancey, seconded by Mrs. Lavoie, the board moved to approve the CSE/CPSE Recommendations. Motion carried 7 yes, 0 no.

c. Principal Reports

1. Mr. Latella wished all a Happy SRP Day, offered kudos to the organizer of the SRP day, noted that elementary daily announcements have been added to the day, the Fall Festival was widely attended and a great success with wonderful costumes by all, the two half day Parent/Teacher Conference days were well attended, the PreK audit and report was shared, the elementary is using a “soft start” to each day and it is highly successful, the staff development days have been very positive, and Becky Copp continues to work with the CSE office, Mr. Latella, and Mrs. Kaul.

2. Mr. Nichols shared extensive information about the presentations held at school by Kim Nowakowski on vaping and e-cigarette dangers.

X. Correspondence

- a. A thank you card from the family of Kayla Smith was shared.
- b. Richard Englebrecht’s monthly BOCES newsletter for November 2018 was shared.
- c. The Library Media Center Monthly Report for October 2018 was shared.

- XI. Enter Executive Session  
a. To discuss the collective negotiations pursuant to Article 14 of the Civil Service Law i.e., the Taylor Law and appoint a temporary district clerk for executive session

**MOTION # 24 – ENTER EXECUTIVE SESSION**

ON THE MOTION of Mr. Yancey, seconded by Mrs. Lavoie, the board moved to enter into Executive Session at 8:55 pm to discuss the collective negotiations pursuant to Article 14 of the Civil Service Law i.e., the Taylor Law and appointed Mrs. Lavoie as temporary District Clerk. Motion carried 7 yes, 0 no.

- XII. Adjourn Executive Session

**MOTION # 25 – ADJOURN EXECUTIVE SESSION**

ON THE MOTION of Mr. Snyder, seconded by Mr. Filipovich, the board moved to adjourn Executive Session at 9:26 pm. Motion carried 7 yes, 0 no.

- XIII. Adjournment

**MOTION # 26 – ADJOURNMENT**

ON THE MOTION of Mr. Snyder, seconded by Mr. Dodge, the board moved to adjourn the meeting at 9:26 pm. Motion carried 7 yes, 0 no.



**DRAFT**

The Executive Session Meeting of the Board of Education of Madison Central School was held on December 12, 2018 at 7:00 pm in the Conference Room.

**MEMBERS PRESENT:** Ms. Jessica Clark  
Mr. Mike Filipovich  
Mrs. Jennifer Lavoie  
Mr. Jona Snyder  
Mr. Steven Yancey

**MEMBERS ABSENT:** Ms. Stephanie Clark

**OTHERS PRESENT:** Mr. Michael Davis, Superintendent  
Mrs. Melanjie Brouillette, Treasurer  
Mr. Steve Losee, Losee & Cahill

- I. Call to Order
  - a. Mr. Snyder called to meeting to order at 7:06 pm.
- II. Executive Session and appointment of temporary District Clerk
  - a. To discuss Collective Negotiations pursuant to Article 14 of the Civil Service Law, i.e., the Taylor Law with an invitation for Mrs. Brouillette to attend

**MOTION # 1 – ENTER EXECUTIVE SESSION**

ON THE MOTION of Mr. Snyder, seconded by Mrs. Lavoie, the board moved to enter Executive Session at 7:06 pm to discuss Collective Negotiations pursuant to Article 14 of the Civil Service Law, i.e., the Taylor with an invitation extended to Steve Losee and Melanie Brouillette to attend. Motion carried 5 yes, 0 no.

- III. Adjourn Executive Session

**MOTION # 2 – ADJOURN EXECUTIVE SESSION**

ON THE MOTION of Mr. Yancey, seconded by Mr. Snyder, the board moved to adjourn Executive Session at 7:45 pm. Motion carried 5 yes, 0 no.

- IV. Adjournment

**MOTION # 3 – ADJOURNMENT**

ON THE MOTION of Mr. Snyder, seconded by Mr. Yancey, the board moved to adjourn for the evening at 7:46 pm. Motion carried 5 yes, 0 no.



ONEIDA-MADISON-HERKIMER COUNTIES  
School Boards Institute

*"Children First"*

O-M-H SBI will sponsor this very informative and important presentation:

***"Every Student Succeeds Act (ESSA), What it means  
to your Students, Staff, and School Community"***

**❧ Monday, January 7, 2019 ❧**

**Oneida BOCES, Middle Settlement Road, New Hartford**

**6:00-6:30 p.m.: Registration & Light Refreshments**

**6:30-8:15 p.m.: Presentation by: Oneida/Madison/Herkimer BOCES'  
Professional Development Team**

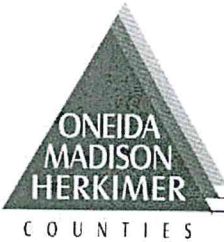
**This workshop will provide our board members with information on:**

- What board members need to know about the new ESSA legislation
- How ESSA impacts your district and students
- Resources to help you become more knowledgeable about ESSA and its impact in New York State

***This OMH-SBI Workshop is free for all members (\$75.00 fee for non-members)***

***❧NOTE: This program is open to all Board Members, Superintendents, School Business Officials and other school staff and community members who wish to attend.***

**To register: Please use the attached registration form and return by  
*January 2, 2019***



# School Boards Institute

*"Children First"*

## OMH-SBI Registration Form

### *"Every Student Succeeds Act (ESSA) - What it means to your Students, Staff, and School Community"*

**Date:** January 7, 2019 (Monday)  
**Time:** 6:00 p.m. – 6:30 p.m. "Check in" and Light Dinner  
6:30 p.m. – 8:15 p.m. Program (*Agenda is attached*)  
**Presenter:** Oneida/Madison/Herkimer BOCES Professional Development Team  
**Site:** **Oneida BOCES** - Middle Settlement Road, New Hartford Oneida Conference Room

**Fee:** *No Charge for OMH-SBI Members; Non-members, \$75.00*

\* \* \* \* \*  
\*

**To register for ESSA:**  
Fill out the form & email to [vdevereese@herkimer-boces.org](mailto:vdevereese@herkimer-boces.org). Any questions, contact Vicki Devereese, Herkimer BOCES, School Boards Institute, at 315-867-2007

**\*\* REGISTER by Wednesday, January 2nd \*\***

**SCHOOL DISTRICT:** \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_ Telephone \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_ Telephone \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_ Telephone \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_ Telephone \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_ Telephone \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_ Telephone \_\_\_\_\_

**MICHAEL HEAD**  
President  
Telephone:  
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**WILLIAM LENNOX**  
1<sup>st</sup> Vice President  
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2<sup>nd</sup> Vice President  
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Secretary for  
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[vdevereese@herkimer-boces.org](mailto:vdevereese@herkimer-boces.org)

## GRANT AGREEMENT

This Grant Agreement (hereafter "Agreement") is made and entered into on the date of the last signature below (the "Execution Date") between Cornell University ("Cornell" or "Grantor"), a not-for-profit education corporation organized under the laws of the state of New York, with a principal campus in Ithaca, New York and Madison Central School District, ("Recipient") a public school or 501 C 3 organization located in Madison, New York.

### I. RECITALS

1. Cornell administers the New York State Agricultural Education Outreach program. Cornell is a recipient of an award from the New York State Department of Agriculture and Market (the "Award").
2. Under the Award, Cornell is authorized to make grants to benefit public schools in New York State (pre-K to 12) for the purpose of supporting agricultural education.
3. Grantee has submitted a proposal prior to receiving this contract, and have included a budget, attached hereto as Exhibit A, to receive a grant from Cornell under this program and Cornell has selected Grantee as a recipient of a grant. The final budget for this award will be kept on file with this agreement in the Agricultural Education and Outreach program office.
4. By execution of this Agreement, Grantee accepts the grant and accepts the terms below.

### II. TERMS AND CONDITIONS OF THE GRANT

The Grant is subject to the following terms and conditions:

1. The Grant is in the amount of \$2500.
2. In the event that Grantee ceases to satisfy the terms and conditions of the Grant, it will immediately notify Cornell and return to Cornell any uncommitted grant funds.
3. The Grant funds must be used exclusively in connection with Grantee's approved agricultural education proposal. See allowable and non-allowable purchases in Appendix A. Any request to utilize funds for a new or different purpose must be approved in writing by Cornell.

4. The Grantee may not use any grant funds to lobby or otherwise attempt to influence legislation or to influence the outcome of any public election.
5. The Grantee takes full responsibility for the proper expenditure of its Grant funds.
6. The Grant Period will run from January 1, 2019 to June 30, 2019. All funds must be earmarked for spending by June 30, 2019. All items must be purchased by July 31, 2019.
7. Within 31 days of the end of the Grant Period, Grantee will submit to the New York Agriculture Outreach and Education Project a final Report. The Report will include a description of the goals, objectives and accomplishment of the grant project as well as an accounting of all expenditures.

### III. REPRESENTATIONS

1. Grantee warrants and represents that it satisfies and will continue to satisfy the above terms and conditions.
2. Grantee warrants and represents that it has the full authority to enter into this Agreement and that the signatory on behalf of Grantee is authorized to bind Grantee to the terms of this Agreement.

### IV. PAYMENT

1. Cornell shall within [30] days of Grantee's delivery of an executed copy of this Agreement issue a check in the full grant amount to Grantee, payable as follows:

Payable to: Madison Central School District  
7303 State Route 20  
Address: Madison, NY 13402

### V. CONTACTS

1. All notices and writings required under this Agreement shall be sent to the following addresses:

To Cornell:  
New York Agriculture Education and Outreach  
ATTN: Kaylie Siddall  
300 Kennedy Hall  
Ithaca, NY 14853

To Grantee:  
Madison Central School District  
ATTN: Paul Perry  
Address Line 1: 7303 State Route 20  
City, State, Zip Code: Madison, NY 13402

The parties have duly executed this Agreement as of the dates indicated below.

