Buffalo City School District

ATTENDANCE

1.1 Pre-K - 12 Comprehensive Student Attendance Policy ............................................. 7110
1.2 Age of Entrance ........................................................................................................ 7120
  1.2.1 Diagnostic Screening of Students ................................................................. 7121
1.3 Entitlement to Attend -- Age and Residency ......................................................... 7130
  1.3.1 Education of Students in Temporary Housing ............................................ 7131
  1.3.2 Non-Resident Students .................................................................................. 7132
  1.3.3 Education of Students in Foster Care .......................................................... 7133
1.4 Involuntary Transfer of Students ........................................................................... 7140

STUDENT PROGRESS

2.1 Student Evaluation, Promotion, and Assignment ....................................................... 7210
  2.1.1 Provision of Interpreter Services to Parents Who Are Hearing Impaired ..... 7211
  2.1.2 Response to Intervention (RtI) Process ....................................................... 7212
2.2 Graduation Options/Early Graduation/Accelerated Programs ............................... 7220
  2.2.1 Participation in Graduation Ceremonies and Activities ............................... 7221
  2.2.2 Diploma or Credential Options for Students with Disabilities ..................... 7222
2.4 Student Records: Access and Challenge ................................................................ 7240
  2.4.1 Student Directory Information ....................................................................... 7241
  2.4.2 Military Recruiters and Institutions of Higher Education ......................... 7242
  2.4.3 Student Data Breaches .................................................................................... 7243
2.5 Student Privacy, Parental Access to Information, and Administration of
   Certain Physical Examinations to Minors ............................................................. 7250
2.6 Designation of Person in Parental Relation ............................................................ 7260
2.7 Rights of Non-Custodial Parents ............................................................................. 7270

STUDENT CONDUCT

3.1 School Conduct and Discipline
  3.1.1 Loss or Destruction of District Property or Resources ..................................... 7311
  3.1.3 Suspension of Students ............................................................................... 7313
  3.1.4 Students Presumed to Have a Disability for Discipline Purposes ................ 7314
  3.1.5 Student Acceptable Use Policy (AUP) ......................................................... 7315
  3.1.6 Student Use of Personal Technology ............................................................ 7316
3.2 Alcohol, Tobacco, Drugs, and Other Substances .................................................. 7320
3.3 Searches and Interrogations of Students ................................................................. 7330
3.4 Bus Rules .............................................................................................................. 7340
3.5 Corporal Punishment/Emergency Interventions .................................................... 7350
3.6 Weapons in School and the Gun-Free Schools Act ............................................... 7360
Buffalo City School District

STUDENT ACTIVITIES

4.1 Extracurricular Activities ................................................................. 7410
4.2 Sports and the Athletic Program ...................................................... 7420
4.3 Contests for Students, Student Awards and Scholarships ..................... 7430
4.5 Fundraising by Students ......................................................................... 7450
4.6 Constitutionally Protected Prayer in the Public Schools ......................... 7460

STUDENT WELFARE

5.1 School Health Services ........................................................................... 7510
5.1.1 Immunization of Students ................................................................. 7511
5.1.2 Student Physicals ................................................................................. 7512
5.1.3 Medication and Personal Care Items .................................................. 7513
5.1.4 Student Health Records ....................................................................... 7514
5.2 Accidents and Medical Emergencies ...................................................... 7520
5.2.1 Students with Life Threatening Health Conditions ............................. 7521
5.2.2 Concussion Management .................................................................... 7522
5.3 Child Abuse and Maltreatment ............................................................... 7530
5.4 Suicide ..................................................................................................... 7540
5.5 Dignity for All Students ......................................................................... 7550
5.5.1 Sexual Harassment of Students ............................................................ 7551
5.5.2 Student Gender Identity ....................................................................... 7552
5.5.3 Hazing of Students .............................................................................. 7553
5.6 Notification of Sex Offenders ................................................................... 7560
5.7 Supervision of Students ......................................................................... 7570
5.8 Safe Public School Choice ...................................................................... 7580

STUDENTS WITH DISABILITIES

6.1 Special Education: District Plan ............................................................... 7610
6.1.1 Children with Disabilities ..................................................................... 7611
6.1.2 Grouping by Similarity of Needs ......................................................... 7612
6.1.3 The Role of the Board in Implementing a Student's Individualized Education Program (IEP) .......................................................... 7613
6.1.4 Preschool Special Education Program ............................................... 7614
6.1.5 Least Restrictive Environment ............................................................ 7615
6.1.6 Prereferral Intervention Strategies ...................................................... 7616
6.1.7 Declassification of Students with Disabilities ....................................... 7617
6.1.8 Use of Time Out Rooms ....................................................................... 7618
6.2 Students with Disabilities Participating in District Programs ................... 7620
6.2.1 Section 504 of the Rehabilitation Act of 1973 ...................................... 7621
STUDENTS WITH DISABILITIES (Cont'd.)

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.3</td>
<td>Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE)</td>
</tr>
<tr>
<td>6.4</td>
<td>Student Individualized Education Program (IEP): Development and Provision</td>
</tr>
<tr>
<td>6.4.1</td>
<td>Transition Services</td>
</tr>
<tr>
<td>6.4.2</td>
<td>Extended School Year Services and/or Programs</td>
</tr>
<tr>
<td>6.4.3</td>
<td>Transfer Students with Disabilities</td>
</tr>
<tr>
<td>6.5</td>
<td>Identification and Register of Children with Disabilities (Child Find)</td>
</tr>
<tr>
<td>6.6</td>
<td>Parent Involvement for Children with Disabilities</td>
</tr>
<tr>
<td>6.7</td>
<td>Due Process Complaints: Selection and Board Appointment of Impartial Hearing Officers</td>
</tr>
<tr>
<td>6.8</td>
<td>Independent Educational Evaluations</td>
</tr>
<tr>
<td>6.9</td>
<td>Special Education Mediation</td>
</tr>
</tbody>
</table>
SUBJECT: PRE-K - 12 COMPREHENSIVE STUDENT ATTENDANCE POLICY

Statement of Overall Objectives

Every student has a right to educational opportunities that will enable them to develop his or her fullest potential. Attendance policies are based on the principle that regular school attendance maximizes the student's interaction with his or her teachers and peers and is a major component of academic success. Improved school attendance generally increases student achievement. Therefore, attendance policies that provide for the early identification of attendance problems and effective methods to address them are most likely to succeed. Successful implementation of any attendance policy requires cooperation among all members of the education community, including parents/persons in parental relation, students, teachers, administrators, and support staff.

Description of Strategies to Meet Objectives

The School District will:

a) Create and maintain a positive school building climate by creating the conditions most conducive for student learning.

b) Maintain a Comprehensive Student Attendance Policy with biennial reviews and modifications based upon the recommendations of a the District Student Attendance Advisory Committee that includes representation from the Board of Education, administrators, teachers, students, parents/persons in parental relation and the community. The District will hold at least one public hearing prior to the adoption of this collaboratively developed Comprehensive Student Attendance Policy.

c) Maintain accurate record keeping via a Register of Attendance to record attendance, absence, tardiness or early departure of each student.

d) Utilize data analysis systems for tracking individual student attendance and individual and categorical trends in student attendance problems.

e) Implement early intervention strategies to improve school attendance for all students.

f) Ensure there is an attendance designee in every school.

g) Provide timely and multiple notices regarding student absences to parents/guardians.

h) Provide annual training to all staff on attendance policies and procedures.

i) Perform semiannual school climate walkthroughs at each school.

(Continued)
Subjects: PRE-K - 12 COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont’d.)

Parents/Guardians/Family members will:

a) Create home conditions that support student success that include daily routines such as homework completion, restful night’s sleep, etc.
b) Communicate challenges regarding daily attendance to their respective school in a timely fashion.
c) Encourage their child to attend school every day and report non-attendance to school staff.
d) Schedule student appointments (dental, medical, driver license, etc.) outside of regular school hours.

Students will:

a) Attend school on a daily basis, be on-time and be prepared to learn.
b) Be aware of the expectation regarding daily attendance (school start and end time, holidays, etc.).
c) Share challenges regarding attendance with teachers, administrators, or other school staff.
d) Maintain satisfactory attendance or be at risk for course failure, removal from extracurricular activities such as sports, clubs, dances, etc.

Teachers will:

a) Record actual, real-time daily attendance on a period-by-period basis.
b) Establish first, personal contact with a parent/guardian to share and discuss student attendance challenges and successes.
c) Offer guidance to students and parents/guardians about the importance of daily attendance.
d) Encourage student daily attendance and create a positive climate in their classroom that supports student success.

Types of Absences

The Buffalo Public School District has determined that absences, tardiness and early departures will be considered excused or unexcused according to the following standards:

(Continued)
SUBJECT:  PRE-K - 12 COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

Excused Absence

An absence, tardiness or early departure may be excused when written documentation is provided for the below reasons: personal illness, illness or death in the family, impassable roads due to inclement weather, religious observance and education, quarantine, attendance at health clinics, approved cooperative work programs, military obligations or other such reasons as may be approved by the Board of Education.

Unexcused Absence

An absence, tardiness or early departure is considered unexcused if the reason for the lack of attendance does not fall into the above.

Exempt Absences

An absence, tardiness or early departure is considered exempt if documentation is provided for the following reasons: incarceration, suspension, court appearance, college visits, medical leave, and approved field trips.

Student Attendance Recordkeeping

The record of each student's presence, absence, tardiness and early departure shall be kept in a register of attendance in a manner consistent with Commissioner's Regulations.

a) Attendance Recordkeeping begins upon the first day student appears on a teacher's roster.

b) Absences shall be recorded as excused or unexcused in accordance of this policy.

c) If a student is absent for more than 50% of a given class period, it will be considered an absence.

d) Absences shall be recorded as excused or unexcused in accordance in this policy.

Attendance records shall also indicate the date when a student withdraws from enrollment or is dropped from enrollment in accordance with Education Law Section 3202(1-a).

Compulsory Age and Attendance

The Buffalo Board of Education is committed to all students being provided every opportunity to achieve a high school diploma. Consequently, the Board has adopted a school compulsory attendance age policy that exceeds State requirements and ensures that students attend full time instruction until the student completes the school year in which he/she turns 17 years of age.

(Continued)
At the same time as promoting attainment of the high school diploma, the Board also realizes that for certain students and their parents or guardians other educational avenues may be considered once the State requirement, that all children must remain in attendance until the last day of the school year in which they turn 16 years of age, has been reached.

Therefore, the Board amends its policy to allow a minor child who attains 16 years of age prior to commencing high school or accruing high school credit, to be exempt from the policy provided they are enrolled in an approved high school equivalency program of the school district. The minor child may enter such a program, with authorization from a parent or natural guardian, at the conclusion of the school year in which the minor turns 16 years of age.

Student Attendance and Course Grading

The District believes that classroom participation is related to and affects a student's performance and, as such, is properly reflected in a student's final grade. For purposes of this policy, classroom participation means that a student is in class and prepared to work.

Consequently, for each marking period a certain percentage of a student's final grade will be based on classroom participation in addition to the student's performance on homework, tests, papers, projects, etc. as determined by the building administrator and/or classroom teacher.

Students are expected to attend all scheduled classes. Consistent with the importance of classroom participation, unexcused student absences, tardiness, and early departures will affect a student's grade, including credit for classroom participation, for the marking period.

Transfer students and students re-enrolling after having dropped out will be expected to attend a prorated minimum number of the scheduled class meetings during their time of enrollment.

Notice of Minimum Attendance Standard/Intervention Strategies

In order to ensure that parents/persons in parental relation and students are informed of the District's policy regarding attendance and course grading, the following guidelines shall be followed:

Student Notification

a) The District will provide a copy of the Attendance Policy to each student in Pre-K through grade 12.

b) The policy will also be included in the Student Handbook.

c) An orientation session for students will take place at the beginning of each school year and/or upon registration of new students.

(Continued)
SUBJECT: PRE-K - 12 COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

d) Classroom/subject area teachers are required to complete a personal telephone call and form letter to be mailed to parents/guardians after a student has three (3) absences from class within a marking period.

Parent(s)/Person(s) in Parental Relation Notice

a) District Attendance Teachers will present the policy at a building level "back-to-school" events. The presentation will stress the importance of student attendance, as well as parental responsibility for their children's attendance. Students' parent(s) or person(s) in parental relation will be afforded several other opportunities to learn the attendance policy, such as at parent-teacher conferences, open houses, new-student orientations, or telephone conferences.

b) School newsletters and district publications will include periodic reminders of the Attendance Policy.

c) District and school level automated telephone calls may be completed as well.

d) The District will develop and provide letters for parent notification of student absences in the top 6 languages.

Faculty/Staff Notice

a) The District will provide copies of the Attendance Policy to all District staff at the beginning of each school year.

b) Faculty and staff will meet with the Principal and the Attendance Teacher at each faculty meeting to review the Attendance Policy and to clarify individual roles in its implementation.

c) The Attendance Policy will be posted in all schools.

Notice of Students who are Excessively Absent, Tardy or Depart Early without Proper Excuse

The school staff will be responsible for notifying the parent/person in parental relation for a student who is excessively absent, tardy or departs early without proper excuse. If the parent/person in parental relation cannot be reached at any of the contact telephone numbers provided, the staff member will provide such notification by mail. Further, the District's Attendance Policy will be mailed to the parent/person in parental relation to promote awareness and help ensure compliance with the policy.

If deemed necessary by appropriate school officials, or if requested by the parent/person in parental relation, a school conference shall be scheduled between the parent/person in parental relation and appropriate staff members in order to address the student's attendance. The student may also be requested to attend this conference in order to address appropriate intervention strategies that best meet the needs of the student.

(Continued)
SUBJECT: PRE-K - 12 COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

Attendance Incentives

In order to encourage student attendance, each school will develop and implement grade-appropriate/building-level strategies and programs that encourage regular, daily attendance. For example, classroom acknowledgment of the importance of good attendance (e.g., individual certificates, recognition chart, bulletin boards), student award ceremonies, student recognition, etc.

Intervention Strategy Process

The District will employ a tiered approach to Attendance improvement. This tiered approach is based on the philosophy of identifying personalized interventions and strategies as a student's absenteeism increases. In order to effectively intervene when an identified pattern of unexcused absences, tardiness or early departures occur, designated District personnel will pursue the following:

a) Identify root causes of the pattern (e.g., grade level, building, time frame, type of unexcused absences, tardiness or early departures);

b) Contact the District staff most closely associated with the root causes. In specific cases where the pattern involves an individual student, the student and parent/person in parental relation will be contacted;

c) Discuss strategies to directly intervene with specific pattern(s);

d) Recommend intervention to Superintendent or his/her designee if it relates to change in District policy or procedure;

e) Implement changes, as approved by appropriate administration;

f) Utilize appropriate District and/or community resources to address and help remediate student unexcused absences, tardiness or early departures;

g) Monitor and report short and long term effects of intervention.

Disciplinary Consequences

Unexcused absences, tardiness and early departures will result in student consequences. Consequences may include, but are not limited to, detention, denial of participation in interscholastic and extracurricular activities, the development of individual attendance contracts, and attendance hearings. Parents/persons in parental relation will be notified by designated District personnel at periodic intervals to discuss their child's absences, tardiness or early departures and the importance of class attendance and appropriate interventions. Individual buildings/grade levels will address procedures to implement the notification process to the parent/person in parental relation.

(Continued)
SUBJECT:  PRE-K - 12 COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

Attendance Record Review Process

Under the BPS District Attendance Policy, parent(s)/person(s) in parental relation may request a building level review of their child's absences. It is the responsibility of the parent(s)/person(s) in parental relation to request an appeal by contacting the school principal. Reviews may be requested for:

a) Challenge the number of absences on record.

b) Ensure that no violation of state or federal law has occurred.

Level I Review

a) Parents/persons in parental relation may request an Attendance Review at the building level.

b) The principal or designee will coordinate a date and time of the review with the parent(s)/person(s) in parental relation in writing.

c) A decision by the principal/designee will be made within five days of the Level I Review hearing.

d) Parent(s)/person(s) in parental relation will be notified of the principal's/designee's ruling by mail.

e) If the parent(s)/person(s) in parental relation are not satisfied with the principal's/designee's decision, the parent(s)/person(s) in parental relation may request a Level II Review by calling the Buffalo Public Schools, Attendance Office, 428 City Hall, Buffalo, NY 14202.

Level II Review

a) The Attendance Office will hold the Level II Review within five days of request.

b) Parent(s)/person(s) in parental relation will be contacted to arrange the date, time and location of the Level II hearing.

c) At this meeting, documentation from the student's school along with principal's reason for denying the Level I Review will be examined.

d) A ruling on this appeal will be communicated to the parent(s)/person(s) in parental relation in writing within five days.

(Continued)
SUBJECT: PRE-K - 12 COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont’d.)

Building Review of Attendance Records

The building principal will work in conjunction with the building attendance clerk and other designated staff in reviewing attendance records at the end of each term. This review is conducted to identify individual and group attendance patterns and to initiate appropriate action to address the problem of unexcused absences, tardiness and early departures.

Annual Review by the Board of Education

The Board of Education shall annually review the building level student attendance reports and if such reports show a decline in student attendance, the Board shall make any revisions to the Policy and plan deemed necessary to improve student attendance.

Community Awareness

The Board of Education shall promote necessary community awareness of the District’s Comprehensive Student Attendance Policy by:

   a) Providing a plain language summary of the policy to parents/persons in parental relation to students at the beginning of the each school year and promoting the understanding of such a policy to students and their parents/persons in parental relation;

   b) Providing each teacher, at the beginning of the school year or upon employment, with a copy of the policy; and

   c) Providing copies of the policy to any other member of the community upon request.

Education Law §§ 3024, 3025, 3202, 3205, 3206, 3210, 3211, and 3213
8 NYCRR §§ 104.1, 109.2 and 175.6

Adopted: 5/8/02
Revised: 12/2/09;
SUBJECT: AGE OF ENTRANCE

Kindergarten

Students who are legal residents of the District and who reside with parents or guardians within the District at the time of the opening day of school must be five years of age or more on December 1 in order to register for kindergarten.

A student who transfers into the District at any time during the school year may be considered for admission to kindergarten by the Superintendent provided:

a) The parents were not legal residents of the District on the opening day of school, and

b) The student has been registered and enrolled in kindergarten in the District in which his or her parents were legal residents.

Other Grades

Admission of students to other grades will involve a consideration of both chronological age and his or her readiness to do the work of those grades.

Proof of Age

A student's birth certificate or other satisfactory evidence of age must be presented at the time of initial registration and will be enrolled under his or her legal name.

Education Law §§ 1712, 3202, 3212, and 3218

NOTE: Refer also to Policies #7130 -- Entitlement to Attend -- Age and Residency
#7131 -- Education of Students in Temporary Housing

Adoption Date
SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS

The District has developed a plan for the diagnostic screening of all new entrants and students with low test scores to determine whether such students have or are suspected of having a disability, are possibly gifted, or are possibly English Language Learners (ELLs). The results of the diagnostic screening will be contained in a written report that will be shared with the parent.

A new entrant means a student entering the New York State public school system, pre-kindergarten through grade 12, for the first time, or re-entering a New York State public school with no available record of a prior screening.

Students with low test scores are students who score below level two on either the third grade English language arts or mathematics assessment for New York State elementary schools.

The diagnostic screening will be conducted:

a) By persons appropriately trained or qualified;

b) By persons appropriately trained or qualified in the student's home language if the language of the home is other than English;

c) In the case of new entrants, prior to the school year, if possible, but no later than December 1 of the school year of entry or within 15 days of transfer of a student into a New York State public school should the entry take place after December 1 of the school year;

d) In the case of students with low test scores, within 30 days of the availability of the test scores.

No screening examination for vision, hearing, or scoliosis condition is required where a student, parent, or person in parental relation objects on the grounds that the examination conflicts with their genuine and sincere religious beliefs.

Results and Reports

The results of the diagnostic screening will be reviewed and a written report of each student screened will be prepared by appropriately qualified District staff. If the screening indicates a possible disability, a possibly gifted child, or a child identified as possibly being an ELL, the District will refer the child for the appropriate programs or services.

Parents or guardians of children to be screened will receive information in advance regarding the purpose of screening, the areas to be screened and the referral process. The information will be communicated either orally or in writing in a language that the parent or guardian can understand.

(Continued)
SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS (Cont'd.)

Upon request, the District will provide parents or guardians with the written results of their child's performance on screenings. The results of all mandated screening examinations will be provided to the child's parent or guardian and to any teacher of the child within the school while the child is enrolled. A letter will be sent to the parent or guardian of any child who fails a screening.

Confidentiality of Information

All information collected about a child through the screening program will be kept confidential.

Family Educational Rights and Privacy Act of 1974, 20 USC § 1232(g)
Education Law §§ 901, 903, 904, 905, 914, and 3208(5)
Public Health Law § 2164
8 NYCRR Parts 117, 136, 142.2, and 154

NOTE: Refer also to Policies #7131 -- Education of Students in Temporary Housing
    #7512 -- Student Physicals
    #8240 -- Instruction in Certain Subjects

Adoption Date
SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY

All persons residing within the District who are between the ages of five years and 21 years and who have not received a high school diploma are entitled to enroll in the District.

A student who becomes six years of age on or before the first of December in any school year will be required to attend full-time instruction from the first day that the District schools are in session in September of that school year. A student who becomes six years of age after the first of December in any school year will be required to attend full-time instruction from the first day of session in the following September. Each student will be required to remain in attendance until the last day of session in the school year in which the student becomes 16 years of age. Additionally, any student from 16 to 17 years of age who is not employed is required to attend full-time instruction until the end of the school year in which the student turns 17 years of age.

Evidence of a prospective student's age and residency must be presented in the form as is permitted by state and federal law and regulation.

Determination of Student Residency

Residence is established by a child's physical presence as an inhabitant within the District and his or her intent to reside in the District.

A child's residence is presumed to be that of his or her parents or legal guardians. Where a child's parents live apart, the child can have only one legal residence. In cases where parents have joint custody, the child's time is essentially divided between two households, and both parents assume responsibility for the child, the decision regarding the child's residency lies ultimately with the family. Where parents claim joint custody, but do not produce proof of the child's time being divided between both households, residency will be determined on the basis of the child's physical presence and intent to remain within the District.

The presumption that a child resides with his or her parents or legal guardians may be rebutted upon demonstration that custody of the child has been totally and permanently transferred to another individual. The District will not acknowledge living arrangements with persons other than a child's parents or legal guardians which are made for the sole purpose of taking advantage of the District's schools.

The presumption that a child resides with his or her parents or legal guardians may also be rebutted upon demonstration that the child is an emancipated minor. To establish emancipation, a minor may submit documentation of his or her means of support, proof of residency, and an explanation of the circumstances surrounding the student's emancipation, including a description of the student's relationship with his or her parents or persons in parental relationship.

(Continued)
SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY (Cont'd.)

Undocumented Children

Undocumented children are entitled to attend the District's schools, provided they meet the age and residency requirements established by state law. Consequently, the District will not request on any enrollment or registration form, in any meeting, or in any other form of communication, any documentation or information regarding or tending to reveal the immigration status of a child, a child’s parent(s), or the person(s) in parental relation. In the event the District is required to collect certain data, it will do so after the child has been enrolled or registered; in no instance will the information be required as a condition of enrollment or continued attendance.

Children of Activated Reserve Military Personnel

Students temporarily residing outside the boundaries of the District, due to relocation necessitated by the call to active military duty of the student's parent or person in parental relation, will be allowed to attend the public school that they attended prior to the relocation. The District is not required to provide transportation between a temporary residence located outside the District and the school the child attends.

Family Educational Rights and Privacy Act, 20 USC § 1232g
Education Law §§ 310, 906, 3202, 3205, 3214, and 3218
Family Court Act § 657
8 NYCRR § 100.2(x) and (y)

NOTE: Refer also to Policies #7131 -- Education of Students in Temporary Housing
#7132 -- Non-Resident Students
SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING

The Board recognizes the unique challenges that face students in temporary housing (i.e., homeless children and youth) and will provide these students with access to the same free and appropriate public education, including public preschool education, as other students, as well as access to educational and other services necessary to be successful in school. The District will ensure that these students are not separated from the mainstream school environment. The Board is also committed to eliminating barriers to the identification, enrollment, attendance, and success of students in temporary housing.

Identification of Students in Temporary Housing

All districts are obligated to affirmatively identify all students in temporary housing. Therefore, the District will determine whether there are students in temporary housing within the District by using a housing questionnaire to determine the nighttime residence of all newly enrolled students and all students whose address changes during the school year. Not all students in temporary housing can be identified through social service agencies or shelters, as children may be sharing the housing of other persons, such as family or friends, due to loss of housing, economic hardship, or other similar reason.

Definitions

a) Homeless child means:

1. A child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child or youth who is:

   (a) Sharing the housing of other persons due to a loss of housing, economic hardship, or a similar reason (sometimes referred to as “doubled-up”);

   (b) Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;

   (c) Abandoned in hospitals;

   (d) A migratory child who qualifies as homeless under (a), (b), or (c) of this subparagraph or item 2) below; or

   (e) An unaccompanied youth; or

2. A child or youth who has a primary nighttime location that is:

   (a) A supervised, publicly, or privately operated shelter designed to provide temporary living accommodations, including, but not limited to, shelters operated or approved by the state or LDSS, and residential programs for runaway and homeless youth established in accordance with applicable law; or

   (Continued)
SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont’d.)

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting.

b) Migratory child means a child or youth who made a qualifying move in the preceding 36 months:

1. As a migratory agricultural worker or a migratory fisher; or
2. With, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher.

c) Preschool means a publicly funded prekindergarten program or a Head Start program administered by the District and/or services under the Individuals with Disabilities Act administered by the District.

d) Receiving school means:

1. A school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or
2. A school that enrolls students from a feeder school in a neighboring local educational agency.

e) School district of current location means the public school district within New York State in which the hotel, motel, shelter or other temporary housing arrangement of a homeless child, or the residential program for runaway and homeless youth, is located, which is different from the school district of origin.

f) School district of origin means the school district within New York State in which:

1. The homeless child was attending a public school or preschool on a tuition-free basis or was entitled to attend when circumstances arose that caused the child to become homeless, which is different from the school district of current location;
2. The child was residing when circumstances arose that caused the child to become homeless if the child was eligible to apply, register, or enroll in public preschool or kindergarten at the time the child became homeless; or
3. The homeless child has a sibling who attends a school in the school district in which the child was residing when circumstances arose that caused the child to become homeless.
SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

School of origin means:

1. The public school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool or a charter school;

2. The designated receiving school at the next grade level for all feeder schools for a student in temporary housing who completes the final grade level served by the school of origin; and

3. The public school or preschool in which the child would have been entitled or eligible to attend based on the child's last residence before the circumstances arose which caused the child to become homeless if the child becomes homeless after the child is eligible to apply, register, or enroll in the public preschool or kindergarten or if the child is living with a school-age sibling who attends school in the school district of origin.

Unaccompanied youth means a homeless child or youth who is not in the physical custody of a parent or legal guardian.

The McKinney-Vento Liaison for Students in Temporary Housing

The District will designate an appropriate staff person, who may also be a coordinator for other federal programs, as the District liaison for students in temporary housing (otherwise referred to as the McKinney-Vento liaison). The District's McKinney-Vento liaison serves as one of the primary contacts between families experiencing homelessness and school staff, district personnel, shelter workers, and other service providers. The McKinney-Vento liaison coordinates services to ensure that homeless children and youth enroll in school and have the opportunity to succeed.

The District's McKinney-Vento liaison must ensure that:

a) Students in temporary housing are identified by school personnel and through coordination activities with other entities and agencies;

b) Students in temporary housing enroll in, and have full and equal opportunity to succeed in, the District's schools;

c) Students in temporary housing and their families receive educational services for which they are eligible, including Head Start programs administered by a local educational agency, Early Head Start, early intervention services under part C of the Individuals with Disabilities Education Act, and other preschool programs administered by the District;

d) Students and parents in temporary housing receive referrals to health care services, dental services, mental health and substance abuse services, housing services and other appropriate services;

(Continued)
SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont’d.)

e) Parents or guardians of students in temporary housing are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;

f) Parents and guardians of students in temporary housing, and unaccompanied youth, are fully informed of all transportation services, including transportation to and from the school district of origin and are assisted in accessing transportation services;

g) Disputes regarding eligibility, school selection, enrollment and/or transportation are mediated in accordance with applicable laws and regulations;

h) Assistance in commencing an appeal, in accordance with applicable law, of a final determination regarding eligibility, enrollment, school selection, and/or transportation is provided to the student in temporary housing's parent or guardian or the unaccompanied youth;

i) A record is maintained of all appeals of enrollment, school selection, and transportation;

j) Public notice of the educational rights of students in temporary housing is posted in locations where these students receive services, such as schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of students in temporary housing, and unaccompanied youth;

k) School personnel providing services to students in temporary housing receive professional development and other support;

l) Unaccompanied youths:

1. Are enrolled in school;

2. Have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth, including receiving credit for full or partial coursework earned in a prior school pursuant to Commissioner's regulations; and

3. Are informed of their status as independent students under section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the McKinney-Vento liaison to receive verification of this status for purposes of the Free Application for Federal Student Aid (FAFSA);

m) School personnel, service providers, advocates working with students in temporary housing, parents and guardians of students in temporary housing, and students in temporary housing are informed of the duties of the McKinney-Vento liaison; and

(Continued)
SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

n) Assistance with obtaining any necessary immunizations or screenings, or immunization or other required health records is provided to the parents or guardians of the students in temporary housing.

School District and School Designations

A designator will make the initial decision about which school district and school a student in temporary housing will attend. A designator is:

a) The parent or person in parental relation (guardian) to a student in temporary housing;

b) The student in temporary housing, together with the McKinney-Vento liaison, in the case of an unaccompanied youth; or

c) The director of a residential program for runaway and homeless youth, in consultation with the student in temporary housing, where the student is living in that program.

The District will ask the designator to designate one of the following as the school district of attendance for the student in temporary housing:

a) The school district of current location;

b) The school district of origin; or

c) A school district participating in a regional placement plan.

The District will also ask the designator to designate one of the following as the school where a student in temporary housing seeks to attend:

a) The school of origin; or

b) Any school that permanent housed children and youth who live in the attendance area in which the child or youth is actually living are eligible to attend, including a preschool.

A student in temporary housing is entitled to attend the schools of the school district of origin without the payment of tuition for the duration of his or her homelessness and through the remainder of the school year in which the student becomes permanently housed and for one additional year if that year constitutes the student’s terminal year in that school building, subject to a best interest determination.

(Continued)
SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

Designation/STAC 202 Form

The District will identify all students in temporary housing, and a designation form will be completed by the designator for all these students and any other student who claims homelessness. Designations must be made on the STAC 202 form provided by the Commissioner.

The appropriate designator must complete the designation form. The District makes designation forms available to a student in temporary housing who seeks admission to school or to the parent or person in parental relation who seeks to enroll the child in school.

The District will provide completed designation forms to the McKinney-Vento liaison immediately, but no later than two business days from the earlier date on which the child or youth either:

a) Sought enrollment in school; or

b) Was placed in a temporary housing facility or residential facility for runaway and homeless youth.

Where a parent or person in parental relation or a child who is neither placed in a temporary housing facility by the LDSS nor housed in a residential program for runaway homeless youth, designates the District as the school district of current location, the District will forward to the State Education Department a completed designation form and a statement of the basis for its determination that the child is a homeless child entitled to attend the District's schools.

Immediate Enrollment and Best Interest Determinations

Upon identification of a child who is in temporary housing and/or receipt of a completed designation/STAC 202 form, the District will:

a) Immediately review the designation form to ensure that it has been completed and admit the student in temporary housing even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, immunization records, proof of residency or other documentation and even if the child or youth has missed application deadlines;

b) Determine whether the designation made by the designator is consistent with the best interests of the student in temporary housing. In making best interests decisions the District will:

1. Presume that keeping the child in the school of origin is in the child's best interest, except when doing so is contrary to the wishes of the parent or guardian (or youth in the case of an unaccompanied youth); and

   (Continued)
SUBJECT:  EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont’d.)

2.  Consider student-centered factors such as the effect of mobility on student achievement, education, health, and safety of the child, giving priority to the wishes of the child's parent or guardian (or the youth, if a homeless unaccompanied youth). If the District determines that it is in the best interest of the student in temporary housing to attend a school other than the school of origin or the designated school, the District will provide the parent or guardian (or youth, if an unaccompanied youth) with a written explanation of its determination, including information about the right to appeal.

c)  Provide the child with access to all of the District's programs, activities and services to the same extent as they are provided to resident students;

d)  Immediately contact the school district where the child's records are located in order to obtain a copy of these records and coordinate the transmittal of records for students with disabilities pursuant to applicable laws and regulations;

e)  Immediately refer the parent or guardian of the student in temporary housing to the McKinney-Vento liaison who must assist in obtaining necessary immunizations or immunization or medical records if the child or youth needs to obtain immunizations or immunization or medical records;

f)  Forward the STAC 202 form to the Commissioner and the school district of origin, where applicable. In all cases, the District will give a copy of the completed STAC 202 form to the designator and keep a copy of the STAC 202 form for the District's records;

g)  Arrange for transportation in accordance with applicable laws and regulations; and

h)  Arrange for the child to receive free school meals.

Request for Records

Within five days of receipt of a request for school records from a new school, the District will forward, in a manner consistent with state and federal law, a complete copy of the student in temporary housing’s records, including, but not limited to, proof of age, academic records, evaluations, immunization records, and guardianship papers, if applicable.

Tuition Reimbursement

The District is eligible to request reimbursement from the State Education Department for the direct costs of educational services to students in temporary housing that are not otherwise reimbursed under special federal programs, when:

a)  The District is either the school district of current location or a school district participating in a regional placement plan;

   (Continued)
SUBJECT:  EDUCATION OF STUDENTS IN TEMPORARY HOUSING  (Cont'd.)

b) The District is designated as the school district of attendance; and

c) The school district of origin for the student in temporary housing is within New York State.

