

WHITESBORO CENTRAL SCHOOL DISTRICT

Board of Education Meeting #6
Whitesboro Administration Bldg.
65 Oriskany Blvd. Whitesboro

December 05, 2023
7:00 PM

Our Mission

To inspire, cultivate, and empower all learners to maximize their potential

1. Call to Order
2. Quorum Check
3. Pledge of Allegiance
4. Public Comment
5. President's Report
 - A. SBI Executive Meeting – 12/04/2023
 - B. SBI Legislative Meeting – 12/04/2023
 - C. Calendar Updates
 - D. Standing Committee Reports
 - School Boards Institute Executive Committee
 - School Boards Institute Legislative Committee
 - **Teacher Center Policy Board – 12-5-2023**
 - Budget, Finance and Audit Committee
 - Facilities Planning Committee
 - Health and Safety Committee
6. Consent Agenda
 - A. Personnel – Instructional
 - B. Personnel – School Related
 - C. Acceptance of Committee on Special Education recommendation on students identified by number on the enclosed information
 - D. Financial Reports – Treasurer's Report and Student Activity Accounts October 2023
 - E. Approval of Meeting Minutes, November 7, 2023
7. Superintendent's Report and Presentations
 - A. PPS Presentation – Chris O'Neil
 - B. Middle School Instructional Coaches Presentation
 - C. School Mascot and Name
 - D. Electric Vehicles
 - E. HS Assistant Principal Search Update
 - F. OHM/MO BOCES Legislative Breakfast
 - G. Other
8. Old Business

9. New Business

A. Filing of Returned Tax Claims 2023-2024

WHEREAS the Education Law provides that the tax collector shall be relieved of the responsibility for the uncollected portion of the tax list when a complete list of the delinquent tax items have been certified to the Board of Education, and since the collector has affixed his affidavit to such statement and has filed a statement accounting for the handling of the tax warrant as per the supplemental file.

AND WHEREAS the business manager has examined and verified the accuracy of the signed report of the collector;

THEREFORE, BE IT RESOLVED, that the board accept the report of the tax collector, and having determined that the collector has accounted for the full amount of the tax warrant, direct that the lists of the delinquent tax items, with the addition of the two percent penalty be certified to the office of the county treasurer and/or other tax enforcement officer;

AND IT IS FURTHER DIRECTED that the tax warrant, tax roll and the tax collector's copies of the tax receipts be placed on file and be given fire protection.

B. Request for Unpaid Leave

Be It Resolved, that upon the recommendation of the Superintendent of Schools, request for unpaid leave for Employee # 03532, School Float Nurse, from March 8, 2024, through March 24, 2024, as per the supplemental file be approved.

C. Designation of the Assistant Superintendent for Business

Be It Resolved, that the Assistant Superintendent for Business be designated as the official representative of the Whitesboro Central School District for Special Law Enforcement contracts, and that he be authorized to sign all forms relative to contracts submitted for Special Law Enforcement assignments.

D. Acceptance of Senter-Cole Scholarship

WHEREAS, this Board of Education of the Whitesboro Central School District ("Board of Education") is the beneficiary representative of a scholarship fund (the "Senter-Cole Scholarship Trust") held collectively in trust by Bank of America, N.A. to benefit District students; and

WHEREAS, the Board of Education has determined that District students would benefit from the Senter-Cole Scholarship Trust being held by the District and administered directly to scholarship recipients without trust administration costs; and

WHEREAS, Bank of America, N.A., through their legal counsel, Bond, Schoeneck & King PLLC, has prepared the necessary legal petition in the Surrogate's Court of Oneida County to transfer administration of the Senter-Cole Scholarship Trust to the District and to permit a variance from the donor's restrictions to allow the District to invade the principal of the fund to the extent necessary to award meaningful scholarships; and

WHEREAS, the Board of Education has the authority to hold the monies from the Senter-Cole Scholarship Trust and administer the same in accordance with the original donative intent; and

WHEREAS, the School District's legal counsel, Ferrara Fiorenza PC, is representing it in connection with the above contemplated legal action; and

NOW THEREFORE, the Board of Education of the Whitesboro Central School District hereby authorizes the following:

1. The Board of Education hereby approves the engagement in legal action to effectuate the foregoing.
2. The Board of Education hereby approves the Waiver of Citation and Consent to Judicial Decree Settling Account of Trustee, Discharging Trustee, and Terminating the Senter-Cole Scholarship Trust.
3. The Board of Education directs the Superintendent of Schools to execute any documents necessary to effectuate the foregoing in this legal action in consultation with legal counsel.
4. This Resolution shall take effect immediately.