**CORNELL UNIVERSITY**

By: *Kaylie Siddall*

Kaylie Siddall  
Agricultural Education Specialist  
New York Agriculture Education and Outreach  
300 Kennedy Hall  
Ithaca, NY 14853  
December 21, 2018

Madison Central School District  
Signature: *Paul Perry*  
Name: Paul Perry  
Title: AgriScience Teacher  
Address: 7303 State Route 20  
City, State, Zip Code: Madison, NY 13402  
Date: 11 December 2018

## Appendix A

What are allowable and non-allowable expenses for funding under this grant?

**ALLOWABLE EXPENDITURES** include, but are not limited to, activities that support the improvement of instruction or program improvements in the Agricultural Education program such as:

- Curriculum development
- Classroom or laboratory equipment or software
- Professional development
- Support services
- Program coordination
- Mileage for travel associated with supervised agricultural experience visits

### **NON-ALLOWABLE BUDGET EXPENDITURES**

Listed below are expenditures not approvable in the Agricultural Education Incentive Funding grant.

- Professional organization/union dues.
- Mileage, food, and lodging (except mileage for SAE visits).
- College tuition.
- Purchase of animals, feed, seed, fertilizer and field implements or repair costs for implements and machines for school laboratories (operation or maintenance costs).
- Heating and cooling costs for facilities or monthly telephone line charges (utilities).
- Instructional materials, services, tools, and/or equipment specifically for the instruction of courses not related to the agricultural education program sequence.
- Classroom furniture (i.e., desks, chairs, bookshelves and other ordinary [non-specialized] classroom costs)
- No more than 50% of the district allocation may be used for extending teacher contracts (salaries) or teacher stipends. Grant funds must not be used to supplant local funds already used for contract extensions.
- Gift cards or other similar types of cards that can maintain a credit balance which could be spent beyond the grant end date.
- No more than 10% of the district allocation may be used for consumable supplies.

# Policy

Draft 10/10/2018

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## GENERAL COMMITMENTS

### EQUAL OPPORTUNITY AND NONDISCRIMINATION PROHIBITION OF DISCRIMINATION AND HARASSMENT (INCLUDING SEXUAL HARASSMENT)

#### I. Statement of Policy

- A. The Madison Central School District provides education programs and services, does business with vendors and the public, provides equal access to the Boy Scouts and other designated groups, and makes decisions regarding employment without consideration of an individual's race, color, creed, religion, national origin (regardless of English language skills), age, sex, sexual orientation, marital status, military or veteran status, disability, genetic information or predisposing genetic characteristics, arrest record, or prior criminal convictions, or domestic violence victim status; except when sex or age are a bona fide occupational qualification, when a criminal conviction is related to job duties, and when an individual's religion or disability warrants reasonable accommodation.
- B. Our commitment to provide education programs and services without discrimination includes participation in nonacademic and extracurricular services such as transportation, counseling services, student clubs, and physical education and athletics.
- C. Our commitment to provide employment without harassment, including sexual harassment, or discrimination includes recruiting, employment decisions, promotion opportunities, compensation, fringe benefits, workplace conditions, workplace discipline, and termination decisions.
- D. No student shall be subjected to harassment or bullying (as defined below) by employees or students on school property or at a school function. No student shall be subjected to discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, (including gender identity or expression), or sex by another student or a school employee on school property or at a school function. This Policy does not prohibit a denial of admission into, or an exclusion from, a course of instruction that is permissible under the New York State Education Law and Federal Title IX of the Education Amendments of 1972; nor does it prohibit actions that are permissible under Section 504 of the Rehabilitation Act of 1973.
- E. This goal of this Policy is to create a school environment that is free from discrimination, bullying and harassment. This Policy shall be interpreted and implemented so that the District complies with its obligations under Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1975, the Americans with Disabilities Act, the Age Discrimination in Employment Act, Section 201-g of the New York Labor Law, Section 504 of the



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Rehabilitation Act of 1973, the New York State Human Rights Law, and the New  
York State Education Law, as interpreted and enforced by applicable regulations.

II. Opportunities for Individuals with Disabilities

- A. Education Programs, Services, and Activities: A student with a disabling condition who qualifies for services under the Individuals with Disabilities Education Act (IDEA) and Part 200 of the Regulations of the Commissioner of Education shall receive services in accordance with Policy 8500, Special Education. A student with a condition that is considered a disability for purposes of Section 504 of the Rehabilitation Act of 1973, but does not qualify for services under Policy 8502, shall be provided educational programs, services, and activities in accordance with Section 504.
- B. Employment: An employee with a condition that is defined as a disability, or with a history of such a condition, and who is otherwise qualified to perform the essential functions of the position, shall not be denied any employment opportunity or benefit. When a reasonable accommodation will permit an applicant or employee to perform the essential functions of the position, the District will provide a reasonable accommodation that does not impose an undue burden upon the District.
- C. Public Accommodation: District facilities shall be designed, constructed, and maintained so that, when each part of the District's program is viewed in its entirety, that part of the program is readily accessible to handicapped persons.

III. Harassment Bullying and Discrimination Prohibited

A. General Standard of Conduct

No one who is receiving an education from the District, or who is employed by the District, or who is present on school property or at a school event, should experience harassment, bullying, or discrimination. The District's Code of Conduct prohibits harassment, bullying and discrimination and it applies to conduct by District employees, District students, and anyone else on school property or at a school event.

When determining whether particular conduct or statements are to be classified as prohibited harassment, the District will consider the intent of the person engaging in the conduct or making the statement; however, the determining factor will be whether the person at whom the conduct or statement was directed reasonably experienced the conduct or statement as unwelcome harassment.

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B. Conduct Directed at a Student

1. Conduct (including verbal conduct) directed at a student will be classified as harassment or bullying if it ~~creates a hostile environment that~~ either:
  1. Creates a hostile environment that has or would have the effect of unreasonably and substantially interfering with
    - a. ~~has the effect, or would have the effect of substantially and unreasonably interfering with~~ the student's educational performance, opportunities, or benefits; or
    - b. ~~causes, or would be expected to cause, the student to reasonably fear for their physical safety; or~~
    - b. the student's physical, emotional, or mental well-being, or
    - c. causes, or would reasonably be expected to cause, harm to the student's emotional well being through the creation of a hostile school environment that is so severe, or so pervasive, that it substantially and unreasonably interferes with the student's education.
  2. Conduct that occurs off school property will be classified as a violation of this Policy if it creates, or foreseeably would create, a risk of substantial disruption within the school environment.
  3. Conduct that occurs through electronic communication will be classified as a violation of this Policy if it otherwise fits the definition set forth in this section.

C. Conduct Directed at Someone Other than a Student

Conduct (including verbal conduct) directed at someone other than a student who is present on school property or at a school event will be classified as discrimination or harassment if it is motivated by that person's race, color, creed, religion, national origin, age, sex, sexual orientation, marital status, military or veteran status, disability, predisposing genetic characteristics, arrest record, or prior criminal convictions, and

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1. It has the purpose or the effect of substantially interfering with the person's work performance; or
  2. the person is explicitly or implicitly told that they must submit to that treatment in order to receive or continue to receive employment opportunities; or
  3. a decision by the District about that person's employment is influenced by whether that person has submitted to the treatment or objected to it.
- D. Also prohibited, as sexual harassment, is the making of unwanted sexual advances, the making of any requests for sexual favors, and subjecting another person to any touching, teasing or other verbal communication of a sexual nature. The following describes some of the types of acts that may be unlawful sexual harassment:
1. Physical assaults of a sexual nature, such as:
    - a. Rape, sexual battery, molestation, or attempts to commit these assaults.
    - b. Intentional or unintentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body.
  2. Unwanted sexual advances, propositions or other sexual comments, such as:
    - a. Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion, or other job benefits or detriments;
    - b. Subtle or obvious pressure for unwelcome sexual activities;
    - c. Sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience which are sufficiently severe or pervasive to create a hostile work environment.
  3. Sexual or discriminatory displays or publications anywhere in the workplace, such as displaying pictures, posters, calendars, graffiti, objects,

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promotional material, reading materials, or other materials that are sexually demeaning or pornographic.

- E. Anyone who feels that they have experienced prohibited discrimination or harassment should bring this to the District's attention by using the Complaint Procedure described below. Administrators and other supervisors who observe conduct that might constitute harassment, including sexual harassment, are required to report that conduct to the Compliance Coordinator.
- F. An employee, including supervisors and managers, who subject another employee to harassment, including sexual harassment, will be subject to disciplinary consequences, consistent with applicable laws and collective bargaining agreements.
- G. Conduct that occurs away from school property, such as on social media or at after-hours events, may violate this policy if it has a prohibited workplace impact.

IV. Strategy to Prevent Harassment, Bullying, and Discrimination

With the objective of preventing acts of harassment, bullying, or discrimination from interfering with any student's educational opportunities or sense of safety in school, the District will implement the procedures described in this Policy to:

- A. Expand student and employee awareness of the problem;
- B. Train staff and instruct students about appropriate, non-discriminatory behavior;
- C. Respond to reports of conduct that may violate this Policy; and
- D. Implement corrective and restorative measures as appropriate, when unacceptable conduct occurs.

V. Compliance Coordinator(s)

- A. The Compliance Coordinator for purposes of implementing this Policy shall be:

Mr. Larry Nichols, Building Principal  
(315) 893-1878 ext. 204

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The Compliance Coordinator is responsible for receiving complaints of conduct that may violate this Policy and Title IX (sex discrimination), Title VI (race and national origin discrimination), or Section 504 or the Americans with Disabilities Act (disability discrimination); directing a thorough fact finding regarding those complaints; making a determination whether a violation of the Policy and federal law has occurred; overseeing the implementation of corrective action when necessary, including the making of reasonable accommodations for student or employee disabilities; making sure that this Policy has been publicized as required by law; keeping records of all reports of possible discrimination based on sex, race, national origin, or disability; and making recommendations for the updating of this Policy as necessary.

The Compliance Coordinator is responsible for fulfilling these responsibilities in the event of incidents involving adult conduct directed at other adults, adult conduct directed at students, and student conduct directed at other students.