All claims for reimbursement will be made on the STAC 202 form prescribed by the Commissioner of the State Education Department.

In addition, the District is eligible for reimbursement for the direct costs of educational services, including transportation costs for students who continue enrollment in the District schools after finding permanent housing midyear in a different school district within New York State. In these cases, the District will directly bill the new district where the student permanently resides for all direct costs of educational services, including transportation, that are not otherwise reimbursed under special federal programs.

Transportation Responsibilities

The LDSS is responsible for providing transportation to students in temporary housing, including preschool students and students with disabilities who are eligible for benefits under Social Services Law §350-j and placed in temporary housing arrangements outside their designated districts. Where the LDSS requests that the District provide or arrange for transportation for a student in temporary housing in the circumstances above, the District will provide or arrange for the transportation and directly bill the LDSS so that the district will be fully and promptly reimbursed for the cost of the transportation.

If the District is the designated school district of attendance, the District will provide for the transportation of each student in temporary housing who is living in a residential program for runaway and homeless youth, including if the temporary housing is located outside the school district. The costs for transportation for each student in temporary housing who lives in a residential program for runaway youth and homeless youth located outside of the designated school district will be reimbursed by the State Education Department, to the extent funds are provided for the purpose, with the submission of a Runaway and Homeless Youth Act Transportation Program Form. Where the District provides transportation for a student living in a Runaway and Homeless Youth facility, the District will promptly request reimbursement using the Runaway and Homeless Youth Act Transportation Form.

The District will transport any student in temporary housing to their school of origin, including preschools and charter schools, where it is the designated district of attendance and the student in temporary housing is not entitled to receive transportation from the Department of Social Services.

When the District is designated as the school district of current location for a student in temporary housing and the student does not attend the school of origin, the District will provide transportation on the same basis as it is provided to resident students, unless the local transportation policy represents a barrier to the student's attendance in school.

(Continued)
SUBJECT:  EDUCATION OF STUDENTS IN TEMPORARY HOUSING  (Cont'd.)

If the student in temporary housing designates the District as the school district of attendance, transportation will not exceed 50 miles each way, unless the Commissioner determines that it is in the best interest of the child.

Where the District is designated as the school district of attendance and it has recommended the student in temporary housing attend a summer educational program, the district of attendance will provide transportation services to students in temporary housing for summer educational programs if the lack of transportation poses a barrier to the student's participation in the program.

Where the District is designated as the school district of attendance, it will provide transportation services to students in temporary housing for extracurricular or academic activities when:

a) The student participates in or would like to participate in an extracurricular or academic activity, including an after-school activity, at the school;

b) The student meets the eligibility criteria for the activity; and

c) The lack of transportation poses a barrier to the student's participation in the activity.

Where the District is designated as the school district of attendance, it will provide transportation as described above for the duration of homelessness, unless the LDSS is responsible for providing transportation. After the student becomes permanently housed, the District will provide transportation to the school of origin until the end of the school year and for one additional year if that year constitutes the child's terminal year in the school building.

Dispute Resolution Process

The District has established the following procedures for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth:

a) The District will provide a written explanation, including a statement regarding the right to appeal, to the parent or guardian of a student in temporary housing, or to an unaccompanied youth, if the District determines that the District is not required to either enroll and/or transport the child or youth to the school of origin or a school requested by the parent or guardian or unaccompanied youth, or if there is a disagreement about a child's or youth's status as a homeless child or unaccompanied youth. The written explanation will be in a manner and form understandable to the parent, guardian, or unaccompanied youth and will include a statement regarding the McKinney-Vento liaison's availability to help the parent, guardian, or unaccompanied youth with any appeal and the contact information for the liaison.

(Continued)
b) The District will immediately enroll the student in the school in which enrollment is sought by the parent or guardian or unaccompanied youth, provide transportation to the school, and will delay for 30 days the implementation of a final determination to decline to either enroll in and/or transport the student in temporary housing to the school of origin or a school requested by the parent or guardian or unaccompanied youth.

c) If the parent or guardian of a student in temporary housing or unaccompanied youth commences an appeal to the Commissioner within 30 days of such final determination, the student will be permitted to continue to attend the school he or she is enrolled in at the time of the appeal and/or receive transportation to that school pending the resolution of all available appeals.

The McKinney-Vento Liaison's Dispute Resolution Responsibilities

The District's McKinney-Vento liaison must assist the student in temporary housing's parent or guardian or unaccompanied youth in bringing an appeal to the Commissioner of a final school district decision regarding enrollment, school selection and/or transportation. In the event of a dispute regarding eligibility, enrollment, school selection, and/or transportation, the District's McKinney-Vento liaison will:

a) Provide the parent or guardian or unaccompanied youth with a copy of the form petition;

b) Assist the parent or guardian or unaccompanied youth in completing the form petition;

c) Arrange for the copying of the form petition and supporting documents for the parent or guardian or unaccompanied youth, without cost to the parent or guardian or unaccompanied youth;

d) Accept service of the form petition and supporting papers on behalf of any District employee or officer named as a party, or the District if it is named as a party, or arrange for service by mail by mailing the form petition and supporting documents to any District employee or officer named as a party, and, if the District is named as a party, to a person in the office of the Superintendent who has been designated by the Board to accept service on behalf of the District;

e) Provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgment verifying that he or she has received the form petition and supporting documents, and will either accept service of these documents on behalf of the District employee or officer or District, or effect service by mail by mailing the form petition and supporting documents to any District employee or officer named as a party, and, if the District is named as a party, to a person in the office of the Superintendent who has been designated by the Board to accept service on behalf of the District;

(Continued)
SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont’d.)

f) Transmit on behalf of the parent or guardian or unaccompanied youth, within five days after the service of, the form petition or any pleading or paper to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234;

g) Provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgement verifying that he or she has received the form petition and supporting documents and will transmit these documents on behalf of the parent, guardian or unaccompanied youth to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234;

h) Accept service of any subsequent pleadings or papers, including any correspondence related to the appeal, if the parent or guardian or unaccompanied youth so elects. He or she will also make this correspondence available to the parent or guardian or unaccompanied youth; and

i) Maintain a record of all appeals of enrollment, school selection, and transportation determinations.

Coordination

The District will coordinate the provision of services described in this policy with local social services agencies, housing providers and other agencies or programs providing services to students in temporary housing and their families, including services and programs funded under the Runaway and Homeless Youth Act.

The District will coordinate with other school districts on inter-district issues, such as transportation or transfer of school records.

The District will coordinate implementation of the above provision of services with the requirements of the Individuals with Disabilities Education Act (IDEA) for students with disabilities.

Coordination with Title I

The District acknowledges that students in temporary housing are eligible for services under Title I, Part A, whether or not they live in a Title I school attendance area or meet the academic requirements required of other children. The District will ensure that:

a) Title I, Part A funds are set aside as are necessary to provide students in temporary housing, who may have unique needs that differ from their permanently housed peers, with educationally related support services;

b) Its local plan includes a description of how the plan is coordinated with McKinney-Vento;

(Continued)
SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont’d.)

   c) Its local plan describes the services provided to students in temporary housing;

   d) Its local plan describes the efforts it made to identify students in temporary housing, including unaccompanied youth, if the District reports that there are no students in temporary housing enrolled in the District. These efforts will include contacting the LDSS or Office of Children and Family Services (OCFS) to verify that there are no students in temporary housing in the District; and

   e) Its housing questionnaire asks about the living arrangements of the child or unaccompanied youth, including asking if he or she is living in a shelter; with relatives or others due to loss of housing or economic hardship; in an abandoned apartment/building; in a motel/hotel, camping ground, car, train/bus station or other similar situation due to the lack of alternative, adequate housing. Documentation of the District's efforts to identify students in temporary housing will be maintained on file and a copy of the housing questionnaire will also be kept on file.

Reporting Requirements

The District will collect and transmit to the Commissioner of Education, at the time and in the manner as the Commissioner may require, a report containing information as the Commissioner determines is necessary, including the numbers of homeless students, their grade, and their nighttime residence.

Access to Free Meals

The District will provide free meals to all children identified as homeless. They do not have to complete a free or reduced-price meal application. When the McKinney-Vento liaison or a shelter director provides a child's name to the District's school food service office, free school meals will commence immediately.

Removal of Barriers

The District will review and revise its policies that may act as barriers to the identification of students in temporary housing and their enrollment and retention in school, including barriers to enrollment and retention due to outstanding fees or fines, or absences.

Comparable Services

The District will provide services to students in temporary housing comparable to those offered to other students in the District, including: transportation services; educational services for which the child or youth meets the relevant criteria, such as services provided under Title I or similar State or local

(Continued)
SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont’d.)

programs; educational programs for students with disabilities; educational programs for English learners; programs in career and technical education; programs for gifted and talented students; and school nutrition programs.

Student Privacy

Information about a student in temporary housing's living situation will be treated as a student education record and will not be deemed to be directory information under the Family Educational Rights and Privacy Act (FERPA). A parent or guardian or unaccompanied youth may consent to the release of a student’s address information in the same way they would for other student education records under FERPA.

Training

All school enrollment staff, secretaries, school counselors, school social workers, and principals will be trained on the requirements for enrollment of students in temporary housing. Other staff members including school nutrition staff, school registered professional nurses, teachers, and bus drivers will receive training on homelessness that is specific to their field.

McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act (ESSA) of 2015, 42 USC § 11431, et seq.  
Education Law §§ 902(b) and 3209  
Executive Law Article 19-H  
8 NYCRR § 100.2(x)
SUBJECT: NON-RESIDENT STUDENTS

Non-resident families who wish to enroll students in the District must submit a request in writing to the Superintendent. The Superintendent will review these requests and make recommendations regarding non-resident student admission to the Board. The Board has final authority to approve or deny these requests.

Non-resident student enrollment requests will only be considered where:

a) There is sufficient space to accommodate the non-resident student;

b) No increase in the size of faculty or staff will be necessary; and

c) Admittance will not result in the establishment of a new class or section.

In making determinations regarding the admittance of non-resident students, the District will not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation, age, disability, or other legally protected category.

In the event a non-resident student is permitted to attend the District's schools, his or her attendance will be subject to the following conditions:

a) Parents or guardians must work out transfer conditions with the home school district or provide their own transportation;

b) All rules and regulations in effect for District students will be applicable to non-District students; and

c) Tuition may be charged to families of non-resident students in accordance with formulas approved by the State Education Department.

Future Students

Students whose families have signed a contract to buy or build a residence in the District may be enrolled for the semester in which they expect to become residents. Non-resident tuition will be charged, payable in advance, with an adjustment to be made when the family becomes a resident in the District.
SUBJECT: NON-RESIDENT STUDENTS (Cont’d.)

Former Residents

Students who are not District residents will be permitted to attend the District's schools without payment of tuition in the following limited circumstances:

a) Students of any grade who move from the District during the school year may be given permission to finish the semester in which the move occurs.

b) Students who move from the District after completion of the first semester of the year preceding their anticipated graduation year may be given permission to remain in the District until graduation.

Foreign Exchange Students

Foreign students participating in a recognized Student Exchange Program may attend District schools without payment of tuition.

Reservation of Claims

Should a material misstatement of fact be made and relied upon by any administrator or the Board in admitting a non-resident student without tuition, the Board will be entitled to recover the cost of instruction for the time the student was not authorized to attend a school in the District from the person who made the misstatement or from the student's parent or person in parental relation.

Tuition Fees

Where applicable, tuition fees are computed according to a formula established by the Commissioner of Education.

Tuition of individual non-resident students will be computed in advance at the time of enrollment. Methods of payment (e.g., monthly) may be arranged in the District Office and approved by the Superintendent. Non-resident student status is contingent upon timely payment of tuition fees as established by the Board.

Legal Residence

Parents who maintain more than one residence, but whose legal residence for the purposes of voting or filing income tax is within the District, are eligible to send their children to District schools. However, school tax payments of non-residents who own assessable property in the District will be deducted from any tuition charges levied against the non-resident.

(Continued)
SUBJECT:  NON-RESIDENT STUDENTS (Cont’d.)

Tax Offset Against Tuition Charges

The parent or guardian of a non-resident student attending a Buffalo Public School on a tuition basis may, by virtue of the ownership of and the payment of taxes on real property within the City of Buffalo, be entitled to an offset or reduction of such tuition charges. The amount of the offset shall be the same as the product of the taxes paid attributable to the parent/guardian and the proportion the school tax levy represents of the total city tax levy.

Education Law §§ 1709(13) and 3202
8 NYCRR § 174.2

NOTE:  Refer also to Policies #7130 -- Entitlement to Attend -- Age and Residency
#7131 -- Education of Students in Temporary Housing

Adoption Date
SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE

The District recognizes the importance of educational stability for students in foster care and will collaborate, as appropriate, with the State Education Department (SED) and the local Department of Social Services (LDSS) to ensure that students in foster care have the opportunity to achieve at the same high-levels as their peers. For purposes of this policy, LDSS also refers to the local Social Services District or the local child welfare agency.

Definitions

a) Child or youth in foster care ("student in foster care") means a child who is in the care and custody or custody and guardianship of a local Commissioner of Social Services or the Commissioner of the Office of Children and Family Services.

b) Foster care means 24-hour substitute care for children placed away from their parents or guardians and for whom the state or tribal child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A child is in foster care regardless of whether the foster care facility is licensed and payments are made by the state, tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is federal matching of any payments that are made.

c) Preschool means a publicly funded prekindergarten program administered by SED or a local educational agency or a Head Start program administered by a local educational agency and/or services under the Individuals with Disabilities Education Act (IDEA) administered by a local educational agency.

d) Receiving school means:

1. A school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or

2. A school that enrolls students from a feeder school in a neighboring local educational agency pursuant to applicable laws and regulations.

e) School district of origin means the school district within New York State in which the child or youth in foster care was attending a public school or preschool on a tuition-free basis or was entitled to attend at the time of placement into foster care when the Social Services District or the Office of Children and Family Services assumed care and custody or custody and guardianship of such child or youth, which is different from the school district of residence.

f) School district of residence means the public school district within New York State in which the foster care placement is located, which is different from the school district of origin.

(Continued)
SUBJECT:  EDUCATION OF STUDENTS IN FOSTER CARE  (Cont’d.)

   g) **School of origin** means a public school that a child or youth attended at the time of placement into foster care, or the school in which the child or youth was last enrolled, including a preschool or a charter school. For a child or youth in foster care who completes the final grade level served by the school of origin, the term school of origin will include the designated receiving school at the next grade level for all feeder schools. Where the child is eligible to attend school in the school district of origin because the child was placed in foster care after such child is eligible to apply, register, or enroll in the public preschool or kindergarten or the child is living with a school-age sibling who attends school in the school district of origin, the school of origin will include any public school or preschool in which such child would have been entitled or eligible to attend based on such child's last residence before the circumstances arose which caused such child to be placed in foster care.

   **District Foster Care Liaison**

   The District will designate an appropriate staff person to act as the District's point of contact for students in foster care (i.e., the "Foster Care Liaison"). The Foster Care Liaison will not be the same staff person as the McKinney-Vento Liaison unless the McKinney-Vento Liaison has sufficient ability to carry out the responsibilities of both roles.

   The Foster Care Liaison will work collaboratively with representatives from the LDSS.

   The District will ensure that the name and contact information for the Foster Care Liaison are:

   a) Submitted to SED;

   b) Provided, in writing, to the point of contact for any LDSS known by the District to have students in its custody; and

   c) Posted on the District website.

   **Designation of School District and School**

   The LDSS, in consultation with the appropriate local educational agency or agencies, will determine whether placement in the school district of origin or the school district of residence is in the best interest of a student in foster care. Provided that the District is an appropriate local educational agency, the District will work with the LDSS to make the best interest determination as quickly as possible in order to prevent educational discontinuity for the student. If the student has an Individualized Education Program (IEP), a Section 504 plan, or is an English language learner, relevant school staff may be consulted during the best interest determination process.

   To the extent feasible and appropriate, the student should remain in his or her school of origin while the best interest determination is being made.

   (Continued)
SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont’d.)

Subject to a best interest determination, a student in foster care is entitled to attend the school of origin or any school that children and youth who live in the attendance area in which the foster care placement is located are eligible to attend, including a preschool, for the duration of the student's placement in foster care and until the end of the school year in which he or she is no longer in foster care, and for one additional year if that year constitutes the student's terminal year in that building.

Where the school district of origin or school of origin that a student was attending on a tuition-free basis, or was entitled to attend when the student entered foster care is located, in New York State and the student's foster care placement is located in a contiguous state, the student is entitled to attend his or her school of origin or any school that children and youth who live in the attendance area in which the foster care placement is located are eligible to attend, including a preschool, subject to a best interest determination, for the duration of the student's placement in foster care and until the end of the school year in which he or she is no longer in foster care, and for one additional year if that year constitutes the student's terminal year in such building.

Responsibilities When Designated as the School District of Attendance

If the District is designated as the school district of attendance for a student in foster care, the District will immediately:

a) Enroll the student in foster care, even if the student is unable to produce records which are normally required for enrollment, such as previous academic records, records of immunization and/or other required health records, proof of residency or other documentation and/or even if the student has missed application or enrollment deadlines during any period of placement in foster care, if applicable;

b) Treat the student in foster care as a resident for all purposes; and

c) Make a written request to the school district where the student's records are located in order to obtain a copy of the student's records and coordinate the transmittal of these records in accordance with applicable laws and regulations.

Request for Records

Within five days of receipt of a request for school records from a new school, the District will forward, in a manner consistent with federal and state law, a complete copy of the records of the student in foster care, including, but not limited to: proof of age; academic records; evaluations; immunization records; and guardianship papers (if applicable).

(Continued)
SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont’d.)

Tuition Reimbursement

Except as otherwise provided in law or regulation, the cost of instruction of a student in foster care will be borne by the school district of origin. Where a district other than the school district of origin is designated as the school district of attendance, the cost of instruction will be borne by the school district of origin and the tuition paid to the designated school district of attendance will be computed in accordance with applicable laws and regulations.

Transportation Responsibilities

Any student in foster care who requires transportation in order to attend his or her school of origin, is entitled to receive that transportation.

As appropriate, the District will coordinate and collaborate with the LDSS to make an appropriate transportation plan that supports the student's school stability plan and is fair to the District's taxpayers, consistent with the District's obligations under federal and state law.

When the District is the designated school district of attendance, and the student requires transportation to attend his or her school of origin, the District will provide transportation to and from the student's foster care placement location and the school of origin. The costs for transportation may be aidable pursuant to applicable laws and regulations.

When the District is the school district of residence and the designated school district of attendance, and the student does not attend his or her school of origin, the District will provide transportation on the same basis as provided to resident students. The costs for transportation may be aidable pursuant to applicable laws and regulations.

When transporting students in foster care, the District may incur excess transportation costs, as defined by law. The District and the LDSS may enter into a written agreement relating to how excess transportation costs should be funded, consistent with applicable laws and regulations. Absent such an agreement, excess transportation costs incurred by the District will be shared equally between the LDSS responsible for the foster care costs of the student and the designated school district of attendance. The District and the LDSS will consider and utilize all allowable funding sources, including any available federal funds, to cover excess transportation costs.

Where a student in foster care has been placed in foster care in a contiguous state, and the District is the designated district of attendance, the District will collaborate with the LDSS to arrange for transportation.

(Continued)
SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont’d.)

Where the School of Origin is a Charter School

Where the school of origin is a charter school, the school district designated as the school district of attendance for a student in foster care will be deemed to be the school district of residence for the student for purposes of fiscal and programmatic responsibility and will be responsible for transportation of the student in foster care. If the designated school district of attendance is not the school district of origin, the designated school district of attendance may seek reimbursement from the school district of origin in accordance with applicable laws and regulations.

Dispute Resolution Process

To the extent feasible and appropriate, the District will ensure that a student in foster care remains in his or her school of origin while any dispute is being resolved in order to minimize disruptions and reduce the number of moves between schools.

Coordination with Other Agencies

The District will coordinate the provision of services described in this policy, as appropriate, with agencies or programs providing services to students in foster care.

The District will coordinate with other school districts on inter-district issues, such as transportation or transfer of school records.

The District will coordinate implementation of the above provision of services with the requirements of IDEA for students with disabilities.

Comparable Services

Each student in foster care will be provided services comparable to other students in the school of attendance, including: transportation services; educational services for which the student meets eligibility criteria; educational programs for students with disabilities; educational programs for English learners; programs in career and technical education; programs for gifted and talented students; and school nutrition programs.

Student Privacy

As appropriate, the District will collaborate with SED and/or the LDSS to determine what documentation related to a student in foster care should be shared among involved parties. In all cases, the District will comply with all statutory requirements to protect student privacy, including the Family Educational Rights and Privacy Act (FERPA) and any other applicable privacy requirements under federal, state, or local laws.

(Continued)
SUBJECT:   EDUCATION OF STUDENTS IN FOSTER CARE (Cont’d.)

45 USC § 6312
45 CFR § 1355.20(a)
US DOE, Non-Regulatory Guidance: Ensuring Stability for Children in Foster Care (June 23, 2016)
Education Law §§ 3202 and 3244
Memorandum from NY St. Educ. Department on Educational Stability and Transportation Provisions for Students in Foster Care Memo (December 2, 2016)

NOTE:   Refer also to Policies #5660 -- Meal Charging and Prohibition Against Meal Shaming
        #7240 -- Student Records: Access and Challenge
SUBJECT: INVOLUNTARY TRANSFER OF STUDENTS

Involuntary transfer of a student from regular classroom instruction to an appropriate educational setting in another school shall be in accordance with Education Law.

Education Law § 1709(3), 2554(1), and 3214(5)
SUBJECT: STUDENT EVALUATION, PROMOTION, AND ASSIGNMENT

Grade Promotion and Assignment

Grade promotion and the assignment of students within the District's instructional system will be at the discretion of the school administration and will be subject to review at any time. In making these decisions, the administrator or building principal will be guided by: performance in class; past records, including various measures of student growth; recommendations from parents, persons in parental relation to District students, and teachers; and any other appropriate sources of information.

Testing Program

The District utilizes various ability, achievement, diagnostic, readiness, interest, and guidance tests for the purpose of complying with state and federal law and/or aiding the implementation of quality educational services. The District will not make any student promotion or placement decisions based solely or primarily on student performance on the state administered English language arts and mathematics assessments for grades 3 through 8. The District may, however, consider student performance on state assessments in making student promotion and placement decisions provided that multiple measures be used in addition to these assessments and that these assessments do not constitute the major factor in these determinations.

Alternative Testing Procedures

The use of alternative testing procedures will be limited to:

a) Students identified by the Committee on Special Education and/or Section 504 Team as having a disability. Alternative testing procedures will be specified in a student's Individualized Education Program or Section 504 Accommodation Plan; and

b) Students whose native language is other than English (i.e., English language learners) in accordance with State Education Department (SED) Guidelines.

The alternative testing procedures employed will be based upon a student's individual needs and the type of test administered.

The District will report the use of alternative testing procedures to the SED on a form and at a time prescribed by the Commissioner.

Reporting to Parents or Persons in Parental Relation to Students

Parents or persons in parental relation to District students will receive an appropriate report of student progress at regular intervals.

(Continued)
SUBJECT: STUDENT EVALUATION, PROMOTION, AND ASSIGNMENT (Cont'd.)

The District will not place or include on a student's official transcript or maintain in a student's permanent record any individual student score on a state administered standardized English language arts or mathematics assessment for grades 3 through 8. However, the District will comply with state and federal requirements regarding the maintenance and transfer of student test scores. Any test results on a state administered standardized English language arts or mathematics assessment for grades 3 through 8 sent to parents or persons in parental relation to a student will include a clear and conspicuous notice that these results will not be included on the student's official transcript or in the student's permanent record and are being provided to the student and parents for diagnostic purposes.

When necessary, attempts will be made to provide interpreters for non-English speaking parents or persons in parental relation to District students.

Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.
Education Law §§ 305(45) - (47), 1709(3)
8 NYCRR §§ 100.2(g), 100.2(ll), 100.3(b)(2)(iv), 100.4(b)(2)(v), 100.4(e)(6)
8 NYCRR Parts 117 and 154

Adoption Date
SUBJECT:  PROVISION OF INTERPRETER SERVICES TO PARENTS WHO ARE HEARING IMPAIRED

The Board will provide parents or persons in parental relation who are hearing impaired with meaningful access to school initiated meetings or activities pertaining to the academic and/or disciplinary aspects of their children's education. School initiated meetings or activities include, but are not limited to, parent-teacher conferences, child study or building-level team meetings, planning meetings with school counselors regarding educational progress and career planning, suspension hearings or any conferences with school officials relating to disciplinary actions. The term "hearing impaired" will include any hearing impairment, whether permanent or fluctuating, which prevents meaningful participation in District meetings or activities.

Parents or persons in parental relation will be notified of the availability of interpreter services, to be provided at no charge, provided that a written request is made to the District within ten days of the scheduled meeting or activity. Exceptions may be made for unanticipated circumstances as determined by the principal or designee. The District will also notify appropriate school personnel as to the terms and implementation of this policy.

If interpreter services are requested, the District will appoint an interpreter for the hearing impaired to interpret during the meeting or activity. The District will arrange for interpreters through a District-created list or through an interpreter referral service. The District will also develop interagency agreements, as appropriate, to ensure that sign language interpreters are provided for eligible parents or persons in parental relation when District students attend out-of-District schools or programs.

In the event that an interpreter is unavailable, the District will make other reasonable accommodations which are satisfactory to the parents or persons in parental relation. Examples of what constitutes reasonable accommodations in the event an interpreter cannot be located may include the use of:

a) Written communications, transcripts, or note takers; and

b) Technology, such as: a decoder or telecommunication device for the deaf, assistive listening devices, and closed or open captioning.

Education Law § 3230
8 NYCRR § 100.2(aa)

Adoption Date
SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS

Per Commissioner's Regulations, a School District must select and define the specific structure and components of its response to intervention program.

Response to Intervention (RtI) is a multi-tiered, early prevention and intervention system designed to improve student outcomes. Students in grades kindergarten through grade four suspected of having a potential learning disability will receive appropriate RtI services pursuant to Commissioner's Regulations prior to a referral to the Committee on Special Education (CSE) for evaluation. RtI cannot be utilized as a strategy to delay or deny a timely initial evaluation of a student suspected of having a disability under the Individuals with Disabilities Education Act (IDEA).

Minimum Requirements of District's RtI Program

The District's RtI process shall include the following minimum requirements:

a) Scientific, research-based instruction in reading and mathematics provided to all students in the general education class by qualified personnel. Instruction in reading, per Commissioner's Regulations, shall mean scientific, research-based reading programs that include explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies;

b) Universal screening shall be provided to all students enrolled in grades K-4 to identify those students who are not making academic progress at expected rates;

c) Scientific, research-based instruction matched to student need with increasingly intensive levels of targeted interventions for those students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards;

d) Repeated assessments of student achievement which should include multiple measures to determine if interventions are resulting in student progress toward age or grade level standards;

e) The application of information about the student's response to intervention to make educational decisions about changes in goals [i.e., goals for all students, not just Individualized Education Program (IEP) goals], instruction and/or services and the decision to make a referral for special education programs and/or services;

The Student Support Team (SST), data teams and/or grade level teams will be responsible for reviewing student information (not limited to results from screening, progress monitoring, local assessments, classroom observation, etc.) at established intervals and applying same to make decisions concerning student academic progress and further intervention strategies;

(Continued)
SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS (Cont'd.)

f) Written notification to the parents when the student requires an intervention beyond that provided to all students in the general education classroom that provides information about:

1. The amount and nature of student performance data that will be collected and the general education services that will be provided as enumerated in Commissioner's Regulations;

2. Strategies for increasing the student's rate of learning; and

3. The parents’ right to request an evaluation for special education programs and/or services.

Structure of Response to Intervention Program

The District shall employ a standard protocol model; the standard protocol model consists of multiple tiers of instruction/assessments to address increasingly intensive levels of targeted intervention to promote early identification of student performance needs and/or rate of learning, and to help raise achievement levels for all students.

Student Support Teams and/or grade level teams, whose members may include, but are not limited to, regular education teachers, special education personnel, the school psychologist, reading and math coordinators, designated administrators, and other individuals deemed appropriate by the District, will be available for each building/grade level classification to address the implementation of the District's RtI process.

The Student Support Team's and/or grade level team's responsibilities shall include, but are not limited to, the following:

a) Determining the level of interventions/student performance criteria appropriate for each tier of the RtI model;

b) Analyzing information/assessments concerning a student's response to intervention and making educational decisions about changes in goals, instruction and/or services;

c) Determining whether to make a referral for special education programs and/or services.

Criteria for Determining the Levels of Intervention to Be Provided to Students

The District will use multiple data points, including but not limited to benchmark and progress monitoring data, to help identify students who are at risk and do not make satisfactory progress. Buildings will review student data periodically throughout the year to help determine levels of intervention that students require.

(Continued)
SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS (Cont'd.)

Types of Interventions

The District will provide multiple tiers of increasingly intensive levels of targeted intervention and instruction for those students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards.

It is expected that instruction/intervention will meet student needs, with students entering and exiting tiers of intervention according to the analysis of student performance data and progress monitoring.

Tier One Instruction

Tier One instruction is provided to all students in the general education setting. The use of scientific, research based instruction in the areas of reading and math will be provided by the general education teacher and/or other qualified personnel as appropriate, and will emphasize proactive, preventative core instructional strategies in the classroom setting. Group and/or individualized instruction, assessment and reinforcement activities will be provided as deemed appropriate by the classroom teacher.

Tier Two Instruction

In general, Tier Two instruction will consist of targeted, research-based interventions for those students who fail to make adequate progress in the Tier One setting. Tier Two instruction will include programs and intervention strategies designed to supplement Tier One instruction provided to all students.

Continuous progress monitoring is an integral part of instruction. Assessments will be administered regularly to assess the efficacy of the current intervention/instruction as well as the need for further services and/or educational placement.

Tier Three Instruction

Tier Three instruction is the provision of more intensive, research-based instructional interventions for those students who are far from making adequate progress. Tier Three instruction may include longer periods of intervention, smaller group size, and services other than those provided in the first two Tiers based upon the significant needs of the student.

Continuous progress monitoring is an integral part of instruction. Assessments will be administered regularly to assess the efficacy of the current intervention/instruction as well as the need for further services and/or educational placement. If deemed appropriate by the Team, and in accordance with applicable law and regulation, a referral of the student may be made to the Committee on Special Education.

(Continued)
SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS (Cont'd.)

Amount and Nature of Student Performance Data to be Collected

In conjunction with established District guidelines, the Student Support Team and/or grade level teams or data teams will determine the amount and nature of student performance data that will be collected to assess, on an ongoing basis, student performance results and address ongoing academic needs as warranted. Such data collection will reflect the Tier Level of intervention provided to the student. Student performance data will also be used to review the District's RtI program and make modifications to the program as deemed necessary.

Manner and Frequency for Progress Monitoring

The Student Support Team and/or grade level teams or data teams shall monitor the progress of those students receiving intervention services beyond that provided to all students in the general education classroom. The Team shall meet with the student's teacher(s) and will determine if further adjustments need to be made to the student's current instructional program and/or a change made to the Tier Level of intervention provided. Monitoring of student progress shall be an ongoing part of the RtI Program from the initial screening to completion of the RtI process as applicable. Parents may also request that the progress of their child be reviewed by the Student Support Team.

Staff Development

All staff members involved in the development, provision and/or assessment of the District's RtI program, including both general education and special education instructional personnel, shall receive appropriate training necessary to implement the District's RtI program. Staff development will include the criteria for determining the levels of intervention provided to students, the types of interventions, collection of student performance data, and the manner and frequency for monitoring progress.

Parent Notification

Written notification shall be provided to parents when their child requires an intervention beyond that provided to all students in the general education classroom. Such written notice shall include the following information:

a) The amount and nature of student performance data that will be collected and the general education services that will be provided as part of the RtI process;

b) Strategies for increasing the child's rate of learning; and

c) The parents' right to request an evaluation for special education programs and/or services.

(Continued)
SUBJECT:  RESPONSE TO INTERVENTION (RTI) PROCESS (Cont'd.)

34 Code of Federal Regulations (CFR) Sections 300.309 and 300.311
Education Law Sections 3208, 4002, 4401, 4401-a, 4402, 4402, and 4410
8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(ii), 200.2(b)(7), 200.4(a), 200.4G(3)(i), and 200.4(j)(5)(i)(g)
SUBJECT: GRADUATION OPTIONS/EARLY GRADUATION/ACCELERATED PROGRAMS

To graduate from the District, a student must meet or exceed the requirements set forth in Part 100 of the Commissioner's regulations. The Board may establish graduation requirements that exceed the minimum standards set by the Board of Regents. The District will award the appropriate diploma, credential, or both to students.

Pathways to Graduation

Students must pass the required number of Regents examinations or approved alternative exams and meet any further graduation requirements; these requirements may include passing an approved pathways assessment, other assessment, or an additional exam that measure an equivalent level of knowledge and skill. Students who fail certain Regents examinations may appeal the result in accordance with Commissioner's regulations.

Early Graduation

A student may be eligible for early graduation (fewer than eight semesters) if the student completes all requirements for graduation, excluding physical education. The District will consult with appropriate personnel, the student, and persons in parental relation, and consider factors such as the student's grades, performance in school, future plans, and benefits to graduation early in making its decision.

Accelerated Programs

Eighth Grade Acceleration for Diploma Credits

Eighth grade students may take appropriate high school courses. The Superintendent or designee will determine whether an eighth grade student is eligible to take high school courses using criteria that examines each student's readiness. By the end of seventh grade, accelerated students must receive instruction designed to facilitate their attainment of the state intermediate learning standards in each subject area in which they are accelerated.

Advanced Placement (AP)

Advanced Placement examinations afford students the opportunity to earn credit or advanced standing in many colleges and universities. The College Board administers a variety of AP examinations in May of each year. The District will determine a student's readiness for enrollment in any AP class.