E. Policy Manual Revision - First Reading

Be It Resolved, that upon the recommendation of the Superintendent of Schools, the first reading of the proposed manual revision, Uniform Grant Guidance For Federal Awards (4505), as per the supplemental file, be approved.

F. Policy Manual Revision - First Reading

Be It Resolved, that upon the recommendation of the Superintendent of Schools, the first reading of the proposed manual revision, Limitations On The Use Of Physical Restraints (7068), as per the supplemental file, be approved.

G. Additional Designation of Depository for All School District Funds

Be It Resolved, that Metropolitan Commercial Bank, be included as a designated depository for school district funds for the school year 2023-2024.

H. Appointment of Deputy Treasurer

Be It Resolved, that Nicole Kohlbrenner be duly appointed Deputy School District Treasurer for all school district funds for the remainder of the 2023-2024 school year, at the prorated stipend of \$600.00, effective January 4, 2024. (Oath will be administered in District Office)

I. Authorization for Check Signing

Be It Resolved, that electronic signature of the Treasurer be used on all checks issued for all accounts from January 4, 2024 to June 30, 2024, and, Be It Further Resolved, that Key Bank be and hereby is, requested, authorized and directed to honor checks, drafts, and other orders for the payment of money drawn in the Whitesboro Central School District's name, whose name appears thereon as signed thereof, when bearing or purporting to bear the facsimile signature as follows:

Kimberly Powers, District Treasurer
Nicole Kohlbrenner, Deputy Treasurer

10. Discussion
11. Public Comment
12. Executive Session
13. Adjournment

Board of Education Meeting #5
Whitesboro Central School District
7:00 P.M.
November 7, 2023

Present:	M. Head	B. Bellair, Superintendent
	B. McQueen	D. Russo, Assistant Superintendent for Learning
	S. Farr	J. Muller, Assistant Superintendent for Business
	J. Henderson	C. O'Neil, Director, Pupil Personnel Services
	S. Szatko (arrived 7:50)	T. Pawloski, Director, Special Prog. & Services
	C. LaValley	K. Powers, District Treasurer
	T. Schoen Jr.	K. Bunal, District Clerk

Absent:

Mr. Head, President of the Board of Education, called the meeting to order at 7:02 PM., led the Pledge of Allegiance to the Flag and read the District Mission Statement.

Mr. Head read a brief statement to the public in regards to the two opportunities for members of the community to speak and the guidelines for public participation. He then opened the floor to the public for any comments on agenda items, there was none.

Mr. Head thanked Mr. Rothdiener, Marcy Principal, and staff for their warm welcome. He reported that the National Honor Society had their induction ceremony on Monday, November 6, 2023, with 75 inductees. Mr. Head congratulated Ms. Barbara Jo Butka, Middle School Science Teacher, and Ms. Jennifer Hughes, Marcy Elementary Social Worker, for their extraordinary accomplishments and being the recipients of the Class of 2023 Outstanding Educator sponsored by the Genesis Group. They will be recognized at a dinner on November 16, 2023, at Hart's Hill Inn. If anyone is planning on attending please let the Board Clerk know by Monday, November 13, 2023. He announced that Matthew Brinck and Connor Hahn, Whitesboro High School seniors, were the recipients of the Optimist award and would be recognized at a dinner in the Spring. Mr. Head stated that Dr. Bellair and he attended the NYSSBA conference in Buffalo from October 26 through October 28. The program had some interesting speakers and they attended a few presentations, one of which was on electric buses.

Mr. Head announced that there is a SBI general membership meeting scheduled for Thursday, November 9, 2023, at 6:00 P.M. Please let the District Clerk know if you will be attending. Mr. Head turned the floor over to Mr. Muller to report on a Facilities meeting.

Mr. Muller reported that there was a Zoom facilities discussion meeting on November 2, 2023, which included March Associates, representatives from Turner Construction, and District personnel. The purpose of this meeting was to look at the scope of the projects, plan out phases, form a steering committee and look at required timelines.

Tom Schoen Jr. asked if we could still use third party reviewer to expedite the process. Dr. Bellair stated that this option is no long available.