~~B. The Compliance Coordinator is responsible for receiving and investigating complaints made under this Policy, making sure that this Policy has been publicized as required by law, making recommendations for reasonable accommodation of student and employee disabilities, keeping records of all reports of possible discrimination and related investigations and determinations, and making recommendations for the updating of this Policy, as necessary. The Compliance Coordinator serves as the Superintendent's designee for purposes of Article 2-A of the Education Law.~~

B. The principal of each school building is designated as the District's DASA Coordinator for that school building, and their names and contact information shall be included in the Code of Conduct and prominently displayed in each building. The DASA Coordinators are responsible for receiving complaints of conduct directed at students by adults or other students that may be harassment, bullying, or discrimination as described in Part I-D and Part III of this Policy; conducting a thorough fact-finding regarding those complaints; determining whether a violation of this Policy has occurred; overseeing the implementation of corrective action when required; and keeping accurate records of complaints received and action taken, as required by the State Education Department. The DASA Coordinators serve as the Superintendent's designee for purposes of Article 2-A of the Education Law (DASA).

C. The Compliance Coordinator shall inform the DASA Coordinators of matters that involve conduct directed at students, and the DASA Coordinators shall evaluate those incidents for possible violations of DASA. The DASA Coordinators shall inform the Compliance Coordinator of matters that involve complaints of possible

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discrimination on the basis of sex, race, national origin, or disability and the Compliance Coordinator shall evaluate those incidents for possible violations of Title IX, Title VI, Section 504, and the Americans with Disabilities Act.

- ~~C. This Policy shall be interpreted and implemented so that the District complies with its obligations under Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1975, Title II of the Americans With Disabilities Act, the Age Discrimination in Employment Act, Section 504 of the Rehabilitation Act of 1973, the New York State Human Rights Law, and the New York State Education Law, as interpreted and enforced by applicable regulations.~~
- D. When a report complains of possible discrimination by the Compliance Coordinator, or a DASA Coordinator, the Superintendent shall designate another school official to conduct the necessary fact-finding and make recommendations.

VI. Complaint and Fact-finding Procedure

- A. Report of Possible Harassment, Bullying or Discrimination: Attached to this Policy are Report of Possible Discrimination or Harassment and DASA Incident Reporting Form ~~is the District's form for making a Report of Possible Discrimination.~~ The Compliance Coordinator and DASA Coordinator shall make sure that ~~this~~ these forms ~~is~~ are available in each school building, and ~~its~~ their availability is known to those who may need to use it. The use of ~~this~~ these forms is encouraged, but not required; the Compliance Coordinator or DASA Coordinator shall conduct a fact-finding inquiry anytime a written or oral report is received that contains enough information to reasonably investigate.
1. An employee or other adult may report possible discrimination or harassment directed at them or another employee or other adult to the employee's supervisor or directly to the Compliance Coordinator. If the report is about conduct by the Compliance Coordinator, the report may be made to the Superintendent of Schools. If an employee makes a verbal report, they shall be asked to make a written report and told of the availability of the Report form. The person to whom the report is made is also responsible for reporting in writing their conversation and other available information to the Compliance Coordinator or Superintendent of Schools.
  2. A student may report possible harassment, bullying or discrimination directed at them or another student to any teacher, counselor, or school administrator. If a student makes a verbal report, they shall be asked to make a written report and told of the availability of the Report form. The

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person to whom the report is made is also responsible for reporting in writing their conversation and other available information to the DASA Coordinator or Compliance Coordinator. School staff shall be trained on how to receive and refer student complaints.

3. A parent, school volunteer, or other member of the public who wishes to report possible harassment, bullying, or discrimination against a student shall make the report to the Superintendent, the Compliance Coordinator, a DASA Coordinator, or any building principal or teacher. If a verbal report is made, a written report shall be requested. The person to whom the report is made is also responsible for reporting in writing their conversation and other information to the Compliance Coordinator.
  4. District employees who either witness conduct directed at a student that may be harassment, bullying, or discrimination, or receive an oral or written report of such conduct, must report that to a DASA the Compliance Coordinator. The employee must make an oral report to the DASA Compliance Coordinator within one school day, followed by a written report to the DASA Compliance Coordinator no more than two school days after their oral report.
- B. Fact-finding Inquiry: Upon receiving a written report of possible harassment, bullying, or discrimination, the Compliance Coordinator or DASA Coordinator shall log the report, acknowledge in writing its receipt, and conduct a fact-finding inquiry designed to determine with a reasonable degree of probability what actually transpired.
1. The fact-finding inquiry should ~~be begun~~ begin promptly after receiving the complaint, and be pursued with sufficient diligence to reach a conclusion ~~promptly~~ within thirty (30) days after receipt of a written report.
  2. The inquiry should determine with as much detail as possible the sequence in which events occurred, the identity of each person involved and their respective roles, and the exact words spoken by each participant. To the extent practicable, all interviews should be conducted by one person.
  3. The inquiry shall include an opportunity for any person who has been identified as possibly violating this Policy to respond to each assertion made against them.

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4. Interviews shall be scheduled and conducted in compliance with applicable provisions of New York law and collective bargaining agreements.
  5. Each person interviewed shall be reminded that they are protected by the non-retaliation provision of this Policy, and that they are bound by that provision.
- C. Resolution: The Compliance Coordinator or DASA Coordinator shall prepare a written fact-finding report describing what investigation was done, what conclusions have been drawn about what happened, a conclusion as to whether the conduct violated the District's Policy, and, if it did, what corrective action should be taken. This report shall be submitted to the Superintendent for further action.
1. If the determination is that this Policy has not been violated, the person who made the report, and each person whose conduct was challenged, shall be told of that determination verbally and in writing. The person who made the report shall be told of the option to have the determination reviewed.
  2. If the determination is that this Policy has been violated, the person who made the report of possible discrimination shall be told of that determination verbally and in writing and, consistent with the confidentiality accorded to student and personnel records, told that appropriate corrective action has been taken to deter any repetition of the offending conduct. The person whose conduct violated the Policy shall have that explained to them, shall be told of the corrective action being taken by the District, and shall be told of the option to have the determination reviewed.
  3. When the Compliance Coordinator or DASA Coordinator verifies the occurrence of harassment, bullying, or discrimination directed at a student, the school shall take prompt action that is consistent with the District's Code of Conduct and is reasonably calculated to end the harassment, bullying, or discrimination to eliminate any hostile environment; to create a more positive school culture and climate; to prevent a recurrence of the behavior; and to ensure the safety of the student(s) at whom the conduct was directed.
    - a. Responsive actions shall be measured, balanced, and age-appropriate.



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- b. Responsive actions shall follow a progressive model and make appropriate use of intervention, education, and discipline.
  - c. Responsive actions shall vary according to the nature of the offending behavior, the developmental age of the person engaging in the behavior, and the prior history of problem behaviors by the person engaging in the conduct.
- D. Report to Law Enforcement Agency: When a DASA or Compliance Coordinator believes that conduct has occurred that constitutes criminal conduct, the Coordinator shall promptly notify the Superintendent, and the Superintendent shall promptly notify the appropriate law enforcement agency.
- E. Confidentiality: It shall be explained to anyone making a report or providing information about a report that the District does not reveal information about reports or the fact-finding process except to the extent necessary to fulfill its legal obligations to make as complete an inquiry as possible and to take appropriate corrective action when discrimination has occurred. Every witness interviewed during the fact-finding inquiry shall be instructed not to discuss the complaint or the investigation with anyone else, except as may be privileged by law.
- F. Special Fact-finder: The Superintendent is authorized to appoint a special fact-finder to carry out the responsibilities of the Compliance Coordinator or DASA Coordinator when the Superintendent concludes that the circumstances of a particular report warrant that action, and the special fact-finder shall fulfill the responsibilities of the Compliance Coordinator described in this policy.
- G. Interim Protective Action: The Superintendent has discretion to implement immediate protective action, pending the completion of a fact-finding inquiry, to protect an individual when the Superintendent concludes that the circumstances of a particular report warrant that action.
- H. Review of Administrative Response: If a person who initiated a report of possible discrimination, or a person whose conduct was challenged by a report of possible discrimination, is not satisfied with the determination of the Compliance Coordinator (or other designated investigator), they may request that the determination be reviewed by the Board of Education.
- 1. A request for Board review must be made in writing, filed with the Board Clerk within ten (10) business days of receiving the written notice of the determination.

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2. The person requesting review shall provide a written explanation of their objection(s) to the determination, including the corrective action taken, if any. That statement shall be filed with the Board Clerk at least five (5) business days before the Board meeting at which the review will be conducted. The Board shall also be provided with a copy of the Compliance Coordinator's report and recommendation, and documentation of the Superintendent's subsequent action(s).
  3. Board discussion of the determination and the objection(s) made shall take place in executive session. Board action to adopt or change the determination shall be take place in public session.
- I. No Retaliation: No employee or student shall take a retaliatory action, or request or cause anyone else to take a retaliatory action, against any person who, in good faith, reports information about a possible violation of this Policy to a District employee or to the Commissioner of Education or to a law enforcement agency, or who initiates a report, or encourages another person to initiate a report, or testifies or assists or participates in the investigation of a report, or complaint by the District or a governmental agency.

VII. Remedial Measures When This Policy is Violated

- A. An employee found to have engaged in prohibited harassment or discrimination against another person (whether a District employee, District student, or member of the public) in the course of their employment will be subject to discipline, up to and including termination. Such decisions will be made and implemented in accordance with other District policies (e.g. the Code of Conduct) and applicable statutes and collective bargaining agreements.
- B. A student found to have engaged in prohibited harassment, bullying or discrimination against another person (whether a District employee, District student, or member of the public) while participating in a school activity or on school property will be subject to discipline. Such decisions will be made and implemented in accordance with other District policies (e.g. the Code of Conduct), the New York State Education Law, and any other applicable statutes.
- C. Any other person found to have engaged in prohibited harassment or discrimination against another person (whether a District employee, District student, or member of the public) while participating in a school activity or on school property may have their future access to school activities limited, as deemed appropriate under the circumstances.