(Continued)
Dual Credit for College Courses

Students who have demonstrated intellectual and social maturity may choose to matriculate at any one of the colleges that have a cooperative agreement with the District. Students who wish to enroll in college-level coursework must meet all academic, grade level, and coursework requirements. These opportunities may include early admission to college, collegiate-level work offered in the high school, or other means of providing advanced work. The administration will review and approve any college courses before they are taken during the school day.

Online Coursework

The District may offer students the ability to complete general education and diploma requirements for a specific subject through online instruction or blended coursework that combines online and classroom-based instruction.

To receive credit for online coursework, students must successfully complete an online or blended course and demonstrate mastery of the learning outcomes for the subject by passing the Regents exam or other assessment in the subject area.

8 NYCRR §§ 100.1(i), 100.2(f), 100.4(d), 100.5, 100.6, and 200.5

NOTE: Refer also to Policies #7221 -- Participation in Graduation Ceremonies and Activities
#7222 -- Diploma or Credential Options for Students with Disabilities

Adoption Date
SUBJECT: PARTICIPATION IN GRADUATION CEREMONIES AND ACTIVITIES

Any student who has satisfactorily completed all graduation requirements will be permitted to participate in the graduation ceremony and all related graduation activities.

The District permits any student to participate in the graduation ceremony and all related graduation activities of his or her high school graduating class, if the student has been awarded a Skills and Achievement Commencement Credential or a Career Development and Occupational Studies (CDOS) Commencement Credential, but has not otherwise qualified to receive a Regents or local diploma. While permitted to participate, these students are not required to participate in the graduation ceremony or related graduation activities of his or her high school graduating class. For purposes of this policy, a student's high school graduating class is the twelfth grade class with which he or she entered into ninth grade.

The District will provide annual written notice of this policy and any related procedures to all students and their parents or guardians.

The principal of a school will follow a procedure developed by the Office of School Leadership, and approved by the Superintendent of Schools if they deem a student not eligible to attend a graduation ceremony due to a violation of the District Code of Conduct.

Education Law § 3204(4-b)
SUBJECT: DIPLOMA OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES

The District will provide students with disabilities appropriate opportunities to earn a diploma or non-diploma high school exiting credential in accordance with Commissioner’s regulations. Students with disabilities may be eligible for one or more of the following:

Diploma Options

a) Regents Diploma, including with honors, an advanced designation, a career and technical education endorsement, and/or any other designation or endorsement as may be available.

b) Local Diploma, including with any endorsement as may be available.

Existing Credentials Options

a) Career Development and Occupational Studies (CDOS) Commencement Credential, which may be earned as a supplement to a Regents or local diploma or as a student's only exiting credential.

b) Skills and Achievement Commencement Credential.

Specific requirements and detailed information for each diploma and non-diploma high school exiting credential are specified in the Commissioner's regulations and various guidance materials issued by the New York State Department of Education.

8 NYCRR §§ 100.1, 100.2, 100.5, and 100.6

NOTE: Refer also to Policies #7220 -- Graduation Options/Early Graduation/Accelerated Programs #7221 – Participation in Graduation Ceremonies #7641 – Transition Services
SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE

The District will comply with the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Under its provisions, parents or guardians and noncustodial parent(s) whose rights are not limited by court order or formal agreement, of a student under 18, or a student who is 18 years of age or older, or who is attending an institution of post-secondary education, have a right to inspect and review any and all education records maintained by the District.

Education Records

The term "education records" is defined as all records, files, documents, and other materials containing information directly related to a student; and maintained by the education agency or institution, or by a person acting for that agency or institution. This includes all records regardless of medium, including, but not limited to, handwriting, videotape or audiotape, electronic or computer files, film, print, microfilm, and microfiche.

In addition, for students who attend a public school district, all records pertaining to services provided under the Individuals with Disabilities Education Act (IDEA) are considered "education records" under FERPA and they are subject to the confidentiality provisions of both Acts.

However, personal notes made by teachers or other staff are not considered education records if they are:

a) Kept in the sole possession of the maker;

b) Not accessible or revealed to any other person except a temporary substitute; and

c) Used only as a memory aid.

Additionally, FERPA does not prohibit a school official from disclosing information about a student if the information is obtained through the school official's personal knowledge or observation and not from the student's education records.

Records created and maintained by a law enforcement unit for law enforcement purposes are also excluded.

Access to Student Records

Administrative regulations and procedures will be developed to comply with the provisions of federal law relating to the availability of student records. The purpose of these regulations and procedures is to make available to the parents or guardians of students and noncustodial parent(s) whose rights are not limited by court order or formal agreement, or students who are 18 years of age or older, or who are attending an institution of post-secondary education, student records, and files on students, and to ensure the confidentiality of these records with respect to third parties.

(Continued)
SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)

Under FERPA, unless otherwise exempted in accordance with law and regulation, the District may release personally identifiable information (PII) contained in student education records only if it has received a "signed and dated written consent" from a parent or eligible student. Signed and dated written consent may include a record and signature in electronic form provided that the signature:

a) Identifies and authenticates a particular person as the source of the electronic consent; and

b) Indicates the person's approval of the information contained in the electronic consent.

Exceptions

Without the consent of a parent or eligible student, the District may release a student's information or records when it is:

a) Directory Information and Limited Directory Information

"Directory information" is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. "Limited Directory Information Disclosure" means that the District may limit disclosure of its designated directory information to specific parties, for specific purposes, or both. The intent is to allow schools the option to implement policies that allow for the disclosure of student information for uses such as yearbooks, honor roll lists, graduation programs, and playbills, but restrict disclosure for more potentially dangerous purposes or uses related to marketing surveys and/or commercial purposes. The District will limit disclosure of its designated directory information as otherwise specified in its public notice to parents of students in attendance and eligible students in attendance.

b) To School Officials who have a Legitimate Educational Interest

To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. An educational interest includes the behavior of a student and disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of the student, other students, or other members of the school community. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

c) To Another Educational Institution

The District may disclose any and all educational records, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of IDEA, to another school or postsecondary institution at which the student seeks or (Continued)
intends to enroll, or after the student has enrolled or transferred, so long as the disclosure is for purposes related to the student's enrollment or transfer. Parental consent is not required for transferring education records if the school's annual FERPA notification indicates that these disclosures may be made. In the absence of information about disclosures in the annual FERPA notification, school officials must make a reasonable attempt to notify the parent about the disclosure, unless the parent initiated the disclosure. Additionally, upon request, the District will provide a copy of the information disclosed and an opportunity for a hearing.

d) For Health and Safety Emergency Reasons

The District must balance the need to protect students' PII with the need to address issues of school safety and emergency preparedness. Under FERPA, if an educational agency or institution determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records, without consent, to any person whose knowledge of the information is necessary to protect the health and safety of the student or other individuals during the period of the health or safety emergency. The District may release information from records to appropriate parties including, but not limited to, parents, law enforcement officials, and medical personnel. The District's determination that there is an articulable and significant threat to the health or safety of a student or other individuals will be based upon a totality of the circumstances, including the information available, at the time the determination is made. The District must record the articulable and significant threat that formed the basis for the disclosure and maintain this record for as long as the student's education records are maintained.

e) To Juvenile Justice Systems

Information may be disclosed to state and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a state statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released. In these cases, the official or authority must certify in writing that the information will not be disclosed to any other party except as provided under law without prior written consent.

f) To Foster Care Agencies

The District may release records to an agency caseworker or other representative of a state or local child welfare agency, who has the right to access a student's case plan, when the agency or organization is legally responsible, for the care and protection of the student. This does not give a child welfare agency the right to look into any non-foster care student's records, without parental consent, when there has been a mere allegation of abuse or maltreatment, absent an order or subpoena.

(Continued)
g) Pursuant to a Subpoena or Court Order

When the District receives a subpoena or court order for the release of records, it will make a reasonable effort to notify the parent or guardian or eligible student of the order or subpoena in advance of compliance. This allows the parent or guardian or eligible student to seek protective action against the subpoena or order before the release of the records.

The District may disclose a student's records without first notifying parents or guardians or eligible students if the disclosure is:

1. Based on a subpoena in which the court orders, for good cause shown, not to reveal to any person the existence or contents of the subpoena or any information furnished pursuant to the subpoena;

2. In accordance with a judicial order in cases where the parents are a party to a court proceeding involving child abuse or maltreatment or dependency matters, and the order is issued in the context of that proceeding; or

3. Made to a court (with or without an order or subpoena) when the District is involved in a legal action against a parent or student and the records are relevant to the matter.

h) For Financial Aid Purposes

Pertinent information may be released in connection with the determination of eligibility, amount, conditions, and enforcement of terms of a student's financial aid.

i) To Accrediting Organizations

Disclosure of a student's records may be made to an organization in which that student seeks accreditation, in order to carry out their accrediting function.

j) To Parents of a Dependent Student

Even when a student turns 18 years of age or older the District may disclose education records to that student's parents, without the student's consent, if the student is claimed as a dependent for federal income tax purposes by either parent.

k) For Audit/Evaluation Purposes

The audit or evaluation exception allows for the disclosure of PII from education records without consent to authorized representatives of the Comptroller General of the U.S., the Attorney General, the Secretary of Education, federal, state, or local educational authorities.

(Continued)
SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)

Under this exception, PII from education records must be used to audit or evaluate a federal or state supported education program, or to enforce or comply with federal legal requirements that relate to those education programs.

The District may occasionally disclose PII from education records without consent to authorized representatives of the entities listed above. The District may also designate its own authorized representative who may access PII without consent in connection with an audit or evaluation of an education program within the District. As an example, the District might designate a university as its authorized representative in order to disclose, without consent, PII from education records on its former students to the university. The university could then disclose, without consent, transcript data on those former students attending the university to allow the District to evaluate how effectively the District prepared its students for success in postsecondary education.

1) For Conducting Studies

This exception allows for the disclosure of PII from education records without consent to organizations conducting studies for, or on behalf of, schools, school districts, or postsecondary institutions. Studies can be for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction.

The District may disclose PII from education records without consent to these organizations conducting studies for the District, in accordance with its obligations under FERPA.

In addition, other entities outside of the District may occasionally disclose PII from education records that the District has previously shared with that entity, to organizations conducting studies on behalf of the District. For example, a State Education Agency (SEA) may disclose PII from education records provided by the District without consent to an organization for the purpose of conducting a study that compares program outcomes across school districts to further assess the effectiveness of these programs with the goal of providing the best instruction.

Required Agreements for the Studies or Audit/Evaluation Exceptions (see items k and l)

To the extent required by law, the District will enter into a written agreement with organizations conducting studies for the District, or, with its designated authorized representatives in connection with audits or evaluations of education programs within the District. In the event that the District discloses PII from education records to its own designated authorized representative in connection with an audit or evaluation of an educational program within the District, it will use reasonable methods to ensure to the greatest extent practicable that its designated authorized representative complies with FERPA and its regulations.

(Continued)
SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)

Challenge to Student Records

Parents or guardians of a student under the age of 18, or a student who is 18 years of age or older or who is attending an institution of post-secondary education, will have an opportunity for a hearing to challenge the content of the school records and to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy of students, and to provide an opportunity for the correction or deletion of any inaccurate, misleading, or otherwise inappropriate data.

Release of Information to the Noncustodial Parent

The District may presume that the noncustodial parent has the authority to request information concerning his or her child and release this information upon request. If the custodial parent wishes to limit the noncustodial parent's access to the records, it is his or her responsibility to obtain and present to the school a legally binding instrument that prevents the release of information related to the child.

Parents' Bill of Rights

The District posts a parents' bill of rights for data privacy and security on its website, and it includes this bill of rights with every contract it enters into with a third-party contractor that receives student, teacher, or principal data. The bill of rights informs parents of the legal requirements regarding privacy, security, and use of student data.

Family Educational Rights and Privacy Act of 1974, 20 USC § 1232g
34 CFR Part 99
Education Law § 2-d

NOTE: Refer also to Policies #7241 -- Student Directory Information
#7242 -- Military Recruiters and Institutions of Higher Education
#7243 -- Student Data Breaches
#7643 -- Transfer Students with Disabilities

Adoption Date
SUBJECT: STUDENT DIRECTORY INFORMATION

The District will publish an annual public notice informing parents or eligible students (i.e., a student 18 years of age or older or who is attending an institution of post-secondary education) of (1) the District's definition of directory information; (2) the parent or eligible student's right to opt out of, in writing, the release of student directory information; and (3) indication of the time period to do so.

Directory information is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Following this public notice and a reasonable period to opt out, the District may release this information to an outside group without individual consent.

The Family Educational Rights and Privacy Act defines student directory information as any of the items as indicated in the following list. The District defines student directory information to include only the items of information checked below:

- [X] Student's name
- [X] Address
- [X] Telephone listing
- [X] Date and place of birth
- [X] Major field of study
- [X] Grade level
- [X] Participation in officially recognized activities and sports
- [X] Weight and height (for members of athletic teams)
- [X] Dates of enrollment
- [X] Honors, degrees and awards received
- [X] Email address
- [X] Photograph
- [X] Name of educational institution previously attended
- [X] Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

- [X] Student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.
SUBJECT: STUDENT DIRECTORY INFORMATION (Cont'd.)

Parents and eligible students may not, by opting out of disclosure of directory information, prevent a school from requiring a student to wear or present a student identification card or a badge that displays information that may be directory information. A student's social security number, in whole or part, will not be designated as directory information.

Marketing Surveys/Commercial Purposes

Unless mandated or authorized in accordance with federal or state law and/or regulation, this policy of the Board of Education prohibits the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), unless otherwise exempted pursuant to law as noted below. Questions regarding the collection, disclosure, or use of personal information collected from students for such marketing purposes may be referred to the General Counsel as deemed necessary by the Superintendent/designee.

This prohibition does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluation, or providing educational products or services for, or to, students or educational institutions as permitted by law.

20 USC § 1232g
34 CFR Part 99

NOTE: Refer also to Policies #7240 -- Student Records: Access and Challenge
#7242 -- Military Recruiters and Institutions of Higher Education

Adoption Date
SUBJECT: MILITARY RECRUITERS AND INSTITUTIONS OF HIGHER EDUCATION

Requests for Information

The District will comply with requests from military recruiters and institutions of higher education (IHEs) for access to the name, address and telephone listing of each secondary school student, except for any student whose parent (or the student, if he or she is at least 18 years of age) has submitted a written request to opt out of this disclosure, in which case the information will not be released without the parent's (or student's, if he or she is at least 18 years of age) prior written consent.

Annual Notification and Opt Out Opportunity

The District will annually notify parents of a secondary student (or the student, if he or she is at least 18 years of age) of the opportunity to submit a written request to opt out of disclosure of the student's name, address, and telephone listing to military recruiters and IHEs. If a written opt out request is submitted, the District will not disclose the student's information to military recruiters or IHEs without the parent's (or student's, if he or she is at least 18 years of age) prior written consent.

Military Recruiter Access

The District will provide military recruiters the same access to secondary school students as is provided generally to IHEs or prospective employers of those students.

10 USC § 503
34 CFR § 300.571
Education Law § 2-a

Adoption Date
SUBJECT: STUDENT DATA BREACHES

A student data breach is defined as any instance in which there is an unauthorized release of, or access to, personally identifiable information (PII) or other protected information of students not suitable for public release.

The District has a legal responsibility to protect the privacy of education data, including PII, of its students. The Family Educational Rights and Privacy Act of 1974 (FERPA), protects the privacy of student education records. Although FERPA does not include specific data breach notification requirements, it does protect the confidentiality of education records and requires districts to record each incident of data disclosure. In addition, under state law, direct notification of parents and/or affected students may be warranted depending on the type of data compromised, such as student social security numbers or other identifying information that could lead to identity theft.

The District has implemented privacy and security measures designed to protect student data stored in its student data management systems. These measures include reviewing information systems and data to identify where PII is stored and used; monitoring data systems to detect potential breaches; and conducting privacy and security awareness training for appropriate staff. In the event of a suspected breach, the District will promptly take steps to validate the breach, mitigate any loss or damage, and notify law enforcement if necessary.

34 CFR § 99.32 (a)(1)
Technology Law §§ 202 and 208

NOTE: Refer also to Policies #5672 -- Information Security Breach and Notification #7240 -- Student Records: Access and Challenge
SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS

The Protection of Pupil Rights Amendment (PPRA) governs the administration to students of a survey, analysis, or evaluation that concerns one or more of the following protected areas:

a) Political affiliations or beliefs of the student or the student's parent or guardian;

b) Mental or psychological problems of the student or the student’s family;

c) Sex behavior or attitudes;

d) Illegal, anti-social, self-incriminating, or demeaning behavior;

e) Critical appraisals of other individuals with whom respondents have close family relationships;

f) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;

g) Religious practices, affiliations, or beliefs of the student or student's parent or guardian; or

h) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

The PPRA also concerns marketing surveys and other areas of student privacy, parental access to information, and the administration of certain physical examinations to minors.

General Provisions

The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA) and does not supersede any of the requirements of the Family Educational Rights and Privacy Act (FERPA).

The rights provided to parents or guardians under PPRA transfer from the parent or guardian to the student when the student turns 18 years old or is an emancipated minor under applicable state law.

The District may use funds provided under Part A of Title V of the Elementary and Secondary Education Act of 1965 to enhance parental or guardian involvement in areas affecting the in-school privacy of students.

(Continued)

The District will provide for reasonable notice of the adoption or continued use of this policy directly to parents or guardians and eligible students enrolled in the District. At a minimum, the District will provide this notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy.

Further, in the notification, the District will offer an opportunity for parents or guardians to provide written consent or opt their child out of participation in the following activities in accordance with law and the surveys conducted:

a) The administration of any survey containing one or more of the protected areas.

   1. U.S. Department of Education-Funded Surveys: prior written consent from parents must be obtained before students are required to submit to the survey.

   2. Surveys funded by sources other than U.S. Department of Education: notification may indicate the specific or approximate dates during the school year when surveys will be administered and provide an opportunity for the parent to opt his or her child out of participating upon receipt of the notification.

b) Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).

c) Any non-emergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students. The term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during the examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

Specific Notification

In the event that the District does not identify the specific or approximate dates of the activities or surveys to be administered in the general annual notification, it will directly notify, such as through U.S. Mail or email, the parents of students who are scheduled to participate in the specific activities or surveys prior to participation and provide an opportunity for the parent to provide written consent or opt his or her child out of participation in accordance with law and the surveys conducted.

(Continued)
SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)

U.S. Department of Education-Funded Surveys

The District is committed to protecting the rights and privacy interests of parents or guardians and students with regard to surveys funded in whole or part by any program administered by the U.S. Department of Education (DOE).

The District will make instructional materials available for inspection by parents or guardians if those materials will be used in connection with a DOE-funded survey, analysis, or evaluation in which their children participate. In addition, the District will obtain prior written parental or guardian consent before minor students are required to participate in any DOE-funded survey, analysis, or evaluation that reveals information concerning any of the protected areas.

Surveys Funded by Sources Other than U.S. Department of Education

The District has developed and adopted this policy, in consultation with parents or guardians, regarding the following:

a) The right of the parent or person in parental relation to inspect, upon request, a survey created by a third party (i.e., by a party other than the DOE) before the survey is administered or distributed by the school to a student. Requests by parents or guardians to inspect the surveys are to be submitted, in writing, to the building principal at least ten days prior to the administration or distribution of any survey. Further, the District will grant a request by the parent or guardian for reasonable access to the survey within a reasonable period of time after the request is received by the District.

b) Arrangements will be provided by the District to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the protected areas, including the right of the parent or guardian of the student to inspect, upon request, any survey containing one or more of the protected areas. These requests must be submitted by the parent or guardian, in writing, to the building principal at least ten days prior to the administration or distribution of any survey.

c) Parents or guardians will be granted, upon request, reasonable access and the right to inspect instructional materials used as part of the educational curriculum for the student within a reasonable period of time (defined by the District, for the purposes of this policy, as 30 days) after the request is received by the District. Requests must be submitted by parents or guardians, in writing, to the principal. The term "instructional material" means instructional

(Continued)
content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.

d) The administration of physical examinations or screenings that the District may administer to a student.

Further, this law does not apply to any physical examination or screening that is permitted or required by state law, including physical examinations or screenings that are permitted without parental notification.

In the implementation of this provision regarding the administration of physical examinations or screenings that the school may administer to the student, the District incorporates by reference Board policies that address student health services, as applicable, including, but not limited to, policies regarding the administration of medication, immunization of students, and student physicals.

e) Unless mandated or authorized in accordance with federal or state law or regulation, it is policy of the Board, to not permit the collection, disclosure, or use of personal information (defined as individually identifiable information including a student's or parent/guardian's first and last name, home address, telephone number, or Social Security number) collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), unless otherwise exempted in accordance with law as noted below. Questions regarding the collection, disclosure, or use of personal information collected from students for such marketing purposes may be referred to the school attorney as deemed necessary by the Superintendent or designee.

This law is not intended to preempt applicable provisions of state law that require parental or guardian notification.

These requirements do not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

(Continued)
SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)

a) College or other postsecondary education recruitment, or military recruitment;

b) Book clubs, magazines, and programs providing access to low-cost literary products;

c) Curriculum and instructional materials used by elementary schools and secondary schools;

d) Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing these tests and assessments) and the subsequent analysis and public release of the aggregate data from these tests and assessments;

e) The sale by students of products or services to raise funds for school-related or education-related activities;

f) Student recognition programs.

Protection of Pupil Rights Amendment (PPRA), 20 USC 1232h
34 CFR Part 98
34 CFR Part 99

NOTE: Refer also to Policies #7121 -- Diagnostic Screening of Students
#7242 -- Military Recruiters and Institutions of Higher Education
#7511 -- Immunization of Students
#7512 -- Student Physicals
#7513 -- Medication and Personal Care Items

Adoption Date
A parent of a minor or incapacitated person may designate another person as a person in parental relation to that minor or incapacitated person for certain health care and educational decisions for a period not exceeding 12 months. However, this parental designation is conditioned upon there being no prior order of any court in any jurisdiction currently in effect that would prohibit the parent from exercising the same or similar authority; and provided further that, in the case where a court has ordered that both parents must agree on education or health decisions regarding the child, a designation in accordance with this law will not be valid unless both parents have given their consent.

The designation of a person in parental relation must be in writing in the form prescribed by law, and must include specified information as set forth in law for designations of 30 days or less, as well as additional information required for designations of more than 30 days. The designation of a person in parental relation may be presented to any school that requires the designation by either the parent or designee. The designation may specify a period of time less than 12 months for which the designation will be valid unless earlier revoked by the parent in accordance with law. However, a designation specifying a period of more than 30 days must be notarized.

If no time period is specified in the designation, it will be valid until the earlier of:

a) Revocation; or

b) The expiration of 30 days from the date of signature if the designation does not meet the requirements for designations of more than 30 days; or

c) Twelve months from the date of commencement specified in the designation if the designation meets the requirements for designations of more than 30 days.

Scope of Designation

A designation made in accordance with this law may specify:

a) The treatment, diagnosis, or activities for which consent is authorized;

b) Any treatment, diagnosis, or activity for which consent is not authorized; or

c) Any other limitation on the duties and responsibilities conveyed by the designation.

Form of Designation

Designations in General

A designation of a person in parental relation in accordance with this law must be in writing and include:

(Continued)
SUBJECT:  DESIGNATION OF PERSON IN PARENTAL RELATION  (Cont'd.)

a) The name of the parent;

b) The name of the designee;

c) The name of each minor or incapacitated person with respect to whom the designation is made;

d) The parent's signature; and

e) The date of the signature.

The designation may specify a period of time less than 12 months for which the designation will be valid unless earlier revoked by the parent in accordance with Section 5-1554 of General Obligations Law. However, any designation specifying a period of more than 30 days must also conform to the following provisions as set forth in law.

**Designations for More Than 30 Days**

A designation specifying a period of more than 30 days must also include:

a) An address and telephone number where the parent can be reached;

b) An address and telephone number where the designee can be reached;

c) The date of birth of each minor or incapacitated person with respect to whom the designation is made;

d) The date or contingent event on which the designation commences;

e) The written consent of the designee to the designation; and

f) A statement that there is no prior order of any court in any jurisdiction currently in effect prohibiting the parent from making the designation.

A designation specifying a period of more than 30 days must be notarized.

**Revocation of Designation**

A parent may revoke a designation by notifying, either orally or in writing, the designee or the school to which the designation has been presented, or by any other act evidencing a specific intent to revoke the designation. A designation will also be revoked upon the execution by the parent of a subsequent designation. Revocation by one parent authorized to execute a designation will be deemed effective and complete revocation of a designation in accordance with law.

(Continued)
SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)

A designee who receives notification from a parent of any revocation must immediately notify any school to which a designation has been presented. A parent may directly notify the school of the revocation. The failure of the designee to notify the school of the revocation will not make the revocation ineffective.

Effect of Designation

a) A designee will possess all the powers and duties of a person in parental relation unless otherwise specified in the designation.

b) A designation will not impose upon a designee a duty to support the child.

c) A designation will not cause a change in the school district of residence of the child for purposes of the Education Law, and during the period of validity of the designation, the child will be presumed to be a resident of the school district in which the parent resided at the time the designation was made.

d) A designation will terminate and be revoked upon the death or incapacity of the parent who signed the designation.

e) The decision of a designee will be superseded by a contravening decision of a parent.

A person who acts based upon the consent of a designee reasonably, and in the good faith belief that the parent has authorized the designee to provide the consent, will not be deemed to have acted negligently, unreasonably, or improperly in accepting the designation and acting upon the consent. However, this person may be deemed to have acted negligently, unreasonably, or improperly if he or she has knowledge of facts indicating that the designation was never given, or did not extend to an act or acts in question, or was revoked.

No provision of General Obligations Law Title 15-A will be construed to require designation of a person in parental relation where the designation is not otherwise required by law, rule, or regulation.

Education Law §§ 2 and 3212
Family Court Act § 413
General Obligations Law Title 15-A
Public Health Law §§ 2164 and 2504

Adoption Date
SUBJECT: RIGHTS OF NON-CUSTODIAL PARENTS

The Board is mindful that various arrangements exist for the care and custody of children residing in the District. The District attempts to maintain current family information to help ensure student safety, proper communication with parents, and appropriate educational programming. Parents who are divorced, legally separated, or otherwise live apart should supply the District with relevant information and documentation, including custody orders, regarding who is responsible for the custody and care of their child, and who is permitted to make educational decisions for that child.

A non-custodial parent's participation in his or her child's education will be governed by the terms of any custody order. As a general matter, however, the District encourages non-custodial parents to participate in their child's education. Unless prohibited from doing so by a court order, non-custodial parents may request information about their child, inspect and review their child's records in accordance with the Family Educational Rights and Privacy Act (FERPA) and District policy, and otherwise remain interested in their child's education.

The District will not release students to a non-custodial parent without the custodial parent's consent. It is the parent's responsibility to inform the District if and when the child may be released to individuals other than the custodial parent in a form acceptable to the District.

NOTE: Refer also to Policies #7130 -- Entitlement to Attend -- Age and Residency
#7240 -- Student Records: Access and Challenge

Adoption Date
SUBJECT: LOSS OR DESTRUCTION OF DISTRICT PROPERTY OR RESOURCES

The District is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an unemancipated student over the age of ten and under the age of 18 where the student:

a) Has willfully, maliciously, or unlawfully damaged, defaced, or destroyed real or personal property in the care, custody, and/or ownership of the District; or

b) Has knowingly entered or remained in a District building, and wrongfully taken, obtained, or withheld personal property owned or maintained by the District.

In instances where the District has sought and obtained a judgment from a court of competent jurisdiction, parent/guardian liability for civil damages shall not exceed $5,000. Under certain circumstances, prior to the entering of a judgment in the sum total of $500 or more, a court may consider the parent's or guardian's financial inability to pay any portion or all of the amount of damages which are in excess of $500, and enter a judgment in an amount within the financial capacity of the parent or guardian. However, no such judgment shall be entered for an amount which is less than $500.

False Reporting of an Incident and/or Placing a False Bomb

The District is also authorized to seek restitution, as described in law, from a parent or guardian of an unemancipated student over the age of ten and under the age of 18 where the student:

a) Has falsely reported an incident; or

b) Has placed a false bomb as defined in the New York State Penal Law.

Damages for falsely reporting an incident or placing a false bomb means the funds reasonably expended by the District in responding to the false report of an incident or false bomb, less the amount of any funds which have been or will be recovered from any other source as described in law.

In seeking restitution, the District will file with the court, the County District Attorney, and defense counsel, an affidavit stating that the funds reasonably expended for which restitution is being sought have not been, and will not be, recovered from any other source or in any other civil or criminal proceeding, except as provided for in accordance with General Obligations Law.

General Obligations Law § 3-112
Penal Law §§ 60.27, 240.50, 240.55, 240.60 and 240.61

Adoption Date
SUBJECT: SUSPENSION OF STUDENTS

The principal may suspend the following students from required attendance upon instruction:

a) A student who is insubordinate or disorderly; or
b) A student who is violent or disruptive; or
c) A student whose conduct otherwise endangers the safety, morals, health, or welfare of others.

Suspension

Five School Days or Less

The principal of the school where the student attends has the power to suspend a student for a period not to exceed five school days. In the absence of the principal, the designated acting principal may then suspend a student for a period of five school days or less.

When principal (the "suspending authority") proposes to suspend a student for five school days or less, the suspending authority must provide the student with notice of the charged misconduct. If the student denies the misconduct, the suspending authority will provide an explanation of the basis for the suspension.

When suspension of a student for a period of five school days or less is proposed, the principal will also immediately notify the parent or person in parental relation in writing that the student may be suspended from school.

Written notice will be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address or addresses of the parents or persons in parental relation. Where possible, notification will also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents or persons in parental relation.

The notice will provide a description of the incident(s) for which suspension is proposed and will inform the student and the parent or person in parental relation of their right to request an immediate informal conference with the principal in accordance with the provisions of Education Law Section 3214(3)(b). Both the notice and the informal conference will be in the dominant language or mode of communication used by the parents or persons in parental relation. At the informal conference, the student or parent or person in parental relation will have the opportunity to present the student's version of the event(s) and to ask questions of the complaining witnesses.

The notice and opportunity for informal conference will take place prior to suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference will take place as soon after the suspension as is reasonably practical.

(Continued)
SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

Teachers will immediately report or refer a violent student to the principal or Superintendent for a violation of the District's Code of Conduct and a minimum suspension period.

More Than Five School Days

In situations where the Superintendent, and/or designee, determines that a suspension in excess of five school days may be warranted, the student and parent or person in parental relation, upon reasonable notice, will have an opportunity for a fair hearing. At the hearing, the student has protected due-process rights such as the right to be represented by counsel, the right to question witnesses against him or her, and the right to present witnesses and other evidence on his or her behalf.

Where the basis for the suspension is, in whole or in part, the possession on school grounds or school property by the student of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto or any of the weapons, instruments or appliances specified in Penal Law Section 265.01, the hearing officer or Superintendent, and/or designee, will not be barred from considering the admissibility of the weapon, instrument, or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of the weapon, instrument, or appliance was the result of an unlawful search or seizure.

Minimum Periods of Suspension

In accordance with law, Commissioner's regulations, and the District's Code of Conduct, minimum periods of suspension will be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations:

a) Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a firearm to school or possessed a firearm on school premises will be suspended for a period of not less than one calendar year. However, the Superintendent, and/or designee, has the authority to modify this suspension requirement on a case-by-case basis.

b) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce the period on a case-by-case basis to be consistent with any other state and federal law. The definition of "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority" is set forth in Commissioner's regulations.

c) A minimum suspension period for acts that would qualify the student to be defined as a violent student in accordance with Education Law Section 3214(2-a)(a), provided that the suspending authority may reduce the period on a case-by-case basis to be consistent with any other state and federal law.

(Continued)
SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

Suspension of Students with Disabilities

Generally, disciplinary action against a student with a disability or presumed to have a disability will be in accordance with procedures set forth in the District's Code of Conduct and in conjunction with applicable law, and the determination of the Committee on Special Education (CSE).

For suspensions or removals up to ten school days in a school year that do not constitute a disciplinary change in placement, students with disabilities must be provided with alternative instruction or services on the same basis as non-disabled students of the same age.

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten consecutive school days or is a pattern of removals which constitutes a change of placement, a manifestation determination must be made. The District determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

Manifestation Determinations

A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made by a manifestation team immediately, if possible, but in no case later than ten school days after a decision is made:

a) By the Superintendent, and/or designee, to change the placement to an interim alternative educational setting (IAES);

b) By an Impartial Hearing Officer (IHO) to place the student in an IAES; or

c) By the Board, District Superintendent, Superintendent, and/or designee, or building principal to impose a suspension that constitutes a disciplinary change of placement.

The manifestation team will include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the CSE as determined by the parent and the District. The parent must receive written notice prior to the meeting to ensure that the parent has an opportunity to attend. This notice must include the purpose of the meeting, the names of those expected to attend and notice of the parent's right to have relevant members of the CSE participate at the parent's request.

The manifestation team will review all relevant information in the student's file including the student's individualized education program (IEP), any teacher observations, and any relevant information provided by the parents to determine if: the conduct in question was caused by or had a
SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

direct and substantial relationship to the student's disability; or the conduct in question was the direct result of the District's failure to implement the IEP. If the team determines the conduct in question was the direct result of failure to implement the IEP, the District must take immediate steps to remedy those deficiencies.

Finding of Manifestation

If it is determined, as a result of this review, that the student's behavior is a manifestation of his or her disability, the CSE will conduct a functional behavioral assessment (FBA), if one has not yet been conducted, and implement or modify a behavioral intervention plan (BIP).

An FBA is the process of determining why the student engages in behaviors that impede learning and how the student's behavior relates to the environment. An FBA must be developed consistent with the requirements of Commissioner's regulations Section 200.22(a) and will include, but not be limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors), and the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

BIP is a plan that is based on the results of an FBA and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.

Unless the change in placement was due to behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, the student must be returned to the placement from which the student was removed unless the parent and the District agree to a change of placement as part of the modification of the BIP.

