

POLICY COMMITTEE
Liverpool Central School District Board of Education
December 2, 2021 7am
Liverpool Central School District Office
Liverpool, New York 13090

Present: Dr. Mark Potter, Stacey Balduf, Joseph Morawski, Katherine Roberts.

Policy 6150 - Tobacco Products, Alcohol, Drugs and Other Substances (School Personnel)

Policy 7131 - Education of Students in Temporary Housing

Policy 7320 - Alcohol, Tobacco, Drugs and Other Substances (Students)

Policy 8280 - Instruction for English Language Learners

Policy 1510 - Regular Board Meetings and Rules (Quorum and Parliamentary Procedure)

Policy 7320 – Alcohol, Tobacco, Drugs, and Other Substances (Students)

These policies were revised in light of senate bill S854A which legalized recreational cannabis (marijuana) use for anyone age 21 and older. Public Health Law prohibits smoking and vaping on school grounds. As part of senate bill S854A, the definition of smoking in Public Health Law was revised to include a reference to cannabis. The senate bill also added Section 222.10 to the Penal Law. This new Section prohibits smoking, vaping, or ingesting cannabis or concentrated cannabis in or upon the grounds of a school or in or on a school bus. However, this prohibition does not apply to acts that are in compliance with Article three of the Cannabis Law which relates to medical cannabis use. Other revisions were made for clarity and consistency purposes. Send to BOE.

Policy 6150 – Alcohol, Tobacco, Drugs, and Other Substances (Staff)

District medical director approved.

Acknowledging the legalization of marijuana.

Send to BOE.

Policy 7131 – Education of Students in Temporary Housing.

Changes from “he/she” to “they”.

Send to BOE

Policy 8280 – Instruction for English Language Learners

The term "professional development" was changed to "professional learning". This reflects a shift in terminology from "professional development" to "professional learning" in the Commissioner's regulations. This shift is consistent with changes to standards adopted by the Professional Standards and Practices Board for Teaching (PSPB). According to the Board of Regents, this shift was more than just a change in language. Using the phrase "professional learning" emphasizes the importance of educators taking an active role in their continuous development. Rather than being passive recipients of information, educators should be active

partners in determining the content of their learning, how their learning occurs, and how they evaluate its effectiveness. Other revisions were made for clarity and consistency purposes. Send to BOE.

Policy 1510 – Regular Board Meetings and Rules (Quorum and Parliamentary Procedure)

Sample policy 1510, Regular Board Meetings and Rules (Quorum and Parliamentary Procedure), was revised in light of amendments to Public Officers Law Section 103 which require certain documents scheduled to be discussed at a Board meeting to be made available at least 24 hours prior to the meeting, as well as to provide districts with additional, customizable sample language regarding public comment periods at Board meetings. Senate Bill 1150-A amended Public Officers Law Section 103 to require that District records available to the public pursuant to the Freedom of Information Law (FOIL), as well as any proposed resolution, rule, regulation, policy, or any amendment that is scheduled to be discussed during a Board meeting be made available upon request and posted on the District's website at least 24 hours prior to the meeting. This new law becomes effective November 18, 2021.

Policy Services has also revised the "Public Comment" section of sample policy 1510 in response to requests from our district clients to provide additional sample language related to public participation at Board meetings. In light of these requests, the section was expanded to include language identifying:

- Conduct expectations
- Time limits for comments (both for individuals and the entire public comment period)
- Topics permitted to be discussed during public comment periods
- Protocols to be followed
- Consequences for failure to follow established rules and protocols

This section can be customized by each district to reflect its specific circumstances and practices. With respect to customizing the "Public Comment" section, Policy Services has seen some districts elect to prescribe different rules for residents and nonresidents. Districts should consult with district administrators and/or counsel before implementing any such rule as there is conflicting guidance on this matter. The New York State Committee on Open Government, in an advisory opinion, has said: "In short, I do not believe that the Board could validly have prohibited you or anyone else from speaking at its meeting based upon residency." While the Commissioner of Education has said:

"Furthermore, since there is no statutory obligation by boards of education to have any public comment, boards cannot be compelled to give non-residents a public forum."

Boards are encouraged to read the "Public Comment" section at each Board meeting in advance of the public comment period of the agenda in order to set out basic standards of conduct

Erie 1 suggests if adopting the revisions, to review our District's policy manual for duplicative or conflicting language. I do see a slight conflict with Policy 1511 – Agenda Availability (copy attached for your reference).

Non-residents need prior approval for public comment Board Leadership or Superintendent at least 2 business days prior to meeting.

Note: Nothing in the law requires public comment and nothing prohibits someone from contacting the District directly with concerns.

Send to BOE