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## VIII. Dignity Act Coordinator

- A. The Board appoints at least one staff member at each school to serve as the Dignity Act Coordinator for that school, upon the recommendation of the Superintendent. Each person designated for this role shall be instructed in the provisions of Article 2-A of the Education Law and thoroughly trained in methods to respond to human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex.
- B. The name and contact information for each Dignity Act Coordinator shall be publicized as follows:
- listing such information in the Code of Conduct posted on the District's website;
  - including such information in the plain language summary of the Code of Conduct provided to all persons in parental relation to students before the beginning of each school year;
  - including such information in at least one mailing per school year to parents and persons in parental relation, and in additional mailings if the information changes;
  - posting such information in a highly visible location in each school building; and
  - making such information available at the District office and each school building office.

The publication of this information shall also inform students and persons in parental relation to students that the Dignity Act Coordinator is available to speak with them if they have witnessed possible discrimination, harassment, or bullying, or if they have experienced treatment that may be prohibited discrimination, harassment or bullying.

- C. In the event a designated Dignity Act Coordinator vacates that position, the Superintendent shall immediately designate an interim Coordinator pending appointment by the Board. In the event that a Coordinator is unable to perform the duties of the position for an extended period of time, another staff member shall be immediately designated by the Superintendent as an interim Coordinator

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pending return of the previous Coordinator to the position. Contact information for the new Coordinator shall be distributed as provided above.

IX. Training and Publication of Policy

- A. All District employees will be provided with a copy of this policy. ~~notified at the beginning of each school year, or at the time of initial employment, of this Policy, the conduct expectations established by it, and how they may request an accommodation of a disability or initiate a complaint. Periodically, employees shall be provided training about the Policy and its enforcement in small group sessions.~~ Online access to a printable copy of this Policy will satisfy this requirement.
- B. All students and their families will be notified at the beginning of the school year, or at the time of enrollment, of this Policy, the conduct expectations established by it, and how they may request accommodation of a disability or initiate a complaint or report possible discrimination, harassment or bullying.
- C. A summary of this Policy shall be posted as part of the District's website, and shall be distributed periodically with District publications.
- D. The Superintendent shall ensure that ~~each year~~ all District employees receive training designed to meet the following objectives each year in an interactive format:
1. discourage the development of harassment, bullying, and discrimination;
  2. make employees aware of the effects on students of harassment, bullying, cyberbullying, and discrimination;
  3. raise the awareness and sensitivity of employees to potential harassment, bullying, and discrimination;
  4. enable employees to prevent harassment, bullying, and discrimination;
  5. enable employees to respond to harassment, bullying, and discrimination;
  6. inform employees about social patterns of harassment, bullying, and discrimination, including that based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex; and

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7. strategies for effectively addressing the problems of exclusion, bias, and aggression in an educational setting.
- E. The Superintendent shall develop and implement guidelines:
1. for the development of nondiscriminatory instructional and counseling methods to be used by District staff.
  2. for the development of measured, balanced and age-appropriate responses to instances of harassment, bullying and discrimination by students, with remedies and procedures following a progressive mode that make appropriate use of intervention, discipline and education, vary in method according to the nature of the behavior, the developmental age of the student and the student's history or problem behaviors, and are consistent with the Code of Conduct; and
  3. include safe and supportive school climate concepts in curriculum and classroom management.
- F. The District shall develop and implement a program of instruction in grades Kindergarten through Grade 12 to include a component on civility, citizenship and character education in accordance with Education Law.
1. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community.
  2. Instruction on the principle of respect for others shall discourage acts of harassment, bullying, and discrimination.
  3. Instruction on the principle of tolerance, respect for others, and dignity shall seek to instill an awareness and sensitivity to harassment, bullying, discrimination, and civility in the relations of people of different races, weights, national origins, ethnic groups, religious, religious practices, mental or physical disabilities, sexual orientation, genders (including gender identity or expression), and sexes.
  4. This shall include instruction about safe and responsible use of the internet and electronic communications.

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**X. Other Available Remedies for Unlawful Discrimination and Harassment, including Sexual Harassment:**

- A. In addition to this Policy, District employees and other persons visiting or doing business with the District are protected from discrimination and harassment, including sexual harassment, by New York State and federal law. There also may be applicable local laws.
- B. The New York State Human Rights Law prohibits discrimination in employment and public accommodations, including sexual harassment. Your rights can be enforced by a complaint filed with the New York State Division of Human Rights or by filing a complaint in New York State Supreme Court.
1. You may learn more about your rights under the Human Rights Law by calling the Division's toll-free telephone number (888-392-3644) or visiting the Division's website ([www.dhr.ny.gov](http://www.dhr.ny.gov)).
  2. You may file a complaint with the Division within one year of the event you feel was harassment. You do not need a lawyer to file a complaint with the Division. The Division will investigate your complaint and make a determination whether unlawful harassment occurred. If a public hearing is required, the Division will provide an attorney. The Division may seek monetary damages on your behalf.
  3. You may start a lawsuit in Supreme Court within three years of the event you feel was harassment. You can start a lawsuit yourself (pro se), but you should retain a lawyer who is familiar with court procedures.
- C. Federal laws, including Title VII of the Civil Rights Act of 1964, also prohibit discrimination in employment and public accommodation, including sexual harassment. Your rights can be enforced by filing a charge of discrimination with the United State Equal Employment Opportunity Commission (EEOC).
1. You may learn more about your rights under federal law by calling the EEOC's toll-free number (800-669-4000) or visiting the EEOC's website ([www.eeoc.gov](http://www.eeoc.gov)).
  2. You may file a charge with the EEOC within three-hundred (300) days of the event you feel was harassment. You do not need a lawyer to file a charge with the EEOC.

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3. The EEOC will investigate your charge. If it determines that unlawful discrimination occurred, the EEOC will attempt to obtain a remedy on your behalf through a conciliation process. If that is not successful, you will be given a right to sue in court.
- D. If you are subjected to unwanted physical touching, coerced physical confinement, or unwanted sex acts, the conduct may constitute a crime and you should consider contacting the local police department.

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Madison Central School District

Legal Ref: Title IX, Education Amendments of 1972 (20 USC §1681, 45 CFR. Part 86); §504, Rehabilitation Act of 1973 (29 USC §794, 45 CFR Part 84); 28 CFR 35.107(b), 34 CFR 104.7(b), 106.8(b), NYS Human Rights Law, (Article 15, NYS Executive Law); 8 NYCRR 100.4, 135.4, 141.1 and 200; Civil Rights Act of 1964, Title VI and VII (42 USC §§2000d and 2000e); New York State Education Law, Article 2-A and §§3201 and 3201-a; Americans with Disabilities Act of 1990 (42 USC §§12101-12213, 29 CFR Part 1630); Age Discrimination in Employment Act (29 USC §§621-634); EEOC guidelines (29 CFR Part 1609.1 and 1609.2); and NYS Labor Law §201-g.

Cross Ref: 0010.1, Report of Possible Discrimination or Harassment; 0010.2, DASA Incident Reporting Form; 0040, Code of Conduct; 8500, Special Education Programs and Services; 8502, Programs for Students with Disabilities under section 504

Adopted: 1984

Revised: 09/21/95, 08/20/98, 08/21/12, 08/20/13, 06/15/16, \_\_\_\_\_



# Madison-Oneida

Board of Cooperative Educational Services

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LABOR RELATIONS & POLICY OFFICE  
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*You have received a copy of this Update because your district/BOCES subscribes to our office's Board Policy Service.*

**November 29, 2018**

## **BOARD POLICY UPDATE**

**Template Policy: Drug and Alcohol Testing (Transportation)**  
**Template Regulation: Drug and Alcohol Testing (Transportation)**

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### **Why We Have Prepared This Update**

This year, the Legislature amended the New York State Vehicle & Traffic Law, as well as NYS Education Law §3623-a, regarding drug and alcohol testing for employees who drive school buses as defined in §142 of the NYS Vehicle & Traffic Law. The amended changes go into effect December 24, 2018.

### **Key Changes To The Template Policy**

- The addition of “alcohol” in various locations throughout the policy to ensure both drugs and alcohol are covered.
- Removing the phrase “covered driver(s)” and replacing it with “driver(s)”. The law now applies to all school bus drivers, as school bus drivers are defined in §142 of the NYS Vehicle and Traffic Law, regardless of the commercial drivers license endorsement. **This means that employees, such as teachers or coaches, who transport students in a District-owned vehicle are considered to be operating a “school bus” and must be included in the pool of drivers subject to random testing and pre-employment testing.**
- A further reduction in pre-duty consumption of alcohol (stricter than the Federal



requirements), restricting consumption before engaging in operation of a school bus from eight (8) hours to six (6) hours.

- Additional changes to make the policy more clear and concise, including removing the “appendix” from the old policy, which is not required, or necessary, for the Policy itself.
- A modification of the accompanying Regulation (i.e. Form), to be in compliance with the changes to the law, and this Policy.

**This Policy Is REQUIRED. And Changes Take Effect December 24, 2018**

The Drug & Alcohol (Transportation) Policy is a required policy for School Districts and BOCES; therefore your District/BOCES should revise your existing Policy with the updated template and accompanying Regulation (Form).

**Recommended District/BOCES Action Plan**

- We have reorganized the contents of this Policy and Regulation. It is recommended that your Board delete its current Policy entirely and adopt this Policy in its place, and that your Superintendent approve the new Form as a Regulation.
- Contact Melissa Lopez (mlopez@moboces.org) or Kati Parker (kparker@moboces.org) to prepare a revised version of your Policy for presentation to the Board and your Regulation.
- After the Board revises the Policy and the Regulation is approved, take these two steps:
  1. Advise Kati Parker (kparker@moboces.org) of the Policy and Regulation number, revisions and Board action date, and we will update your Policy manual and your online policies.
  2. Identify which district/BOCES staff are affected by the Policy and Regulation or accountable for implementing the Policy and Regulation, and inform them of the revisions. This includes providing a copy of the revised Policy to all employees affected. **Please note, there is a requirement within this Policy to get signed acknowledgments from affected employees they have received and reviewed this Policy. The forms should be kept in the employees’ files for the duration of their employment, or two (2) years, whichever is longer. We strongly recommend taking this action.**

Please feel free to call or e-mail us if you have additional questions about this matter.