RESOLUTION	Motion by Mr. McQueen
Consent Agenda	Seconded by Dr. Henderson

Personnel-Instructional
Personnel-School Related

Acceptance of Committee on Special Education recommendations on students identified by number on the enclosed information

Financial Reports – Treasurer’s Report and Student Activity Accounts Sept. 2023
Approval of Minutes – October 10, 2023

Ayes 6 Nays 0 Motion carried

Mr. Head congratulated Mr. Dave Cagnetti on his new appointment as High School Principal effective August 2024, with the retirement of Mr. Kuhn.

Mr. Head turned the floor over to Dr. Bellair for his reports and presentations.

Dr. Bellair, Superintendent of Schools, turned the floor over to the Elementary Principals who provided the Board with a presentation. Mr. Rothdiener welcomed the Board, administration, staff and students and thanked his staff for all their assistance with the preparation for the scheduled Board meeting.

Eric Rothdiener, Marcy Principal, Kelli McGowan, Deerfield Principal, Lisa Putnam, Hart’s Hill Principal, and Andrea Centro, Westmoreland Road Principal, presented to the Board their goals and action steps for the 2023-2024 school year.

Compass Goal #1

- By June 2024, the four Whitesboro Elementary Schools will effectively collaborate to ensure a unified roll-out of *Into Reading*, the new reading program adopted by WCSD.

The program was piloted in the 2022/2023 school year. Through curriculum mapping, assessments, data collection, on-site training, team meetings, grade level instruction teams, the Elementary Principals and staff are implementing the new reading program with continued training, troubleshooting and finding additional resources within the company support team. They are collaborating to ensure guaranteed viable instruction across the District.

Compass Goal #2

- By June 2024, the Elementary team will foster social emotional learning to help students develop self-awareness, self-control, and interpersonal skills that are vital for school, work, and life success.

They continue to educate the whole child, as each building has unique needs for their students they foster a variety of social emotional learning techniques. All students attended an interactive Anti-Bullying program, grades 4 and 5 attended an Emotion in Art presentation. Each building hosted a welcome back to school with engagement activities. They are continuing the following programs:

1. Character Education Programs
2. Bullying Prevention Activities
3. Trusted Adult Initiative
4. Continue to implement Safe and Caring Schools Program

The Elementary Principals closed out their presentation and turned the floor over to Mr. Russo and the four learning loss teachers.

Mr. Russo explained that due to the State providing funding for learning loss programs the District was able to increase Elementary staff from two teachers to four teachers for the 2023-2024 school year. He also updated the Board on other areas that the Learning Loss platform was implemented.

- High School- after school help with additional core teacher support for the after school tutoring program, credit recovery, in-person and remote instruction.
- Middle School – Instruction coaches, summer school, small groups after school help
- Elementary – High impact tutoring, summer camps, learning loss teachers

Mr. Russo turned the floor over to Robyn Grieco, Jacquelyn Webster, Jennifer Watkins, and Amy Mayo for their presentation on learning loss overview for the 2023-2024 school year.

Action Steps are the following:

- DIAL – student assessment
- DIBELS- Data Comparison Chart
- Foundations – Learning Loss Teachers model for teachers to create consistent and pervasive program
- Heggerty
- Into Reading

The team provides support and help to all staff in their buildings, their 2023-2024 goals are the following:

- An LLT in each building servicing K students everyday
- Building consistency and continuity through daily lessons and instructions
- Providing literacy instruction services in 1st and 2nd grade
- High academic growth after one year of full program implementation
- Improved collaboration between teachers and AIS providers

The Board thanked them for their contribution. Mr. McQueen commended them on their dedication to the program. He would like the district to look into ways to help incoming students.

Dr. Henderson believes that learning loss teachers will be needed with increase needs in the Early Intervention/Preschool children not able to receive services due to lack of providers.

Dr. Bellair stated that rebranding the LLT program will be looked at through the budget process.

Dr. Bellair provided the Board with an update on the CEP/ACP programs. The CEP is in the early stages and the building principals are monitoring the program so that it does not affect instructional time. The ACP program is a credit of \$30.00 on internet services. School verification is needed through the application process and the district will be sending a letter home to all parents with the required information that the application is requiring.

Mr. Farr inquired if there was staffing issues with the breakfast program. Dr. Bellair stated that temporary adjustments have been made for additional staff and that staff has stepped up and helped with the breakfast program.

Dr. Henderson asked about buses that might arrive late due to inclement weather, would there be some kind of grab and go bag provided.

