

SMOKING AND OTHER TOBACCO USE ON SCHOOL PREMISES

The Island Trees School district recognizes its responsibility to promote the health, welfare and safety of students, staff and others on school property and at school sponsored activities. Due to the health hazards associated with smoking, and in accordance with federal and state law, the Board of Education prohibits smoking and all other tobacco use in all school buildings, on school grounds, and in any vehicle used to transport children or personnel. Smoking or tobacco use is also prohibited within 100 feet of all school entrances, exits and outdoor areas, except where that is a residence or residential property. The Board also prohibits the use of e-cigarettes in these locations.

Research conclusively proves that:

- Tobacco use is the single most preventable cause of death in the United States;
- Regular use of tobacco is ultimately harmful to every user's health, directly causing cancer, respiratory and cardiovascular diseases, adverse pregnancy outcomes, and premature death;
- Second-hand smoke is a threat to the personal health of everyone, especially persons with asthma and other respiratory problems;
- Nicotine is a powerfully addictive substance;
- Tobacco use most often begins during childhood or adolescence;
- The younger a person starts using tobacco, the more likely he or she will be a heavy user as an adult;
- Many young tobacco users will die an early, preventable death because of their decision to use tobacco;
- Use of tobacco interferes with students' attendance and learning; and
- Smoking is a fire safety issue for schools.

Prevention programs in schools are most effective when supplemented by strong tobacco-free policies and when they are a part of broader school, community, and state efforts to reduce youth smoking. In light of this information, and to be consistent with school curriculum and federal and state law, it is the intent of the Island Trees School district to establish a tobacco-free environment.

Definitions

1. Tobacco - Means any cigarette, cigar, pipe, bidi, clove cigarette, e-cigarettes, and any other smoking product; as well as spit tobacco, also known as smokeless, dip, chew, and snuff, and any other spit tobacco product in any form.
2. School Property - Means any building, structure or vehicle owned, leased, or contracted by the Island Trees School district.

3. School Grounds - Means property surrounding buildings and structures, athletic grounds, parking lots, or any other outdoor property owned, leased, or contracted by the Island Trees School district.

Tobacco Use Prohibited

No person is permitted to use tobacco in any way at any time, including non-school hours, on school property, grounds or at any school sponsored event or activity off campus. The district's smoking policy shall be prominently posted in each building, at designated outdoor locations on school premises (e.g. athletic fields) and in all district vehicles. The Board designates the Superintendent of Schools or his/her designee as agent responsible for informing individuals smoking or using tobacco anywhere on school premises or in district vehicles that they are in violation of Article 13 of the Public Health Law an/or Section 409 of the Education Law and/or the federal Pro Children Acts of 1994 and 2001. Persons using e-cigarettes in violation of this policy will be asked to stop or leave school property.

Tobacco Education

Instruction to discourage the use of tobacco shall be included in the health education provided to elementary, middle and high school students.

Ref: The Pro-Children Act of 2001, 20 U.S.C. §§1781 *et seq.*
The Pro-Children Act of 1994, 20 U.S.C. §§6081 *et seq.*
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§7101 *et seq.* (§7114)
Education Law §§409(2); 804
Public Health Law Article 13-E
Public Health Law §§206; 340; 347
8 NYCRR Part 135

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Amended date:

PROMOTION AND RETENTION OF STUDENTS

It is essential that each child experience both challenge and success from school activities. To this end, the district will make every effort to place each student in the most appropriate learning level for a successful educational experience.

District curriculum guides indicate goals for achievement by the "average" student at each grade level. However, academic growth, like physical growth, does not take place at the same pace or time for all individuals. Certain students may achieve mastery in a shorter period, while others need additional time. Early identification and intervention, promotion and retention are methods of meeting the needs of such children.

The following guidelines shall govern student progression:

Early Identification/Intervention

Classroom teachers are expected to make every effort, consistent with the district's implementation of response to intervention (RTI), to identify early those students at risk of failing. The Building Principal and the parents/guardian must be notified promptly if retention is anticipated, and a special support program shall be designed for each child identified as in danger of failing. Such support services may include, but are not limited to, individualized assistance before, during or after the school day; remedial classes; a change in instructional approach, and, where appropriate, referral to the Committee on Special Education for evaluation.