Enclosures

## PERSONNEL

### POLICY IS REQUIRED DRUG AND ALCOHOL TESTING (TRANSPORTATION)

#### I. Statement of Policy

It is the policy of the District that no District employee shall operate a District school bus or a District vehicle when the operation of the vehicle requires a Commercial Driver's License (CDL) if that employee is under the influence of drugs or alcohol. To further this policy, the District follows a program of drug and alcohol testing designed to meet the requirements of the New York State Vehicle and Traffic Law (referred to in this Policy as "state law") and the federal Omnibus Transportation Employee Testing Act of 1991, including the implementing regulations adopted by the U.S. Department of Transportation (together referred to in this Policy as "federal law"). No person shall be hired into or assigned to perform the duties of a safety sensitive position (as described below) unless each test administered to that person returns a verified negative result.

#### II. Scope of Policy

##### A. Positions to Which This Policy Applies

This Policy applies to employment in any position for which the assigned duties include either the operation of a school bus, as that term is defined in state law, or the operation of a vehicle that requires a CDL, as determined by federal law. These positions are considered "safety sensitive positions", and District employees holding these positions are considered "safety sensitive employees".

##### B. Persons to Whom This Policy Applies

1. Applicants for employment in safety-sensitive positions who receive a conditional offer of employment are subject to pre-employment testing under this Policy. A person who is employed by the District in a non-safety sensitive position and who seeks to be hired or transferred into a safety sensitive position is considered an applicant relative to that safety sensitive position. When used in this Policy, the term "applicant" refers to these persons.
2. Persons employed by the District in safety sensitive positions are subject to drug and alcohol testing under the circumstances set forth in this Policy and as otherwise required by state or federal law. When used in this Policy, the terms "employee" and "driver" refer to these persons.

#### III. Communication of Policy

##### A. Drug and Alcohol Coordinator

The Superintendent shall designate a Drug and Alcohol Coordinator to answer

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### PERSONNEL

#### POLICY IS REQUIRED DRUG AND ALCOHOL TESTING (TRANSPORTATION)

questions relative to the procedures and materials relative to this Policy. The Coordinator shall ensure that all affected employees are informed of the Policy and related forms and regulations, including the identity of and contact information for the Coordinator, and are provided with either a paper copy of the Policy or a link to an online copy of the Policy.

#### B. Distribution of Information

The Coordinator shall provide a copy of this Policy and any accompanying documents outlining additional information, procedures and/or regulations developed by the District to effectuate this Policy, to each person employed in a safety sensitive position, and shall ensure that each applicant for employment in a safety sensitive position receives a copy of this material.

#### C. Documentation

Each person receiving the Policy material shall be required to sign a statement certifying that they have received this information. The District shall maintain the original signed acknowledgement for the duration of the employee's employment or two (2) years, whichever is longer. The District will provide a copy of the certification to the driver upon request. Representatives of applicable collective bargaining units shall be notified of the availability of this information.

### IV. Program Standards and Testing Protocols

#### A. Contracted Services

The Superintendent is authorized to contract with an appropriately credentialed vendor, board of cooperative educational services, or other municipality for the services necessary to implement the District's drug and alcohol testing program, including sample collection and testing, documenting chain of custody, and ensuring that the correct employee is tested and matched with the correct test results. Such contractor must be in compliance with all state and federal regulations including but not limited to calibration of all devices, laboratory certification by the U.S. Department of Health and Human Services, and proper training of the Breath Alcohol Technician (BAT) and other staff.

#### B. Notice to the Test Subject

Prior to the administration of the following tests the District or its testing agent will notify the driver that the test is required under state law or federal law.

#### C. Test Standards

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## V. Pre-Employment Testing

## A. General Rule

Pre-employment testing for drugs and alcohol will be administered by the District to all applicants after a conditional offer of employment has been extended and prior to any applicant's performance of a safety-sensitive function.

## B. Information Regarding Prior Test Outcomes

1. Each applicant will be asked whether the applicant has tested positive after, or refused to take, any pre-employment drug or alcohol test administered by a potential employer pursuant to federal law during the past two years.
2. Each applicant will be asked to identify all prior employers or potential employers that required the applicant to submit to drug or alcohol testing in fulfillment of state or federal law within the prior two years, and to sign a written document authorizing those entities to release to the District the following information: alcohol tests with a result of 0.04 or higher alcohol concentration, verified positive drug test, the applicant's refusal to be tested, any other violations of federal law drug and alcohol regulations, and, with respect to any employee who violated a federal law drug and alcohol regulation, documentation of the employee's successful completion of federal law return to duty requirements.
3. The above listed information should be obtained and reviewed before the applicant is assigned to perform any safety sensitive functions. However, the District may employ and assign the applicant to perform safety sensitive functions for a period of up to 30 days if the District has made and documented a good faith effort to obtain this information. The District will not allow any employee to continue performing safety sensitive functions after 30 days if the District has not obtained or made and documented a good faith effort to obtain this information.

## C. Withdrawal of Conditional Offer of Employment

Where an applicant for a position subject to this Policy has received a conditional offer of employment, that conditional offer will be withdrawn if any of the following circumstances occurs:

1. The applicant's pre-employment drug test returns a positive result;

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2. The applicant reports as part of the District's pre-employment process that within the prior two years the applicant applied for employment in a position governed by either the New York law applicable to school bus drivers or the federal law applicable to CDL holders, and the applicant either refused to submit to the test or tested positive for drugs or alcohol;
3. The applicant reports that they failed to successfully complete a rehabilitation program (return to duty process) established by a substance abuse professional after violation of a prior employer's policy or applicable law; or
4. The applicant fails to provide a release for the District to request information from a former employer of the applicant or a potential employer to which the applicant applied for employment in a safety sensitive position subject to the state or federal drug and alcohol testing requirements.

VI. Drug and Alcohol Tests Administered To Employees

A. Reasonable Suspicion Testing

1. An employee in a safety sensitive position is required to submit to a drug or alcohol test whenever a responsible supervisor or administrator has reasonable suspicion to believe that the employee has engaged in conduct prohibited by this policy. Employees are subject to reasonable suspicion alcohol testing at any time the employee is on duty for the district.
2. Reasonable suspicion must be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of an employee by a responsible supervisor or administrator who has been trained to recognize alcohol misuse or drug use.
  - a. The observations may include indications of the chronic and withdrawal effects of controlled substances.
  - b. A written record shall be made of the observations leading to reasonable suspicion, signed by the supervisor or administrator who made the observations, within twenty-four (24) hours of the observed behavior or before the results of the drug and/or alcohol test are released, whichever is earlier.
3. The District shall not administer a reasonable suspicion alcohol test more than eight (8) hours following a determination that reasonable suspicion

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exists to believe that the alcohol prohibitions of this policy have been violated.

4. The Superintendent or the Superintendent's designee shall arrange for the training of all supervisors or other individuals who may be utilized to determine whether "reasonable suspicion" exists to test an employee for prohibited conduct involving alcohol or controlled substance use/abuse.

B. Random Testing

1. The District randomly tests employees subject to this Policy for evidence of drug or alcohol consumption. Random tests are not announced and employees are selected for testing in a statistically random manner throughout the year as required by state and federal law. Each covered employee has an equal probability of selection each time a random test is administered.
2. Random drug and/or alcohol testing may be conducted at any time the covered driver is on duty for the district.
3. All employees assigned to drive a school bus as part of their duties are subject to random testing.

C. Post-Accident testing

1. Following an accident involving a commercial motor vehicle, a post-accident test for alcohol and drugs is administered to each surviving covered driver who:
  - a. was performing safety sensitive functions with respect to the vehicle, and the accident involved the loss of human life; or
  - b. receives a citation under state or local law for a moving violation arising from the accident, and the accident either resulted in one or more motor vehicles incurring substantial structural damages as a result of the accident or resulted in bodily injury to a person who, as a result of the injury, immediately received medical treatment away from the scene of the accident.
2. The District will not administer a post-accident alcohol test more than eight hours following the accident and will not administer a post-accident drug test more than 32 hours following the accident.

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3. A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the District to have refused to submit to testing. This shall not be construed to require the delay of necessary medical attention for injured individuals following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.
4. The results of a breath or blood test for the use of alcohol or a urine test for the use of drugs, conducted by federal, state, or local officials having independent authority for the test, shall be considered to meet the requirements of this Policy concerning post-accident testing, provided such tests conform to applicable federal, state, or local requirements and that the results of the test are obtained by the District. If such a test results in an alcohol concentration below 0.02, a 24 hour out-of-service order may be issued by the law enforcement official.

D. Return to Duty Testing

Return to duty testing for alcohol and/or drugs is conducted when a covered driver has engaged in prohibited conduct under this Policy, been removed from performing safety sensitive duties, and is scheduled or seeks to return to the performance of safety sensitive functions. The alcohol test result must indicate alcohol concentration of less than .02 and/or a drug test must indicate a verified negative result for illegal drugs.

E. Follow-up Testing

1. Follow-up tests are given following a determination by a substance abuse professional that a driver is in need of assistance in resolving problems associated with misuses of alcohol and/or drugs.
2. Follow-up tests are unannounced.
3. Follow-up tests are conducted at least six (6) times within twelve (12) months. The actual frequency and number of tests will be determined by the substance abuse professional, but follow-up testing will not continue beyond 60 months from the covered driver's return to duty. The substance abuse professional may terminate the requirement of follow-up testing at any time after the first six (6) tests have been administered if he or she determines that follow-up testing is no longer necessary.
4. Follow-up drug testing may be conducted at any time the covered driver is on duty for the district.

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VII. Conduct Standards For Employees Subject To This Policy

- A. No driver shall report for duty or remain on duty in a position requiring the performance of safety sensitive functions while having an alcohol concentration of 0.02 or greater.
- B. A driver shall not be on duty or operate a commercial motor vehicle while the driver possesses alcohol.
- C. A driver shall not use alcohol while performing safety sensitive functions.
- D. No driver shall operate a school bus within eight (8) hours, or operate a vehicle requiring possession of a CDL within six (6) hours, after having consumed a drug, controlled substance, and/or alcohol.
- E. A driver required to take a post-accident alcohol test shall not use alcohol for eight (8) hours following the accident, or until they undergo a post-accident alcohol test, whichever is first.
- F. A driver shall not report for duty or remain on duty requiring the performance of safety sensitive functions when the driver is using drugs, except when the use is pursuant to the instructions of a physician who has advised the driver that the drug does not affect the driver's ability to safely operate a commercial motor vehicle. The driver must provide written notice from the physician to the Drug and Alcohol Coordinator that the driver is using controlled substances pursuant to the instructions of the physician and that the physician advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.
- G. No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive for controlled substances.
- H. A driver shall not refuse to submit to an alcohol or drug test required under this Policy.