No Finding of Manifestation

If it is determined that the student's behavior is not a manifestation of his or her disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration for which they would be applied to students without disabilities, subject to the right of the parent or person in parental relation to request a hearing objecting to the manifestation determination and the District's obligation to provide a free, appropriate public education to the student.

Provision of Services Regardless of the Manifestation Determination

Regardless of the manifestation determination, students with a disability will be provided the services necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP as delineated below:

(Continued)
SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

a) During suspensions or removals for periods of up to ten school days in a school year that do not constitute a disciplinary change in placement, students with disabilities of compulsory attendance age will be provided with alternative instruction on the same basis as nondisabled students. Students with disabilities who are not of compulsory attendance age will be entitled to receive services during suspensions only to the extent that services are provided to nondisabled students of the same age who have been similarly suspended.

b) During subsequent suspensions or removals for periods of ten consecutive school days or less that in the aggregate total more than ten school days in a school year but do not constitute a disciplinary change in placement, students with disabilities will be provided with services necessary to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP and to receive, as appropriate, an FBA, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress in meeting the goals set out in the student's IEP.

c) During suspensions or other disciplinary removals, for periods in excess of ten school days in a school year which constitute a disciplinary change in placement, students with disabilities will be provided with services necessary to enable the student to continue to participate in the general education curriculum, to progress toward meeting the goals set out in the student's IEP, and to receive, as appropriate, an FBA, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. The IAES and services will be determined by the CSE.

Interim Alternative Educational Setting (IAES)

Students with disabilities who have been suspended or removed from their current placement for more than ten school days may be placed in an IAES which is a temporary educational setting other than the student's current placement at the time the behavior precipitating the IAES placement occurred.

Additionally, an Impartial Hearing Officer in an expedited due process hearing may order a change in placement of a student with a disability to an appropriate IAES for up to 45 school days if the Hearing Officer determines that maintaining the current placement is substantially likely to result in injury to the students or others.

There are three specific instances when a student with a disability may be placed in an IAES for up to 45 school days without regard to a manifestation determination:

(Continued)
SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

a) Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the District; or

b) Where a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the District; or

c) Where a student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District. Serious bodily harm has been defined in law to refer to one of the following:

1. Substantial risk of death;
2. Extreme physical pain; or
3. Protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

School function means a school sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place in another state.

School premises means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

In all cases, the student placed in an IAES will:

a) Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress towards the goals set out in the student's IEP, and

b) Receive, as appropriate, an FBA and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

The period of suspension or removal may not exceed the amount of time a non-disabled student would be suspended for the same behavior.

(Continued)
SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

Suspension from BOCES

The BOCES principal may suspend District students from BOCES classes for a period not to exceed five school days when student behavior warrants that action.

In-School Suspension

In-school suspension will be used as a lesser discipline to avoid an out-of-school suspension. The student will be considered present for attendance purposes. The program is used to keep each student current with his or her class work while attempting to reinforce acceptable behavior, attitudes and personal interaction.

After School Activities

After school activities, like field trips and other activities outside the building itself, are considered an extension of the school program. Therefore, an infraction handled in after school activities is to be considered as an act within the School District itself.

A student who is ineligible to attend a District school on a given day may also be ineligible to attend after school activities. The decision rests with the Superintendent or his/her designee.

Exhaustion of Administrative Remedies

Any appeal of a decision of the building principal or Superintendent to suspend a student from school, regardless of the length of the student's suspension, must be made to the Board before it can be made to the Commissioner of Education. An appeal to the Board must be commenced within 30 days from the date of the Superintendent's decision. To be timely, the appeal must be received by the District Clerk within this 30-day period.

Procedure After Suspension

When a student has been suspended and is of compulsory attendance age, immediate steps will be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

When a student has been suspended, the suspension may be revoked by the Board whenever it appears to be for the best interest of the school and the student to do so. The Board may also condition a student's early return to school and suspension revocation on the student's voluntary participation in counseling or specialized classes, including anger management or dispute resolution, where applicable.

(Continued)
SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

18 USC § 921
Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
Gun Free Schools Act, 20 USC § 7151, as amended by the Every Student Succeeds Act (ESSA) of 2015
34 CFR Part 300
Education Law §§ 310, 2801(1), 3214, and 4402
Penal Law § 265.01
8 NYCRR §§ 100.2(l)(2), 200.4(d)(3)(i), 200.22, 275.16, and Part 201

NOTE: Refer also to Policy #7360 -- Weapons in School and the Gun-Free Schools Act

Adoption Date
SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES

The parent of a student who has violated any rule or the District Code of Conduct and who was not identified as a student with a disability at the time of the behavior, may assert several protections provided for under the Individuals with Disabilities Education Act (IDEA) and State regulations if the District is deemed to have had knowledge that the student was a student with a disability before the behavior occurred.

Basis of Knowledge

The District will be deemed to have had knowledge that the student had a disability if, prior to the time the behavior occurred:

a) The parent of the student expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student, that the student needs special education and related services. Expressions of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement;

b) The parent of the student requested an evaluation of the student in writing; or

c) A teacher of the student, or other District personnel, expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Director of Special Education or to other supervisory personnel.

Exception

A student is not a student presumed to have a disability for discipline purposes if, as a result of receiving the information specified above:

a) The parent of the student did not allow an evaluation of the student in accordance with law and/or regulations;

b) The parent of the student refused services under law and/or regulations; or

c) The student was evaluated and it was determined that the student is not a student with a disability.

Responsibility for Determining Whether a Student is a Student Presumed to Have a Disability

If it is claimed by the parent of the student or by District personnel that the District had a basis for knowledge, in accordance with law and/or regulation, that the student was a student with a disability prior to the time the behavior subject to disciplinary action occurred, it will be the responsibility of the Superintendent, and/or designee, building principal, or other school official imposing the suspension or removal to determine whether the student is a student presumed to have a disability.

(Continued)
SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES (Cont’d.)

Conditions That Apply if There is No Basis of Knowledge

If it is determined that there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other nondisabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made during the time period in which the student is subjected to a disciplinary removal, an expedited evaluation will be conducted in accordance with law and/or regulations. Pending the results of the evaluation, the student will remain in the educational placement determined by school authorities.

If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the District will provide special education and related services in accordance with law and/or regulations.

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
34 CFR Part 300
8 NYCRR § 201.5

NOTE: Refer also to Policy #7313 -- Suspension of Students
SUBJECT: STUDENT ACCEPTABLE USE POLICY (AUP)

The Board will provide access to various computerized information resources through the District's computer system ("DCS") consisting of software, hardware, computer networks, and electronic communications systems. This may include access to email, on-line services, and the Internet. It may include the opportunity for some students to have independent access to the DCS from their home or other remote locations. All use of the DCS, including independent use off school premises, will be subject to this policy. Further, all DCS use must be in support of education or research and consistent with the goals and purposes of the District.

Access to Inappropriate Content/Material and Use of Personal Technology or Electronic Devices

This policy is intended to establish general guidelines for the acceptable student use of the DCS and also to give students and parents or guardians notice that student use of the DCS will provide student access to external computer networks not controlled by the District. The District cannot screen or review all of the available content or materials on these external computer networks, thus, some of the available content or materials on these external networks may be deemed unsuitable for student use or access by parents or guardians.

It is virtually impossible to completely prevent access to content or material that may be considered inappropriate for students. Students may have the ability to access this content or material from their home, other locations off school premises and/or with a student's own personal technology or electronic device on school grounds or at school events. Parents and guardians should establish boundaries and standards for the appropriate and acceptable use of technology and communicate these boundaries and standards to their children. The acceptable use standards outlined in this policy apply to student use of technology via the DCS or any other electronic media or communications, including by means of a student's own personal technology or electronic device on school grounds or at school events.

Standards of Acceptable Use

Generally, the same standards of acceptable student conduct which apply to any school activity apply to use of the DCS. This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage.

District students must also adhere to the laws, policies, and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and student rights of privacy created by federal and state law.

Students who engage in unacceptable use of the DCS may lose access in accordance with applicable due process procedures, and may be subject to further discipline in accordance with the District Code of Conduct.

(Continued)
SUBJECT: STUDENT ACCEPTABLE USE POLICY (AUP) (Cont'd.)

Student data files and other electronic storage areas are considered District property subject to control and inspection. The Computer Coordinator may access all files and communications without prior notice to ensure system integrity and that users are complying with the requirements of this policy. Students should not expect that information stored on the DCS will be private.

Notification

The District's AUP will be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and students' obligations when accessing the DCS.

General Obligations Law § 3-112

NOTE: Refer also to Policy #8271 -- Internet Safety/Internet Content Filtering Policy

District Code of Conduct

Adoption Date
SUBJECT: STUDENT USE OF PERSONAL TECHNOLOGY

The Board seeks to maintain a safe and secure environment for students and staff. Advances in technology have made it possible to expand the learning environment beyond traditional classroom boundaries. Using personal electronic devices during instructional time can enable students to explore new concepts, personalize their learning experience, and expand their global learning opportunities. Additionally, the use of personal technology devices is ubiquitous in today's society and standards for student use during non-instructional time should adapt to this change. This policy defines the use of personal technology during instructional and non-instructional times and reinforces the standard that all use, regardless of its purpose, must follow the guidelines outlined in the Student Acceptable Use Policy (AUP), the District's Code of Conduct, and the Dignity for All Students Act.

Personal technology includes all existing and emerging technology devices that can take photographs; record or play audio or video; input text; upload and download media; connect to or receive information from the internet; and transmit or receive messages, telephone calls, or images. Examples of personal technology include, but are not limited to, iPods and MP3 players; iPad, Nook, Kindle, and other tablet PCs; laptop and netbook computers; personal digital assistants (PDAs), cell phones and smart phones such as BlackBerry, iPhone, or Droid, as well as any device with similar capabilities. Unacceptable devices include, but are not limited to, gaming devices or consoles, laser pointers, modems or routers, and televisions.

Instructional Purposes

Personal technology use by students is permitted during the school day for instructional purposes and/or in approved locations only. Teachers will indicate when and if classroom use is acceptable. Students are expected to act responsibly and thoughtfully when using technology resources. Students must first inquire with school administrators or teachers when they are unsure of the permissibility of a particular use of technology.

Instructional purposes include, but are not limited to, approved classroom activities, research, college admissions activities, career development, communication with experts, homework, and other activities as deemed appropriate by school staff.

Non-Instructional Uses

Appropriate use of personal technology during non-instructional time is also allowed if students follow the guidelines in the AUP and Code of Conduct. Non-instructional use includes texting, calling, and otherwise communicating with others during free periods and in common areas of the school building such as the hallways, cafeteria, study halls, buses, and student lounges. Other non-instructional uses include Internet searches, reading, listening to music, and watching videos. Use during non-instructional time must be conducted in a safe and unobtrusive manner. Devices must also be in silent mode to avoid disrupting others.

(Continued)
SUBJECT: STUDENT USE OF PERSONAL TECHNOLOGY (Cont'd.)

Liability

The District will not be liable for the loss, damage, misuse, or theft of any personal technology brought to any of its schools. The District reserves the right to monitor, inspect, and/or confiscate personal technology when the administration has reasonable suspicion to believe that a violation of school policy or criminal law has occurred.

The Board expressly prohibits use of personal technology in locker rooms, restrooms, Health Offices, and any other areas where a person would reasonably expect some degree of personal privacy.

Prohibition During State Assessments

All students are prohibited from bringing electronic devices into a classroom or other location where a New York State assessment is being administered. Test proctors, test monitors, and school officials have the right to collect prohibited electronic devices prior to the start of the test and hold them while the test is being administered, including break periods. Admission to any assessment will be denied to any student who refuses to relinquish a prohibited device.

Students with disabilities may use certain devices if the device is specified in that student's IEP or 504 plan or a student has provided medical documentation that they require the device during testing.

Permission

Students will not be permitted to use personal technology devices in school or at school functions until they have reviewed the AUP, the applicable sections of the Code of Conduct and associated technology guidelines, and signed the Student Use of Personal Technology Permission Form with their parents. The District reserves the right to restrict student use of District-owned technologies and personal technology on school property or at school sponsored events.

Students must follow the guidelines for use set out in the District Code of Conduct and the AUP at all times. Consequences for misuse are set forth in the District's Code of Conduct.

NOTE: Refer also to Policies #7315 -- Student Acceptable Use Policy (AUP)
#7550 -- Dignity for All Students
#8271 -- Internet Safety/Internet Content Filtering Policy

Adoption Date
SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES

The Board recognizes that the misuse of alcohol, drugs, tobacco, electronic cigarettes (e-cigarettes), and other illegal substances is a serious problem with legal, physical, emotional, and social implications for our students, as well as the entire community. Therefore, the consumption, sharing, selling, use, or possession of alcoholic beverages, tobacco products, e-cigarettes, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of these drugs is prohibited at any school-sponsored function, on school grounds, and on school buses at all times. The unauthorized use or misuse of prescription and over-the-counter drugs, vitamins, supplements, herbs, or other similar substances is also prohibited.

Students are not permitted to be under the influence of alcohol or other prohibited substances on school grounds or at school-sponsored events. A school-sponsored function includes a school sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place.

Non-Medical Use of Prescription Drugs

Non-medical use of prescription drugs is prohibited. If a student is found to be in possession of these substances, he or she will be disciplined in accordance with the District Code of Conduct.

Disciplinary Measures

Disciplinary measures for students consuming, sharing, selling, using, or possessing alcoholic beverages, tobacco products, e-cigarettes, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of these drugs are outlined in the District Code of Conduct.

Education Law §§ 409 and 2801(1)
Public Health Law § 1399-o

NOTE: Refer also to Policies #3280 -- Use of School Facilities, Materials, and Equipment #3410 -- Code of Conduct #5640 -- Smoking/Tobacco Use #8210 -- Safety Conditions and Prevention Instruction District Code of Conduct

Adoption Date
SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS

A student may be searched and prohibited items seized on school grounds or in a school building by an authorized District official only when he or she has reasonable suspicion to believe the student has engaged in or is engaging in activity which is in violation of the law and/or the rules of the school (i.e., the District Code of Conduct). The reasonableness of any search involves a twofold inquiry: 1) school officials must first determine whether the action was justified at its inception, and 2) determine whether the search, as actually conducted, was reasonably related in scope to the circumstances which justified the interference in the first place.

Factors to be considered in determining whether reasonable suspicion exists to search a student include:

a) The age of the student;
b) The student's school record and past history;
c) The predominance and seriousness of the problem in the school where the search is directed;
d) The probative value and reliability of the information used as a justification for the search;
e) The school official's prior knowledge of and experience with the student; and
f) The urgency to conduct the search without delay.

If reasonable suspicion exists to believe that a student has violated or is violating the law and/or school rules, it is permissible for an authorized school official to search that student's outer clothing, pockets, or property. The search may include, but is not limited to, the student's outer clothing such as a jacket or coat, pockets, backpack, and/or purse. Whenever possible, searches will be conducted by a staff member of the same sex as the student and another staff member will be present as a witness.

Strip Searches

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. Strip searches are intrusive in nature and are almost never justified. If school officials have highly credible evidence that such a search would prevent danger or yield evidence, such a search may be conducted under exigent circumstances. In the alternative, if school authorities believe there is an emergency situation that could threaten the safety of others, the student will, to the extent practicable, be isolated and secured. Police and parents will be contacted immediately.
SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS (Cont'd.)

Scope of Search

School officials are authorized to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will produce evidence that the student has violated or is violating the law and/or the Code of Conduct.

School officials, whenever possible, will seek the least intrusive means to conduct a search to safeguard the privacy interests of students in their person and property.

Searches and Seizure of School Property

Student desks, lockers, textbooks, computers, and other materials, supplies, or storage spaces loaned by the school to students remain the property of the school, and may be opened and inspected by school employees at any time without prior notice and without their consent. The purpose of these searches, when they occur, is to ensure the safety of students, faculty, and staff, enhance school security and prevent disruptions of the learning environment. Students have no reasonable expectation of privacy with respect to school property; and school officials retain complete control over this property. However, a student's personal belongings contained within a locker, desk, etc. are subject to the reasonable suspicion standard for searches by an authorized school official.

Parent Notification

The student's parent or guardian will be notified if any illegal, prohibited, or dangerous articles or materials are found in the student's locker, vehicle, or other property or possessions, or on the student's person, as a result of a search conducted in accordance with this policy.

Documentation of Searches

The designated school official conducting the search will be responsible for the custody, control, and disposition of any illegal, prohibited, or dangerous items taken from the student. The school official or designee must clearly label each item taken from the student and retain control of the item(s) until the item(s) is turned over to the police or secured by alternate means.

This school official will also be responsible for promptly documenting information about the search including, but not limited to, the reason for the search, the purpose of the search, the type and scope of the search, and the results of the search.

(Continued)
SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS (Cont'd.)

Questioning of Students by School Officials

School officials have the right to question students regarding any violations of school rules and/or illegal activity. In general, school officials may conduct investigations concerning reports of misconduct including, but not limited to, questioning students, staff, parents/guardians, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.

Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, if possible, in private outside the presence of other students, by the appropriate school administrator(s). The student's parent or guardian may be contacted; the degree, if any, of parental or guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

The questioning of students by school officials does not preclude subsequent questioning or interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right or responsibility of school officials to contact appropriate law enforcement agencies, as necessary, with regard to statements given by students to school officials.

School officials acting alone and on their own authority, without the involvement of, or on behalf of law enforcement officials, are not required to give the so-called "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him or her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

Law Enforcement Officials

A cooperative effort will be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school premises or during a school-sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions.

(Continued)
SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS (Cont'd.)

School Resource Officers

The District may utilize School Resource Officers (SROs), i.e., law enforcement officers who work within the school building. There are different types of SROs: those employed by the District and those employed by local law enforcement. SROs, acting in their capacity as law enforcement, are held to a different search standard than District staff. Searches by law enforcement SROs must be justified by probable cause, not the District's standard of reasonable suspicion. District staff need to clearly establish who is initiating and conducting a search, the District or law enforcement, and that the appropriate standard for the search has been met.

Dissemination of Information

Copies of this policy will be distributed to students when they enroll in school, and will be included in the District Code of Conduct available to students and parents at the beginning of each school year.

Interrogation of Students by Law Enforcement Officials

Generally, police authorities may only interview students on school premises without the permission of the parent or guardian in situations where a warrant has been issued for the student's arrest (or removal). Police authorities may also question students for general investigations or general questions regarding crimes committed on school property. In all other situations, unless an immediate health or safety risk exists, if the police wish to speak to a student without a warrant they must address the matter directly with the student's parent or guardian.

Whenever police wish to question a student on school premises, administration will attempt to notify the student's parent or guardian.

If possible, questioning of a student by police will take place in a private area outside the presence of other students but in the presence of the building principal or designee.

Child Protective Services' Investigations

Occasionally, Child Protective Services (CPS) may desire to conduct interviews of students on school property. These interviews generally pertain to allegations of suspected child abuse or maltreatment. The Board encourages cooperation with CPS with respect to access to records and access to any child named as a victim, any of the victim's siblings, or any other child residing in the same home as the named victim, in accordance with applicable law.

Education Law §§ 1604(9), 1604(30), 1709(2), 1709(33), and 2801
Family Court Act § 1024
Social Services Law §§ 411-428
8 NYCRR § 100.2(l)

Adoption Date
SUBJECT:  BUS RULES

The District furnishes transportation to students whose disability or distance from the school make the service essential. Except as otherwise mandated in a student's Individualized Education Program (IEP), riding school buses is a privilege which may be revoked if the student does not comply with the rules set forth in the Code of Conduct.

Bus drivers will be held responsible for reasonable and acceptable behavior of students while riding the school bus. Students riding school buses are expected to conform to the rules of conduct in order to permit the bus driver to transport his or her passengers safely.

The Board and the Superintendent or designee has the authority to suspend the transportation privileges of children who are disorderly and insubordinate on buses. Generally, parent(s) or guardian(s) will be required to make alternative transportation arrangements for their children who have been suspended from riding the bus. However, if a suspension from transportation effectively results in absence from school because of the distance between the home and the school and the absence of alternative public or private means of transportation, the District will make appropriate arrangements to provide for the student's education.

If a student with a disability who receives transportation as a related service as part of his or her IEP is being considered for suspension from transportation, and that suspension would effectively result in a change in placement, the student will be referred to the Committee on Special Education.

Individuals with Disabilities Act (IDEA), 20 USC §§ 1400-1485
8 NYCRR § 156
SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS

Corporal Punishment

Corporal punishment as a means of discipline will not be used against a student by any teacher, administrator, officer, employee, or agent of this District.

Whenever a school employee uses physical force against a student, the school employee will immediately report the situation to the building principal or designee who will within the same school day, make a report to the Superintendent describing in detail the circumstances and the nature of the action taken.

The Superintendent will submit a written report semi-annually to the Commissioner of Education, with copies to the Board, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by the District authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

Emergency Interventions

If alternative procedures and methods which do not involve physical force do not work, then the use of reasonable physical force is permitted for the following reasons:

a) Self-protection;
b) Protection of others;
c) Protection of property; or
d) Restraining or removing a disruptive student.

Emergency interventions will only be used in situations where alternative procedures and methods that do not involve the use of reasonable physical force cannot reasonably be employed. Emergency interventions will not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify, or eliminate a targeted behavior.

Staff who may be called upon to implement emergency interventions will be provided appropriate training in safe and effective restraint procedures. The parent(s) of the student will be notified whenever an emergency intervention is utilized.

The District will maintain documentation on the use of emergency interventions for each student including:

a) Name and date of birth of student;

(Continued)
SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS (Cont’d.)

b) Setting and location of the incident;

c) Name of staff or other persons involved;

d) Description of the incident and emergency intervention used, including duration;

e) A statement as to whether the student has a current behavioral intervention plan; and

f) Details of any injuries sustained by the student or others, including staff, as a result of the incident.

This documentation will be reviewed by District supervisory personnel and, if necessary, by the school nurse or other medical personnel.

8 NYCRR §§ 19.5, 100.2(l)(3) and 200.22(d)

NOTE: Refer also to Policy #7313 -- Suspension of Students
SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT

Weapons in School

The possession of a dangerous weapon on school grounds, as defined by NYS Penal Law §220.00(14), is strictly prohibited, except by law enforcement personnel for duty-related purposes.

The Penal Code, including but not limited to §265, of the State of New York shall be used to determine what is considered a weapon, except that any rifle, shotgun or other mechanical which uses gunpowder, compressed air or any other propellant to propel a projectile which might reasonably be deemed to cause bodily harm is also prohibited.

Specific Penalties Imposed by the Gun-Free Schools Act

No student shall bring or possess any "firearm" as defined in federal law on school grounds (including but not limited to school buildings and grounds, District-sponsored vehicles, school settings and/or school sponsored activities under the control and supervision of the District regardless of location). For purposes of this policy, the term "firearm" includes any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; any firearm muffler or silencer; or any "destructive device" (e.g., any explosive, incendiary, or poison gas, including bombs, grenades, rockets or other similar devices). The term does not include a rifle which the owner intends to use solely for sporting, recreational or cultural purposes; antique firearms; or Class C common fireworks.

In accordance with the Gun-Free Schools Act Section 3214(3)(d) of the Education Law, any student who brings or possesses a firearm, as defined in federal law, on school grounds, will be referred by the Superintendent to the appropriate agency or authority for a juvenile delinquency proceeding in accordance with Article 3 of the Family Court Act when the student is under the age of 16 except for a student 14 or 15 years of age who qualifies for juvenile offender status under the Criminal Procedure Law, and will be referred by the Superintendent to the appropriate law enforcement officials when the student is 16 years of age or older or when the student is 14 or 15 years of age and qualifies for juvenile offender status under the Criminal Procedure Law.

In addition, any student attending a District school who has been found guilty of bringing a firearm to or possessing a firearm on school grounds, after a hearing has been provided pursuant to Section 3214 of the Education Law, shall be suspended for a period of not less than one calendar year and any student attending a non-district school who participates in a program operated by the School District using funds from the Elementary and Secondary Education Act of 1965 who is determined to have brought a firearm to or possessed a firearm on school grounds or on other premises used by the School District to provide education-related services shall be suspended for a period of not less than one calendar year from participation in such program. The procedures of Education Law Section 3214(3) shall apply to such a suspension of a student attending a non-district school. Further, after the imposition of the one year penalty has been determined, the Superintendent of Schools has the authority to modify this suspension.

(Continued)
requirement for each student on a case-by-case basis. In reviewing the student's one year suspension penalty, the Superintendent may modify the penalty based on factors as set forth in Section 100.2 of the Regulations of the Commissioner of Education and in Commissioner's Decisions. The determination of the Superintendent shall be subject to review by the Board of Education in accordance with Education Law Section 3214(3)(c) and by the Commissioner of Education in accordance with Education Law Section 310.

Student with a Disability

A student with a disability who is determined to have brought a firearm to school or possessed a firearm on school grounds may be placed in an interim alternative educational setting, in accordance with federal and state law, for not more than 45 calendar days. If the parent or guardian requests an impartial hearing, the student must remain in the interim alternative placement until the completion of all proceedings, unless the parent or guardian and District can agree on a different placement.

A student with a disability may be given a long term suspension pursuant to the Gun-Free Schools Act only if a group of persons knowledgeable about the student, as defined in federal regulations implementing the IDEA, determines that the bringing of a firearm to school or possessing a firearm at school was not a manifestation of the student's disability, subject to applicable procedural safeguards.

If it is determined that the student's bringing of a firearm to school or possessing a firearm at school was a manifestation of the student's disability, the Superintendent must exercise his/her authority under the Gun-Free Schools Act to modify the long term suspension requirement, and determine that the student may not be given a long term suspension for the behavior. The Committee on Special Education may review the student's current educational placement and initiate change in placement proceedings, if appropriate, subject to applicable procedural safeguards.

The District may offer home instruction as an interim alternative educational setting during the pendency of review proceedings only if the student's placement in a less restrictive alternative educational setting is substantially likely to result in injury either to the student or to others.

The District may also seek a court order to immediately remove a student with a disability from school if the District believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others.

Students with disabilities continue to be entitled to all rights enumerated in the Individuals With Disabilities Education Act and Article 89 of the Education Law; and this policy shall not be deemed to authorize suspension of students with disabilities in violation of these laws.

(Continued)
Additional Penalties in re Dangerous Weapon Possession

This policy does not and shall not be interpreted to prohibit, restrict or otherwise limit the District from utilizing other/additional BBOE policies, rules, regulations or laws to address student possession of firearms or other dangerous weapons on school grounds. Disciplinary measures including, but not limited to out-of-school suspensions or in-school suspensions, may be imposed in response to other types of student misconduct which infringe upon the established BBOE policies, rules, regulations and laws.

Additionally, this policy does not diminish the authority of the Board of Education to offer courses in instruction in the safe use of firearms pursuant to Education Law Section 809-a.

The District will continue to provide the suspended student who is of compulsory attendance age with appropriate alternative instruction during the period of the student's suspension.

Gun-Free Schools Act as reauthorized by the No Child Left Behind Act of 2001
Penal Law §§ 265.01-265.06
18 USC § 921(a)
Individuals With Disabilities Education Act (IDEA)
20 USC §§ 1400-1485 and 7151
Criminal Procedure Law § 1.20(42)
Education Law §§ 310, 809-a, 3214, and Article 89
Family Court Act Article 3
8 NYCRR § 100.2 and Part 200

NOTE: Refer also to Policy #3411 -- Unlawful Possession of a Weapon Upon School Grounds
SUBJECT: EXTRACURRICULAR ACTIVITIES

Any organization within the District whose activities are conducted by students, and whose financial support is raised other than by taxation or through charges of the Board, is an extracurricular activity (ECA). All ECAs must be approved by the Board. The Superintendent or designee will maintain an up-to-date register of all ECAs that are approved or discontinued. The District will develop detailed procedures for the establishment of ECAs.

The Board may adopt rules and regulations to abolish and/or prohibit any fraternity, sorority, or other secret society in any secondary school in the District provided that the Board has found that the fraternity, sorority, or secret society has, by virtue of its activities, caused or created a disruption of or interference with the academic process of any secondary school within the District or caused or created a disruption of the academic process of any individual student or students in any secondary school within the District.

Eligibility for Attendance

Student participation in extracurricular activities is a privilege. Students must abide by the academic standards and standards of conduct for participation in extracurricular activities as established by the Board and outlined in the District's Code of Conduct and/or any other applicable document.

Censorship of School-Sponsored Student Publications and Activities

The District may exercise editorial control over the style and content of student speech in school-sponsored publications and activities that are part of the educational curriculum.

Limited Open Forum

The District maintains a limited open forum where one or more noncurricular related secondary student groups meet on District premises during noninstructional time. The District will not deny equal access or a fair opportunity to, or discriminate against these groups on the basis of the religious, political, philosophical, or other content of the speech at those meetings.

To provide a fair opportunity to students who wish to conduct a meeting, the District will ensure that:

a) The meeting is voluntary and student-initiated;

b) There is no sponsorship of the meeting by the District, the government, or its agents or employees;

c) Employees or agents of the District or government are present at religious meetings only in a nonparticipatory capacity;

(Continued)
SUBJECT: EXTRACURRICULAR ACTIVITIES (Cont'd.)

d) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the District; and

e) Non-District persons may not direct, conduct, control, or regularly attend activities of student groups.

However, the District, its agents, and its employees, retain the authority to:

a) Ban unlawful groups;

b) Maintain order and discipline on District premises;

c) Protect the well-being of students and employees;

d) Assure that attendance of students at meetings is voluntary; and

e) Restrict groups that materially and substantially interfere with the orderly conduct of educational activities.

20 USC §§ 4071-4074
Education Law §§ 1709-a, 2503-a, and 2554-a
8 NYCRR Part 172
NYSED Finance Pamphlet, The Safeguarding, Accounting, and Auditing of Extraclassroom Activity Funds, Revised 2019

Adoption Date
SUBJECT: SPORTS AND THE ATHLETIC PROGRAM

General Principles and Eligibility

Athletics are an integral part of a well-balanced educational program. The District's interscholastic athletic program will conform with the Commissioner's regulations, as well as the established rules of the New York State Public High School Athletic Association (NYSPHSAA) and the State Education Department.

Athletic eligibility requires that the student:

a) Provide written parental or guardian consent. The consent form must contain information regarding mild traumatic brain injuries (concussions) as specified in the Commissioner's regulations.

b) Obtain medical clearance from the school physician or nurse practitioner or the student's personal physician. The school physician or nurse practitioner retains final approval on any physicals performed by a student's personal physician.

c) Meet the requirements for interscholastic competition as set forth by the Commissioner's regulations and the NYSPHSAA.

d) Comply with all District rules, codes, and standards applicable to athletic participation.

Title IX Compliance

The Board supports equal athletic opportunities for members of both sexes through interscholastic and intramural activities. To ensure equal athletic opportunities for its students, the District will consider:

a) Its accommodation of athletic interests and abilities (the nature and extent of sports offered, including levels of competition, team competition, and team performance);

b) Equipment and supplies;

c) Scheduling of games and practice time;

d) Travel costs and opportunities for travel;

e) Assignment and compensation of coaches;

f) Locker rooms, practice, and competitive facilities;

g) Available medical and training facilities and services; and

(Continued)
SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont’d.)

h) The nature and extent of support, publicity, and promotion.

The District may consider other pertinent factors as well. Each of the factors will be assessed by comparing availability, quality, type of benefits, kind of opportunities, and form of treatment. Identical benefits, opportunities, or treatment are not required.

The District’s Civil Rights Compliance Officer will coordinate the District’s efforts to comply with and carry out its responsibilities under Title IX. This person will be appropriately trained and possess comprehensive knowledge about applicable federal and state laws, regulations, and policies. To the extent possible, the District will not designate an employee whose other job duties may create a conflict of interest, such as the athletic director.

Booster Clubs

The District has a responsibility under Title IX to ensure that boys' and girls' programs are provided with equivalent benefits, treatment, services, and opportunities regardless of their source. When determining equivalency, therefore, benefits, services, and opportunities attained through private funds—including donations, fundraising, and booster clubs—must be considered in combination with all benefits, services, and opportunities.

Student Athletic Injuries

No injured student will be allowed to practice or play in an athletic contest. An appropriate medical professional should diagnose and treat an athlete's injuries. The coach should ensure that any player injured while under his or her care receives prompt and appropriate medical attention, and that all of the medical professional's treatment instructions are followed. The injured student has an obligation to promptly inform his or her coach of all injuries. No student will be allowed to practice or compete if there is a question whether he or she is in adequate physical condition. A physician's certification may be required before an athlete is permitted to return to practice or competition.

Athletic Program-Safety

The District will take reasonable steps to minimize physical risks posed to students participating in the interscholastic athletic program by:

a) Requiring timely medical examinations of participants;

b) Employing certified or licensed staff to coach all varsity, junior varsity, and modified practices and games;

c) Providing or requiring certified or licensed officials to officiate all competitions;

(Continued)
SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont’d.)

d) Ensuring that its players' equipment is safe and operates within the applicable manufacturers' guidelines;

e) Ensuring that all home fields, courts, pools, tracks, and other areas where athletes practice, warm-up, or compete are safe and appropriate for use; and

f) Providing professional development and training opportunities for all coaching staff.

Title IX of the Education Amendments of 1972, 20 USC § 1681 et seq.
45 CFR Part 86
8 NYCRR §§ 135 and 136

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District
#7520 -- Accidents and Medical Emergencies
#7522 -- Concussion Management

Adoption Date
SUBJECT: CONTESTS FOR STUDENTS, STUDENT AWARDS AND SCHOLARSHIPS

The Board of Education mandates that all students regardless of race, color, creed, sex and national origin, religion, age, economic status, marital status, or disability shall be eligible for all awards and scholarships given or disseminated by the School District unless otherwise authorized/permitted in accordance with law.

Contests for Students

Distribution of educational material, essay contests, and poster contests must be approved in advance by the building principals if the sponsoring organization wishes to involve students in the project on school time. Samples of informational material should accompany the request. As determined by the building principal, the request may be forwarded to the Superintendent and the Board for approval.