Dr. Bellair stated that this is something the District will look into if needed. The building principals stated that Ms. Aguiar, Food Service Director, has developed a healthy efficient breakfast that is working to keep the breakfast time down to a reasonable time frame.

Dr. Bellair provided an update on electric buses to the Board. Senator Griffo is calling for a moratorium on the deadlines for school district to transition to zero-emission buses. School Districts are looking for a pause on the deadline and possible phasing in over several years. The District has a diversified fleet and would like to continue with their fleet as it helps to keep fuel costs down. The District will continue to advocate for this with the legislators as we need more choices other than electric buses.

Dr. Bellair stated that the ThoughtExchange has seen high levels of participation with the same sentiment that they would like to keep the name and change the imagery. There are lawsuits suing the Board of Regents and the district is waiting on the results of these lawsuits. The District will continue to prepare for having a name change.

Mr. Head said that the key to having a positive outcome is to keep the community informed of any changes or decisions made and that the District is on the correct path.

Dr. Bellair confirmed that the District has been transparent and that postcards were sent out and included the Alumni of the district.

He informed the Board that the Elementary Principal interviews would start on Wednesday, November 8, 2023. This was a wide search as it was posted in many platforms. The District would like to make a recommendation at the December BOE meeting and begin the search for the Assistant Principal which will be vacant due to the appointment of Mr. Cognetti to High School Principal.

He informed the Board that they would receive a monthly calendar of events and meeting coming up at each board meeting which will include any additions, changes, or deletions to the school calendar.

OLD BUSINESS:

RESOLUTION
Policy Manual
Revision
Second Reading

Motion by Mr. McQueen

Seconded Mrs. LaValley

Be It Resolved, that upon the recommendation of the Superintendent of Schools, the second reading of the proposed manual revisions,

- 4001 Fiscal Responsibilities
- 4002 Reports of Possible Violation of Policy or Law
- 4100 Systems of Accounts
- 4101 Bonding of District Personnel
- 4102 Periodic Financial Records
- 4103 School District Treasurer
- 4104 Authorized Signatures
- 4200 Budget Planning
- 4201 Budget Publication and Hearing

- 4203 Contingency Budget

as per the supplemental file, be approved.

Ayes 7 Nays 0 Motion carried

NEW BUSINESS:

RESOLUTION Motion by Mr. Schoen Jr.
Approval of Seconded by Dr. Henderson
Scholarship - The NYSSB New York State Seal of Bi-literacy) Scholarship

Be It Resolved, Upon the Recommendation of the Superintendent of Schools, the creation of the NYSSB (New York State Seal of Bi-literacy) Scholarship, per the supplemental file, be approved.

Ayes 7 Nays 0 Motion carried

RESOLUTION Motion by Mrs. LaValley
Disposal of Unused Seconded by Mr. Farr
Ballots
Be It Resolved, that upon the recommendation of the Superintendent of Schools, in accordance with the Retention and Disposition Schedule of New York Local Government Records (LGS-1) the unused ballots from the May 16, 2023, Capital Project Vote, be declared surplus and destroyed, be approved.

Ayes 7 Nays 0 Motion carried

DISCUSSION: YES

The floor was opened back up to the public for the second comment period there was no public response.

Mr. Farr asked if there had been any feedback or pushback on the Homework Policy.

Mr. Russo will check with the District Leadership Team to see if there have been any issues. Dr. Bellair asked Mr. Farr if there was a specific building or grade level that he was inquiring about. Mr. Farr asked about the Middle School Campus. Dr. Bellair stated that additional coordination is being worked on. He would check with the guidance counselors and at the team meetings for any concerns. Coordination and fine tuning is still going on at the secondary level.

Dr. Henderson inquired about the crosswalk in front of the Middle School. He stated that the flashing lights are not enough and asked if police presence could be acquired. Dr. Bellair will have Mr. Muller reach out to local authorities to see if they could be present during peak times.

RESOLUTION Motion by Dr. Szatko
Executive Session Seconded by Dr. Henderson
The Board of Education went into Executive Session at 8:02 PM to discuss a personnel issue.

Ayes 7 Nays 0 Motion carried

School District Clerk

Mr. Head appointed Dr. Brian Bellair Clerk Pro Tem.

RESOLUTION Motion by Mr. Schoen Jr.
Adjournment, Seconded by Dr. Henderson
Executive Session The Executive Session was adjourned at 8:56 PM.

Ayes 7 Nays 0 Motion carried

Board came out of Executive session and Fire Fighters tax exemption was discussed.