VIII. Consequences Of Non-Compliance By Employees Subject To This Policy

- A. A driver who has an alcohol concentration of at least 0.02 shall be removed immediately from his/her performing safety sensitive position for at least 24 hours and shall not return until they have been evaluated by a substance abuse professional, have completed any other actions required by the SAP and have completed the return to duty testing procedures as required.



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- B. A driver who has a verified positive result on a drug test shall be prohibited from performing safety sensitive functions until the employee is evaluated by a substance abuse professional, completes any other steps required by the SAP, and completes a return to duty test that returns a verified negative result.
  - C. A driver who refuses to submit to a test shall be prohibited from performing safety sensitive functions until the employee is evaluated by a substance abuse professional, completes any other steps required by the SAP, and successfully completes the return to duty testing procedures as required.
  - D. A driver may not perform safety-sensitive functions if there exists a reasonable suspicion that the driver is under the influence of, or impaired by, alcohol as shown by the behavioral, speech, and performance indicators of alcohol misuse, until an alcohol test is administered and the driver's alcohol concentration measures less than .02 or 24 hours have elapsed following a determination that reasonable suspicion exists to believe that the alcohol prohibitions of this policy have been violated.
  - E. A driver may not perform safety-sensitive functions even if his or her alcohol concentration is less than 0.02, or the alcohol concentration is unknown, if the District detects the presence of alcohol in the driver by other means.
  - F. Independent of the requirements of federal law, a driver may not perform safety-sensitive functions, if there exists a reasonable suspicion that the driver is under the influence of, or impaired by, drugs as shown by the behavioral, speech, and performance indicators of drug abuse, until a drug test is administered and there is a verified negative result.
  - G. Independent of the requirements of federal law, drivers who have been found to have engaged in conduct prohibited by this Policy will be immediately suspended from their safety-sensitive function without pay pending a complete review of the test results and what led to the test results, if appropriate. After review, if the driver was found to have an alcohol concentration of 0.04 or greater, a positive drug test, or refused to submit to a test, the employee shall be terminated. If the driver was found to have an alcohol concentration between 0.02 and 0.04, he or she shall be required to be evaluated by a substance abuse professional, complete any other steps required by the SAP and take a return to duty test before returning to work.
  - H. The above actions consequences shall be applied consistent with the provisions of any applicable collective bargaining agreement and statute, such as §75 of the Civil Service Law and §3020-a of Education Law.
- IX. Referral And Evaluation

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DRUG AND ALCOHOL TESTING (TRANSPORTATION)

- A. Each employee who engages in conduct prohibited by this policy is required to be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and drug use.
1. The costs associated with this evaluation shall be the responsibility of the employee, unless a collective bargaining agreement provides otherwise.
  2. If the substance abuse professional determines that a rehabilitation program is appropriate before the employee returns to performing safety sensitive functions, the employee is required to complete that program, including any follow-up testing directed by the substance abuse professional. The substance abuse professional shall determine if the driver has properly followed any rehabilitation program prescribed following the evaluation.
  3. Before an employee returns to duty requiring the performance of a safety sensitive function after engaging in conduct prohibited by this policy, the employee shall complete a return to duty test that returns a verified negative result.
- B. The District shall make available to an employee who has violated this Policy information regarding the resources available for evaluating and resolving problems associated with the misuse of alcohol and use of drugs, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs. The District shall ensure that the listed substance abuse professionals do not refer the employee to the substance abuse professional's private practice, or to a person or organization from which the substance abuse professional receives remuneration, or in which the substance abuse professional has a financial interest.
- C. The referral and evaluation procedures described in this section do not apply to applicants who refuse to submit to a pre-employment drug and alcohol test or who have a pre-employment drug and alcohol test with a verified positive test result.

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District/BOCES

Legal Ref: Omnibus Transportation Employee Testing Act of 1991, 49 USC §§31136 and 31306; Americans with Disabilities Act, 42 USC §§12111-12117; 49 CFR Parts 40, 382 and 395.20; NYS Vehicle and Traffic Law, §§142, 509-l; 509-g, 1192 and 1193; NYS Labor Law, §201-d

Adopted: \_\_\_\_\_

Revised: \_\_\_\_\_

# Regulation

PERSONNEL

Draft 11/29/2018

No. \_\_\_\_\_.1

ACKNOWLEDGEMENT, AUTHORIZATION AND CONSENT FORM  
FOR DRUG AND ALCOHOL TESTING

NAME OF APPLICANT: \_\_\_\_\_

### Pre-Employment Testing

I, \_\_\_\_\_, understand that the offer of employment that I have received from the ----- School District (the District) is conditioned upon my successful completion of pre-employment drug and alcohol testing. I understand that drug testing means that a sample of my urine will be collected and tested for the presence of prohibited drugs or their metabolites, and that alcohol testing means that a sample of my breath will be taken and tested for evidence of alcohol.

- **I agree to submit samples necessary to complete pre-employment drug and alcohol testing.**
- I understand that if I do not submit the samples required for this testing the District will revoke the conditional offer of employment that has been made.
- I understand that the conditional offer of employment will be revoked if my pre-employment alcohol test registers an alcohol concentration of .02 or more.
- I understand that the conditional offer of employment will be revoked if my pre-employment drug test registers the presence of marijuana, cocaine, amphetamines, phencyclidine, or opioids (including hydrocodone, oxycodone, hydromorphone, oxymorphone, or other synthetic opioids), alone or in any combination, that has not been prescribed for me by an appropriate health care professional with assurance that taking the medication as prescribed will not affect my safe performance of my job duties.

### Testing During Employment

I acknowledge that I have been provided with a copy of the District's Policy establishing a drug and alcohol testing program for employees in CDL-required positions.

- I understand that the District's Policy has been adopted to help ensure the safety of District students and the public, and to comply with the requirements of both federal and state law.
- I understand that if my pre-employment drug and alcohol test results are satisfactory and I become a regular employee of the District, my continued employment will be subject to the District's Policy, and **by signing this form I am agreeing to comply with the Policy and related procedures.**
- I understand that, consistent with federal and state law, I will be required as a condition of my employment in a CDL-required position to undergo random, reasonable suspicion, post-accident, return-to-duty, and follow-up drug and alcohol testing.

REGULATION

Draft 11/29/2018

No. \_\_\_\_ .1

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ACKNOWLEDGEMENT, AUTHORIZATION AND CONSENT FORM  
FOR DRUG AND ALCOHOL TESTING

- I understand that if the results of any drug or alcohol test administered during my employment is not acceptable (as described above), I will be subject to discipline, including the possibility of termination of employment.
- I understand that if I do not complete a drug or alcohol test protocol in an acceptable manner during my employment, I will be subject to discipline, including the possibility of termination of employment.

I also acknowledge receipt from the District regarding information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or controlled substances problem (the driver's or co-worker's); and available methods of intervening when an alcohol or controlled substances problem is suspected, including confrontation, referral to any employee assistance program, and/or referral to management.

**Consent to Information Sharing**

By signing this Form, I authorize all prior employers or organizations where I applied for employment to provide the District will information about the results of prior drug or alcohol tests administered to me by those organizations, and any prior time I may have refused to submit to drug or alcohol testing. I certify that I have provided the District with complete information about who those prior employers or other organizations are, and I understand that a failure to provide complete information may also be grounds for the revocation of my employment or my conditional offer of employment.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witness: \_\_\_\_\_ Date: \_\_\_\_\_

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District/BOCES  
Approved by the Superintendent: \_\_\_\_\_

## Member Boards

**Oneida-Herkimer-Madison BOCES**  
 Brookfield Central  
 Clinton Central  
 Holland Patent Central  
 New Hartford Central  
 New York Mills Union Free  
 Oriskany Central  
 Remsen Central  
 Sauquoit Valley Central  
 Utica City Schools  
 Waterville Central  
 Westmoreland Central  
 Whitesboro Central

**Madison-Oneida BOCES**  
 Camden Central  
 Canastota Central  
 Hamilton Central  
 Madison Central

Morrisville-Eaton Central  
 New York State School for the Deaf  
 Oneida City Schools  
 Rome City Schools  
 Stockbridge Valley Central  
 Vernon-Verona-Sherrill Central

**Herkimer-Fulton-Hamilton-Otsego BOCES**  
 Central Valley Central  
 Dolgeville Central  
 Frankfort-Schuyler Central  
 Herkimer Central  
 Little Falls City Schools  
 Mount Markham Central  
 Owen D. Young Central  
 Poland Central  
 Richfield Springs Central  
 West Canada Valley Central

## Officers

**Michael Head, President**

Robert Batson.....1<sup>st</sup> Vice President  
 Steven Broedel.....2<sup>nd</sup> Vice President  
 James Van Wörmer...Coordinator for Board Training

**Mohawk Region Association for School Administrators**

Cindy Stocker..... *President*  
 Stockbridge Valley CSD  
 Brennan Fahey..... *Vice President*  
 Owen D. Young CSD  
 Stephen Grimm Ed.D..... *Treasurer*  
 Clinton CSD