Student Awards and Scholarships

The District may obtain and give certain awards and scholarships to its students. The Board will hold in trust gifts, grants, bequests, and legacies given or bequeathed to the District, and it will apply the same or their interest and proceeds according to the instruction of the donors and according to the procedures established by the administration.

Education Law §§ 1604(30), 1709(12-a), and 2503(1)

Adoption Date
SUBJECT: FUNDRAISING BY STUDENTS

Fundraising projects in which students sell merchandise, provide services, or in other ways solicit money for school activities may be sponsored by school organizations with the express approval of the building principal. Any plan must have a clearly defined purpose and, in general, must contribute to the educational experience of students. Fundraising must not conflict with instructional programs or state mandates. Fundraising activities away from school property will be held to a minimum. All participation will be voluntary.

Door-to-door sales projects undertaken by any organization using the District's name require prior Board approval. Profits will be used to enhance school programs by providing money for expenditures not normally funded by the District.

Employees are cautioned against giving the impression to students that the purpose of selling items or paying a fee is to defray a portion of the District's educational program. At no time should a student's participation in an educational activity include these sales or fees. In addition, employees are not permitted to deposit the proceeds of any legitimate sales activity in their own personal accounts. These activities may jeopardize a student's right to participate in the educational program on a tuition or fee-free basis. Further, employees engaged in these activities may be held personally liable.

New York State Constitution, Article VIII, § 1
Education Law § 414
8 NYCRR § 19.6

NOTE: Refer also to Policy #3271 -- Solicitation of Charitable Donations
SUBJECT: CONSTITUTIONALLY PROTECTED PRAYER IN THE PUBLIC SCHOOLS

The Board affirms in writing to the New York State Education Department, the responsibilities of the District, consistent with applicable statutory or case law pertaining to the First Amendment of the United States Constitution, to allow students and staff to engage in constitutionally protected prayer within the District schools.

Accordingly, no Board policy will prevent, or otherwise deny participation in, constitutionally protected prayer in District schools, consistent with federal law.

The Board rescinds any other policy that may be inconsistent with the mandates of this policy, which will supersede any and all Board policies to the contrary.

United States Constitution, First Amendment
Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA) of 2015, § 9524
Equal Access Act, 20 USC §§ 4071-4074

NOTE: Refer also to Policy #8360 -- Religious Expression in the Instructional Program
SUBJECT: SCHOOL HEALTH SERVICES

The District will provide and maintain a continuous program of health services which includes, but is not limited to:

a) Providing medical examinations and health screenings designed to determine the health status of the student;

b) Informing parents or other persons in parental relation to the student, pupils, and teachers of the individual student's health condition subject to federal and state confidentiality laws. The District will provide this notice in writing if the District becomes aware that the student has impaired sight or hearing or a physical disability, including sickle cell anemia, or other condition which may require professional attention with regard to health;

c) Where the exigencies warrant (where the parents or persons in parental relation are unable or unwilling to provide the necessary relief and treatment), providing relief in situations where the student would otherwise be deprived of the full benefit of education through inability to follow the instruction offered;

d) Guiding parents, students, and teachers in procedures for preventing and correcting defects and diseases and for the general improvement of the health of students;

e) Instructing school personnel in procedures to take in case of accident or illness;

f) Maintaining a program of education to inform school personnel, parents, non-school health agencies, welfare agencies, and the general public regarding school health conditions, services, and factors relating to the health of students;

g) Providing inspections and supervision of the health and safety aspects of the school facilities;

h) Providing health examinations before participation in strenuous physical activity and periodically throughout the season as necessary;

i) Providing health examinations necessary for the issuance of employment certificates, vacation work permits, newspaper carrier certificates, and street trades badges; and

j) Surveying and making necessary recommendations concerning the health and safety aspects of school facilities and the provision of health information.

Education Law Article 19
8 NYCRR Part 136

Adoption Date
SUBJECT: IMMUNIZATION OF STUDENTS

Every child entering or attending a District school must present proof of immunization or proof of immunity by serology (blood test) if applicable unless:

a) A New York State licensed physician certifies that the immunization is detrimental to the child's health. The requirement for that immunization is waived until the immunization is no longer detrimental to the child's health; or

b) The student's parent or persons in parental relation hold genuine and sincere religious beliefs which are contrary to the requirement. In these cases, the principal will make a case-by-case determination as to whether to grant the exemption after receiving a written and signed statement from the parent(s) or persons in parental relation to the child. New York State does not recognize exemptions based on their personal or philosophical beliefs.

Except for these two exemptions, the District may not permit a student lacking evidence of immunization to remain in school for more than 14 days, or more than 30 days for an out-of-state or out-of-country transferee who can show a good faith effort to get the necessary certification or other evidence of immunization.

For homeless children, the enrolling school must immediately refer the parent or guardian of the student to the District's homeless liaison, who must assist them in obtaining the necessary immunizations, or immunization or medical records.

The administration will notify the local health authority of the name and address of excluded students and provide the parent or person in parental relation a statement of his or her duty regarding immunization as well as a consent form prescribed by the Commissioner of Health. The school will cooperate with the local health authorities to provide a time and place for the immunization of these students.

The District will provide an annual summary of compliance with immunization requirements to the Commissioner of Health.

All schools will also post educational information on influenza and the benefits of influenza immunization which will be in plain view and available to parents.

Education Law §§ 310 and 914
Public Health Law §§ 613, 2164, and 2168
8 NYCRR Part 136
10 NYCRR Subpart 66-1

NOTE: Refer also to Policy #7131 -- Education of Students in Temporary Housing

Adoption Date
SUBJECT: STUDENT PHYSICALS

Health Examination and Certificate

Health Examination

Each student enrolled in a District school must have a satisfactory health examination conducted by a duly licensed physician, physician assistant, or nurse practitioner within 12 months prior to the commencement of the school year of the student's entrance into:

a) A District school at any grade level;  
b) Pre-kindergarten or kindergarten; and  
c) 1st, 3rd, 5th, 7th, 9th, and 11th grades.

The District may also require an examination and health history of a student when it is determined by the District that it would promote the educational interests of the student.

The District will also provide health examinations before participation in strenuous physical activity and periodically throughout the season as necessary, as well as for the issuance of employment certificates, vacation work permits, newspaper carrier certificates, and street trades badges.

Health Certificate

Each student must submit a health certificate attesting to the health examination within 30 calendar days after his or her entrance into:

a) A District school at any grade level;  
b) Pre-Kindergarten or kindergarten; and  
c) 1st, 3rd, 5th, 7th, 9th, and 11th grades.

The building principal or designee will send a notice to the parent of, or person in parental relation to, any student who does not present a health certificate, that if the required health certificate is not furnished within 30 calendar days from the date of the notice, an examination by health appraisal will be made of the student by the Director of School Health Services.

The health certificate will be filed in the student's cumulative record. The health certificate must:

a) Be on a form prescribed by the Commissioner;

(Continued)
SUBJECT: STUDENT PHYSICALS (Cont'd.)

b) Describe the condition of the student when the examination was given, provided that such examination was not given more than 12 months prior to the commencement of the school year in which the examination is required;

c) State the results of any test conducted on the student for sickle cell anemia;

d) State whether the student is in a fit condition of health to permit his or her attendance at a District school and, where applicable, whether the student has impaired sight or hearing, has received a scoliosis screening, or has any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of such work to prevent injury to the student;

e) State the student's body mass index (BMI) and weight status category; and

f) Be signed by a duly licensed physician, physician assistant, or nurse practitioner, who is:

   1. Authorized by law to practice in New York State consistent with any applicable written practice agreement; or

   2. Authorized to practice in the jurisdiction in which the examination was given, provided that the Commissioner has determined that the jurisdiction has standards of licensure and practice comparable to those of New York State.

   A licensed health professional with appropriate training may conduct a scoliosis screening.

**Dental Health Certificate**

The District will request a dental health certificate from each student at the same time that health certificates are required.

The District may also request an assessment and dental health history of a student when it is determined by the District that it would promote the educational interests of the student.

A notice of request for a dental health certificate will be distributed at the same time that the parent or person in parental relation is notified of health examination requirements. The notice of request for a dental health certificate will list dental practices, dentists, and registered dental hygienists to which students may be referred for dental services on a free or reduced cost basis upon request of the student's school.

(Continued)
SUBJECT:  STUDENT PHYSICALS (Cont'd.)

The dental health certificate will be filed in the student's cumulative record. The dental health certificate must:

a) Describe the dental health condition of the student when the assessment was given, provided that the assessment was not given more than 12 months prior to the commencement of the school year in which the assessment is requested; and

b) State whether the student is in fit condition of dental health to permit his or her attendance at a District school; and

c) Be signed by a duly licensed dentist, or a registered dental hygienist, who is:

1. Authorized by law to practice in New York State, and consistent with any applicable written practice agreement; or

2. Authorized to practice in the jurisdiction in which the assessment was performed, provided that the Commissioner has determined that the jurisdiction has standards of licensure and practice comparable to New York State.

Examination by Health Appraisal

The Director of School Health Services will cause students who are required to, but have not submitted, the required health certificate and students with disabilities to be separately and carefully examined and tested to ascertain whether any student has impaired sight or hearing, or any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of work to prevent injury to the student.

Each examination will include a calculation of the student's BMI and weight status category. Further, the physician, physician assistant, or nurse practitioner administering the examination will determine whether a one-time test for sickle cell anemia is necessary or desirable and, if so determined, will conduct the test and include the results in the health certificate.

Unless otherwise prohibited by law, if it is ascertained that a student has impaired sight or hearing, or a physical disability or other condition, including sickle cell anemia, the building principal or designee will notify, in writing, the student's parent or person in parental relation as to the existence of the disability. If the parent or person in parental relation is unable or unwilling to provide the necessary relief and treatment for the student, it will be reported by the building principal or designee to the Director of School Health Services, who then has the duty to provide relief for the student.

(Continued)
SUBJECT: STUDENT PHYSICALS (Cont'd.)

District Reporting of BMI and Weight Status Category

Each school year, the New York State Department of Health randomly selects a certain number of districts across New York State to report, in the aggregate, students' BMI and weight status categories. Selected districts must report BMI results on-line using the Department of Health's Health Provider Network secure website. A student's parent or person in parental relation may refuse to have the student's BMI and weight status category included in such survey.

Health Screenings

The District will provide a:

a) Scoliosis screening, if not documented on the student's health certificate, at least once each school year for male students in grade 9, and for female students in grades 5 and 7. The positive results of any scoliosis screening examination will be provided in writing to the student's parent or person in parental relation within 90 calendar days after the finding;

b) Vision screening, if not documented on the student's health certificate, to all students within six months of admission to a District school. The vision screening will test the student's color perception, distance acuity, and near vision. In addition, all students will be screened for distance acuity and near vision in grades pre-kindergarten or kindergarten, 1, 3, 5, 7, and 11, as well as at any other time deemed necessary. The results of all vision screening examinations will be provided in writing to the student's parent or person in parental relation and to any teacher of the student while the student is enrolled in the District school; and

c) Hearing screening, if not documented on the student's health certificate, to all students within six months of admission to a District school. In addition, all students will receive a hearing screening in grades pre-kindergarten or kindergarten, 1, 3, 5, 7, and 11, as well as at any other time deemed necessary. Each hearing screening will include, but not be limited to, pure tone screening. The results of any hearing tests requiring a follow-up examination will be provided in writing to the student's parent or person in parental relation and to any teacher of the student while the student is enrolled in the District school.

The results of all health screenings will be recorded in the student's cumulative health record which will be maintained by the school for at least as long as the minimum retention period for such records.

Student Health Records

The health records of individual students will be kept confidential in accordance with the federal Family Educational Rights and Privacy Act (FERPA) and any other applicable federal and state laws.

(Continued)
SUBJECT: STUDENT PHYSICALS (Cont'd.)

Accommodation for Religious Beliefs

No health examinations, health history, examinations for health appraisal, screening examinations for sickle cell anemia and/or other health screenings will be required where a student or the parent or person in parental relation to that student objects on the grounds that the examinations, health history, and/or screenings conflict with their genuine and sincere religious beliefs. A written and signed statement from the student or the student's parent or person in parental relation that the person holds these beliefs must be submitted to the building principal or designee, in which case he or she may require supporting documents.

Students in Temporary Housing

For students in temporary housing (i.e., homeless children and youth), the enrolling school must immediately refer the parent or guardian of the student to the District’s McKinney-Vento liaison, who will assist them in obtaining the necessary medical records.

20 USC § 1232g
Education Law §§ 903-905, and 3220
8 NYCRR §§ 136.1, 136.3

NOTE: Refer also to Policies #5690 -- Exposure Control Program
#5691 -- Communicable Diseases
#5692 -- Human Immunodeficiency Virus (HIV) Related Illnesses
#7121 -- Diagnostic Screening of Students
#7131 -- Education of Students in Temporary Housing
#7250 -- Student Privacy, Parental Access to Information, and Administration of Certain Physical Examinations to Minors
#7420 -- Sports and the Athletic Program
#7510 -- School Health Services
#7511 -- Immunization of Students
#7522 -- Concussion Management

Adoption Date
SUBJECT: MEDICATION AND PERSONAL CARE ITEMS

Administration of Medication

The school's registered professional nurse may administer medication to a student during the school day under certain conditions. For the purpose of this policy, the term "medication" includes both prescription and non-prescription medications. The school must receive the following before medication will be administered to a student:

a) The original written order from the student's provider stating the name of the medication, precise dosage, frequency, and time of administration;

b) A written, signed consent from the student's parent or person in parental relation requesting the administration of the medication, as prescribed by the physician, to the student in school; and

c) The medication, properly labeled in its original container, must be delivered to the school health office by the student's parent or person in parental relation. The term "properly labeled," in the context of this policy, means that the container must include the following information: the student's name, name of medication, dosage, frequency, and prescribing physician. A student is not permitted to carry any medication on his or her person in school, or on the school bus, or keep any medication in his or her school locker(s). Exceptions may apply, however, for students diagnosed with asthma or other respiratory illnesses, diabetes, or allergies who will be permitted to carry and self-administer medication under certain conditions.

All medication orders must be reviewed annually by school health office personnel or whenever there is a change in dosage.

Students with Asthma or Other Respiratory Illnesses

The District will make a nebulizer available on-site in school buildings where full- or part-time nursing services are provided. Only students with a patient-specific order may have access to the nebulizer. School nursing personnel will clean and maintain the District nebulizer as appropriate.

The District will obtain and stock albuterol metered dose inhalers (MDIs) and/or liquid albuterol from a licensed pharmacy. This stock albuterol is for use in a nebulizer for students diagnosed with asthma whose personal prescription albuterol supplies are empty and while awaiting the parent or person in parental relation to provide the school with a new one. School health office personnel will promptly inform parents or persons in parental relation of the need for replacement of the student's albuterol medication. Students utilizing the school's stock albuterol must provide a patient specific order for albuterol from their own private health provider, including an order permitting the student to utilize the school's stock albuterol. Stock albuterol may only be utilized when the school nurse is available to administer the medication. The student's parent or guardian must also provide the school with written

(Continued)
permission allowing his or her child to be administered the school's stock albuterol in the event that the student's own prescription albuterol supply is empty. The school health office will promptly inform students' parents or persons in parental relation any time that the school stock albuterol was utilized.

Personal equipment used to deliver albuterol to a student will be cleaned and appropriately labeled with the student's name and used solely by that individual student. (Examples of equipment to be cleaned and labeled are nebulizer tubing, facemask, mouthpiece, spacer, etc.)

Self-Administration of Medication

Generally

Each student who is permitted to self-administer medication should have an emergency care plan on file with the District. Further, the school will maintain a record of all written parental consents in the student's cumulative health record.

School health office personnel will also maintain regular parental contact in order to monitor the effectiveness of such self-medication procedures and to clarify parental responsibility as to the daily monitoring of their child to ensure that the medication is being utilized in accordance with the physician's or provider's instructions. Additionally, the student will be required to report to the health office on a periodic basis as determined by health office personnel so as to maintain an ongoing evaluation of the student's management of such self-medication techniques, and to work cooperatively with the parents and the student regarding such self-care management.

Students who self-administer medication without proper authorization will be referred for counseling by school nursing personnel, as appropriate. Additionally, school administration and parents will be notified of such unauthorized use of medication by the student, and school administration may determine the proper resolution of this behavior.

Students with Asthma or Another Respiratory Disease

A student will be permitted to carry and self-administer their prescribed inhaled rescue medication during the school day, on school property, and at any school function if the school health office has the following on file:

a) Written order/permission and an attestation from a duly authorized health care provider stating that the student has a diagnosis of asthma or other respiratory disease for which inhaled rescue medications are prescribed to alleviate respiratory symptoms or to prevent the onset of exercise induced asthma; the student has demonstrated that he or she can self-administer the prescribed medication effectively; and the expiration date of the order, the name of the prescribed medication, the dose the student is to self-administer, times when the medication is to be self-administered, and the circumstances which may warrant the use of the medication; and

(Continued)
SUBJECT: MEDICATION AND PERSONAL CARE ITEMS (Cont’d.)

b) Written consent from the student's parent or person in parental relation.

Upon written request of the student's parent or person in parental relation, the school will allow the student to maintain an extra inhaled rescue medication in the care and custody of the school's registered professional nurse, nurse practitioner, physician assistant, or school physician.

Students with Allergies

A student will be permitted to carry and self-administer his or her prescribed EpiPen during the school day, on school property, and at any school function if the school health office has the following on file:

a) Written order/permission and an attestation from a duly authorized health care provider stating that the student has a diagnosis of an allergy for which an EpiPen is needed for the emergency treatment of allergic reactions; the student has demonstrated that he or she can self-administer the prescribed EpiPen effectively; and the expiration date of the order, the name of the medicine, the dose the student is to self-administer, and the circumstances which may warrant the use of the medication; and

b) Written consent from the student's parent or person in parental relation.

Upon written request of the student's parent or person in parental relation, the school will allow the student to maintain an extra EpiPen in the care and custody of a licensed nurse, nurse practitioner, physician assistant, or school physician.

Students with Diabetes

A student will be permitted to carry and self-administer his or her prescribed insulin through an appropriate medication delivery device, carry glucagon, and carry and use equipment and supplies necessary to check blood glucose and/or ketone levels during the school day, on school property, and at any school function if the school health office has the following on file:

a) Written order/permission and an attestation from a duly authorized health care provider stating that the student has a diagnosis of diabetes for which insulin and glucagon through appropriate medication delivery devices, and the use of equipment and supplies to check blood glucose and/or ketone levels are necessary; the student has demonstrated that he or she can self-administer effectively, can self-check glucose or ketone levels independently, and can independently follow prescribed treatment orders; and the expiration date of the order, the name of the prescribed insulin or glucagon, the type of insulin delivery system, the dose of insulin and/or glucagon the student is to self-administer, times when the insulin and/or glucagon is to be self-administered, and the circumstances which may warrant administration

(Continued)
SUBJECT: MEDICATION AND PERSONAL CARE ITEMS (Cont’d.)

    by the student. The written permission must also identify the prescribed blood glucose and/or ketone test, the times testing is to be done, and any circumstances which warrant checking a blood glucose and/or ketone level.

    b) Written consent from the student's parent or person in parental relation.

    Upon written request of the student's parent or person in parental relation, the school will allow the student to maintain extra insulin, insulin delivery system, glucagon, blood glucose meter, and related supplies to treat the student's diabetes in the care and custody of a licensed nurse, nurse practitioner, physician assistant, or school physician.

    Students with diabetes will also be permitted to carry food, oral glucose, or other similar substances necessary to treat hypoglycemia in accordance with District policy.

Storage and Disposal of Medication

The District will comply with relevant state laws, regulations, and guidelines governing the District's receipt, storage, and disposal of medication.

Personal Care Items

Feminine Hygiene Products

    Each school building within the District serving students in any grade from six through twelve will provide feminine hygiene products in building restrooms. These products will be provided at no charge to students.

Alcohol-Based Hand Sanitizers

    The New York State Education Department (SED) permits the use of alcohol-based hand sanitizers in schools. The school medical director may approve and permit the use of alcohol-based hand sanitizers in the District's schools without a physician's order. Parents may provide written notification to the school in the event that they do not wish to have their child use this product.

Sunscreen

    Students may carry and use FDA-approved sunscreen products for over-the-counter use. The student's parent or person in parental relation must provide written permission for the student to carry and use sunscreen. This written parental consent will be maintained by the school. A student who is unable to physically apply sunscreen may be assisted by unlicensed personnel when directed to do so by the student, if permitted by a parent or person in parental relation, and authorized by the school.

(Continued)
SUBJECT: MEDICATION AND PERSONAL CARE ITEMS (Cont’d.)

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.
Education Law §§ 902(b), 907, 916, 916-a, 916-b, 919, 921, 6527, 6908(1)(a)(iv), and 6909
Public Health Law §§ 267, 3000-a, 3000-c, and 3309
8 NYCRR §§ 136.6, 136.7

NOTE: Refer also to Policy #7521 -- Students with Life-Threatening Health Conditions

Adoption Date
SUBJECT: STUDENT HEALTH RECORDS

The District will keep a convenient, accurate, and up-to-date health record of every student. Insofar as the health records include confidential disclosures or findings, they will be kept confidential.

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of students' "education records." For Pre-K through grade 12 students, health records maintained by the District, including immunization records and school nurse records, generally are considered "education records" subject to FERPA. In addition, records that the District or school maintains on special education students, including records on services provided to students under the Individuals with Disabilities Education Act (IDEA) are considered "education records."

Since student health and medical information in education records is protected by FERPA, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule excludes this information from its coverage.

Generally, these records may not be shared with third parties without written parental consent unless the disclosure meets one of the exceptions to FERPA’s general consent requirement. One exception permits the disclosure of education records, without parental consent, to appropriate parties in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

Parents have a right under FERPA to inspect and review those health and medical records that are considered "education records" under FERPA. Individual records may be interpreted by the school's registered professional nurse to administrators, teachers, and other school officials, consistent with law.

Family Educational Rights and Privacy Act of 1974 (FERPA), 20 USC § 1232g
45 CFR Parts 160, 162, and 164
Education Law §§ 902(b) and 905
8 NYCRR Part 136

Adoption Date
SUBJECT: ACCIDENTS AND MEDICAL EMERGENCIES

Student Emergency Treatment

All staff members of the District are responsible to obtain first aid care for students who are injured or become ill while under school supervision.

In most instances, first aid should be rendered and then the parent should be contacted to come to school and transport the student to the family physician. Beyond first aid, the medical care of the student is the parent's responsibility. However, the student's welfare is always the primary concern, and it is the responsibility of school personnel to exercise good judgment and care under all circumstances.

The Board encourages all staff members to become qualified to give emergency treatment through instruction in first aid, Cardiopulmonary Resuscitation (CPR), and Automated External Defibrillators (AEDs).

Transporting an Ill or Injured Student

In the event of an illness or injury to a student, an ambulance may be called. The District will make all reasonable attempts to contact a parent or person in parental relation when determining if emergency treatment is necessary.

Insurance

The Board will approve provisions for all students to be covered by group insurance. These student accident insurance policies will be a co-insurance with family coverage(s) as primary.

Education Law §§ 1604(7-a), 1604(7-b), 1709(8-a), and 1709(8-b)

NOTE: Refer also to Policy #7420 -- Sports and the Athletic Program

Adoption Date
SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS

Students come to school with diverse medical conditions which may impact their learning as well as their health. Some of these conditions are serious and may be life-threatening. As a result, students, parents, school personnel, and health care providers must all work together to provide the necessary information and training to allow children with chronic health problems to participate as fully and safely as possible in the school experience. This policy encompasses an array of serious or life-threatening medical conditions such as anaphylaxis, diabetes, seizure disorders, or severe asthma and acute medical conditions such as substance overdose. All students within the District with known life-threatening conditions will have a comprehensive plan of care in place: an Emergency Care Plan (ECP) or Individualized Healthcare Plan (IHP) and if appropriate, an Individualized Education Plan (IEP) or Section 504 Plan.

Life-Threatening Conditions

For those students with chronic life-threatening conditions such as diabetes, seizure disorders, asthma, and allergies, the District must work cooperatively with the parent(s) and the healthcare provider(s) to:

a) Immediately develop an ECP for each at risk student to ensure that all appropriate personnel are aware of the student's potential for a life-threatening reaction;

b) If appropriate, develop an IHP that includes all necessary treatments, medications, training, and educational requirements for the student. If the student is eligible for accommodations based upon the Individuals with Disabilities Act (IDEA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act, the appropriate procedures will be followed regarding evaluation and identification;

c) Provide training by licensed medical personnel (e.g., registered professional nurse) for all adults in a supervisory role in the recognition and emergency management of a specific medical condition for specific students;

d) Obtain specific medical-legal documents duly executed in accordance with New York State law; appropriate health care provider authorization in writing for specific students that includes the frequency and conditions for any testing and/or treatment, symptoms, and treatment of any conditions associated with the health problem; and directions for emergencies;

e) Secure written parent permission and discuss parental responsibility that includes providing the health care provider's orders, providing any necessary equipment, and participation in the education and co-management of the child as he or she works toward self-management;

(Continued)
SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS (Cont'd.)

f) Allow supervised students to carry life-saving medication in accordance with relevant laws, regulations, and procedures. The District will also encourage parents and students to provide duplicate life-saving medication to be maintained in the health office in the event the self-carrying student misplaces, loses, or forgets their medication;

g) Assure appropriate and reasonable building accommodations are in place within a reasonable degree of medical certainty.

In addition, the District will:

a) Provide training for transportation, instructional, food service, or physical education staff, as appropriate, in the recognition of an anaphylactic reaction;

b) Have standing emergency medical protocols for nursing or other staff;

c) Request the school medical director to write a non-patient specific order for anaphylaxis treatment agents for the school's registered professional nurse or other staff, as designated by the administration and allowed under federal and New York State laws and regulations, to administer in the event of an unanticipated anaphylactic episode;

d) Maintain or ensure the maintenance of a copy of the standing order(s) and protocol(s) that authorizes them to administer emergency medications such as anaphylactic treatment agents;

e) As permitted by New York State law, maintain stock supplies of life-saving emergency medications such as epinephrine auto-injectors or Naloxone (Narcan) for use, especially in first time emergencies;

f) Allow the school registered nurse, nurse practitioner, or physician to train unlicensed school personnel to administer emergency epinephrine via auto-injector, or emergency glucagon, to students with both a written provider order and parent or person in parental relation consent during the school day, on school property, and at any school function. Such training will be done in accordance with specifications outlined in the Commissioner's regulations;

g) Ensure that building-level safety plans and the District-wide emergency response plan include appropriate accommodations for students with life-threatening health conditions;

h) Encourage families to obtain medic-alert bracelets for at risk students;

i) Educate students regarding the importance of immediately reporting symptoms of an allergic reaction.

(Continued)
SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS (Cont’d.)

Creating an Allergen-Safe School Environment

The risk of accidental exposure or cross-contamination is always present in school, particularly for students with food allergies. The school setting is a high-risk environment for accidental ingestion of a food allergen due to the presence of a large number of students, increased exposure to food allergens, and cross-contamination of tables, desks, and other surfaces.

In an effort to prevent accidental exposure to allergens, the District will monitor the following high-risk areas and activities:

a) Cafeteria;
b) Food sharing;
c) Hidden ingredients in art, science, and other projects;
d) Transportation;
e) Fund raisers and bake sales;
f) Parties and holiday celebrations;
g) Field trips;
h) Before and after school programs.

Medication Self-Management

The District will work toward assisting students in the self-management of their chronic health condition based upon the student's knowledge level and skill by:

a) Adequately training all staff involved in the care of the child, as appropriate;
b) Assuring the availability of the necessary equipment or medications;
c) Providing appropriately trained licensed persons as required by law;
d) Developing an emergency plan for the student; and

e) Providing ongoing staff and student education.

Americans with Disabilities Act, 42 USC § 12101, et seq.
Individuals with Disabilities Education Act (IDEA), 20 USC §§ 1400-1485
Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.
34 CFR Part 300
Education Law §§ 6527 and 6908
8 NYCRR §§ 136.6 and 136.7
Public Health Law §§ 2500-h, 3000-a, and 3000-c

NOTE: Refer also to Policy #7513 -- Medication and Personal Care Items

Adoption Date
SUBJECT:  CONCUSSION MANAGEMENT

The Board recognizes that concussions and head injuries are the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. The physical and mental well-being of District students is a primary concern. As such, the District supports the proper evaluation and management of concussion injuries.

A concussion is a mild traumatic brain injury (MTBI) that occurs when normal brain functioning is disrupted by a blow or jolt to the head or body that causes the head and brain to move rapidly back and forth. Recovery from concussion and its symptoms will vary. Avoiding re-injury and over-exertion until fully recovered are the cornerstones of proper concussion management. Concussions can impact a student's academic performance as well as their athletic pursuits.

Concussion Management Team (CMT)

The District is authorized, at its discretion, to establish a Concussion Management Team (CMT) which may be composed of the certified athletic director, a school nurse, the school physician, a coach of an interscholastic team, a certified athletic trainer or such other appropriate personnel as designated by the District. The CMT will oversee and implement the District's concussion policy, including the requirement that all school coaches, physical education teachers, nurses, and certified athletic trainers who work with and/or provide instruction to pupils engaged in school-sponsored athletic activities complete training relating to MTBIs. Furthermore, every CMT may establish and implement a program which provides information on MTBIs to parents and persons in parental relation throughout each school year.

Staff Training/Course of Instruction

Each school coach, physical education teacher, school nurse, and certified athletic trainer who works with and/or provides instruction to students in school-sponsored athletic activities will complete a course of instruction every two years relating to recognizing the symptoms of concussions or MTBIs and monitoring and seeking proper medical treatment for students who suffer from a concussion or MTBI.

Components of the training will include:

a) The definition of MTBI;
b) Signs and symptoms of MTBI;
c) How MTBIs may occur;
d) Practices regarding prevention; and
e) Guidelines for the return to school and school activities for a student who has suffered an MTBI, even if the injury occurred outside of school.

(Continued)
SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

The course can be completed by means of instruction approved by State Education Department (SED) which include, but are not limited to, courses provided online and by teleconference. The CMT will utilize the District's existing system to document all required training and professional development for District staff. Upon completion of the training each year, staff will forward their course completion certificate to the appropriate staff for entry into the system. The system will also use an email to remind staff of the need to complete the training each year. Because concussion symptoms may manifest themselves in any setting, all school staff will be encouraged to take the online training and be alert for students who may display or report concussion symptoms.

Information to Parents and Students

The District will include the following information on MTBI's or concussions in any permission or consent form or similar document that may be required from a parent or person in parental relation for a student's participation in interscholastic sports. Similar information will be provided to all students when they sign up for participation in sports and/or through information provided in physical education, health or mental health classes. Information will include:

a) The definition of MTBI;
b) Signs and symptoms of MTBI;
c) How MTBI's may occur;
d) Practices regarding prevention; and
e) Guidelines for the return to school and school activities for a student who has suffered an MTBI, even if the injury occurred outside of school.

The District will provide a link on its website to this list of information from the SED's and Department of Health's websites.

Identification of Concussion and Removal from Athletic Activities

The District requires the immediate removal from all athletic activities of any student who has sustained, or is believed to have sustained, a MTBI or concussion. Any student demonstrating signs, symptoms, or behaviors consistent with a concussion while participating in a class, extracurricular activity, or interscholastic athletic activity will be removed from the class, game, or activity and must be evaluated as soon as possible by an appropriate health care professional. This removal must occur based on display of symptoms regardless of whether the injury occurred inside or outside of school. If there is any doubt as to whether the student has sustained a concussion, it will be presumed that the student has been injured until proven otherwise. The District will notify the student's parents or guardians and recommend appropriate evaluation and monitoring.

(Continued)
SUBJECT:  CONCUSSION MANAGEMENT (Cont'd.)

The District may allow credentialed District staff to use validated neurocognitive computerized testing as a concussion assessment tool to obtain baseline and post-concussion performance data. These tools are not a replacement for a medical evaluation to diagnose and treat a concussion. The District must seek authorization from the parent/guardian prior to the testing. Additionally, parents/guardians should be given a copy of the results upon request.

Return to School Activities and Athletics

The student will not return to physical activity (including athletics, physical education class, and recess) until he or she has been symptom-free for at least 24 hours, and has been evaluated and received written authorization from a licensed physician. In accordance with Commissioner's regulations, the District's Medical Director will give final clearance on a return to activity for extra-class athletics. All authorizations will be kept on file in the student's permanent health record. The standards for return to athletic activity will also apply to injuries that occur outside of school. School staff should be aware that students may exhibit concussion symptoms caused by injuries from outside activities and that these visible symptoms also indicate a removal from play.

The District will follow any directives issued by the student's treating physician with regard to limitations and restrictions on school and athletic activities for the student. The District will also develop a coordinated communication plan among appropriate staff to ensure that the treating physician's orders for post-concussion management are implemented and followed. The school nurse will work to ensure that all the necessary staff get the information they need to care for and work with the injured student.

The District's Medical Director and other licensed healthcare professionals employed by the District will also formulate a procedure and treatment plan to be utilized by District staff who may respond to students or staff with possible concussions during the school day.

In accordance with SED guidelines, this policy will be both reviewed and updated periodically. The Superintendent, in consultation with the District's Medical Director and other appropriate staff, may develop regulations and protocols for strategies to prevent concussions, the identification of concussions, and procedures for removal from and return to activities or academics.

Education Law § 305(42)
8 NYCRR §§ 135.4 and 136.5
Guidelines for Concussion Management in Schools, SED Guidance Document, 2018

Adoption Date
SUBJECT: CHILD ABUSE AND MALTREATMENT

The District takes seriously the obligations of its officers and employees to report cases of child abuse or maltreatment. To this end, regulations will be developed, maintained, and disseminated by administration regarding the:

a) Mandatory reporting of suspected child abuse or maltreatment;
b) Reporting procedures and obligations of persons required to report;
c) Provisions for taking a child into protective custody;
d) Mandatory reporting of deaths;
e) Immunity from liability and penalties for failure to report;
f) Obligations for provision of services and procedures necessary to safeguard the life or health of a child; and
g) Provision of information in recognizing signs of unlawful methamphetamine laboratories for all current and new school officials (i.e., "mandated reporters") who, as part of their usual responsibilities, visit children’s homes.