RESOLUTION Motion by Dr. Henderson
Adjournment Seconded by Mr. McQueen
Be it Resolved, that the meeting be adjourned.

Ayes 7 Nays 0 Motion carried

The meeting was adjourned at 9:05 PM.

Clerk Pro Tem

WHITESBORO CENTRAL SCHOOL DISTRICT
Whitesboro, New York

RESOLUTION TO AUTHORIZE FILING OF RETURN TAX CLAIMS
2023-24

WHEREAS the Education Law provides that the tax collector shall be relieved of responsibility for the uncollected portion of the tax list when a complete list of the delinquent tax items have been certified to the Board of Education, and since the collector has affixed his affidavit to such statement and has filed a statement accounting for the handling of the tax warrant and list as follows:

Name of Town	Assessed Valuation	Tax Rate	Amount of Tax Levy	Amount of Taxes Collected	Amount of Taxes Returned
Whitestown	463,668,757 401,595,907	36.29	14,812,406.67	14,215,213.47	597,193.20
Deerfield	38,203,963 33,209,753	180.48	6,086,038.80	5,912,214.96	171,961.22
Marcy	317,339,185 289,109,685	31.59	9,212,144.23	8,887,102.46	251,577.03
State Lands					73,464.74
Trenton	2,503,904 2,210,474	37.08	82,819.71	82,819.71	0.00
Schuyler	81,530,688 71,898,318	29.02	2,130,939.45	2,032,439.91	94,493.07
Total	903,246,497 798,024,137		32,324,348.86	31,129,790.50	1,188,689.26

Total Amount of Taxes and Delinquent Penalties deposited with the District Treasurer: \$31,129,790.50

AND WHEREAS the business manager has examined and verified the accuracy of the signed report of the collector;

THEREFORE BE IT RESOLVED, that the board accept the report of the tax collector, and having determined that the collector has accounted for the full amount of the tax warrant, direct that the lists of the delinquent tax items, with the addition of the two percent penalty be certified to the office of the county treasurer and/or other tax enforcement officer;

AND IT IS FURTHER DIRECTED that the tax warrant, tax roll and the tax collector's copies of the tax receipts be placed on file and be given fire protection.

FISCAL MANAGEMENT

PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS

- I. The District will follow all applicable requirements in the Uniform Grant Guidance and the Code of Federal Regulations (2 C.F.R Part 200) whenever it procures goods or services using federal grant funds awarded through formula and/or discretionary grants, including funds awarded by the United States Department of Education as grants or funds awarded to a pass-through entity, such as the New York State Education Department, for subgrants.
- II. Uniform Grant Guidance Requirements

The District shall comply with Uniform Grant Guidance requirements for federal and state funded grants and implement any necessary procedures for doing so. This includes, but is not limited to:

- A. Use its own documented procurement procedures which reflect applicable state, local and tribal laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in the Uniform Grant Guidance. As such, District/BOCES procurements related to Federal grants will be subject to New York State General Municipal Law, this policy, and Uniform Guidance regulations and Requirements.
- B. Establish and maintain effective internal controls that provide reasonable assurance that the District is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. Internal controls means a process implemented by the District designed to provide reasonable assurance regarding the achievement of objectives in the following categories:
 1. Effectiveness and efficiency of operations;
 2. Reliability of reporting for internal and external use; and
 3. Compliance with applicable laws and regulations
- C. Comply with federal statutes, regulations, and the terms and conditions of the federal awards.
- D. Evaluate and monitor the District's compliance with statutes, regulations, and the terms and conditions of federal awards.

PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS

- E. Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
- F. Take reasonable measures to safeguard protected personally identifiable information and other information the federal awarding agency or pass-through entity designates as sensitive or the District considers sensitive consistent with applicable federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.
- G. Maintain oversight to ensure contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
- H. Maintain standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts.
- I. No employee, officer or agent may participate in the selection, award or administration of a contract supported by a Federal Award if he or she has a real or apparent conflict of interest.
- J. Have procurement procedures in place to avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical procurement approach, including analyzing other means described in §200.318 of the Uniform Guidance to ensure appropriate and economical acquisitions.
- K. Award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to matters such as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.
- L. Maintain records that sufficiently detail the history of the procurement including, but not limited to:
 - 1. Rationale for the method of procurement;
 - 2. Selection of contract type;
 - 3. Contractor selection or rejection; and