## Area Legislators

**U.S. SENATORS:**  
 Charles E. Schumer.....(D)  
 Kirsten Gillibrand.....(D)

**U.S. CONGRESSIONAL REPRESENTATIVES:**  
 Anthony Brindisi.....(D22)

**NY STATE SENATORS:**  
 Joseph Griffo.....(R 47)  
 James Tedisco.....(R 49)  
 James Seward.....(R 51)

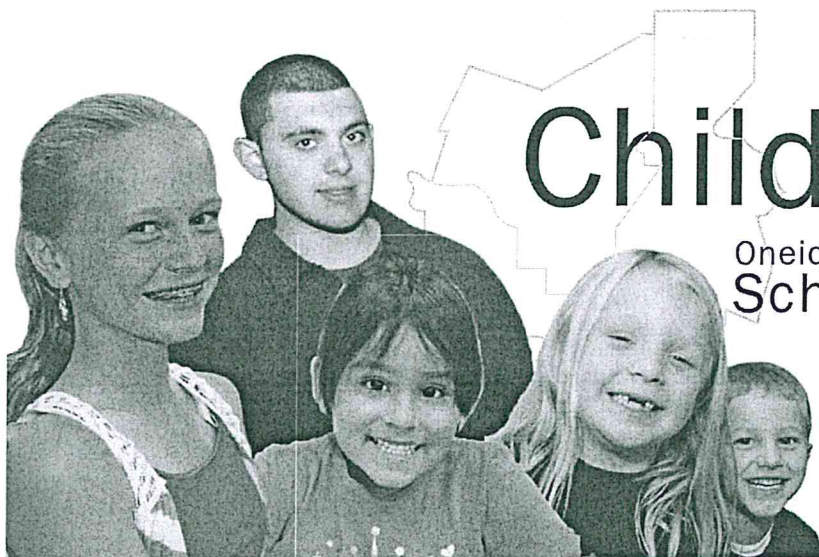
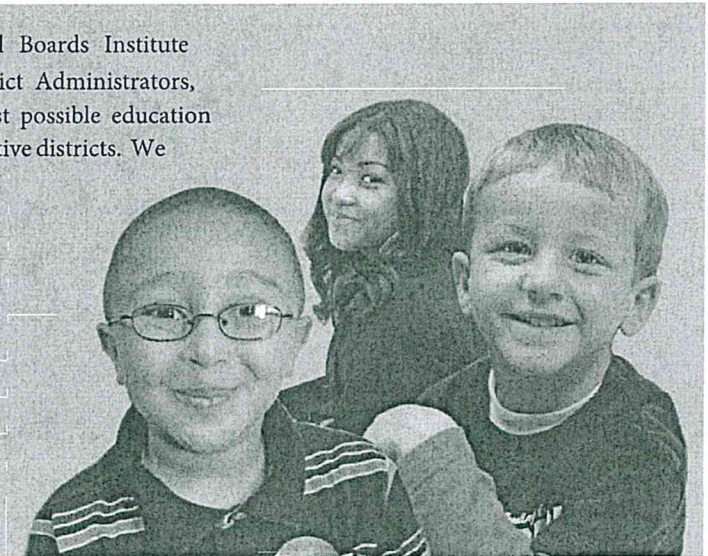
**NYS ASSEMBLY REPRESENTATIVES:**  
 John Salka.....(R 121)  
 Robert Smullen.....(R 118)  
 Brian Millcr.....(R 101)  
 Marianne Buttenschon.....(D 119)  
 Angelo Santabarbara.....(D 111)

## NYS Legislative Priorities 2019

### Statement to Legislators

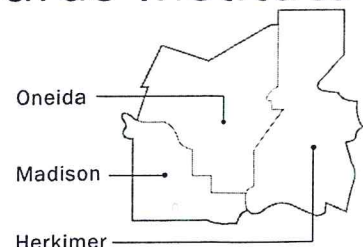
The mission of the Oneida-: WJ L W? SV(ea` School Boards Institute and the Mohawk Regional Association of School District Administrators, which represent 3' school boards, is to provide the best possible education for our 53,000 students which are in the OMH-SBI legislative districts. We support the higher academic standards adopted by the Board of Regents and will ensure each student be given the opportunity to achieve these standards at their highest academic level.

To help us accomplish this mission, we need your commitment and support in your respective Legislative position. Your efforts will provide the equitable financial support to the students and the 350,000 members of our school communities in your legislative regions.



# 2019 Children First

Oneida, Madison & Herkimer Counties  
 School Boards Institute



# Oneida, Madison & Herkimer Counties

## School Boards Institute

As elected members of local school boards, we continue to be explicitly aware of budget constraints at all levels of government. We have presented evidence, year after year, demonstrating our schools have maximized fiscal resources to provide the best educational opportunities for our students. Our districts obviously could use additional state funding, but we also understand the realities in developing the 2019 NYS budget and as such *several* of our proposals have **NO COST** attributed to them. (⊗)

Our ability to maintain educational programs and opportunities has been diminished. The reasons have been ongoing. While we appreciate ending the Gap Elimination Adjustments, we also understand that districts in this region will never recover some \$400 million that was originally allocated our schools and our children. The implementation of the tax levy limit calculations have virtually eliminated our ability to raise local revenue and there has been no relief provided our school districts for any unfunded mandates...as promised.

Discussions have made our regional legislators aware of the difficult position our local school districts face. We need education aid that provides equity, predictability and transparency for our students' educational programs. We ask that as our elected representatives you advocate and support the following legislative priorities:

### ◆ **SUPPORT OUR SCHOOLS' MISSIONS: WE NEED YOU TO COMMIT TO A CHILDREN FIRST AGENDA**

- ◆ Past legislative agendas have included: implementation of the Gap Elimination Adjustment, Annual Professional Performance Review, Dignity for All Students Act, increased student testing, implementation of the Common Core Curriculum, and *Tax Levy limit (commonly known as the Tax Cap)*. **Enacted without adequate financial support, these initiatives have failed the children in your region.** Allow the 53,000 children in our OMH-SBI region to have the same educational opportunities as children throughout New York State. Our children deserve the opportunity to be college and career ready with the skills to compete in a global society.

*A child's access to a high quality education should not depend on their zip code.*

### ◆ **WE NEED A THREE (3) YEAR PHASE IN OF THE FOUNDATION FORMULA AND/OR THE EQUIVALENT OF FISCAL RESOURCES TO SCHOOL DISTRICTS ACROSS OUR REGION**

- ◆ Provide a foundation formula that is equitable, consistent and predictable to offset damage done by years of reduced education aid and unfunded mandates.
- ◆ The updated and phase in of the Foundation Formula should include:
  - ◇ Allowing the income wealth ratio index to be calculated at its true level and not at the artificial .65 index.
  - ◇ Recalculating the resource capacity index as many districts in the region have become significantly poorer in the last few years and are now at levels above their actual resource capacity profile.
  - ◇ The poverty index calculated by the foundation aid formula must be a realistic reflection of a school district's poverty level. Current indicators (i.e. free and reduced lunch) do not measure a district's true poverty level.

⊗ **REVISE TAX LEVY LIMIT REGULATIONS** - Tax cap regulations were unnecessary and

burdensome to public schools in our region. Our voters properly determined when budget increases were beyond their ability to fund them.

- ◆ In order to promote school safety any addition of SRO's/SPO's/SSO's (law enforcement officers or retirees) financial cost would have a tax cap exclusion when using the formula to determine a district's tax cap.
- ⊗ Revisions should include the elimination of the super majority vote. There is currently no popular public election in NYS other than school districts that require a 60% vote to be approved.
- ◆ Provide a clause that will allow for a minimum base of a 2% increase when calculating the tax cap levy formula to prevent districts from facing a negative growth factor as a result of formula calculations.
- ◆ Revise Tax Levy Limit Regulations to include BOCES capital expenses in the calculation of the capital expense exclusion. BOCES capital projects requiring approval by the voters of component school districts should be eligible to include their amount in the local capital levy exclusion calculation.
- ◆ Revise Tax Levy Limit Regulations to include PILOTS in the calculation of the Tax Base Growth Factor. New development that does not go on the tax rolls but rather enters into a PILOT agreement is not currently part of the calculation of the tax base growth factor. As such, because anticipated PILOTS are subtracted from the allowable tax levy, new PILOTS provide no additional local revenue capacity for a school district.

◆ **RAISE THE SALARY CAP FIGURE ELIGIBLE FOR STATE AID FOR ITINERANT BOCES PERSONNEL (CURRENTLY \$30,000)**

- ◆ In order to increase efficiency and shared services this change would reflect realistic current staffing costs. The figure has not changed in approximately 25 years. Raise this figure over a 3 year period to the average NYS teacher salary level (Year 1- \$38,000/Year 2 - \$46,000/Year 3 - NYS Average).

⊗ **IMPLEMENT MEANINGFUL MANDATE RELIEF**

- ◆ The Governor and legislators have still not followed through with **meaningful mandate relief** as promised in 2012 when the tax levy limit regulations were enacted.
- ◆ **Provide full funding for all new mandates whether imposed by law, state or SED regulation in compliance with law.** (OMH-SBI will provide specific examples upon request.)
- ◆ Fund prior year claims at level that would eliminate them in a reasonable time frame. At the current funding level (\$331 Million), it will take 18 years for current claims to be paid. (In the 2015-16 budget year, funds were appropriated eliminating prior year claims to Charter Schools in just one year.)

◆ **WE SUPPORT THE CREATION OF REGIONAL/MAGNET SCHOOLS**

- ◆ Current laws and regulations prohibit local boards of education from holding discussions on when it may be educationally or fiscally appropriate to create a regional high school.

**⊗ SAY NO TO THE PROPOSED TAX CREDITS LEGISLATION. SAY NO TO THE INCREASE IN THE NUMBER OF CHARTER SCHOOLS OUTSIDE OF NYC. WE ASK YOU NOT TO SUPPORT CHARTER SCHOOL LAW THAT WOULD ALLOW FOR VIRTUAL CHARTER SCHOOLS.**

- ◆ The tax credit proposal will only hurt our public schools in the region and across the state. Every dollar that goes into the tax credit will reduce the amount of state funds available for public schools.
- ◆ Charter schools continue to unfairly drain fiscal resources from the public school sector without the reciprocal opportunity for reduced mandates and regulations on our public school system.

**⊗ TAX REBATES SHOULD NOT BE TIED TO THE TAX LEVY LIMIT**

- ◆ Funding for tax rebates comes from tax payers across the state. Certain areas, through no fault of their own, are not able to meet the criteria. Their tax dollars are then spread to areas throughout the state that meet the legislative criteria.
- ◆ The tax credit proposal will only hurt our public schools in the region and across the state. Every dollar that goes into the tax credit will reduce the amount of state funds available for public schools.