Promotion/Retention

Elementary schools (Grades K-4). At the elementary level, students who pass all subjects will be promoted. Students who do not make satisfactory progress in one or more basic subjects - Reading, English, Mathematics, Spelling, Social Studies and Science -- shall have their cases considered on an individual basis and may be retained. Retention shall be limited to those situations where the best interest of the child is reasonably assured. Diligent effort shall be made to use all available resources to determine the child's appropriate placement. Placement in grade seven requires completion of the elementary course of study.

Middle schools. Criteria for grades K-4 shall apply to grades 5-6. For grades 7-8, students who pass all subjects but one (or who fail one subject) shall have the failure evaluated and a determination made as to the reason for the failure. The student may be required to repeat the subject, but in typical cases shall be promoted with recommendation for either summer school or assignment to a lower academic ability group. The decision shall be arrived at by consensus from a case conference approach involving teacher, Principal and guidance counselor.

Students who fail two subjects shall have their cases considered on an individual basis through a case conference approach described above.

Students who fail more than two subjects shall fail for the year.

Senior High School. In general, promotion from one class to the next shall be contingent upon the passing of all required subjects and the accumulation of the following units of credit at each level:

Promotion to Grade 10:	accumulation of 5½ credits total
Promotion to Grade 11:	accumulation of 10 credits total
Promotion to Grade 12:	accumulation of 15½ credits total

However, the Building Principal may place a student in a grade 12 homeroom if, in his/her judgment, the student has planned a program which will permit sufficient units and sequences to be earned for graduation. Such placement will require written approval of the parent/guardian.

Academic standards. Building Principals shall be responsible for ensuring that written standards for student progress at each grade level are available to parents and others upon request. Such academic standards are to be forwarded to the Superintendent of Schools each year.

Retention. A decision to retain shall be arrived at by consensus from a case conference approach involving the teacher, Building Principal, school psychologist, and parent/guardian. Factors to be considered include teacher recommendation; classroom achievement and attitude; standardized test scores; social and emotional development; results of the family conference; and, for identified students, recommendations by the Committee on Special Education. Standardized test scores will not be the sole or primary factor in the decision. If a consensus cannot be reached, the Building Principal shall make the decision with approval from the Superintendent.

No student will be retained without an appropriate educational plan defining what will occur that is instructionally different for the student. Once the educational plan has been implemented, the student will be monitored regularly. The educational plan will be revised until the student demonstrates acceptable performance.

In order to inform parents/guardians about the district's approach to promotion and retention, this policy will be posted on the district website and included in student and/or parent handbooks.

Cross-ref: 4321.2, School-Wide Pre-referral and Intervention

Ref: Education Law §§ 305(47); 1709; 2503(4); 3202

8 NYCRR §100.4

Isqwith v. Levitt, 285 App. Div. 833; 137 N.Y.S.2d 497 (1955)

Matter of Eckert, 13 EDR 270 (1979)

Op. Counsel, 1 EDR 775 (1952)

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STUDENT HEALTH SERVICES

The Board of Education recognizes that good student health is vital to successful learning and realizes its responsibility, along with that of parent(s) or guardian(s), to protect and foster a safe and healthful environment for the students.

The school shall work closely with students' families to provide detection and preventive health services. In accordance with law, the school will provide vision, hearing, and scoliosis screening. Problems shall be referred to the parent(s) or guardian(s) who shall be encouraged to have their family physician provide appropriate care.

Schools shall also provide emergency care for students in accidental or unexpected medical situations.

In order to enroll in school, students must also furnish documentation of required immunizations against certain communicable diseases, as set forth in state law and regulations, unless exempted from immunizations for medical or religious reasons as permitted by state law and regulation.

A permanent student health record shall be part of a student's cumulative school record and should follow the student from grade to grade and school to school along with his/her academic record. This record folder shall be maintained by the school nurse.

Communicable Diseases

It is the responsibility of the Board to provide all students with a safe and healthy school environment. To meet this responsibility, it is sometimes necessary to exclude students with contagious and infectious diseases, as defined in the Public Health Law, from attendance in school. Students will be excluded during periods of contagion for time periods indicated on a chart developed by the school nurse.