FISCAL MANAGEMENT

PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS

4. The basis for the contract price.
- M. Use time and material contracts, only after a determination, in writing, that no other contract is suitable.
 - N. Conduct all procurement transactions in a manner providing full and open competition consistent with the standards of the Uniform Grant Guidance, or state and local procurement thresholds, whichever is most restrictive.
 - O. Conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference.
 - P. Have written procedures for procurement to ensure that all solicitations:
 1. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured; and
 2. Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids.
 - Q. Ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition.
 - R. Use one of the five acceptable procurement methodologies detailed in §200.320 which include:
 1. Micro-purchases;
 2. Small purchase procedures;
 3. Sealed bids;
 4. Competitive proposals; and
 5. Noncompetitive proposals.
 - S. Have a written method for conducting technical evaluations of the proposals received and for selecting recipients. The District will make available, upon request of the federal awarding agency or pass-through entity, technical specifications on proposed procurements where the federal awarding agency or pass-through entity believes such review is needed.

FISCAL MANAGEMENT

PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS

- T. As appropriate and consistent with the law and regulations, the District should, to the extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products.) This requirement must be included in all sub-awards, including contracts and purchase orders for work or products under the award.
- U. Take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
- V. Include in all contracts made by the District the applicable provisions contained in Appendix II of the Uniform Grant Guidance -- Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.
- W. Perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications.
- X. Negotiate profit as a separate element of the price for each contract in which there is not price competition and in all cases where an analysis is performed.
- Y. Comply with the non-procurement debarment and suspension standards which prohibit awarding contracts to parties listed on the government-wide exclusions in the System for Award Management (SAM).

III. Implementation

All procedures and practices must be done in accordance with these and any other applicable state and federal regulations. The Superintendent or designee shall create specific protocols and procedures to ensure compliance with this Policy and the federal Uniform Grant Guidance requirements, including ensuring the District is up to date with any modification to the federal and state regulations.

Whitesboro Central School District

Legal Ref: 2 CFR Part 200 (et seq.); §§ ~~200.61~~, 184, 200.1, 200.303, 200.318, 200.319, 200.320, 200.321, 200.322, 200.323, 200.326, and 200.331

Adopted: 2/11/2020

Revised: _____

STUDENTS

Policy is Required

LIMITATIONS ON THE USE OF PHYSICAL RESTRAINTS

I. Statement of Policy

- A. All students of the Whitesboro Central School District (District) should be educated in a safe, respectful, and non-restrictive environment where they can receive the instruction and other supports needed to learn.
- B. Pursuant to Commissioner's Regulation 19.5, teachers, administrators, officers, employees, and agents are prohibited from using the following against a student:
 - 1. Corporal punishment;
 - 2. Placing a student in a locked room or space;
 - 3. Restraints used in such a manner that restrict the student's ability to breathe or communicate, or that harms the student;
 - 4. Aversive interventions;
 - 5. Prone restraints; and
 - 6. Mechanical restraints.
- C. The Superintendent or designee shall work with staff to implement school-wide, classroom, and individualized systems of positive, evidence-based behavioral interventions and supports and make every effort to prevent the need for the use of physical restraints in the school environment.

II. Definitions

- A. *Physical restraint* means a personal restriction that immobilizes or reduces the ability of a student to move their arms, legs, body, or head freely. This does not include a physical escort or brief physical contact and/or redirection to promote student safety, calm or comfort a student, prompt or guide a student when teaching a skill or assisting a student in completing a task, or similar purposes.

III. Use of Physical Restraint

- A. The Use of Physical Restraint
 - 1. Physical restraint may only be used in a situation where immediate intervention with physical force is necessary to prevent imminent danger of serious physical harm.
 - 2. The type of physical restraint used must be the least restrictive technique necessary and it must be stopped as soon as the imminent danger of serious harm has been resolved.

STUDENTS

Policy is RequiredLIMITATIONS ON THE USE OF PHYSICAL RESTRAINTS

3. Physical restraint cannot be used as an intervention on a student's IEP, Section 504 plan, BIP, or other plan that has been developed for the student by the District.
4. The use of physical restraint to prevent property damage is prohibited except where there is imminent danger of serious physical harm to the student or others, and the student has not responded to positive, proactive intervention strategies.
5. The Superintendent or designee shall develop appropriate procedures, including developing appropriate time limitations, for the use of physical restraint.
6. Physical restraint must only be used by staff who have been trained pursuant to this Policy.