Additionally, an ongoing training program for all current and new school officials will be established and implemented to enable the staff to carry out their reporting responsibilities.

Reporting Information

The District will post the child abuse hotline telephone number and directions for accessing the Office of Children and Family Services (OCFS) website in English and Spanish on its website and in clearly and highly visible areas of school buildings. The District will also make this information available from its administrative offices; provide it to parents and persons in parental relation at least once per school year by electronic communication, sending the information home with students, or otherwise; and provide it to each teacher and administrator. The District may post and provide this information in other, common languages used by the school community.

Persons Required to Report

Persons required to report cases of child abuse or maltreatment to the State Central Register (SCR) in accordance with Social Services Law Section 413(1) include, but are not limited to, school teachers, school guidance counselors, school psychologists, school social workers, school nurses, school administrators or other school personnel required to hold a teaching or administrative license or certificate, and full- or part-time compensated school employees required to hold a temporary coaching license or professional coaching certificate.

(Continued)
SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

All mandated reporters must make the report themselves and then immediately notify the building principal or designee. The building principal or designee will be responsible for all subsequent administration necessitated by the report. Any report must include the name, title, and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.

Prohibition of Retaliatory Personnel Action

The District will not take any retaliatory personnel action against an employee because the employee believes that he or she has reasonable cause to suspect that a child is an abused or maltreated child and that employee makes a report to SCR. Further, no school official will impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

"Retaliatory personnel action" means the discharge, suspension, or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

Report Form

The "Report of Suspected Child Abuse or Maltreatment" Form LDSS-2221A may be accessed at the OCFS website.

Child Abuse in an Educational Setting

The District is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers.

Child abuse means any of the following acts committed in an educational setting by an employee or volunteer against a child (defined as a person under the age of 21 years enrolled in a school):

a) Intentionally or recklessly inflicting physical injury, serious physical injury, or death; or
b) Intentionally or recklessly engaging in conduct which creates a substantial risk of physical injury, serious physical injury, or death; or
c) Any child sexual abuse, defined as conduct prohibited by Penal Law Articles 130 or 263; or
d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors in accordance with Penal Law Article 235.

Administrator or school administrator means a principal, or the equivalent title, in a school, or other chief school officer.

(Continued)
SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

Educational setting means the building(s) and grounds of the District; the vehicles provided directly or by contract by the District for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off District grounds; all co-curricular and extracurricular activity sites; and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

In any case where an oral or written allegation is made to a teacher, school nurse, school counselor, school psychologist, school social worker, school administrator, Board member, or other school personnel required to hold a teaching or administrative license or certificate, as well as a licensed and registered physical therapist, licensed and registered occupational therapist, licensed and registered speech-language pathologist, teacher aide or school resource officer that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that person will upon receipt of the allegation:

a) Promptly complete a written report of the allegation including the full name of the child alleged to be abused; the name of the child's parent; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. This written report will be completed on a form prescribed by the Commissioner of Education.

b) Except where the school administrator is the person receiving the oral or written allegation, the employee completing the written report must promptly personally deliver a copy of that written report to the school administrator of the school in which the child abuse allegedly occurred.

In any case where an oral or written report or allegation is made to a supervisor who is employed by a person or entity that contracts with the District to provide transportation services to children that a child has been subjected to child abuse by an employee or volunteer in an educational setting, the supervisor must, upon receipt of an allegation:

a) Promptly complete a written report of the allegation including the full name of the child alleged to be abused; the name of the child's parent or guardian; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific

(Continued)
allegations of child abuse in an educational setting. This report must be completed on a form prescribed by the Commissioner.

b) Ensure that the written report is personally delivered to the Superintendent employed by the school district where the child abuse occurred or, for a school other than a school district or public school, the school administrator employed by the school where the child abuse occurred.

In any case where it is alleged a child was abused by an employee or volunteer of a school other than a school within the District, the report of these allegations will be promptly forwarded to the Superintendent of the District and the Superintendent of the school district where the abuse of the child allegedly occurred. If a case involves a school that is not a school district or public school, the appropriate school administrator or administrators, in addition to any appropriate Superintendent, must be notified of the allegations of abuse.

If it is alleged the child was abused by the Superintendent or administrator, the report of the allegations will be made to another designated administrator.

Any employee, volunteer, or supervisor who is employed by a person or entity that contracts with the District to provide transportation services to children who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law will have immunity from civil liability which might otherwise result by reason of those actions.

Upon receipt of a written report alleging child abuse in an educational setting, a school administrator or the Superintendent must then determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. Where there has been a determination as to the existence of reasonable suspicion, the school administrator or Superintendent must follow the procedures mandated in law and further described in administrative regulations including parental notification. When the school administrator receives a written report, he or she must promptly provide a copy of the report to the Superintendent and promptly forward the report to appropriate law enforcement. In no event will reporting to law enforcement be delayed by an inability to contact the Superintendent.

Where the Superintendent or, in a school other than a school district or public school, the school administrator has forwarded a written report of child abuse in an educational setting to law enforcement authorities, the Superintendent will also refer the report to the Commissioner if the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by the State Education Department.

Any school administrator or Superintendent who reasonably and in good faith makes a report of allegations of child abuse in an educational setting, or reasonably and in good faith transmits a report to
a person or agency as required by law, will have immunity from civil liability which might otherwise result by reason of those actions.

Reports and other written material submitted in accordance with law with regard to allegations of child abuse in an educational setting, and photographs taken concerning those reports that are in the possession of any person legally authorized to receive that information, will be confidential and will not be redisclosed except to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or in accordance with a court-ordered subpoena. School administrators and the Superintendent will exercise reasonable care in preventing unauthorized disclosure.

Additionally, teachers and all other school officials will be provided an annual written explanation concerning the reporting of child abuse in an educational setting, including the immunity provisions as set forth in law. The Commissioner will furnish the District with required information, including rules and regulations for training necessary to implement District and staff responsibilities under the law.

All persons employed by the District, in titles equivalent to teacher or administrator, and any school bus drivers employed by a person or entity that contracts with the District to provide transportation services to children, are required to complete coursework or training regarding the identification and reporting of child abuse and maltreatment in accordance with law and Commissioner's regulations.

Prohibition of "Silent" (Unreported) Resignations

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent, or the Commissioner, as appropriate, information concerning allegations of child abuse in an educational setting against an employee or volunteer in exchange for that individual's resignation or voluntary suspension from his or her position.

The Superintendent or other school administrator who reasonably and in good faith reports to law enforcement officials information regarding allegations of child abuse or a resignation as required by law will have immunity from any liability, civil or criminal, which might otherwise result by reason of those actions.

Prohibition on Aiding and Abetting Sexual Abuse

Unless exempted by law, no District employee, contractor, or agent of the District will assist another District employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows or has probable cause to believe, that the individual engaged in sexual misconduct regarding a minor or student in violation of the law.
SUBJECT:  CHILD ABUSE AND MALTREATMENT  (Cont'd.)

Education Law Article 23-B and §§ 409-1, 902(b), 3028-b and 3209-a
Family Court Act § 1012
Labor Law § 740(1)(e)
Penal Law Articles 130, 235 and 263
Social Services Law §§ 411-428
8 NYCRR Part 83, § 100.2(nn)
20 USC § 7926

Adoption Date
SUBJECT: SUICIDE

The Buffalo Board of Education recognizes that suicide is considered a leading cause of death among young people. While every situation is different, and it is not possible to foresee every event, it is the policy of the Board of Education to make reasonable efforts to identify potential danger, and to actively respond and intervene in any situation where a student verbally, behaviorally, or otherwise indicates an intent to attempt suicide or cause physical harm to himself/herself. This policy, however, is not an assurance or guarantee that the District will foresee any specific instance, or that if it does, an intervention will be successful. This Policy does not promise, and should not be deemed to be the assumption of a duty to act upon which any person or persons may rely to their detriment.

The Board of Education also recognizes the need for youth suicide intervention guidelines that identify risk factors, establish staff communication protocols and procedures to intervene with such youth, and identify referral services.

It is also recognized by the Board of Education that suicide is a complex event. While school personnel may detect potentially suicidal youth, they cannot make a clinical assessment of risk and provide therapeutic treatment unless they possess such qualifying credentials. School personnel must refer such youth immediately to an appropriate agency for assessment and treatment pursuant to the regulation of this policy.

Therefore, any school employee who may have knowledge of a suicide threat or attempt will immediately report this information to the school principal or his/her designee. The Crisis Intervention Protocol® pursuant to the accompanying regulation will immediately be implemented. The student's parent or guardian will be immediately notified and a referral to an appropriate resource service will be immediately completed. At no time during this process is the student to be left alone.

Adopted: 7/7/10
SUBJECT: DIGNITY FOR ALL STUDENTS

The District seeks to create an environment free of harassment, bullying, and discrimination; to foster civility in its schools; and to prevent conduct that is inconsistent with its educational mission. The District, therefore, prohibits all forms of harassment and bullying of students by employees or other students on school property and at school functions. The District further prohibits discrimination against students, including, but not limited to, discriminatory acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or other students on school property and at school functions that take place at locations off school property. In addition, other acts of harassment, bullying, or discrimination that can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline or other corrective action.

Dignity Act Coordinator

In each of its schools, the District will designate at least one employee holding licenses or certifications as required by the Commissioner to serve as the Dignity Act Coordinator (DAC). Each DAC will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex. Training will also be provided for DACs which addresses: the social patterns of harassment, bullying, and discrimination, including, but not limited that to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex; the identification and mitigation of harassment, bullying, and discrimination; and strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings. All DAC appointments will be approved by the Board.

The District will widely disseminate the name, designated school, and contact information of each DAC to all school personnel, students, and parents or persons in parental relation by:

a) Listing it in the Code of Conduct, with updates posted on the District's website; and

b) Including it in the Code of Conduct's plain language summary provided to all parents or persons in parental relation to students before the beginning of each school year; and

c) Providing it to parents or persons in parental relation in at least one District or school mailing or other method of distribution, including, but not limited to, electronic communication and/or sending information home with each student. If the information changes, parents and persons in parental relation will be notified in at least one subsequent District or school mailing, or other method of distribution as soon as practicable thereafter; and

d) Posting it in highly visible areas of school buildings; and

e) Making it available at the District and school-level administrative offices.

(Continued)
SUBJECT:  DIGNITY FOR ALL STUDENTS  (Cont'd.)

If a DAC vacates his or her position, the District will immediately designate an interim DAC, pending approval from the Board within 30 days. In the event a DAC is unable to perform his or her duties for an extended period of time, the District will immediately designate an interim DAC, pending the return of the previous individual to the position.

Training and Awareness

Each year, all employees will be provided with training to promote a supportive school environment that is free from harassment, bullying, and/or discrimination, and to discourage and respond to incidents of harassment, bullying, and/or discrimination. This training may be provided in conjunction with existing professional development, will be conducted consistent with guidelines approved by the Board, and will:

a) Raise awareness and sensitivity to potential acts of harassment, bullying, and/or discrimination;

b) Address social patterns of harassment, bullying, and discrimination and the effects on students;

c) Inform employees on the identification and mitigation of harassment, bullying, and discrimination;

d) Enable employees to prevent and respond to incidents of harassment, bullying, and/or discrimination;

e) Make school employees aware of the effects of harassment, bullying, cyberbullying, and/or discrimination on students;

f) Provide strategies for effectively addressing problems of exclusion, bias, and aggression;

g) Include safe and supportive school climate concepts in curriculum and classroom management; and

h) Ensure the effective implementation of school policy on conduct and discipline.

Rules against harassment, bullying, and discrimination will be included in the Code of Conduct, publicized District-wide, and disseminated to all staff and parents or persons in parental relation. Any amendments to the Code of Conduct will be disseminated as soon as practicable following their adoption. The District will provide new employees with a complete copy of the current Code of Conduct upon beginning their employment, and distribute an age-appropriate summary to all students at a school assembly at the beginning of each school year.

(Continued)
SUBJECT: DIGNITY FOR ALL STUDENTS (Cont’d.)

Reports and Investigations of Harassment, Bullying, and/or Discrimination

The District encourages and expects students who have been subjected to harassment, bullying, or discrimination; parents or persons in parental relation whose children have been subjected to this behavior; other students who observe or are told of this behavior; and all District staff who become aware of this behavior to timely report it to the principal, Superintendent, DAC, or designee.

The principal, Superintendent, DAC, or designee will lead or supervise a timely and thorough investigation of all reports of harassment, bullying, and discrimination. The DAC or other individual conducting the investigation, may seek the assistance of the District’s Civil Rights Compliance Officer in investigating, responding to, and remedying complaints.

In the event any investigation verifies that harassment, bullying, and/or discrimination occurred, the District will take prompt action reasonably calculated to end it, to eliminate any hostile environment, to create a more positive school culture and climate, to prevent recurrence of the behavior, and to ensure the safety of the student or students against whom the harassment, bullying, or discrimination was directed.

The Superintendent, principal, DAC, or designee will notify the appropriate local law enforcement agency when there is a reasonable belief that an incident of harassment, bullying, or discrimination constitutes criminal conduct.

The District will timely collect information related to incidents involving harassment, bullying, and discrimination; provide required internal reports; and complete and submit any required report to the State Education Department in the manner and within the timeframe specified by the Commissioner.

Prohibition of Retaliatory Behavior (Whistle-Blower Protection)

Any person who has reasonable cause to suspect that a student has been subjected to harassment, bullying, or discrimination by an employee or student on school grounds or at a school function, and who acts reasonably and in good faith in reporting it to school officials, the Commissioner of Education, or law enforcement authorities, or who otherwise initiates, testifies, participates, or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from making that report, or from initiating, testifying, participating, or assisting in those proceedings. The District also prohibits any retaliatory behavior directed against any complainant, victim, witness, or any other individual who participated in the reporting or investigation of an incident of alleged harassment, bullying, or discrimination.
SUBJECT:  DIGNITY FOR ALL STUDENTS  (Cont'd.)

Publication of District Policy

At least once during each school year, all school employees, students, and parents or persons in parental relation will be provided with a written or electronic copy of this policy, or a plain-language summary of it. The policy or summary will include information relating to how students, parents or persons in parental relation, and school employees may report harassment, bullying, or discrimination. Additionally, the District will strive to maintain a current version of this policy on its website at all times.

Application

Nothing in this policy or its implementing regulations should be interpreted to preclude or limit any right or cause of action provided under any local, state, or federal ordinance, law or regulation including, but not limited to, any remedies or rights available under the Individuals with Disabilities Education Act, Title VII of the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

Education Law §§ 10-18, 801-a, 2801 and 3214
8 NYCRR § 100.2

NOTE:  Refer also to Policies  #1330 -- Appointments and Designations by the Board  
#3410 -- Code of Conduct  
#3420 -- Non-Discrimination and Anti-Harassment in the District  
#5670 -- Records Management  
#6411 -- Use of Email in the District  
#7551 -- Sexual Harassment of Students  
#7552 -- Student Gender Identity  
#7553 -- Hazing of Students  
#8242 -- Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education
SUBJECT: SEXUAL HARASSMENT OF STUDENTS

The Board affirms its commitment to provide an environment free from sex-based discrimination and sexual harassment, including sexual violence and intimidation. The Board, therefore, prohibits all forms of sexual harassment against students by other students, employees, school volunteers, and non-employees such as contractors and vendors, which occur on school grounds or at school sponsored events, programs, or activities, including those that take place at locations off school premises.

Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature including sexual violence. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes, but is not limited to: rape, sexual assault, sexual battery, and sexual coercion.

Sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from students, District employees, or third parties such as visitors or school volunteers.

Prohibited Conduct

Sexual harassment can be verbal, non-verbal, or physical. Examples of this conduct may include, but are not limited to, the following:

a) Verbal abuse or ridicule, including innuendoes, stories and jokes that are sexual in nature and/or gender-related. This might include inappropriate sex-oriented comments on appearance, including dress or physical features.

b) Direct or indirect threats or bribes for unwanted sexual activity.

c) Asking or commenting about a person's sexual activities.

d) Unwelcome and unwanted physical contact of a sexual nature including, but not limited to, physical acts such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement.

e) Displaying or distributing pornographic or other sexually explicit materials such as magazines, pictures, internet material, cartoons, etc.

f) The use of profanity and/or other obscenities that are sexually suggestive or degrading in nature.

(Continued)
SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)

g) Unwelcome staring, leering, or gesturing which is sexually suggestive in nature.

h) Unwelcome and/or offensive public displays of sexual or physical affection.

i) Clothing that reflects sexually obscene and/or sexually explicit messages, slogans, or pictures.

j) Demanding sexual favors of a student, insinuating that refusal to acquiesce in such favors will adversely affect a student's grades, references, academic or scholastic placement, and/or participation in extracurricular activities.

k) Engaging in sexual conduct with an individual who is unable to consent due to his or her age, use of drugs or alcohol, intellectual disability, or other disability.

l) Any other unwelcome and unwanted sexually oriented and/or gender-based behavior which is sexually demeaning, belittling, intimidating, or perpetrates sexual stereotypes and attitudes.

Investigation of Complaints and Grievances

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any student who believes he or she has been a victim of sexual harassment in the school environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, should immediately report such alleged harassment. The District recognizes that sexual harassment is a sensitive issue and that students may choose to inform any trusted staff member of suspected discrimination or harassment. Staff members who receive such complaints will immediately inform the Civil Rights Compliance Officer (CRCO). Where appropriate, the CRCO may seek the assistance of the relevant Dignity Act Coordinator in investigating, responding to, and remedying student complaints of discrimination and/or harassment. In the event that the CRCO is the alleged offender, the report will be directed to another CRCO, if the District has designated one, or to the Superintendent.

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of sexual harassment and will promptly take appropriate action to protect individuals from further sexual harassment. All complaints will be handled in a manner consistent with the District's policies and procedures regarding the investigation of discrimination and harassment complaints, including Policy #3420 -- Non-Discrimination and Anti-Harassment in the District.

Additional information regarding the District's discrimination and harassment complaint and grievance procedures, including but not limited to the designation of the CRCO, knowingly making false accusations, and possible corrective actions, can be found in Policy #3420 -- Non-Discrimination and Anti-Harassment in the District.

(Continued)
SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont’d.)

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of sexual harassment. Complaints of retaliation may be directed to the CRCO. In the event the CRCO is the alleged offender, the report will be directed to another CRCO, if one has been designated or to the Superintendent.

Where appropriate, follow-up inquiries will be made to ensure that sexual harassment has not resumed and that all those involved in the investigation of sexual harassment have not suffered retaliation.

Civil Rights Act of 1991, 42 USC § 1981(a)
Title IX of the Education Amendments of 1972, 20 USC § 1681 et seq.
34 CFR § 100 et seq.
Education Law § 2801(1)
OCR Dear Colleague Letter, April 4, 2011

Adoption Date
SUBJECT: STUDENT GENDER IDENTITY

All students need a safe and supportive educational environment to progress academically and developmentally. The District is committed to fostering a safe learning environment for all students, free from discrimination and harassment on the basis of sex, gender, gender identity, gender nonconformity, and gender expression. In accordance with applicable law, regulations, and guidelines, the District will ensure that students have equal access to all school programs, facilities, and activities. The District will assess and address the specific needs of each student on a case-by-case basis.

District Responsibility and Annual Notification

The Division of Student Support Services and the Office of Intergovernmental Affairs, Planning, and Community Engagement shall be responsible to assure implementation of this policy. Further, the District shall post access to this policy on the home page of its website and annually distribute a user-friendly printed copy of the policy to all parents helping to assure knowledge of rights for all students, transgender or not, under this policy. The Division of Student Support Services and the Office of Intergovernmental Affairs, Planning, and Community Engagement shall confirm that principals have included a review of the policy in their annual parent and student orientations, similar to other policies or procedures of the District.

Engaging Parents

When apprised of a student's transgender or GNC status, the District will endeavor to engage the student and his or her or their parents or guardians, wherever possible, in an effort to agree upon a plan that will accommodate the student's individual needs at school. Transgender and GNC students have the right to discuss and convey their gender identity and expression openly and to decide when, with whom, and how much to share this confidential information.

Principals shall be responsible to complete the School Planning Guide for Transgender/Gender Non-Conforming Students. Prior to contacting a parent/guardian, the student should be informed that the school would like to contact their parent/guardian in order to develop a plan to best support the student. The student should be asked if they have a preference of which parent/guardian to contact. Student safety is of utmost concern, both at school and at home. Student comfort with contacting a parent/guardian must be assessed prior to contacting the home to better ascertain the level of support and safety inside the home. Parents/guardians of students in Grade 8 or below should be contacted to schedule a planning meeting once the student's comfort with doing so has been assessed. Students in Grade 9 or higher must provide consent to contact a parent/guardian.

Key Terms

Generally, District personnel should use the language that individual students are using to describe their own gender identity, appearance, or behavior. The most commonly used terms are:

Cisgender: a person whose gender identity corresponds to their assigned sex at birth.

(Continued)
SUBJECT: STUDENT GENDER IDENTITY (Cont'd.)

Gender expression: the ways a person conveys their gender identity to others, such as through behavior, appearance, clothing, hairstyle, activities, voice, and mannerisms.

Gender or Gender identity: a person's inner sense or psychological knowledge of being male, female, neither, or both.

Gender nonconforming (GNC): describes someone whose gender identity or gender expression does not conform to social or stereotypical expectations of the sex that the person was assigned at birth (this is also referred to as gender variant, gender queer, gender fluid, or gender expansive).

Sex Assigned at Birth: The sex designation generally recorded on an infant's birth certificate determined by someone's chromosomes and genitalia.

Transgender: someone whose gender identity is different than their gender assigned at birth.

Transition: the process by which a person socially or physically aligns their gender expression more closely to their gender identity than their assigned sex at birth.

Records

As required by law, the District will maintain the confidentiality of student information and records. If a transgender or GNC student has officially changed his or her or their name, as demonstrated by court order or birth certificate, the District will change its official and unofficial records, as needed, to reflect the change. The District will maintain records with the student's assigned birth name in a separate, confidential file.

If a transgender or GNC student has not officially changed his or her or their name, but wishes to be referred to by a different name that corresponds to their gender identity, the District may create or change unofficial records to reflect the name and gender identity that the student asserts at school. On state standardized tests, certain reports to the New York State Education Department, and when necessary to ensure appropriate and coordinated medical care, however, the District will use the student's legal name and gender. Any student identification cards will be issued with the name reflecting the gender identity the student asserts at school. The District will maintain records with the student's assigned birth name and gender in a separate, confidential file.

Under the Family Educational Rights and Privacy Act (FERPA), a school may not disclose personally identifiable information from a student's education records to a third party unless the student has provided written consent. Parents and students have a right to file a complaint with the U.S. Department of Education concerning alleged failures by the School District to comply with the requirements of FERPA.

(Continued)
SUBJECT: STUDENT GENDER IDENTITY (Cont'd.)

The Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW Washington, DC 20202-5901

Names and Pronouns

The plan to support students may include when and how to initiate the student's preferred name and associated pronoun use and if, when, and how this is communicated to others. District staff will use the name and pronoun that corresponds to the gender identity the student asserts at school, even if the student asserts a fluid or changing gender presentation. GNC students may use gender-neutral pronouns like the singular they/them/their. If staff is unsure of how to use someone's pronouns, one can simply ask the student how to use them in a sentence. For someone who identifies as "they," one can say "they went to the bathroom" or "that is their shirt" or "I just spoke with them."

Privacy in Restrooms, Locker Rooms, and Changing Facilities for All Students

The District will allow a transgender or GNC student to use the restroom, locker room, and changing facilities that corresponds to the student's expressed gender identity at school. Any student, transgender or not, requesting increased privacy or other accommodations when using bathrooms, locker rooms, and changing facilities will be provided with a safe and adequate alternative, but they will not be required to use that alternative.

At the same time, the District acknowledges that some students, for a variety of reasons, may feel uncomfortable using shared facilities. This may include transgender students and cisgender students (students who are not transgender). The responsibilities outlined below are intended to support all students, transgender or not, in an equitable, non-stigmatizing manner.

School Responsibilities:

a) Principals shall be responsible to complete the School Planning Guide for Transgender/Gender Non-Conforming Students when a transgender student has asked to use a preferred name different than their legal name or to use restrooms, locker rooms, or changing facilities consistent with their gender identity.

b) When a transgender student has requested to use restrooms, locker rooms, or changing facilities consistent with their gender identity, the plan shall include the school location of the restroom(s), locker room(s), or changing facilities and the procedure for supporting and/or assisting the transgender student as discussed with the student.

(Continued)
SUBJECT: STUDENT GENDER IDENTITY (Cont'd.)

c) In addition to documenting all specific considerations for restroom, locker room or changing facility access, the plan shall also provide the same required information for field trips and other off-campus activities.

d) Any student, transgender or not, who expresses a desire for increased privacy shall be provided with reasonable alternative arrangements. Reasonable alternative arrangements may include the use of a private area, a separate changing schedule, or use of a single stall restroom. Any alternative arrangement should be provided in a non-stigmatizing way that protects the student's ability to keep his or her transgender status confidential.

e) The District shall help assure privacy for all students and athletes in every locker room by providing private, enclosed changing areas, showers, and toilets for any student or athlete who desires them. The provision of private areas shall be made available to all students, transgender or not, in a non-stigmatizing manner; recognizing that all students have a variety of reasons for which they may prefer to change or shower in a private area. No student or athlete shall be required to use such areas.

f) The principal shall ensure that all students, transgender or not, upon request, have access to single-user, gender neutral alternative restrooms; although no student shall be required to use those restrooms under this Policy.

g) The principal shall direct that all teachers follow the established restroom procedures of the building ensuring that appropriate supervision, student management, safety protocols, and requirements of the District Code of Conduct are fulfilled.

Student Responsibilities:

a) All students, transgender or not, are required to follow all standards for behavior stipulated in the District Code of Conduct.

b) All students, transgender or not, shall follow the established restroom procedures of their school building and report any observed violations of the procedure to an adult.

c) All students, transgender or not, shall report to an adult incidents of misconduct by any person that make them feel uncomfortable or threatens their safety in any way. This includes misconduct in which they were not engaged but observed or of which they were made aware.

d) All students, transgender or not, shall recognize that they are subject to disciplinary responses to misconduct pursuant to the District Code of Conduct. These responses, after a fair hearing and finding of facts, may include, but are not limited to, regulating student restroom access and restroom use locations for any student, transgender or not.

(Continued)
SUBJECT: STUDENT GENDER IDENTITY (Cont'd.)

Physical Education or Other Classes, and Sports

Physical education is a required part of the District's curriculum. When any classes are sex-segregated, students will be allowed to participate in a manner consistent with their gender identity. Students will likewise be allowed to participate in intramural activities consistent with their gender identity.

Upon written notification that a transgender or GNC student would like an opportunity to participate in the District's interscholastic athletics program consistent with his or her or their gender identity, the District will determine his or her or their eligibility in accordance with applicable law, regulations, and guidelines. The District will confirm the student's asserted gender identity with documentation it considers appropriate from a parent/guardian, counselor, doctor, psychologist, psychiatrist, or other medical professionals. The student's gender identity should be the same as the identity used for District registration and other school purposes.

The District's athletic director will notify opposing team athletic directors or the New York State Public High School Athletic Association if a student needs any accommodations during competitions. Any appeal regarding the District's eligibility decision will be directly to the Commissioner of Education.

Other Activities

Generally, in other circumstances where students may be sex-segregated, such as overnight field trips, students may be permitted to participate in accordance with the gender identity that the student asserts at school. Student privacy concerns will be addressed individually and on a case-by-case basis in accordance with District policy and applicable law, regulations, and guidelines.

Dress Code and Team Uniforms

Transgender or GNC students may dress in accordance with their gender identity or expression, within the parameters of the District's dress code. The District will not restrict students' clothing or appearance on the basis of gender or traditional gender-role expectations at any school event or district event.

The District's dress code applies while its athletes are traveling to and from athletic contests. Athletes will have access to uniforms that are appropriate for their sport.

Considerations for Elementary School Students

In most cases, younger students possess considerable capacity for understanding a peer's expression of their gender identity. In elementary schools when a student expresses a transition in their gender identity careful attention should be given to:
SUBJECT: STUDENT GENDER IDENTITY (Cont'd.)

a) Assess the student's trust and acceptance for involving their parents.

b) Make every effort to engage a parent after the student expresses consent.

c) Assure that the staff member trusted by the student remains engaged. This is often the adult to whom the child's gender identity was first expressed.

d) Confirm that school staff is aware of their responsibility to provide for a safe and supportive environment for the student in transition.

e) Remind staff that lessons on gender identity should remain age-appropriate and should involve personnel with distinct knowledge and qualifications for such discussions.

Administrator Resources for Best Practices

The Buffalo Public Schools is committed to assuring a safe, supportive, and non-discriminatory environment for all students. Administrators, as responsible heads of schools, benefit when they are informed by the latest best practices in the field. Successfully implementing this policy on Student Gender Identity at the school building level requires knowledge, skills, and professional commitment. The resources listed below will assist administrators, teachers, school staff, parents, and others to implement and monitor this policy with fidelity on behalf of our students.


(Continued)
SUBJECT: STUDENT GENDER IDENTITY (Cont'd.)

Family Educational Rights and Privacy Act (FERPA), 20 USC § 1232g
34 CFR Part 99
Title IX of the Education Amendments of 1972
Education Law Article 2 and §§ 2-d, 11(7), 3201-a
8 NYCRR § 100.2

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
    #3420 -- Non-Discrimination and Anti-Harassment in the School
            District
    #7550 -- Dignity for all Students
    #7551 -- Sexual Harassment of Students
    #7553 -- Hazing of Students
    #8242 -- Civility, Citizenship and Character Education/Interpersonal
            Violence Prevention Education

Adopted: 10/26/16
SUBJECT: HAZING OF STUDENTS

The Board is committed to providing a safe, productive, and positive learning environment within its schools. Hazing activities are demeaning and abusive behaviors that harm victims, are inconsistent with the educational goals of the District, and may constitute criminal conduct. Consequently, hazing of students by other students or groups of students is strictly prohibited on school property, in school buildings, on school buses, by school-sponsored groups, clubs, or teams, and at school-sponsored events and/or activities whether occurring on or off-campus. Hazing is prohibited regardless of the victim's apparent willingness to participate in the activity.

For purposes of this policy, the term "hazing" is defined as any humiliating or dangerous activity expected of a student to join a group, regardless of their willingness to participate. Acts constituting hazing may range in severity from teasing or embarrassing a student to various forms of physical, emotional, and/or sexual abuse. Hazing behaviors include, but are not limited to:

a) Humiliation: socially offensive, isolating, or uncooperative behaviors.
b) Substance abuse: abuse of tobacco, alcohol, or illegal drugs.
c) Other dangerous actions: hurtful, aggressive, destructive, and disruptive behaviors.

Hazing is a form of harassment and bullying and may constitute discrimination. As such, the District's response to reports of hazing will be governed by applicable law, the District's Code of Conduct, and Policy #7550 -- Dignity for All Students, and its implementing regulations. In the event allegations involve hazing based on a student's race, color, religion, national origin, sex, sexual orientation, or disability, the District may utilize the procedures set forth in Policy #3420 -- Non-Discrimination and Anti-Harassment in the District, and its implementing regulations.

Education Law §§ 1709-a, 2503-a, and 2801
Penal Law §§ 120.16 and 120.17
8 NYCRR § 100.2

NOTE: Refer also to Policies #3410 -- Code of Conduct
#3420 -- Non-Discrimination and Anti-Harassment in the District
#7550 -- Dignity for All Students
#7551 -- Sexual Harassment of Students
District Code of Conduct

Adoption Date
SUBJECT: NOTIFICATION OF SEX OFFENDERS

In accordance with the Sex Offender Registration Act ("Megan’s Law"), the Board supports the New York State Department of Criminal Justice Services (DCJS) in its effort to inform the community in certain circumstances of the presence of individuals with a history of sex offenses, particularly against children, in the school locality. The District intends to minimize the possibility that any sex offender will come in contact with school-age children, and to assist law enforcement agencies in preventing further criminal activity from occurring. Furthermore, the District will cooperate with local police authorities and the local community in promoting and protecting the safety and well-being of its students.

The District will disseminate all information it receives from local police authorities in conjunction with Megan's Law to designated staff members who might have possible contact with the offender during the course of their school duties. The Superintendent reserves the right to automatically disseminate this information to additional members of the staff, designated supervisors of non-school groups that regularly use District facilities and have children in attendance, parents or guardians of District students, and other community residents who, in the opinion of the Superintendent, have an immediate need to be notified of this data in order to maintain student safety.

All staff members will be informed of the availability of the information received by the District in accordance with Megan's Law upon written request to the applicable building principal or designee or supervisor.

Staff members must inform their immediate supervisor if they observe within the school building, on school grounds, at school activities, or at or near bus routes any individual whose description matches the information which was provided to the District by local law enforcement authorities. Law enforcement officials will be notified of this information by the District as appropriate.

Information that is disseminated to the District in accordance with Megan's Law may or may not be disclosed by the District in its discretion. Any information the District receives regarding a sex offender from a source other than the Sex Offender Registry, and which is maintained independent of the requirements of Megan's Law, will be available from the District, upon written request, in accordance with the requirements of the Freedom of Information Law (FOIL).

Special Circumstances Whereby Sex Offenders May Enter Upon School Grounds

As a mandatory condition of the sentence for sex offenders placed on probation or conditional discharge whose victim was under the age of 18 or who has been designated a Level 3 sex offender, the court requires that the sentenced offender refrain from knowingly entering into or upon school grounds or any other facility or institution primarily used for the care or treatment of persons under the age of 18 while one or more of these individuals are present.

(Continued)
SUBJECT:  NOTIFICATION OF SEX OFFENDERS (Cont'd.)