During an outbreak of these communicable diseases, if the Commissioner of Health or his/her designee so orders, the district will exclude students from school who have an exemption from immunization or who are in the process of obtaining immunization.

It is the responsibility of the Superintendent of Schools, working through district health personnel, to enforce this policy and to contact the county or local health department when a reportable case of a communicable disease is identified in the student or staff population.

Administering Medication to Students

Neither the Board nor district staff members shall be responsible for the diagnosis or treatment of student illness. The administration of prescribed medication to a student during school hours shall be permitted only when failure to take such medicine would jeopardize the

health of the student, or the student would not be able to attend school if the medicine were not made available to him/her during school hours, or where it is done pursuant to law requiring accommodation to a student's special medical needs (e.g., Section 504 of the Rehabilitation Act of 1973). "Medication" will include all medicines prescribed by a physician.

Before any medication may be administered to or by any student during school hours, the Board requires:

1. the written request of the parent(s) or guardian(s), which shall give permission for such administration and relieve the Board and its employees of liability for administration of medication; and
2. the written order of the prescribing physician, which will include the purpose of the medication, the dosage, the time at which or the special circumstances under which medication shall be administered, the period for which medication is prescribed, and the possible side effects of the medication.

Students are allowed to carry and apply parentally provided sunscreen without a prescription from a medical provider, assuming that the sunscreen is FDA approved and that the sunscreen is not treating a medical condition. Parents need to provide the district with written permission for students to use sunscreen.

Both documents shall be kept on file in the office of the school nurse.

Regulations

The Superintendent shall develop comprehensive regulations governing student health services. Those regulations shall include the provision of all health services required by law, procedures for the maintenance of health records, and procedures for the administering of medication to students.

Ref: Education Law §§310 (provisions for appeal of child denied school entrance for failure to comply with immunization requirements); 901 et seq. (medical and health services); 6909 (emergency treatment of anaphylaxis)
 Public Health Law §§613 (annual survey); 2164 (immunization requirements)
 8 NYCRR § 64.7 (administration of agents to treat anaphylaxis); Part 136 (school health services program)
 Administration of Medication in the School Setting Guidelines, State Education Department, revised April 2002
 Immunization Guidelines: Vaccine Preventable Communicable Disease Control, State Education Department, revised August 2000

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STUDENT HEALTH SERVICES REGULATION

A. Immunization Against Communicable Diseases

Under state Public Health Law 2164, in order to be enrolled in or attend district schools, children must be fully immunized against certain communicable disease. Those diseases are: poliomyelitis, mumps, measles, diphtheria, rubella, varicella (chicken pox), Haemophilus influenzae type b (Hib), pertussis, tetanus, pneumococcal disease, and hepatitis B.

“Fully immunized” means that the child has either (1) received the required vaccinations for these diseases as set forth in state regulations; (2) for measles, mumps, rubella, hepatitis B., poliomyelitis, or varicella only, shown immunity with a positive blood test for those disease antibodies; or (3) for varicella only, has had the disease, verified by a physician, nurse practitioner, or physician’s assistant.

Children who are not fully immunized may only be admitted to school if they (1) are in the process of receiving immunization or obtaining blood tests; or (2) have been granted a medical or religious exemption.

Medical exemptions may be used if immunization is detrimental to a child’s health. Medical exemptions must either be (1) the medical exemption form issued by the New York State Department of Health or the New York City Department of Health and Mental Hygiene, or (2) a statement signed by a physician licensed to practice medicine in New York State indicating the specific immunization, the medical contraindication, and the length of time the exemption is for. Medical exemptions must be reissued annually to remain valid. The Building Principal may require supporting documents for medical exemptions.

Religious exemptions may be granted by the district upon either (1) a signed and completed Request for Religious Exemption to Immunization created by the NYSED, or (2) a written and signed statement from a parent/guardian stating an objection to immunization because of genuine and sincere religious beliefs which prohibit immunization. The Building Principal may require support documents for religious exemptions.

All students must present appropriate documentation of their immunization status, as set forth in the Regulations of the Commissioner of Health 10 NYCRR Subpart 66-1.