B. The Use of Timeout

The District prohibits the use of timeout and timeout rooms.

C. Debriefing

1. As soon as practicable, and after every incident in which a physical restraint is used, the Principal or designee shall meet with staff who participated in the use of physical restraint to discuss:
 - i. the circumstances leading to the use of physical restraint;
 - ii. the intervention strategies that were used prior to the physical restraint; and
 - iii. planning for the prevention and reduction of the future need for timeout and/or physical restraint with the student whether a referral for special education programs or other support services or, for a student with a disability, a referral for review of their IEP or BIP is needed.
2. The Principal or designee shall direct a staff member to debrief the incident with the student in a manner appropriate to the student's age and developmental ability and to discuss the behavior(s), if any, that precipitated the use of physical restraint.

IV. Documentation

- A. The District shall maintain documentation on the use of physical restraint for each

STUDENTS

Policy is RequiredLIMITATIONS ON THE USE OF PHYSICAL RESTRAINTS

student, including timeout used pursuant to a student's BIP, which must include:

1. the name and date of birth of the student;
2. the setting and the location of the incident;
3. the name of the staff or other persons involved;
4. a description of the incident including duration and type of restraint used;
5. a statement as to whether the student has a current behavioral intervention plan (504 Plan or individualized education plan (IEP));
6. details of any injuries sustained by the student or others, including staff, as a result of the incident;
7. the date and method of contact used to notify the parent/person in parental relation; and
8. the date of the debriefing.

- B. The documentation must be reviewed by school supervisory personnel, and as necessary, the school nurse or other medical personnel.
- C. The Superintendent or designee shall review the documentation to monitor patterns of use of timeout and physical restraint. The Building Principal or their designee shall address any pattern use.

V. Training

- A. All staff shall receive annual training on District policies and procedures related to the use of timeout and physical restraint, evidence-based positive proactive strategies, crisis intervention and prevention procedures, and de-escalation techniques.
- B. In addition to the annual training, staff who may be called upon to implement physical restraint must be trained in appropriate evidence-based safe and effective developmentally appropriate physical restraint procedures annually.
- C. Staff shall be trained in the requirements in section 200.22(c) of the Commissioner's regulations as they relate to students with disabilities whose behavioral intervention plan includes the use of timeout as a consequence.

VI. Parent Notification

- A. The Superintendent or designee shall develop internal procedures to ensure parents or persons in a parental relation of a student who is physically restrained are notified on the same day.
- B. The notification shall offer the parent/person in parental relation an opportunity to

STUDENTS

Policy is RequiredLIMITATIONS ON THE USE OF PHYSICAL RESTRAINTS

meet regarding the physical restraint incident.

- C. If parents/persons in parental relation to the student cannot be contacted after reasonable attempts are made, the District shall document the attempts and the method of contact attempted. For a student with a disability, the principal shall record and report such attempts to the Committee on Special Education.
- D. The District shall provide the parent or person in parental relation to the student a copy of the documentation of the incident within three (3) school days of the use of timeout or a physical restraint.

VII. Reporting

Beginning with the 2024-2025 school year, the District shall submit an annual report on the use of physical restraint and timeout and substantiated and unsubstantiated allegations of use of corporal punishment, mechanical restraint, and other aversive interventions, prone physical restraint, and seclusion to the department, as prescribed by the Commissioner. This data shall include reports for students for whom the District is the district of residence who are not reported by another school.

VIII. Dissemination and Review

- A. Parents and persons in parental relation of students of the District shall receive a copy of this policy.
- B. This policy shall be made publicly available in each District building and on the District's website.
- C. The Superintendent or their designee shall review this policy and documentation on the District's use of physical restraint regularly to ensure compliance with District policy and procedures.

 Whitesboro Central School District

Legal Ref: NYS Education Law § 4402(9); 8 NYCRR 19.5, 100.2, 200.1, 200.7, 200.15, 200.22; Penal Law §35.10; 8 NYCRR 19.5; *Johnson v. Newburgh Enlarged School District* 239 F.3d 246 (2001); *Dear Colleague Letter*, U.S. Department of Education (March 24, 2023); *Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions*, U.S. Department of Education (July 19, 2022); *Restraint and Seclusion: Resource Document*, U.S. Department of Education (May, 2012)

Cross Ref: 1102, Student Code of Conduct; 8500, Special Education Programs and Services

Adopted: _____

Regulation

Draft 11/29/2023

7068.1

STUDENTS

USE OF TIMEOUT OR PHYSICAL RESTRAINT INCIDENT REPORT

This report should be completed in all situations in which a staff person is involved in physical contact with a student that has the express purpose of directing or restricting their movement. **All sections** of this report must be completed.