However, by exception, a sex offender may enter school grounds or facility with the written authorization of his or her parole officer and the Superintendent for limited authorized purposes. Entrance upon the premises is subject to the following conditions:

a) The offender is a registered student, participant, or employee of the facility;
b) The offender is an employee of an entity contracted by the facility;
c) The offender has a family member enrolled in the facility; or
d) If the school is the offender's designated polling place and he or she enters solely to vote.

Correction Law Article 6-C
Executive Law § 259-c(14)
Penal Law §§ 65.10(4-a) and 140.15
Public Officers Law § 84 et seq.
SUBJECT: SUPERVISION OF STUDENTS

Students working on any activity must be supervised by the teacher or staff member in charge of the activity. This applies to all in-school and extracurricular activities as well as sports activities and events. Permission to hold practices or meetings will not be granted unless a teacher or staff member is clearly in charge.

a) District personnel will be responsible for the supervision of all students in either their class or their after-school activities.

b) Coaches will maintain supervision over the dressing or locker rooms by being present during dressing periods. Coaches are responsible for the supervision of their athletes at the end of practice, including bus duty or making sure students have transportation home otherwise.

c) Teachers or assigned school personnel in the elementary grades will be responsible for playground supervision of all children under their jurisdiction during recess periods and before the regular afternoon sessions. The building principal will distribute the responsibility so that the playground situation is appropriately supervised.

d) Students will not be sent on any type of errand away from the building.

e) All teachers and staff working directly with students who have a history of wandering or elopement (i.e., leaving or running away from the premises without permission or notification) will be made aware of these concerns and of any existing behavioral intervention plan formulated to prevent or respond to instances of wandering or elopement.

NOTE: Refer also to Policies #5681 -- School Safety Plans
#5720 -- Transportation of Students

Adoption Date
SUBJECT: SAFE PUBLIC SCHOOL CHOICE

Any District student who is a victim of a violent criminal offense, as defined in Education Law and Commissioner's regulations, that occurred on the grounds of the District elementary or secondary school that the student attends, will be allowed to attend a safe public school within the District to the extent required by federal and state law and regulations.

In accordance with Commissioner's regulations, a "safe public school shall mean a public school that has not been designated by the Commissioner of Education as a persistently dangerous public elementary or secondary school."

Violent Criminal Offense

The Superintendent will determine if the student has been the victim of a "violent criminal offense." "Violent criminal offense" means a crime that:

a) Involves infliction of a serious physical injury upon another as defined in New York State Penal Law Section 10.00(10); or

b) A sex offense that involves forcible compulsion; or

c) Any other offense defined in New York State Penal Law Section 10.00(12) that involves the use or threatened use of a deadly weapon.

Serious Physical Injury

"Serious physical injury," as defined in Penal Law Section 10.00(10), means a "physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ."

Deadly Weapon

"Deadly weapon," as defined in Penal Law Section 10.00(12), means "any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, gravity knife, pilum ballistic knife, metal knuckle knife, dagger, billy, blackjack, or metal knuckles."

(Continued)
Determination Whether Student is a Victim

Procedures will be established for determination by the Superintendent of whether a student is a victim of a violent criminal offense that occurred on school grounds of the school the student attends. The Superintendent will, prior to making any determination, consult with any law enforcement agency investigating the alleged violent criminal incident and consider any reports or records provided by the agency. However, a criminal conviction is not required prior to the Superintendent's determination that a student has been a victim of a violent criminal offense.

The Superintendent's determination may be appealed to the Board. However, this determination will not preclude any student disciplinary proceeding brought against the alleged victim or perpetrator of the violent criminal offense.

Notice to Parents or Persons in Parental Relation

The District will establish procedures for notification of parents of, or persons in parental relation to, students who are victims of violent criminal offenses of their right to transfer to a safe public school within the District and procedures for the transfer. This notice will be, to the extent practicable, provided in the dominant language or mode of communication used by the parents or persons in parental relation to the student. The District will notify the parents of, or persons in parental relation to, the student within 24 hours of the determination that the student has been the victim of a violent criminal offense on school grounds at the school he or she attends.

Written notice will be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within 24 hours of the determination at the last known address or addresses of the parents or persons in parental relation to the student. Where possible, notification will also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents or persons in parental relation.

Designation of Safe Public School

It is the responsibility of the District, based on objective criteria, to designate a safe public school or schools within the District to which students may transfer. Any student who transfers to a safe public school, in accordance with the provisions of this policy and applicable law and regulation, will be enrolled in the classes and other activities of the public school to which the student transfers in the same manner as all other students at the public school. The receiving school will be identified by the District and must be at the same grade level as the school from which the student is transferring. To the extent possible the District will allow transferring students to transfer to a school that is making adequate yearly progress and has not been identified as requiring school improvement, corrective action, or restructuring. The District will provide transportation for any student permitted to transfer to the safe public school.
SUBJECT: SAFE PUBLIC SCHOOL CHOICE (Cont'd.)

within the District designated by the District within the transportation limits established in Education Law Sections 3635 and 4401(4). Any student who transfers to a safe public school will be permitted to remain in the safe public school until the student has completed the highest grade level in the school transferred to, or for such other period prescribed by the U.S. Department of Education, whichever is less.

While the parents or persons in parental relation to the student must be offered the opportunity to transfer their child, they may elect to have the child remain at the school he or she currently attends.

Education Law § 2802(7)
8 NYCRR § 120.5
SUBJECT: SPECIAL EDUCATION: DISTRICT PLAN

A District plan will be developed describing the Special Education program in the District. The District plan will include the following:

a) A description of the nature and scope of special education programs and services currently available to students (including preschool students) residing in the District, including, but not limited to, descriptions of the District's resource room programs and each special class program provided by the District in terms of group size and composition;

b) Identification of the number and age span of students (school age and preschool) to be served by type of disability, and recommended setting;

c) The method to be used to evaluate the extent to which the objectives of the program have been achieved;

d) A description of the policies and practices of the Board to ensure the allocation of appropriate space within the District for special education programs that meet the needs of students and preschool children with disabilities;

e) A description of how the District intends to ensure that all instructional materials to be used in the schools of the District will be made available in a usable alternative format for each student with a disability at the same time as such instructional materials are available to non-disabled students. The alternative format must meet the National Instructional Materials Accessibility Standard defined in federal law;

f) The estimated budget to support this plan; and

g) The date on which the plan was adopted by the Board.

The District plan, with personally identifiable student information deleted, will be filed and available for public inspection and review by the Commissioner.

20 USC § 1474(e)(3)(B)
8 NYCRR Part 155 and § 200.2(c)(1)
SUBJECT: CHILDREN WITH DISABILITIES

A child with a disability means a student under the age of 21 who is entitled to attend public schools and who, because of mental, physical, or emotional reasons can only receive appropriate educational opportunities from a program of special education. A child is not considered as having a disability if his or her educational needs are due primarily to unfamiliarity with the English language; environmental, cultural, or economic factors; or lack of appropriate instruction in reading or mathematics.

If the State Education Department (SED) finds that the District has inappropriate policies, procedures, or practices resulting in a significant disproportionality by race or ethnicity in the suspension, identification, classification, or placement of students with disabilities, the District will ensure that it publicly reports on the subsequent revisions to those policies, procedures, or practices.

The Board recognizes the existence of individual differences in the intellectual, social, emotional, and physical development of children attending school in the District. In recognizing these differences, the Board supports a system of services offered in the least restrictive environment (LRE) for children with disabilities which includes:

a) Not requiring any student to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving services;

b) Education in regular classes with or without support services, education in a resource room, education for part of the day in a special class, full-time education in a special class, home instruction and education in a residential setting;

c) Providing for the education of students with disabilities with non-disabled peers to the extent appropriate;

d) Taking the following measurable steps to recruit, hire, train, and retain highly qualified personnel to provide special education programs and services:

1. Utilize established procedures for publication of all potential job openings;

2. Check credentials and requirements listed on applications;

3. Special Education teachers are required to have subject matter knowledge appropriate to the level of instruction being provided; when teaching two or more core academic subjects exclusively to children with disabilities, the teacher will meet all requirements imposed by law or demonstrate competence in all the core academic subjects taught per state regulations;

4. Special education teachers and administrators are required to complete enhanced training in the needs of autistic children.

(Continued)
SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

e) Establishing the following guidelines for the provision of appropriate accommodations necessary to measure the academic achievement and functional performance of the student in the administration of District-wide assessments:

1. Ensure that necessary accommodations are specified on individualized education program (IEP) and implemented in accordance with the IEP;

2. Review the need for accommodations at Committee on Special Education (CSE) evaluations/re-evaluations;

f) To the extent feasible, using universal design principles (defined as a concept or philosophy for designing and delivering products and services that are usable by people with the widest range of functional capabilities, which include products and services that are directly usable without requiring assistive technologies and products and services that are made usable with assistive technologies) in developing and administering District-wide assessment programs by:

1. Addressing appropriate universal design principles in IEP;

2. Having the Library Media Specialist or Curriculum Coordinator keep CSE/Committee on Preschool Special Education (CPSE) apprised of available products and services utilizing universal design principles;

3. Ensuring that instructional materials and activities allow learning goals to be achievable by individuals with wide differences in abilities;

4. Ensuring that flexible curricular materials and activities are built into the instructional design and operating systems;

5. Ensuring that instruction is diversified to deliver the general education curriculum to every student and diversify ways students may respond to that curriculum.

g) Adoption of written policies and procedures ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with Commissioner's regulations.

h) Allocation of appropriate space within the District for special education programs that meet the needs of students with disabilities.

i) Assurance that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by BOCES.

(Continued)
SUBJECT: CHILDREN WITH DISABILITIES (Cont’d.)

Provision of Special Education Services to Nonpublic School Students with Disabilities who are Parentally Placed

The district of location is responsible for Child Find, including individual evaluations, CSE meetings, provision of special education services, and due process to parentally placed nonpublic school students attending nonpublic schools located in the geographic region of the public school district.

These requirements only pertain to students with disabilities parentally placed in elementary and secondary nonpublic schools, not to parental placements of preschool children with disabilities in private day care or preschool programs, or to CSE placements of students with disabilities in approved private schools, Special Act School Districts, State-supported or State-operated schools, or to Charter schools.

The actual cost for CSE administration, evaluations, and special education services provided to a student with a disability who is a resident of New York State, but a nonresident to the district of location, may be recovered from the student’s school district of residence. Because federal regulations require parental consent before any personally identifiable information about the student relating to special education is shared between officials in the public school district of location and officials in the public school district of residence, parental consent to share special education information between the two public school districts is required before billing a district of residence for the cost of special education services provided to the student by the district of location.

The school district of location must consult with nonpublic school representatives and representatives of parents of parentally placed nonpublic school students with disabilities enrolled in nonpublic elementary and secondary schools located within the boundaries of the school district. The school district must engage in consultation regarding the Child Find process and services generally; consultation is not specific to individual students. Individual services are determined by the CSE.

The consultation process must be timely and meaningful and include discussion of:

a) Child Find;

b) Provision of Special Education Services; and

c) Use of Federal Funds.

The school district of location must provide, as appropriate, special education services to an eligible student who legally resides in another state and who is parentally placed in a nonpublic school located in New York State. The services to be provided to out-of-state students must be documented on a services plan that is developed by the CSE of the district of location. The services plan is the written plan that describes the specific special education and related service that the district of location will provide to the student consistent with the services that the school district of location has determined through the consultation process and in relation to the proportionate shares of federal IDEA Part B dollars, to be provided to the student.

(Continued)
SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

Tuition Reimbursement Claims for Disabled Nonpublic School Students

The parent must comply with the IDEA's pre-hearing notice requirement for tuition reimbursement claims. Specifically, the IDEA directs that at least ten business days before submitting a request for an impartial due process hearing for tuition reimbursement, the parent must give the district written notice of intent to enroll the child in private school at public expense. The purpose of this requirement is to give the public school district's CSE the opportunity to meet and potentially develop a new IEP for the student that addresses the parent's concerns. A parent who does not provide written notice within ten days may have his or her request for reimbursement reduced or denied.

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
20 USC § 9101(23)
21 USC § 812(c)
34 CFR Part 300
Education Law §§ 3004(4), 3004(5), 3208, 3242, 3602-c, 4401-4407 and 4410-6
8 NYCRR §§ 52.21, 57-3, 100.5, 100.9, 177.2, 200.2(b), 200.2(c)(2)(v), 200.4(e)(9) and 200.6(a)(1)

NOTE: Refer also to Policies #7615 -- Least Restrictive Environment
#7650 -- Identification and Register of Children with Disabilities (Child Find)
SUBJECT: GROUPING BY SIMILARITY OF NEEDS

The Board will provide appropriate special education and related services to students with disabilities. For those students for whom an appropriate education requires that they be placed together for purposes of special education, the following guidelines will apply:

a) Each student with a disability will be identified, evaluated, and placed as determined by the Committee on Special Education (CSE).

b) The CSE will determine written goals, including academic and functional goals, for each student with a disability by considering the special and individual needs of each student with a disability. Short-term instructional objectives and/or benchmarks will be created for each preschool student with a disability and for students who take New York State alternate assessments.

c) The CSE will recommend to the Board appropriate educational programs and services for each student with a disability based upon the CSE evaluation.

d) The CSE will provide information to those teachers and professionals who arrange instructional groups for students with disabilities. Information will include physical, psychological, and social information as well as achievement test results.

e) The curriculum and instruction provided to students with disabilities who are grouped by similarity of needs will be consistent with the individual needs of each student in the group.

f) Students with disabilities may be grouped according to:

1. Academic achievement, functional performance, and learning characteristics;
2. Social development;
3. Physical development; and
4. Management needs.

g) When grouping students by similarity of needs, the social needs or physical development of a student will not be the sole determinant for placement of a student in a special education program.

h) The management needs of these students may vary, provided that environmental modifications, adaptations, or human or material resources required to meet the needs of any one student in the group are provided and do not consistently detract from the opportunities of other students in the group to benefit from instruction.

8 NYCRR §§ 200.1(ww), 200.2(b)(3), 200.4(d) and 200.6(a)(3)

Adoption Date
SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM

The Board will establish at least one Committee on Special Education (CSE) and one Committee on Preschool Special Education (CPSE). The Board will also establish, as necessary, Subcommittees on Special Education to ensure timely evaluation and placement of students with disabilities.

Committee on Special Education

The Board will, upon completion of its review of the recommendations of the CSE, arrange for the appropriate special education programs and services to be provided to a student with a disability. The Board will also notify the parent or guardian of its action in accordance with federal and state law and regulations.

For a student not previously identified as having a disability, the CSE will provide a recommendation to the Board which will arrange for the appropriate special education programs and services to be provided within 60 school days of the date of receipt of consent to evaluate. For a student with a disability referred for review, a recommendation will be provided to the Board which will arrange for the appropriate special education programs and services to be provided within 60 school days of the referral for review. However, if the recommendation of the CSE is for placement in an approved in-state or out-of-state private school, the Board will arrange for special education programs and services for students with disabilities within 30 school days of the Board's receipt of the recommendation of the CSE.

If on review of the recommendation of the CSE, the Board disagrees with the recommendation, the Board will follow one of the following procedures:

a) The Board may remand the recommendation to the CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider the objections or concerns. The CSE will consider the Board's objections or concerns, revise the individualized education program (IEP) where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the CSE, the Board may continue to remand the recommendation to the original committee for additional reviews of its objections or concerns, or establish a second CSE to develop a new recommendation in accordance with the following paragraph, provided that the Board arranges for the programs and services in accordance with the student's IEP within the timelines as outlined above; or, in the alternative,

b) The Board may establish a second CSE to develop a new recommendation for the student. If the Board disagrees with the new recommendation, the Board may remand the recommendation to the second CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider the objections or

(Continued)
SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM  (Cont'd.)

concerns. The second CSE will consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the second CSE, the Board may continue to remand the recommendation for additional reviews of its objections or concerns by the second CSE, provided that the Board arranges for the programs and services in accordance with the student's IEP, as developed by the second CSE, within the timelines as outlined above.

In accordance with Commissioner's regulations, the Board may not select the recommendation of the original CSE once it has established a second CSE.

The Board will provide the student's parents or guardians with written notice and a copy of the statement of its objections or concerns and notice of due process rights in accordance with Commissioner's regulations.

Committee on Preschool Special Education

Upon receipt of the recommendation of the CPSE, the Board will arrange for the preschool student with a disability to receive appropriate programs and services in accordance with the student's IEP, commencing with the July, September, or January starting date for the approved program, unless the services are recommended by the CPSE less than 30 school days prior to, or after, the appropriate starting date selected for the preschool student with a disability; in that case, services will be provided no later than 30 days from the recommendation of the CPSE.

If the Board disagrees with the recommendation of the CPSE, the Board will send the recommendation back to the CPSE with notice of the need to schedule a timely meeting to review the Board's concerns and to revise the IEP as deemed appropriate. The Board will provide notice as required by federal and state law and regulations.

Subcommittee on Special Education

The number of Subcommittees on Special Education will be determined by the CSE which will be responsible for the oversight and monitoring of the activities of each subcommittee to ensure compliance with the requirements of applicable state and federal laws and regulations.

Each subcommittee may perform the functions for which the CSE is responsible, except:

a) When a student is considered for initial placement in a special class; or

b) When a student is considered for initial placement in a special class outside of the student's school of attendance; or

(Continued)
SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)

c) When a student is considered for placements in a school primarily serving students with disabilities or a school outside the District.

Subcommittees will report annually to the CSE regarding the status of each student with a disability within its jurisdiction. Upon receipt of a written request from the parent or person in parental relation to a student, the Subcommittee will refer to the CSE any matter in which the parent disagrees with the Subcommittee's recommendation concerning a modification or change in the identification, evaluation, educational placement, or provision of a free appropriate education to the student.

Education Law §§ 4402 and 4410
8 NYCRR §§ 200.2(d)(1), 200.4(c), 200.4(d), 200.5, and 200.16(e)

NOTE: Refer also to Policy #7630 -- Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE)
SUBJECT: PRESCHOOL SPECIAL EDUCATION PROGRAM

The Board recognizes the need for educational programs for three and four year old children with disabilities and directs that administrative practices and procedures be developed to:

a) Ensure the timely evaluation and placement of each preschool child with a disability residing in the District so the child has the opportunity to participate in preschool programs;

b) Establish a Committee on Preschool Special Education (CPSE) in accordance with applicable federal and state law and regulation;

c) Ensure that parents have received and understand the request for consent for evaluation and re-evaluation of a preschool aged child.

Evaluations for Preschool Children with Disabilities

The District will collect entry assessment data in the three outcome areas on all preschool children who receive an initial evaluation. As required by Commissioner's regulations, a parent must be fully informed about the proposed initial evaluation and must provide consent for an initial evaluation. This includes a description of the proposed evaluation.

The CPSE will receive entry-level assessment results in the three outcome areas from approved preschool evaluators conducting initial evaluations on all preschool children suspected of having disabilities. The CPSE will then meet to determine the child's eligibility for preschool education programs and/or services and complete the Child Outcomes Summary Form to determine the child's entry level of functioning in the three outcome areas for all preschool children evaluated and found to be eligible. The form will be kept in the student's record until the exit assessment information is due as a way to summarize complex assessment information in a format so that the data can be aggregated and reported to the State Education Department.

If the committee recommends placing a child in an approved program that also conducted an evaluation of the child, it will indicate in writing that this placement is an appropriate one for the child. In addition, the committee will provide notice to the Commissioner of this recommendation.

Individuals with Disabilities Act (IDEA), 20 USC § 1400 et seq.
Education Law § 4410
8 NYCRR §§ 200.2(b)(2), 200.2(b)(5) and 200.5

NOTE: Refer also to Policy #7630 -- Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE)

Adoption Date
SUBJECT: LEAST RESTRICTIVE ENVIRONMENT

The District has an obligation, in accordance with law and regulation, to educate students with disabilities in the least restrictive environment (LRE). LRE means that placement of students with disabilities in special classes, separate schools or other removal from the regular educational environment occurs only when the nature or severity of the disability is such that even with use of supplementary aids and services, education in regular classes cannot be satisfactorily achieved. Supplementary aids and services refers to aids, services, and other supports that are provided in regular education classes and extracurricular and nonacademic settings to enable children with disabilities to be educated to the maximum extent appropriate.

The District will ensure that:

a) Placement is based on the student's individualized education program (IEP) and determined at least annually;

b) Placement is as close as possible to the student's home, and unless the student's IEP requires some other arrangement, the student will be educated in the school he or she would have attended if not disabled;

c) In selecting the LRE, consideration will be given to any potential harmful effect on the student or on the quality of services that he or she needs; and

d) A student with a disability will not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

The placement of an individual student with a disability in the LRE will:

a) Provide the special education and related services, as well as supplementary aids and services, needed by the student. The term "related services" does not include a medical device that is surgically implanted, the optimization of the device's functioning (e.g., mapping), maintenance of, or the replacement of the device; and

b) Provide for education of the student to the maximum extent appropriate to the needs of the student with other students who do not have disabilities.

The District will ensure that a continuum of alternative placements, in accordance with law and/or regulation, will be available to meet the needs of students with disabilities. To enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate, specially designed instruction and supplementary services may also be provided in the regular class, including, as appropriate, related services, consultant teacher services, paraprofessional support, resource room services, integrated co-teaching, and special class programs within the general education classroom.

(Continued)
SUBJECT: LEAST RESTRICTIVE ENVIRONMENT (Cont'd.)

Individuals with Disabilities Education Act (IDEA) 20 USC § 1400 et seq.
34 CFR Part 300
Education Law §§ 4401-4410-a
8 NYCRR §§ 100.5, 100.9, 200.1(cc), 200.1(qq), 200.2(b), 200.4 and 200.6

Adoption Date
SUBJECT: **PREREFERRAL INTERVENTION STRATEGIES**

The District will implement school-wide approaches and prereferral interventions in order to remediate a student's performance within the general education setting prior to referral to the Committee on Special Education (CSE) for special education. The determination of prevention and prereferral intervention strategies or services will take into consideration the student’s strengths, environment, social history, language, and cultural diversity, in addition to the teacher's concerns. The District may also provide a Response to Intervention (RtI) program to eligible students that is developed in accordance with Commissioner's regulations as part of its school-wide approach to improve a student's academic performance prior to a referral for special education.

The provision of programs and/or services for students starts with consideration and implementation of instruction in the general education curriculum, with appropriate supports, or modifications as may be necessary. In implementing prereferral intervention strategies, the District may utilize resources or strategies already in place for qualified students including, but not limited to, services available through Section 504 of the Rehabilitation Act of 1973 and Academic Intervention Services (AIS) as defined in Education Law and/or Commissioner's regulations. The District will ensure that there is a system in place, with qualified, appropriately certified personnel, for developing, implementing, and evaluating prereferral intervention strategies.

The Board of Education will provide to students at a risk of not achieving state standards with AIS.

District administration will also ensure that opportunities exist for collaboration between general educators and special educators, and that consultation and support are available to teachers and other school personnel to assist parents or persons in parental relation to students and teachers in exploring alternative approaches for meeting the individual needs of any student prior to formal referral for special education.

Prereferral/Intervention Instructional Support Plans will be designed so as to set forth proactive strategies to meet the broad range of individual student needs and to improve student performance. Prereferral/Intervention strategies and/or Instructional Support Plans will be reviewed and evaluated to determine their effectiveness and modified as appropriate. Appropriate documentation of the prevention and/or intervention strategies implemented will be maintained.

If a referral is made to the CSE during the course of implementing prereferral/intervention instructional support services, the CSE is obligated to fulfill its duties and functions, and must meet mandatory time lines in evaluating the student for special education services and implementation of an individualized education program (IEP), if applicable.

(Continued)
SUBJECT: PREREFERRAL INTERVENTION STRATEGIES (Cont’d.)

Academic Intervention Services

The Board will provide to students at risk of not achieving state standards with AIS. AIS means additional instruction which supplements the instruction provided in the general education curriculum and assists students in meeting those state learning standards as defined in Commissioner's regulations and/or student support services which may include guidance, counseling, attendance, and study skills which are needed to support improved academic performance. The District will identify students to receive AIS through a two-step identification process set forth in Commissioner's regulations.

The District will provide AIS to students who are limited English proficient (LEP) and are determined, through uniformly applied District-developed procedures, to be at risk of not achieving state learning standards in English language arts, mathematics, social studies and/or science, through English or the student's native language.

The District has developed a description of the AIS offered to grades K through 12 students in need of these services. The description includes any variations in services in schools within the District and specifically sets forth:

a) The District-wide procedure(s) used to determine the need for AIS;

b) Academic intervention instructional and/or student support services to be provided;

c) Whether instructional services and/or student support services are offered during the regular school day or during an extended school day or year; and

d) The criteria for ending services, including, if appropriate, performance levels that students must obtain on District-selected assessments.

The District will review and revise this description every two years based on student performance results.

Parental Notification

a) Commencement of Services: Parents or persons in parental relation to a student who has been determined to need AIS will be notified in writing by the building principal. This notice will be provided in English and translated into the parent's native language or mode of communication, as necessary. The notice will also include a summary of the AIS to be provided to the student, why the student requires these services, and the consequences of not achieving expected performance levels.

b) Ending of AIS: Parents or persons in parental relation will be notified in writing when AIS is no longer needed. This notice will be provided in English and translated to the parent's native language or mode of communication, as necessary.

(Continued)
SUBJECT:  PREREFERRAL INTERVENTION STRATEGIES (Cont’d.)

Parents will be provided with ongoing opportunities to consult with the student’s teachers and other professional staff providing AIS, receive reports on the student’s progress, and information on ways to work with their child to improve achievement.

Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.
Education Law §§ 3602, 4401, and 4401-a
8 NYCRR §§ 100.1(g), 100.1(p), 100.1(r), 100.1(s), 100.1(t), 100.2(v), 100.2(dd)(4), 100.2(ee), 200.2(b)(7), 200.4(a)(2), 200.4(a)(9); 200.4(c), and Part 154

NOTE: Refer also to Policy #7212 -- Response to Intervention (RtI) Process
SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES

The District will establish and implement a plan for the appropriate declassification of students with disabilities which includes:

a) The regular consideration for declassifying students when appropriate;

b) A reevaluation of the student prior to declassification; and

c) The provision of educational and support services to the student upon declassification.

Eligibility Determinations

The District must evaluate a student with a disability prior to determining that a student is no longer a student with a disability as defined in accordance with Commissioner's regulations, and the District will provide a copy of the evaluation report and the documentation of eligibility to the student's parent at no cost to the parent. The results of any reevaluations must be addressed by the Committee on Special Education (CSE) in a meeting to review and, as appropriate, revise the student's individualized education program.

Prior to the reevaluation, the District will obtain informed written parental consent unless otherwise authorized by law and/or regulation. Parental consent is not necessary if the District can demonstrate that it has taken reasonable measures to obtain that consent, and the student's parents fail to respond. The District must have a record of its attempts to obtain parental consent. Should the student's parents refuse consent for the reevaluation, the District may continue to pursue the reevaluation by using mediation or due process procedures.

The District will take whatever action is necessary to ensure that the parent understands the proceedings at the meeting of the CSE, including arranging for an interpreter for parents with deafness or whose native language is other than English.

Recommendation for Declassification

If the student has been receiving special education services, but it is determined by CSE that the student no longer needs special education services and can be placed in a regular educational program on a full-time basis, the recommendation will:

a) Identify the declassification support services, if any, to be provided to the student and/or the student's teachers; and

b) Indicate the projected date of initiation of the services, the frequency of provision of the services, and the duration of these services, provided that the services will not continue for more than one year after the student enters the full-time regular education program.

(Continued)
SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)

Declassification Support Services

Declassification support services means those services provided to the student or the student's teacher(s) to aid in the student's transition from special education to full-time regular education. These services are provided by persons certified or licensed in the appropriate area of service in accordance with Commissioner's regulations. These services include:

a) For the student: psychological services, social work services, speech and language improvement services, non-career counseling, and other appropriate support services; and

b) For the student's teacher(s): the assistance of supplementary school personnel and consultations with appropriate personnel.

When appropriate, the District will provide declassification support services to students who have moved from special education to a full-time regular educational program in accordance with the recommendation of the CSE.

Procedural Safeguards Notice

The District will use the procedural safeguards notice prescribed by the Commissioner of Education. The District will further ensure that the procedural safeguards notice is provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the District will take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, that the parent understands the content of the notice, and that there is written evidence that all due process procedures have been met.

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
34 CFR Part 300
Education Law §§ 4401-4410-a
8 NYCRR §§ 100.2(u), 100.6, 200.1(ooo), 200.2(b)(8), 200.4(b)(4), 200.4(b)(5), 200.4(c)(3), 200.4(c)(4), 200.4(d)(1) and 200.5(a)

NOTE: Refer also to Policies #7222 -- Diploma or Credential Options for Students with Disabilities
#7641 -- Transition Services

Adoption Date
SUBJECT: USE OF TIME OUT ROOMS

"Time out" is a technique used to interrupt an unacceptable behavior by removing the student from the situation where the misbehavior is occurring. The State Education Department does not regulate the use of time outs, but does regulate the use of a separate room where a student may be removed for a time out.

Except as provided below, the District will not employ the use of time out rooms as a means of regulating student behavior.

A time out room is defined "as an area for a student to safely deescalate, regain control, and prepare to meet expectations to return to his or her education program." If a time out room is used, it must be used in conjunction with a behavioral intervention plan (that is designed to teach and reinforce alternative appropriate behaviors). The student is then removed to a supervised area in order to facilitate self-control. Time outs may also be used in unanticipated situations that pose an immediate concern for the physical safety of a student or others. Unanticipated or emergency use requires proper documentation, in accordance with Commissioner's regulations.

The District has adopted and implemented the following policy and procedures governing school use of time out rooms as part its behavior management approach consistent with Commissioner's regulations, including the physical and monitoring requirements, parental rights, and individualized education program (IEP) requirements for students with disabilities.

At a minimum, the use of time out rooms will be governed by the following rules and standards:

a) The District prohibits placing a student in a locked room or space or in a room where the student cannot be continuously observed and supervised. The time out room will be unlocked and the door will be able to be opened from the inside. The use of locked rooms or spaces for purposes of time out or emergency interventions is prohibited.

Staff will continuously monitor the student in a time out room. The staff will be able to see and hear the student at all times.

Under no circumstances will a time out room in a school program be used for seclusion of the student, where the term "seclusion" is interpreted to mean placing a student in a locked room or space or in a room where the student is not continuously observed and supervised.

b) Factors which may precipitate the use of the time out room:

1. Used only if less intrusive interventions have been implemented and documented byt have not been successful in managing the student's behavior.

2. The behavior is so serious that there is a concern for the student's safety or the safety of others.

(Continued)
SUBJECT: USE OF TIME OUT ROOMS (Cont’d.)

3. The behavior is so disruptive that learning is not taking place in the classroom.

4. There is a serious risk of damage to property.

c) Time limitations for the use of the time out room:

1. The student should remain in the time out room only as long as it takes for behavior to be controlled.

2. The time in a time out room should not exceed 15 minutes.

Further, a student's IEP will specify when a behavioral intervention plan includes the use of a time out room for a student with a disability, including the maximum amount of time a student will need to be in a time out room as a behavioral consequence.

School administration or other personnel will be notified in the event a student is placed in a time out room for excessive amounts of time, and this information will be considered when determining the effectiveness of the student's behavioral intervention plan and the use of the time out room for the student. Whether the student requires a debriefing following the use of a time out room will be left to the staff knowledgeable about the individual student.

d) Staff training on the policies and procedures related to the use of time out rooms will include, but not be limited to, the following measures:

1. The Assistant Superintendent of Special Education will be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Commissioner's regulations relating to the use of time out rooms, including members of the Committee on Special Education (CSE) and Committee on Preschool Special Education (CPSE).

2. Specific Training programs or activities:

   (a) Laws and regulations

   (b) Definition of time-out

   (c) Conflict de-escalation

   (d) Implementation procedures and follow-up procedures

   (e) Documentation procedures

   (f) Notification to parents

   (Continued)
SUBJECT:  USE OF TIME OUT ROOMS  (Cont'd.)

e) Data collection to monitor the effectiveness of the use of time out rooms:

   District schools will establish and implement procedures to document the use of time out rooms, including information to monitor the effectiveness of the use of the time out room to decrease specified behaviors. This data would be subject to review by the SED upon request.

   Data collection should appropriately include, but is not limited to, the following information:

1. A record for each student showing the date and time of each use of the time out room;
2. A detailed account of the antecedent conditions or specific behavior that led to the use of the time out room;
3. The amount of time that the student was in the time out room; and
4. Information to monitor the effectiveness of the use of the time out room to decrease specified behaviors which resulted in the student being placed in the room.

f) Information to be provided to parents.

   The District will inform the student's parents prior to the initiation of a behavioral intervention plan that will incorporate the use of a time out room for a student and will give the parent the opportunity to see the physical space that will be used as a time out room and provide the parent with a copy of the District's policy on the use of time out rooms.

   Additionally, parents should be notified if their child was placed in a time out room. Whenever a time out room is used as an emergency intervention in accordance with Commissioner's regulations, the parent or person in parental relation will be notified of the emergency intervention. This notification will be provided the same day when possible.

   Parent reports of alleged inappropriate interventions used in a time out room should be directed to school administrators.

Physical Space Used as a Time Out Room

   The physical space used as a time out room will meet the following standards:

a) The room will provide a means for continuous visual and auditory monitoring of the student;

b) The room will be of adequate width, length, and height to allow the student to move about and recline comfortably;
SUBJECT: USE OF TIME OUT ROOMS (Cont'd.)

c) Wall and floor coverings should be designed to prevent injury to the student, and there will be adequate lighting and ventilation;

d) The temperature of the room will be within the normal comfort range and consistent with the rest of the building; and

e) The room will be clean and free of objects and fixtures that could be potentially dangerous to a student and will meet all local fire and safety codes.