The Building Principal may permit students without adequate documentation to attend school up to 14 calendar days while the parent/guardian furnishes the necessary documents. This time period may be extended to 30 days for students transferring from another state or country, as long as they show a good faith effort to obtain the necessary documentation.

District schools may access the New York State Immunization Information System (NYSIIS) or the New York City Citywide Immunization Registry (CIR) to verify the immunization history of students entering or registered in that school.

When a child is excluded from school for immunization reasons, the Building Principal shall notify the parent/guardian of their responsibility to have the child immunized, and the public resources available for doing so. The Principal shall also notify the local health authority of the child's name and address and the immunization(s) the child lacks, and shall cooperate with that authority to provide a time and place for the required immunization(s) to be administered.

The district will maintain a list of all students who have been exempted from immunization for medical or religious reasons, or who are in the process of receiving immunization, and shall exclude such students from school when so ordered by the Commissioner of Health, in the vent of an outbreak in school of the vaccine-preventable diseases listed in Public Health Law 2164 and the first paragraph of this section.

When a student transfers out of the district, the parent/guardian will be provided with an immunization transfer record showing the student's current immunization status which will be signed by the school nursing personnel or the school physician. A transcript or photocopy of the immunization portion of the cumulative health record will be provided to the new educational institution upon request.

B. Administering Medication to Students in School

The administration of prescribed medication to a student during school hours is permitted only when the medication is necessary to allow the student to attend school or failure to administer the medication would seriously affect the student's health.

Parent(s) or guardian(s) must present the following information:

1. a note from the family doctor containing the following information: student's name, the date and name of the medicine, dosage and time to be administered, and list of possible side effects;
2. a note from the parent(s) or guardian(s) giving the school nurse, teacher, Principal or other school staff permission to administer the medication; or
3. a medication request form filed with the school/nurse.

The school nurse shall develop procedures for the administration of medication, which require that:

1. all medications will be administered by a licensed person unless the child is self-directed;
2. medications shall be securely stored in the office and kept in their original labeled container, which specifies the type of medication, the amount to be given and the times of administration; the school nurse shall maintain a record of the name of the student to whom medication may be administered, the prescribing physician, the dosage and timing of medication, and a notation of each instance of administration; and

3. all medications shall be brought to school by the parent(s) or guardian(s) and shall be picked up by the parent(s) or guardian(s) at the end of the school year or the end of the period of medication, whichever is earlier. If not picked up within five days of the period of medication, the medication shall be discarded.

An adult must bring the medication to school in the original container. The administering staff member should clearly label the medication with the time to be given and dosage.

Sunscreen

Students are permitted to carry and apply sunscreen without a medical provider's order under the following conditions:

1. the sunscreen is used to avoid overexposure to the sun and not for medical treatment of an injury or illness. If sunscreen is required to treat a medical condition, the procedures for administering medication (above) apply;
2. the sunscreen is FDA approved for over the counter use;
3. the student's parents or guardians provide written permission annually for the student to carry and use the sunscreen.

The school nurse will keep written permission for students on file and develop procedures pertaining to this policy.

Administering medication on field trips and at after-school activities. Taking medication on field trips and at after-school activities is permitted if a student is self-directed in administering their own medication. On field trips or at other after-school activities, teachers or other school staff may carry the medication so that the self-directed student can take it at the proper time.

If a student is going on a field trip but is not self-directed (i.e., fully aware and capable of understanding the need and assuming responsibility for taking medicine), then the district may:

- permit the parent or guardian to attend the activity and administer the medication.
- permit the parent to personally request another adult who is not employed by the school to voluntarily administer the medication on the field trip or activity and inform the school district in writing of such request.
- allow the student's health care provider to be consulted and, if he/she permits, order the medication time to be adjusted or the dose eliminated.

If no other alternative can be found, a school nurse or licensed person must administer the medication.

Administering epi-pen in emergency situations. The administration of epinephrine by epi-pen has become an accepted and extremely beneficial practice in protecting individuals subject

to serious allergic reactions (e.g., individual has an anaphylactic reaction to a wasp sting or the ingestion of peanut butter).