Student Name/ID#: _____ Date of Birth: _____

Classification Status: ☐ Student w/ Disability (IEP) ☐ Student w/ Impairment (504) ☐ Gen. Ed. Student

Building where Incident Took Place: _____ Specific Location in Building: _____

Date of Incident: _____ Time of Emergency Intervention: _____ ☐ AM ☐ PM

Duration of Incident: _____ Duration of Use of Physical Restraint: _____

Does this student have a Behavior Intervention Plan? ☐ Yes ☐ No

If student does not have a BIP, should a FBA be completed? ☐ Yes ☐ No

Is this Plan in need of review? ☐ Yes ☐ No

Physical Restraint Type:

Reason for Restraint

- ☐ Danger to Youth (himself/herself)
☐ Danger to Staff Member(s)
☐ Danger to Other Student(s)

DESCRIPTION OF INCIDENT

Names of staff involved in restraint: _____

Names of witnesses: _____

Precipitating events (include positive, proactive strategies, and interventions used prior to incident): _____

REGULATION

Draft 11/29/23
7068.1

STUDENTS

USE OF TIMEOUT OR PHYSICAL RESTRAINT INCIDENT REPORT

If student with a disability, were strategies consistent with BIP (if applicable):

- ☐ Yes
☐ No

Describe intervention (be specific): _____

FOLLOW-UP TO INCIDENT

1. Was Student Debrief interview completed? ☐ Yes ☐ No

If yes, by whom? _____

Date of completion: _____

2. Notifications:	<u>Person Notified</u>	<u>Date/Time</u>	<u>Name of Reporter</u>
Administrator	_____	_____	_____
Social Worker/Psychologist	_____	_____	_____
Nurse	_____	_____	_____
Parent	_____	_____	_____
CSE Chair (if applicable)	_____	_____	_____
Other (specify)	_____	_____	_____

3. What de-escalation techniques were used by staff?

- | | |
|---|--|
| <input type="checkbox"/> Managing the Environment | <input type="checkbox"/> Use of Hurdle Help |
| <input type="checkbox"/> Managing Student/Staff Proximity | <input type="checkbox"/> Use of Prompting |
| <input type="checkbox"/> Time Away | <input type="checkbox"/> Use of Redirection and Distractions |
| <input type="checkbox"/> Other (specify) _____ | |

REGULATION

Draft 11/29/23
7068.1

STUDENTS

USE OF TIMEOUT OR PHYSICAL RESTRAINT INCIDENT REPORT

4. To be completed by Nurse:

<u>Medical</u>	<u>Name of Individual(s)</u>	<u>Describe Injury Complaint or Sustained</u>
<input type="checkbox"/> Injuries to Student Involved	_____	_____
<input type="checkbox"/> Injuries to Staff Involved	_____	_____
	_____	_____
<input type="checkbox"/> Injuries to Others (peers, etc.)	_____	_____
	_____	_____
	_____	_____

Describe Treatment Given (if any) _____

Other Comments/Recommendations for Follow-Up: _____

Signature of Nurse/Medical Professional	Name / Title (please print)	Date
Signature of Person Completing Report	Name / Title (please print)	Date
Signature of Assistant / Witness	Name / Title (please print)	Date
Signature of Assistant / Witness	Name / Title (please print)	Date

STUDENTS

USE OF TIMEOUT OR PHYSICAL RESTRAINT INCIDENT REPORT

FINAL ADMINISTRATIVE REVIEW: Administrative follow-up to incident (check all that apply)

- ☐ Functional Behavior Assessment recommended.
- ☐ Behavior Plan reviewed.
- ☐ Referral to CSE for review/consideration of need for further evaluation (identified students only).
- ☐ Document reviewed with staff who restrained.
- ☐ Targeted Counseling recommended.
- ☐ Referral for Disciplinary Action (as needed).
- ☐ Parent Meeting | Date held: _____
- ☐ Debriefing Completed | Date held: _____
- ☐ Other actions/comments (specify): _____

_____	_____	_____
Building Principal Signature	Name / Title (please print)	Date
_____	_____	_____
PPS/SpEd Administrator Signature	Name / Title (please print)	Date

Whitesboro Central School District
Approved by the Superintendent: _____