**⊗ MERGE PRESENT SMART BOND APPROVAL AND DESIGN INTO A SINGLE ENTITY**

- ◆ Currently plans have to go to SED facilities planning and then to smart bond committees making the timeframe for approval much longer.

**◆ FUND MANDATED REPORTING ITEMS OF NEW ESSA REGULATIONS**

**◆ NEWLY PASSED LUNCH SHAMING REGULATIONS NEED TO HAVE A REIMBURSEMENT MECHANISM FOR SMALL DISTRICTS**

- ◆ School programs with a small profit margin may go into the red and risk elimination without matching funding for debts outside of their control.

**◆ LEGISLATION THAT WOULD ELIMINATE THE \$30,000 CAP FOR RETIRED LAW ENFORCEMENT PERSONNEL**

- ◆ Districts would have the ability to hire qualified school safety individuals for extended periods of time (SPO's/SSO's/SRO's)

**◆ SUPPORT LEGISLATION THAT WILL PROVIDE BOCES AIDE, STATE TARGETED AID FOR THE HIRING OF SCHOOL RESOURCE OFFICERS**

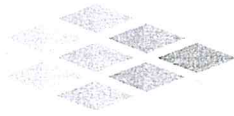
**⊗ INCREASE THE AMOUNT DISTRICTS CAN HOLD IN UNASSIGNED FUND BALANCE FROM 4% TO 6%**

**⊗ SUPPORT LEGISLATION THAT WOULD PROHIBIT THE SALE OF E-CIGARETTES, INCLUDING JUULS; UNTIL AGE 21**

**⊗= No Cost**

We will provide you, and your staff, with material and evidence.





# Madison-Oneida

Board of Cooperative Educational Services

Lead ♦ Partner ♦ Innovate ♦ Excel

*Celebrating 50 years*

*1968-2018*

DISTRICT SUPERINTENDENT

Phone: 315.361.5510 ♦ Fax: 315.361.5517

JACKLIN G. STARKS, [jstarks@moboces.org](mailto:jstarks@moboces.org)

TO: Component Boards of Education

FROM: Jacklin G. Starks  
District Superintendent

DATE: December 5, 2018

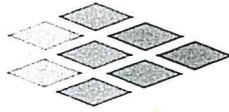
RE: Madison-Oneida BOCES Banner Newsletter

It is my pleasure to present you with this copy of the Madison-Oneida BOCES Banner Newsletter. This publication highlights programs, activities and student successes throughout our component districts. Please note this is also available on our website at [www.moboces.org](http://www.moboces.org).

I hope you will find this newsletter enjoyable and informative. If you have any questions, please feel free to call my office.

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## *FYI: From Our Board to Yours*

From: Richard Engelbrecht

To: Michael Davis

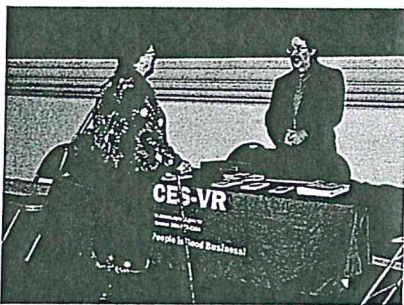
Madison Board of Education

December 2018

### *Adult and Continuing Education*

#### **BCCE HOSTS EMPLOYMENT PREPARATION EVENT**

The BOCES Consortium of Continuing Education (BCCE) and the Workforce Development Board partnered to present “Get Ready to Get Hired,” an employment preparation event for local residents searching for work. The October 29 event



offered a variety of job-readiness resources, services and skills to prepare them to actively join the workforce.

During the event, participants had the opportunity to attend a variety of small breakout sessions throughout the day focused on preparing for job interviews, dressing for success, creating a resume, understanding employers’ expectations and basic personal finance. They also were able to speak with local job placement specialists about work-readiness and browse racks of gently used interview attire.

Four area business sponsors helped support the event - 31 Express, Circle K and Price Chopper, all in Oneida, Freihofer’s



Bakery Outlet in Verona and Isbell Excavating in West Eaton. In addition, students from the Rome ACCESS Site volunteered at the event, adult Cosmetology students ran the mini-makeover stations, and MOBOCES board members John Costello Sr. from Oneida and Donna Isbell from Morrisville-Eaton helped make the event a success.

### *Career and Technical Education*

#### **CULINARY STUDENTS SUPPORT RESCUE MISSION**

Culinary Arts students took a work-based learning field trip to the Rome Rescue Mission on November 19 and 20 to help prepare Thanksgiving dinner. The Rescue Mission feeds nearly 1,000 people in the community each Thanksgiving through food donations from area businesses and residents. MOBOCES students spent two mornings at the center preparing potatoes and turkeys for the dinner.

Teacher Mona Chandler said that in addition to providing students with real-world cooking experience, the field trip also gives them an opportunity to see and help the community and meet people they may not otherwise meet. This is the second year students have helped with the Rescue Mission dinner.

#### **EQUINE, CBOE CARVE DONATED PUMPKINS**

Equine and Animal Science students helped their classmates in the Community-Based Occupational Education (CBOE) program carve and decorate pumpkins on Halloween for the second year in a row. Critz Farms in Cazenovia donated 36 pumpkins to the CBOE class.



### *Management Services*

#### **LOCAL DRIVERS COMPETE IN BUS ROAD-EO**

Eleven school bus drivers from five area districts competed in this year’s Bus Road-EO at the Costello Transportation Center in Oneida. Drivers from Canastota, Oneida, Adirondack, Mount Markham and Whitesboro completed bus challenges, including safety inspections and navigating through narrow spaces.

Drivers from Oneida, Adirondack and Mount Markham took the top three prizes and Oneida received the team plaque. The Mohawk Regional Transportation Supervisors Association (MRTSA) organizes the Road-EO every year during school bus safety week. MOBOCES Regional Transportation Supervisor Frank Slawiak is a member of MRTSA.

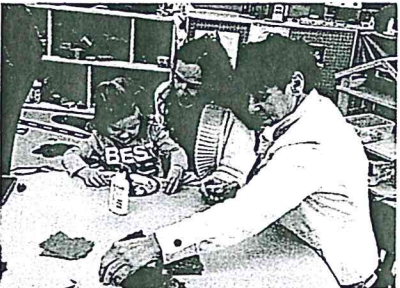


*December FYI continued on back...*

## Early Childhood Education

### MECS, SVCS FAMILIES CELEBRATE THE SEASON

**M**OBOCES Pre-K students in Morrisville-Eaton and Stockbridge Valley had special holiday-themed activities



this month leading up to Thanksgiving.

In Morrisville-Eaton, parents visited the class on November 15 to learn more about the learning centers that students use daily. Parents and children then worked together to make fall-themed and holiday-themed wreaths, and children sang a Thanksgiving song about turkeys for their guests.

In Stockbridge Valley, students celebrated Thanksgiving on November 20, learning about a pow wow, or social gathering of Native Americans, and writing stories on skin.

## Alternative and Special Education

### STUDENTS COMPLETE KIND ACTS FOR HOLIDAY

**S**pecial Programs Coordinator Gina Calabro and her team led a week-long initiative encouraging students to complete acts



of kindness around the school. Those who did wrote their names and acts on a construction paper feather and added it to a paper turkey that would eventually be hung up in the Triplexus Commons. The feathers served as students' invitations to the school-wide Thanksgiving celebration.

All 68 students in the program contributed at least one feather to the Kindness Turkey and attended the dinner, which was prepared by CTE Culinary Arts students.

## Staff and Curriculum Development

### SLS AWARDS GRANT TO JOY SCHOOL LIBRARY

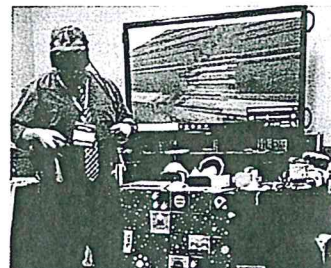
**T**he School Library System has awarded a \$500 mini-grant to Joy Elementary School Librarian Nicole Iverson to support a 6<sup>th</sup> grade virtual book discussion group. Nicole and Rome 6<sup>th</sup> grade teacher Tracy Guiliano have partnered with a 6<sup>th</sup> grade class in Indiana to read and discuss a book using the FlipGrid platform. FlipGrid allows teachers to post discussion questions or topics to students and then allows students to record video responses. Each class will watch the other class's video responses and then add their own thoughts and comments.

The classes are reading "Insignificant Events in the Life of a Cactus." In addition to FlipGrid, the classes will have whole group discussions over Skype or Google Hangout. The project will continue throughout the school year with different books.

## Regional Information Center

### MORIC STAFF PRESENTS AT NYSCATE CONFERENCE

**S**even members of the Model School team attended and presented during this year's NYSCATE Annual Conference in Rochester. The conference is aimed at technology educators from across the state. Model Schools Coordinator Derek Lalonde presented two sessions during the conference – one on 3D printing, alongside a team from Town of Webb school district, and another on distance learning and virtual reality. In addition, Coordinator of Technology Leadership Maria Rocker and Educational Technology Leader John-Henry Lane presented a session on Strategic IT Planning with a colleague from NERIC.



For the last several years, the conference has been paired with Maker Faire Rochester, a public event highlighting makerspaces, engineering, art, crafting and other "making" activities. Model Schools Coordinator Laurie Yager is one of the Maker Faire co-chairs, as well as an at-large director on the NYSCATE Board, and Model Schools Coordinator Heather Bagnall ran several of the student sessions during the event.

### MORIC CREATES NEW DATA SECURITY NEWSLETTER

**M**ORIC's Director Heather Mahoney and Data Security Leader Ryan Mahoney have spearheaded a statewide initiative to create a new data security newsletter for schools. The publication was created on behalf of RIC One, a cooperative initiative of the state's 12 Regional Information Centers.

The first issue, released in November, was a 3-page electronic publication that outlined best practices for identifying and protecting sensitive information and for recognizing malicious emails. It also offers information security tips and administrative best practices regarding data and compliance with Ed Law 2-d.

MORIC has distributed the newsletter to its component superintendents, business officials and technology coordinators, and it is posted on the MORIC website so all area school staff can access the information. Other RICs have similarly distributed it to their district leaders.