Pursuant to Commissioner's regulations, registered professional nurses may carry and administer agents used in non-patient specific emergency treatment of anaphylaxis.

In addition, pursuant to SED guidelines, school nurses may provide training to unlicensed school staff in administering epi-pens, prescribed by a licensed prescriber, to a child who has been diagnosed with the potential for a severe reaction, in the event of the onset of a serious allergic reaction when a nurse is not available.

C. Student Medical Exams

In accordance with Section 903 of the state Education Law, each student shall have a physical exam given by the school doctor or family physician (including a Physician, Physician Assistant, or Nurse Practitioner) upon new entrance to school and at grades K, 2, 4, 7 and 10. Findings are to be kept on record at the school on forms that can be obtained from the school nurse.

D. Illness in School

If a student becomes ill in school:

1. The nurse will determine if the student should remain in the dispensary or return to class.
2. The nurse will call the parent, guardian or designated emergency contact if he/she feels the student should go home. In general, a parent or guardian will pick up the student from school.
3. The nurse will contact the Building Principal if he/she feels the child should be transported by bus to the home.
4. If there is to be a change in bus routing in order to carry the student to his/her home, that decision will be made by the administrator and the transportation supervisor.
5. If the route is to be changed, the transportation supervisor shall inform the bus driver.
6. If no parent, guardian or substitute parent picks up the student at school, or if no parent/guardian or substitute parent will be home, the student will remain in the nurse's office until such time as a parent, guardian or designated emergency contact becomes available to assume responsibility for the child.

E. Medical Emergency Record

All students shall have on file a medical emergency record which shall state the name and telephone numbers of the following:

1. the student's parent(s) or guardian(s) at home and work;
2. the student's next of kin;

3. a neighbor;
4. the family physician;
5. preferred hospital;
6. any allergies or serious health conditions.

F. Student Return to School after Illness/Injury

In general, students should be symptom-free before returning to school and resuming normal activities. In some instances, students may be asked to provide a note from their licensed health care provider before they return to school or participate in the full range of school activities. The final decision to permit participation rests with the school physician. The Superintendent, in consultation with the school physician, nurse and other appropriate staff, will develop protocols to address a student's return to activities when there has been a serious illness or injury.

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SCHOOL SAFETY PLANS AND TEAMS

Emergencies and violent incidents in schools are critical issues that must be addressed in an expeditious and effective manner. The Board of Education recognizes its responsibility to adopt and keep current a comprehensive district-wide school safety plan and building-level emergency response plan(2) which address violence prevention, crisis intervention, emergency response and management.

Taken together, the district-wide and building-level plans shall provide a comprehensive approach to addressing school safety and violence prevention, and provide the structure where all individuals can fully understand their roles and responsibilities for promoting the safety of the entire school community. The plans shall be designed to prevent or minimize the effects of serious violent incidents and emergencies and to facilitate the district's coordination with local and county resources. The plans shall also address risk reduction/prevention, response and recovery with respect to a variety of types of emergencies and violent incidents in district schools.

In accordance with state law and regulation, the district shall have the following safety teams and plans to deal with violence prevention, crisis intervention and emergency response and management:

Comprehensive district-wide school safety team and plan

The Board shall annually appoint a district-wide school safety team that includes, but is not limited to, a representative from the following constituencies: the Board, students, teachers, administrators, and parent organizations, school safety personnel and other school personnel. This team shall be responsible for the development and annual review of the comprehensive district-wide school safety plan. The plan shall cover all district school buildings and shall address violence prevention (taking into consideration a range of programs and approaches that are designed to create a positive school climate and culture), crisis intervention, emergency response and management including communication protocols, at the district level. It shall include all those elements required by law and regulation.

Building-level safety team and emergency response plans

Each Building Principal shall be responsible for annually appointing a school safety team that includes representation from teachers, administrators, parent organizations, school safety personnel, and other school personnel, local law enforcement officials, local ambulance and other emergency response agencies. The school safety team shall be responsible for the development and review of a building-level emergency response plan for each district building. The plan(2) shall address communication, emergency response (including insuring that local responders have access to floor plans, blueprints, and other appropriate maps of school property and the immediate surrounding

area), and evacuation at the building level and shall include all components required by law and regulation.