Education Law §§ 207, 210, 305, 4401, 4402, 4403, and 4410
8 NYCRR §§ 19.5, 200.1, 200.4, 200.7, 200.22, and 201.2

Adoption Date
SUBJECT: STUDENTS WITH DISABILITIES PARTICIPATING IN DISTRICT PROGRAMS

All students with disabilities residing in the District, including those of preschool age, will be provided with full access and opportunity to participate in District programs, including nonacademic and extracurricular programs and activities, that are available to all other students enrolled in the District. Nonacademic and extracurricular programs and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the District, referrals to agencies that provide assistance to individuals with disabilities and employment of students (both by the District and assistance in making outside employment available).

Parents or guardians of students with disabilities, including those students placed in out-of-District programs, will receive timely notice of District programs and activities.

Community Resources

The District may compile a list of appropriate community resources to provide to parents or persons in parental relation of a child with a disability. This list will clearly state that these services are in addition to programs and services provided by the District and will not be paid for by the District. Any member of the District's committees or subcommittees on special education, or the District, who, acting reasonably and in good faith, provides this information will not be liable for this action.

Education Law §§ 4402(1)(b)(3-a) and 4410 (5)(b)(IV)
8 NYCRR §§ 200.2(b)(1) and 200.2(b)(2)
SUBJECT:  SECTION 504 OF THE REHABILITATION ACT OF 1973

The Board affirms its compliance with those sections of the Rehabilitation Act of 1973 dealing with program accessibility. Section 504 of the Rehabilitation Act prohibits discrimination against qualified individuals with disabilities in federally assisted programs or activities solely on the basis of disability. The District will make its program and facilities accessible to all its students with disabilities.

The District will also identify, evaluate, and extend to every qualified student with a disability under Section 504 a free, appropriate public education, including modifications, accommodations, specialized instruction, or related aids and services, as deemed necessary to meet their educational needs as adequately as the needs of non-disabled students are met.

The District official responsible for coordination of activities relating to compliance with Section 504 is the Superintendent. The Superintendent will provide information, including complaint procedures, to any person who feels his or her rights under Section 504 have been violated by the District or its officials.

Prohibition Against Disability-Based Discrimination in Accelerated Programs

The practice of denying, on the basis of disability, a qualified student with a disability the opportunity to participate in an accelerated program violates both Section 504 and Title II, which extends the prohibition on discrimination established in Section 504. The District may not impose or apply eligibility criteria that screens out or tends to screen out a student with a disability from fully and equally enjoying any service, program, or activity, unless the criteria can be shown to be necessary.

It is also unlawful to deny a student with a disability admission to an accelerated class or program solely because of his or her need for special education or related aids or services (i.e., related services, supplementary aids and services, program modification and supports for school personnel) or because the student has an Individualized Education Program or Section 504 plan.

The District's schools may employ appropriate eligibility requirements or criteria in determining whether to admit students, including students with disabilities, into accelerated classes or programs. However, Section 504 and/or Title II does not require schools to admit into accelerated classes or programs students with disabilities who would not otherwise be qualified for these classes or programs.

NOTE: Refer also to Policy #3420 -- Non-Discrimination and Anti-Harassment in the District

Adoption Date
SUBJECT: COMMITTEE ON SPECIAL EDUCATION (CSE)/COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE)

Committee on Special Education (CSE) Membership

The Board will appoint a CSE in accordance with relevant law and regulations, whose membership will include, but not be limited to, the following members:

a) The parent(s) or persons in parental relation of the student;

b) At least one regular education teacher of the student (if the student is, or may be, participating in the regular education environment);

c) At least one special education teacher of the student, or, if appropriate, at least one special education provider (i.e., related service provider) of the student;

d) A school psychologist;

e) A District representative who is qualified to provide or supervise special education and who is knowledgeable about the general education curriculum and the availability of District resources. This individual may also be the same individual appointed as the special education teacher or special education provider of the student or the school psychologist. The District representative will serve as the chairperson of the Committee;

f) An individual who can interpret the instructional implications of evaluation results, who may also be the CSE member appointed as the regular education teacher, the special education teacher, or special education provider, the school psychologist, the District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;

g) A school physician, if specifically requested in writing by the parent or by the District at least 72 hours prior to the meeting;

h) An additional parent member of a student with a disability residing in the District or a neighboring school district, provided that this parent's child has been declassified less than five years' prior or the child has graduated less than five years' prior, if specifically requested in writing by the parent of the student, the student, or member of the CSE at least 72 hours prior to the meeting;

i) Other persons having knowledge or special expertise regarding the student as designated by either the parent or District;

j) The student, if appropriate.

(Continued)
SUBJECT: COMMITTEE ON SPECIAL EDUCATION (CSE)/COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) (Cont’d.)

Subcommittee on Special Education Membership

The Board may appoint, as necessary, Subcommittees on Special Education to assist in the timely evaluation and placement of students with disabilities in accordance with applicable law and Commissioner's regulations. The Board will determine the number of subcommittees to be appointed upon the recommendation of the CSE.

Committee on Preschool Special Education (CPSE) Membership

The Board will appoint a CPSE whose membership and purpose varies slightly from the membership of the CSE. The CPSE must include those same individuals as the CSE as set forth within this policy and also include the following members:

a) For a child in transition from early intervention programs and services, at the request of the parent or person in parental relation, the appropriate professional designated by the agency that has been charged with the responsibility for the preschool child; and

b) A representative of the municipality of the preschool child's residence.

Member Attendance

All members of the CSE or CPSE must attend committee meetings except that the parent and District may agree in writing prior to the meeting date that the attendance of a member or members is not necessary or impossible in accordance with applicable Commissioner's regulations and, as a result, may be excused from the meeting.

Training

The training of qualified personnel is essential to the effective implementation of Commissioner's regulations regarding the education of all students with disabilities.

The Director of Special Education will establish administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's regulations as well as members of the CSE and CPSE.

Alternative Means of Meeting

When conducting a meeting of the CSE or CPSE, the parent and the representative of the District appointed to the CSE or CPSE may agree to use alternative means of meeting participation, such as videoconferences and conference calls.

(Continued)
SUBJECT: COMMITTEE ON SPECIAL EDUCATION (CSE)/COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) (Cont'd.)

Individuals with Disabilities Education Act (IDEA) 20 USC § 1400 et seq.
34 CFR Part 300 and § 300.321
Education Law § 4402, 4410
8 NYCRR §§ 200.2(b)(3), 200.3, and 200.4(d)(4)(i)(d)

NOTE: Refer also to Policies #7613 -- The Role of the Board in Implementing a Student's Individualized Education Program
#7614 -- Preschool Special Education Program

Adoption Date
SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP): DEVELOPMENT AND PROVISION

Development of Individualized Education Program

The Board directs the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) to prepare a written individualized education program (IEP) for each child with a disability. Each student with a disability will have an IEP in effect at the beginning of each school year.

The IEP will be developed by the CSE or CPSE upon referral, and reviewed or revised, as appropriate, for every child with a disability at least annually or when the program no longer appears to be appropriate to meet the student's needs.

Functional Behavioral Assessments/Behavioral Intervention Plans

A functional behavioral assessment (FBA) is an evaluative tool, requiring parental consent, which should be used throughout the process of developing, reviewing, and revising a student's IEP when the student's behavior impedes learning of the child or others. The FBA is the process of determining why a student engages in challenging behavior and how the student's behavior relates to his or her environment.

The FBA provides a baseline of the student's problem behaviors with regard to frequency, duration, intensity, and/or latency across activities, settings, people, and times of the day and includes the:

- Identification of the problem behavior;
- Definition of the behavior in concrete terms;
- Identification of the contextual factors that contribute to the behavior (including cognitive and affective factors); and
- Formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

The FBA must, as appropriate, be based on multiple sources of data such as structured interviews, behavior ratings scales, standardized assessments, and checklists. To this end, the FBA cannot be based solely on the student's history of presenting problem behavior.

In the case of a student whose behavior impedes his or her learning or that of others, the CSE or CPSE will consider strategies, including positive behavioral interventions and supports, to address that behavior. The need for a behavioral intervention plan (BIP) will be documented on the IEP which will be reviewed at least annually by the CSE or CPSE. In addition, regular progress monitoring of the frequency, duration, and intensity of the behavioral interventions will be conducted at scheduled intervals and documented and reported to the parent(s) and CSE or CPSE.

(Continued)
SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP): DEVELOPMENT AND PROVISION (Cont'd.)

Individual Evaluations

Parental consent must be provided for an initial evaluation. If this consent is not received within 30 calendar days of receipt of the referral, the CSE or CPSE Chairperson will document all attempts made to obtain consent.

Unless a referral is withdrawn, an individual evaluation at no cost to the parent will be completed by the CSE or CPSE within 60 calendar days after written parental consent has been obtained or a parental refusal to consent is overridden, unless:

a) An extension is mutually agreed to by the parent and the CSE or CPSE for transfer students or students suspected of having learning disabilities; or

b) The parent or student repeatedly fails or refuses to produce the student for evaluation.

No student will be required to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving an evaluation.

The individual evaluation will include a variety of assessment tools and strategies, including information provided by the parent. The purpose of the evaluation is to gather relevant functional, developmental, and academic information that may assist in determining whether the student is a student with a disability and the content of the student's IEP.

As part of any evaluation, a group that includes the CSE or CPSE and other qualified professionals, as appropriate, will review existing evaluation data on the student including evaluations and information provided by the parents of the student, current classroom-based assessments, local or state assessments, classroom-based observations, and observations by teachers and related services providers. In addition, the group will consider information about the student's physical condition, social or cultural background, and adaptive behavior.

On the basis of that review, and input from the student's parents, the group will identify what additional data, if any, are needed to determine a variety of factors including, if the student has or continues to have a disability, present levels of academic achievement and developmental needs of the student.

The District must notify the parents if additional data is not needed, and the reasons for that determination as well as their right to request an assessment to determine whether, the student continues to be a student with a disability. The District is not required to conduct the assessment unless requested to do so by the student's parents.

(Continued)
SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP): DEVELOPMENT AND PROVISION (Cont'd.)

The determination that a student has a learning disability will be made in accordance with the procedures outlined in Commissioner's regulations.

Individual Re-evaluations

The CSE or CPSE will arrange for an appropriate re-evaluation of each student with a disability:

a) If the District determines that the educational or related services needs, including improved academic achievement and functional performance of the student warrant re-evaluation;

b) If the student's parent or teacher request a re-evaluation;

c) At least once every three years, unless the District and the parent or person in parental relation agree in writing that the re-evaluation is unnecessary.

A re-evaluation will not be conducted more frequently than once a year unless the parent and the District representative appointed to the CSE or CPSE agree otherwise.

The re-evaluation will be conducted by a multi-disciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. The re-evaluation will be sufficient to determine the student's individual needs, educational progress and achievement, the student's ability to participate in instructional programs in regular education and the student's continuing eligibility for special education. The results of any re-evaluations must be addressed by the CSE/CPSE in reviewing, and as appropriate, revising the student's IEP.

To the extent possible, the District will encourage the consolidation of re-evaluation meetings for the student and other CSE or CPSE meetings for the student.

Amendments to the IEP

Amendments to the IEP made after the annual review by the CSE or CPSE may be made by reconvening the CSE or CPSE and rewriting the IEP or by developing a written document to amend or modify the student's current IEP, provided that there is a request for, and agreement to, the amendment by the parent(s) and the District provides the parent(s) a written proposal to amend the IEP conveyed in language understandable to the parent(s) in their native language or other dominant mode of communication, informs and allows the parent(s) the opportunity to consult with the appropriate personnel or related service providers concerning the proposed changes, and the parent(s) agree in writing to the amendments.

(Continued)
SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP): DEVELOPMENT AND PROVISION (Cont'd.)

If the parent(s) agree to amend the IEP without a meeting, they must be provided prior written notice of the changes to the IEP and the CSE or CPSE must be notified of the changes. If the changes are made by rewriting the entire IEP, the District will provide the parents or persons in parental relation a copy of the rewritten IEP. If the amendment is made without rewriting the entire document, the District will provide a copy of the document that amends the IEP or, upon request, a revised copy of the entire IEP with the amendments incorporated.

Use of Recording Equipment at IEP Meetings

CSE meetings are not recorded. However, the Board will allow recording equipment to be used at meetings regarding IEPs for students with disabilities when deemed necessary and appropriate.

Provision of Individualized Education Program

The Superintendent or designee(s) will establish administrative practices and procedures to ensure that each regular education teacher, special education teacher, related service provider, and/or other service provider who is responsible for the implementation of a student's IEP is provided with either a paper copy of the IEP or is able to access a student's IEP electronically (including amendments to the IEP) prior to the implementation of the program. The individuals responsible for implementing a student's IEP will be notified and trained on how to access the IEP electronically. For purposes of this policy, "other service provider" means a representative of another public school district, charter school, Board of Cooperative Educational Services (BOCES), or school where the student receives or will receive IEP services. Further, the District will designate at least one school official who will be responsible for maintaining a record of the personnel who have received IEP copies for each student.

Any copy of a student's IEP will remain confidential in accordance with the Individuals with Disabilities Education Act, the Family Educational Rights and Privacy Act, and District policy regarding confidentiality of student records, and will not be disclosed to any other person other than the parent of the student, except in accordance with federal and state laws and/or regulations. Appropriate training and information will be provided to designated school personnel, as applicable, to ensure the confidentiality of this information. Procedures will be established to ensure that copies of students' IEPs are stored in secure locations and retrieved or destroyed when those professionals are no longer responsible for implementing a student's IEP.

The Chairperson of the CSE, CSE subcommittee, or CPSE will designate for each student one or, as appropriate, more than one professional employee of the District with knowledge of the student's disability and education program who will be responsible to, prior to the implementation of the IEP, inform each teacher, provider, or school personnel of his or her responsibility to implement the recommendations on a student's IEP. Relevant school personnel will have ongoing access to a copy of the student's IEP.

(Continued)
A copy of a student’s IEP will be provided to the student's parents at no cost to the parent(s).

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
21 USC § 812(c)
Education Law Articles 81, 85 and 89 and §§ 207, 3208 and 4402(7)
200.16(e)(6) and 200.22

Adoption Date
SUBJECT: TRANSITION SERVICES

Transition services means a coordinated set of activities for a student with a disability, designed within a results-oriented process that is focused on improving the academic and functional achievement of this student to facilitate movement from school to post-school activities. Post-school activities include, but are not limited to, post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based on the student's strengths, preferences, and interests, and will include needed activities in the following areas:

a) Instruction;

b) Related services (the term "related services" does not include a medical device that is surgically implanted, the optimization of the device's functioning (e.g., mapping), maintenance of, or the replacement of such device);

c) Community experiences;

d) The development of employment and other post-school adult living objectives; and

e) When appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

Beginning not later than the first individualized education program (IEP) to be in effect when the student is age 15 (and at a younger age, if determined appropriate), and updated annually, the student's IEP must include:

a) A statement of the student's needs taking into account the student's strengths, preferences and interests as they relate to transition from school to post-school activities;

b) Appropriate measurable postsecondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills;

c) A statement of transition service needs that focuses on the student's courses of study, such as participation in advanced-placement courses or a vocational educational program;

d) Needed activities to facilitate the student's movement from school to post-school activities, including instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation; and

e) A statement of the responsibilities of the District and participating agencies, when applicable, for the provision of such services and activities, before the student leaves the school setting, that promote movement from school to post-school opportunities.

(Continued)
SUBJECT: TRANSITION SERVICES (Cont'd.)

When developing transition goals and services, the District will discuss with the student's parents:

a) Graduation requirements;

b) The student's progress toward receiving a diploma; and

c) The appeal, safety net, and Superintendent determination pathway options that may be available.

At the CSE meeting where the District discusses transition services with parents, it will provide written information explaining the graduation requirements, including eligibility criteria and processes for seeking an appeal and for requesting a local diploma through the Superintendent's determination pathway. The District will also inform parents that graduating with a local or Regents diploma terminates their child's entitlement to a free public education and special education services.

The District must invite a student with a disability to attend the student's CSE meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the student and the transition services needed to assist the student in reaching those goals. If the student does not attend the CSE meeting, the District must take other steps to ensure that the student's preference and interests are considered. To the extent appropriate, with the consent of the parent or a student who has reached the age of majority, the District must also invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

Graduation/Aging Out

The District is not required to conduct a reevaluation of a student before the termination of a student's eligibility due to graduation with a local high school or Regents diploma or exceeding the age eligibility for a free appropriate public education. However, the District must provide the student with a summary of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting his or her post-secondary goals.

Before a student's graduation from high school with a Skills and Achievement (SA) Commencement Credential or Career Development and Occupational Studies Commencement Credential (CDOS), parents must receive prior written notice indicating that the student continues to be eligible for a free appropriate public education until the end of the school year in which the student turns 21 or until receipt of a regular high school diploma.

Individuals with Disabilities Education Act (IDEA), 20 USC §§ 1400 et seq.
34 CFR §§ 300.321, 300.343, 300.347, and 300.348
Education Law § 4401
8 NYCRR §§ 200.1(qq), 200.1(ff), 2004.(d)(2)(ix), and 200.5(c)(2)(vii)

NOTE: Refer also to Policy #7617 -- Declassification of Students with Disabilities

Adoption Date
SUBJECT: EXTENDED SCHOOL YEAR SERVICES AND/OR PROGRAMS

The District will provide, directly or by contract, special services, or programs during July and August (i.e., extended school year) to those students who require a structured learning environment for 12 months in order to prevent substantial regression as determined by the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE).

Substantial regression would be indicated by a student's inability to maintain developmental levels due to a loss of skill, set of skill competencies, or knowledge during the months of July and August. Students, including preschool students, must be considered for 12-month special services and/or programs to prevent substantial regression in accordance with Commissioner's regulations.

For students eligible for 12-month services and/or programs, the student's Individualized Education Program (IEP) will indicate the identity of the service provider during July and August, and, for preschool students determined by the CPSE to require a 12-month structured learning environment to prevent substantial regression. The IEP will also include a statement of the reasons for that recommendation, the projected date of the review of the student's need for these services, and the recommended placement.

Any District plan to operate a July/August program must be approved by the State Education Department in accordance with applicable laws, regulations, procedures, and/or guidelines.

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
Education Law § 4408
8 NYCRR Part 110 and §§ 200.1(qq), 200.4(d)(2)(x), 200.5(b)(1)(iii), 200.6(j), and 200.16(i)(3)(v)

Adoption Date
SUBJECT: TRANSFER STUDENTS WITH DISABILITIES

To facilitate the transition of students with disabilities transferring into or out of the District the District will:

a) As the district of origin, take reasonable steps to promptly respond to all requests from the new school district.

b) As the new school district take reasonable steps to promptly obtain the student’s records from the previous school, including the Individualized Education Program (IEP), supporting documents and any other records relating to the provision of special education services.

c) Provide to a student with a disability who transfers school districts within the same school year a free appropriate education including services comparable to those described in the student's previous IEP.

1. For transfers within New York State, the previously held IEP will be followed in consultation with the parents until the District adopts the previously held IEP or develops, adopts, and implements a new IEP consistent with federal and state law and regulation.

2. For transfers from outside New York State, in consultation with the parents the previously held IEP will be followed until the District conducts an evaluation and, if appropriate, develops a new IEP consistent with federal and state law and regulation.

NOTE: Refer also to Policy #7240 -- Student Records: Access and Challenge

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
8 NYCRR §§ 200.1(zz) and 200.4(e)(8)

Adoption Date
SUBJECT: IDENTIFICATION AND REGISTER OF CHILDREN WITH DISABILITIES (CHILD FIND)

The District will locate, identify, and evaluate all students with disabilities who reside within its boundaries, including homeless children, children who are wards of the state, home-schooled children, and children attending private schools or charter schools. Further, it is the policy of the Board to conduct a census in order to locate and identify all children with disabilities within the District under the age of 21, including those children as described above, and to establish a register of those students entitled to attend school or receive preschool services.

The Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) will maintain and annually revise the register of these students and others referred to the committee as possibly having a disability, as appropriate. In addition, census data will be reported by October 1 to the CSE or CPSE as appropriate.

The District understands that its Child Find obligations have been expanded to include notification to every parent or person in parental relation, upon enrollment of their child in the District, of their rights regarding referral and evaluation for the purposes of special education services or programs in accordance with applicable federal and state laws. The notification will contain the name and contact information for the chairperson of the District's CSE or other individual who is charged with processing referrals to the committee in the District. The District may, in its discretion, provide notice by directing parents or persons in parental relation to obtain information located on the State Education Department’s website relating to a parent's guide to special education in New York State for children ages three through 21.

Any student suspected of having a disability should be referred to the applicable CSE or CPSE for evaluation and possible identification as a student with a disability.

Nonpublic School Students with Disabilities Who Are Parentally Placed

If the District boundaries encompass a nonpublic school, the District, as the district of location, must develop and implement methods to identify, locate, and ensure the identification and evaluation of students with disabilities who have been, or are going to be, parentally placed in the nonpublic school.

The child find activities must be similar to those for students with disabilities in public schools and must be completed in a time period comparable to that for other students attending public schools in the District.

As the district of location, the District must also consult with the appropriate representatives of the nonpublic schools and parents of parentally placed nonpublic school students to determine an accurate count of students with disabilities attending those schools and receiving special education services.

(Continued)
SUBJECT: IDENTIFICATION AND REGISTER OF CHILDREN WITH DISABILITIES (CHILD FIND) (Cont’d.)

These requirements only pertain to students with disabilities parentally placed in elementary and secondary nonpublic schools, not to parental placements of preschool children with disabilities in private day care or preschool programs; or to CSE placements of students with disabilities in approved private schools, Special Act School Districts, state-supported or state-operated schools; or to charter schools.

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
34 CFR Part 300
Education Law §§ 3240-3242, 3602-c(2)(a), 4401-a, 4402, 4404, 4405 and 4410-6
8 NYCRR §§ 200.2(a) and 200.4

NOTE: Refer also to Policies #7130 -- Entitlement to Attend - Age and Residency

Adoption Date
SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES

The Board recognizes the rights of the parent or guardian to be fully informed of all information relevant to the identification, or change in identification, evaluation, and educational placement of a child with a disability. The District will observe all due process procedures for parents or guardians and children set forth in the Commissioner's regulations.

Definition of Parent

Parent means a birth or adoptive parent, a legally appointed guardian generally authorized to act as the child's parent or authorized to make educational decisions for the child, a person in parental relation to the child as defined in Education Law Section 3212, an individual designated as a person in parental relation by General Obligations Law Title 15-A including a designated individual who is acting in the place of a birth or adoptive parent, or a surrogate parent who has been appointed in accordance with Section 200.5(n) of Commissioner's regulations.

A foster parent may act as a parent unless state law, regulations, or contractual obligations with a state or local entity prohibit the foster parent from acting as a parent.

Unless a judicial decree identifies a specific person(s) to act as the parent or make educational decisions for the student, if one or more parties is qualified to act as a parent, the birth or adoptive parent is presumed to be the parent unless they do not have the legal authority to do so.

Surrogate Parents

In the event that no parent or guardian for a child with a disability can be identified, or after reasonable efforts the whereabouts of the parent or guardian cannot be determined, or the student is an unaccompanied homeless youth, or the child with a disability is a ward of the State and does not have a "parent" as defined above, or the rights of the parent to make educational decisions have been subrogated in accordance with state law, the Board will assign an individual from a list of willing and eligible persons to act as a surrogate for the parents or guardians. Alternatively, the surrogate parent may be appointed by a judge overseeing the child's case.

The person selected as a surrogate will have no interest that conflicts with the interest of the child he or she represents, and will have knowledge and skills that ensure adequate representation of the child.

Prior Written Notice (Notice of Recommendation)

Prior written notice must be given to parents of a student with a disability a reasonable time before the District proposes to, or refuses to, initiate or change the identification, evaluation, educational placement of the student or the provision of a free appropriate public education (FAPE) to the student and in certain other circumstances as set forth in relevant law and Commissioner’s regulations.

(Continued)
SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

If the prior written notice relates to a proposed action that also requires parental consent, the District must give notice at the same time it requests parental consent. The prior written notice will contain all elements required by Commissioner's regulations.

A parent may elect to receive prior written notice and other required notifications by email if the District makes this option available.

Parent Participation in Meetings

The District must take steps to ensure that one or both of the parents of a child with a disability are present at each Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) meeting or are afforded the opportunity to participate in a mutually agreed upon time and place. The CSE or CPSE must also document its attempts to involve parents in the child's meeting and recommended educational program. A meeting may be conducted without a parent in attendance if the parents are unwilling to attend.

Additionally, the District will ensure the parent understands the proceedings of any meeting for their child including arranging for an interpreter as appropriate.

Parental Consent

A parent of a special education student or a student suspected of having a disability must provide informed consent before the District can take certain actions, including, but not limited to, evaluations, initial provision of services, and to access public benefits or insurance. The District will make reasonable efforts to obtain written informed consent and will maintain a detailed record of its attempts and the results of those attempts.

Parents with custodial rights—whether sole or joint—may exercise decision-making authority with respect to the student's education. Absent a court order or custody agreement to the contrary, a non-custodial parent may not control educational decisions for the student, though he or she may participate in the child's education.

Consent for an Unaccompanied Homeless Youth

Consent may be provided by a surrogate parent. However, until a surrogate parent is appointed, consent may be provided on a temporary basis by an employee of a temporary housing facility operated or approved by a local social services district or a residential facility for runaway and homeless youth.

Consent for a Ward of the State

A ward of the state means a child or youth under the age of 21 who:

(Continued)
SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

a) Has been placed or remanded in accordance with Social Services Law or the Family Court Act or freed for adoption in accordance with Social Services Law; or

b) Is in the custody of the Commissioner of Social Services or the Office of Children and Family Services; or

c) Is a destitute child under Social Services Law.

In the event that a child is a ward of the state, the District will make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child has a disability.

The District is not required to obtain informed consent if:

a) Despite reasonable efforts to do so, the District cannot discover the whereabouts of the parent of the student, including consulting with the agency responsible for the care of the student; or

b) The rights of the parents have been terminated in accordance with state law; or

c) The rights of the parent to make educational decisions have been subrogated by a judge.

Consent for a Student Who is Home Instructed or Parentally Placed in a Private School at the Parent’s Expense

If a parent of a student who is home instructed or placed in a private school by their parents at their own expense does not provide consent for an initial evaluation or reevaluation, or the parent fails to respond to a request to provide consent, the District will not continue to pursue those evaluations by using due process procedures and it is not required to consider the student as eligible for special education services.

Parental Revocation of Consent

Parental revocation of consent for continued provision of special education and related services must be in writing. When the parent revokes his or her consent, the District still must provide the parent with the usual written notice of its intentions with respect to the child.

If the parent of a student with a disability revokes his or her consent in writing for the continued provision of special education and related services to the student at any time subsequent to the initial provision of special education and related services, the District:

(Continued)
SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

a) Will not continue to provide special education and related services to the student, but must provide prior written notice to the parent before ceasing the provisions of special education and related services;

b) Will not use due process procedures (i.e., mediation, resolution meeting, and/or impartial due process hearing) in order to obtain agreement or a ruling that the services may be provided to the student without parental consent;

c) Will not be considered to be in violation of the requirement to make a FAPE available to the student because of the failure to provide the student with further special education and related services following revocation of consent;

d) Is not required to convene a meeting of the CSE or develop an IEP for the student for further provision of special education programs and related services upon receipt of written revocation of consent; and

e) Is not required to amend the student's education records to remove any references to the student's receipt of special education programs and services because of the revocation of consent.

Procedural Safeguards Notice

The District will provide the procedural safeguards notice prescribed by the Commissioner of Education to the parents of a student with a disability at least one time per year and also upon:

a) Initial referral or parental request for evaluation;

b) The first filing of a due process complaint notice to request mediation or an impartial due process hearing;

c) Request by a parent;

d) A decision to impose a suspension or removal that constitutes a disciplinary change in placement; and

e) First receipt of a state complaint.
SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
34 CFR Part 300
Education Law §§ 207, 3212, 4005, 4202, 4401 and 4402
8 NYCRR §§ 200.1, 200.4(b)(6), and 200.5

NOTE: Refer also to Policies #7260 -- Designation of Person in Parental Relation
    #7270 -- Rights of Non-Custodial Parents
    #7630 -- Committee on Special on Special Education (CSE)/
              Committee on Preschool Special Education (CPSE)
    #7640 -- Student Individualized Education Program (IEP):
              Development and Provision

Adoption Date
Due Process Complaints

The District is committed to making every effort to amicably resolve disputes regarding educational programs for students with disabilities. In the event these disputes cannot otherwise be resolved, either a parent or the District may file a due process complaint challenging the identification, evaluation, or educational placement of a student with a disability, or a student suspected of having a disability, or the provision of a free appropriate public education to the student. The complainant may not have an impartial due process hearing until the complainant, or the attorney representing the complainant, files a due process complaint notice that meets the requirements set forth in law for the notice. All due process hearings will be conducted in a manner consistent with the timelines and procedures set forth in law and regulation.

Except as otherwise provided by law, all requests for impartial due process hearings must be submitted within two years of the date the parent or the District knew or should have known about the alleged action forming the basis of the complaint. Upon receipt or filing of the due process complaint notice, the District will provide the most current version of the procedural safeguards notice to the parents. The District will also inform parents in writing of the availability of mediation and any free or low-cost legal and other relevant services available in the area.

An impartial due process hearing will be conducted at a time and location reasonable and convenient to the parent and student involved. The hearing will be closed to the public unless the parent requests otherwise.

A student whose education is the subject of a due process complaint will remain in his or her current placement during the pendency of the impartial due process hearing unless both parties agree or as otherwise permitted by law.

Resolution Process

Prior to the opportunity for an impartial due process hearing, the District will convene a meeting with the parents and the relevant member or members of the Committee on Special Education or Committee on Preschool Special Education who have specific knowledge of the facts identified in the complaint. This meeting will provide the parents with an opportunity to discuss their complaint and the facts that form the basis of the complaint, and an opportunity to resolve the complaint with the District. The District will take steps to ensure that one or both of the parents of the student with a disability are present at the resolution meeting, and will notify parents of the meeting early enough to ensure that they have the opportunity to attend. The resolution meeting will be at a mutually agreed upon time and place, and in a location that is accessible to the parents. The District will ensure that all resolution meetings conform to the requirements set forth in the Commissioner's regulations.

(Continued)
SUBJECT: DUE PROCESS COMPLAINTS: SELECTION AND BOARD APPOINTMENT OF IMPARTIAL HEARING OFFICERS (Cont’d.)

The parents and the District may agree, in writing, however, to waive the resolution process or agree to use the mediation process to resolve the dispute.

Selection and Board Appointment of Impartial Hearing Officers

In the event a due process complaint notice is properly filed, the Board will arrange for an impartial due process hearing to be conducted. In these instances, the Board will immediately, but not later than two business days after receipt of the due process complaint notice or mailing of the due process complaint notice to the parent, initiate the process to select an impartial hearing officer (IHO) through a rotational selection process. To expedite this process, the Board may designate one or more of its members to appoint the IHO on its behalf.

The District will utilize the New York State Education Department’s (SED) Impartial Hearing Reporting System to access the alphabetical list of the names of each IHO certified in New York State and available to serve in the District. The appointment of an IHO will be made only from this list and in accordance with the alphabetical rotation selection process and the timelines and procedures established by the Commissioner of Education. The District will record and report required information relating to the selection of IHOs and the conduct of impartial due process hearings according to the manner and schedule specified by SED.

The District will be responsible for compensating the IHO for prehearing, hearing, and post-hearing activities at the rate agreed upon at the time of the IHO's appointment. The District will also reimburse the IHO for certain travel and other hearing-related expenses in accordance with an annually determined schedule.

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
34 CFR Part 300
Education Law §§ 4005, 4202, 4404(1), and 4410(7)
8 NYCRR §§ 200.2 and 200.5

NOTE: Refer also to Policies #7313 -- Suspension of Students
      #7660 -- Parent Involvement for Children with Disabilities
      #7690 -- Special Education Mediation

Adoption Date
SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS

Parents of children with disabilities have the right under federal and state regulations to obtain an independent educational evaluation (IEE) at public expense under certain conditions if they disagree with an evaluation obtained by the District.

A parent is entitled to only one IEE at public expense each time the District conducts an evaluation with which the parent disagrees. The District may ask the parent to explain the reason as to why they object to the District's evaluation although the parent is not required to answer.

The District will not unreasonably delay either providing the IEE or initiating an impartial hearing to defend its own evaluation.

34 CFR §§ 300.12 and 300.502
8 NYCRR §§ 200.1(z) and 200.5(g)

Adoption Date
SUBJECT: SPECIAL EDUCATION MEDIATION

The District will offer mediation to resolve disputes involving any matter for which an impartial due process hearing may be brought, including those that occurred prior to filing a due process complaint notice.

Mediation will be conducted by mediators furnished by a Community Dispute Resolution Center who are not employees of any school district or state agency that is involved in the education or care of the student who is the subject of the mediation process. Mediators may not have a personal or professional interest which would conflict with their objectivity in the mediation process and should be knowledgeable in laws and regulations relating to the provision of special education services.

Parents or persons in parental relation to students suspected of or having disabilities will receive written notice of the availability of the mediation program each time they receive notice of their entitlement to the impartial due process hearing procedures in accordance with federal and state law and regulations. If the parent and District agree, alternative means of meeting participation may be utilized, such as video conferences and conference calls.

Discussions during the mediation process must be kept confidential and may not be used as evidence in any subsequent due process hearing or civil proceedings.

If resolution to the complaint is reached through mediation, the parent and the representative of the District who has the authority to bind the District will execute a legally binding written agreement specifying the resolution. If the written agreement is inconsistent with the student’s current individualized education program (IEP), the IEP must be immediately amended to reflect the mediation agreement.

The mediation process is voluntary and will not diminish or limit any rights provided for in law, including the right of the parent or person in parental relation to request an impartial due process hearing subsequent to mediation.

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
34 CFR Part 300
Education Law §§ 4005, 4202, and 4404-a
Judiciary Law § 849a
8 NYCRR §§ 200.1 and 200.5

Adoption Date