Within each building, the school safety team shall designate:

- an emergency response team that includes appropriate school personnel, local law enforcement officials and representatives from local, regional and/or state emergency response agencies to assist the school community in responding to a serious violent incident or emergency; and
- a post-incident response team that includes appropriate school personnel, medical personnel, mental health counselors and other related personnel to assist the community in coping with the aftermath of a serious violent incident or emergency.

The Building Principal, in consultation with the Superintendent, shall annually designate a threat assessment team to provide ongoing support and information in order to identify, and assess individuals who may be potential threats to safety, with the intent of minimizing acts of violence in the school community. The threat assessment team shall be composed of, but not limited to, the following personnel from both within the school and the larger community, as appropriate: building administrators, legal counsel, the medical director and/or school nurse, school counselors, local mental health and social service providers, law enforcement, school resource officers, security personnel, and facilities and maintenance personnel. The team shall meet regularly. The team shall be mindful of the need for discretion and observance of confidentiality requirements.

Students shall be encouraged to bring their concerns to any district employee. If a district employee becomes aware of a threat to the school community, the Building Principals shall be informed and he/she will convene the threat assessment team. The Building Principal may request the participation of the following additional individuals who may have specific knowledge of the potential perpetrator: supervisors, teachers, students and parents. The Building Principal is responsible for keeping the Superintendent informed about the activities of the threat assessment team. Threat assessment team members shall receive appropriate training.

The Building Principal shall be responsible for conducting at least one test every school year of the emergency response procedures under this plan including procedures for sheltering and early dismissal.

NOTE: Confidentiality is mandated by Education Law §2801-a(6).

To maintain security and in accordance with law, the building-level emergency response plan(s) shall be confidential and shall not be subject to disclosure under the Freedom of Information Law or any other law. A summary of the building-level plan will be made available for public inspection.

Annual Review and Report

All plans shall be reviewed and updated, if necessary, by the appropriate safety team by every year. In conducting the review, the teams shall consider any changes in organization, local conditions and other factors including an evaluation of the results of the annual test of the emergency response procedures which may necessitate updating of plans. If the plan requires no changes, then it shall remain in effect. If the district-wide plan requires change, then the updated plan shall be submitted to the Board of Education in time to allow 30-days of public comment and to hold a public hearing which provides for the participation of school personnel, students and other interested parties prior to Board adoption. If the building-level plan requires change, a summary of it will be made available for public comment and public hearing. All plans must be adopted by the Board of Education by July 1.

The Superintendent of Schools shall be responsible for filing the district-level school safety plan and any amendments to the plan with the Commissioner within 30 days after their adoption. The district-wide plan will be posted on the district's website. Each Building Principal shall be responsible for filing the building-level safety plan for his or her building and any amendments to the plan with the appropriate local law enforcement agency and the state police within 30 days after their adoption.

Cross-Ref: 0115, Bullying and Harassment Prevention and Intervention
5300, Code of Conduct
9700, Staff Development

Ref: Education Law §2801-a (school safety plans)
Executive Law §2B (state and local natural and manmade disaster preparedness)
8 NYCRR Part 155 (Educational Facilities)
School Safety Plans Guidance, New York State Education Department,
June 2010

Adoption date:

INFORMATION SECURITY BREACH AND NOTIFICATION

The Board of Education acknowledges the heightened concern regarding the rise in identity theft and the need for secure networks and prompt notification when security breaches occur. To this end, the Board directs the Superintendent of Schools, in accordance with appropriate business and technology personnel, to establish regulations which:

- Identify and/or define the types of private information that is to be kept secure. For purposes of this policy, “private information” does not include information that can lawfully be made available to the general public pursuant to federal or state law or regulation;
- Include procedures to identify any breaches of security that result in the release of private information; and
- Include procedures to notify persons affected by the security breach as required by law.

Additionally, pursuant to Labor Law §203-d, the district will not communicate employee “personal identifying information” to the general public. This includes social security number, home address or telephone number, personal electronic email address, Internet identification name or password, parent’s surname prior to marriage, or driver’s license number. In addition, the district will protect employee social security numbers in that such numbers shall not: be publicly posted or displayed, be printed on any ID badge, card or time card, be placed in files with unrestricted access, or be used for occupational licensing purposes. Employees with access to such information shall be notified of these prohibitions and their obligations.

Any breach of the district’s information storage or computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the district shall be promptly reported to the Superintendent and the Board of Education.

Cross-ref: 1120, District Records
5500, Student Records
8630, Computer Resources and Data Management

Ref: State Technology Law §§201-208
Labor Law §203-d

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INFORMATION SECURITY BREACH AND NOTIFICATION REGULATION

Definitions

“Private information” shall mean personal information (i.e., information such as name, number symbol, mark or other identifier which can be used to identify a person) in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

- Social security number;
- Driver’s license number or non-driver identification card number or;
- Account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual’s financial account.

Note: “Private information” does not include publicly available information that is lawfully made available to the general public pursuant to state or federal law or regulation.

“Breach of the security of the system” shall mean unauthorized acquisition or acquisition without valid authorization of physical or computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the district. Good faith acquisition of personal information by an officer or employee or agent of the district for the purposes of the district is not a breach of the security of the system, provided that the private information is not used or subject to unauthorized disclosure.

Procedure for Identifying Security Breaches

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or a person without valid authorization, the district shall consider:

1. indications that the information is in the physical possession and control of an unauthorized person, such as removal of hard copies, lost or stolen computer, or other device containing information;
2. indications that the information has been downloaded, removed or copied;
3. indications that the information was used by an unauthorized person, such as fraudulent accounts, opened or instances of identity theft reported; and/or
4. any other factors which the district shall deem appropriate and relevant to such determination.

Security Breaches – Procedures and Methods for Notification

Once it has been determined that a security breach has occurred, the following steps shall be taken:

1. If the breach involved hard copy or computerized data *owned or licensed* by the district, the district shall notify those New York State residents whose private information was, or is reasonably believed to have been acquired by a person without valid authorization. The disclosure to affected individuals shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, or any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the system.
The district shall consult with the New York State Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) to determine the scope of the breach and restoration measures.
2. If the breach involved hard copy or computer data *maintained* by the district, the district shall notify the owner or licensee of the information of the breach immediately following discovery, if the private information was or is reasonably believed to have been acquired by a person without valid authorization.

Note: The notification requirement may be delayed if a law enforcement agency determines that such notification impedes a criminal investigation. The required notification shall be made after the law enforcement agency determines that such notification does not compromise the investigation.

The required notice shall include (a) district contact information, (b) a description of the categories of information that were or are reasonably believed to have been acquired without authorization and (c) which specific elements of personal or private information were or are reasonably believed to have been acquired and (d) what the district is doing about it. This notice shall be directly provided to the affected individuals by either:

1. Written notice
2. Electronic notice, provided that the person to whom notice is required has expressly consented to receiving the notice in electronic form; and that the district keeps a log of each such electronic notification. In no case, however, shall the district require a person to consent to accepting such notice in electronic form as a condition of establishing a business relationship or engaging in any transaction.
3. Telephone notification, provided that the district keeps a log of each such telephone notification.

However, if the district can demonstrate to the State Attorney General that (a) the cost of providing notice would exceed \$250,000; or (b) that the number of persons to be notified exceeds 500,000; or (c) that the district does not have sufficient contact information, substitute notice may be provided. Substitute notice would consist of all of the following steps:

1. E-mail notice when the district has such address for the affected individual;
2. Conspicuous posting on the district's website, if they maintain one; and
3. Notification to major media

Notification of State and Other Agencies

Once notice has been made to affected New York State residents, the district shall notify the State Attorney General, the Department of State Division of Consumer Protection, and the State Office of Information Technology Services as to the timing, content, and distribution of the notices and approximate number of affected persons.

If more than 5,000 New York State residents are to be notified at one time, the district shall also notify consumer reporting agencies as to the timing, content and distribution of the notices and the approximate number of affected individuals. A list of consumer reporting agencies will be furnished, upon request, by the Office of the State Attorney General.

Adoption date: February 27, 2008

Amended date: