

Thousand Islands Central School District**NUMBER****ATTENDANCE**

1.1	Comprehensive Student Attendance Policy.....	7110
1.1.1	Elementary Attendance Areas	7111
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 Homeless Children and Youth	7131
1.3.2	Non-Resident Students	7132
1.4	School Census.....	7140

STUDENT PROGRESS

2.1	Student Evaluation.....	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 Requirements/Early Graduation/Accelerated Programs	7220
2.2.2	Diploma and/or Credential Options for Students with Disabilities	7222
2.3	Dual Credit for College Courses.....	7230
2.4	Student Records: Access and Challenge.....	7240
2.4.1	Student Directory Information.....	7241
2.4.2	Military Recruiters' Access to Secondary School Students and Information on Students.....	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

STUDENT CONDUCT

3.1	School Conduct and Discipline	
3.1.1	Loss or Destruction of District Property or Resources	7311
3.1.2	Student Dress Code.....	7312
3.1.3	Suspension of Students	7313
3.1.4	Students Presumed to Have a Disability for Discipline Purposes	7314
3.1.5	Student Use of Computerized Information Resources (Acceptable Use Policy)	7315
3.1.6	Student Electronic Device Policy	7316
3.2	Alcohol, Tobacco, Drugs and Other Substances (Students).....	7320
3.3	Searches and Interrogations of Students	7330
3.4	Bus Rules and Regulations	7340
3.5	Corporal Punishment/Emergency Interventions.....	7350
3.6	Weapons in School and the Gun-Free Schools Act.....	7360

Thousand Islands Central School District**NUMBER****STUDENT ACTIVITIES**

4.1	Extracurricular Activities.....	7410
4.1.1	Censorship of School Sponsored Student Publications and Activities.....	7411
4.2	Sports and the Athletic Program.....	7420
4.3	Contests for Students, Student Awards and Scholarships	7430
4.5	Fund Raising 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	Administration of Medication.....	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 Neglect/Maltreatment	7530
5.4	Suicide	7540
5.5	Dignity for All Students Act.....	7550
5.5.1	Sexual Harassment of Students.....	7551
5.5.2	Bullying in the Schools.....	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 Option to Students who are Victims of a Violent Criminal Offense.....	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	7613
6.1.4	Preschool Special Education Program.....	7614
6.1.5	Least Restrictive Environment.....	7615
6.1.6	Prereferral Intervention Strategies in General Education (Prior to a Referral for Special Education)	7616
6.1.7	Declassification of Students with Disabilities	7617

Thousand Islands Central School District

NUMBER

STUDENTS WITH DISABILITIES (Cont'd.)

6.2	Students with Disabilities Participating in School District Programs	7620
6.2.1	Section 504 of the Rehabilitation Act of 1973	7621
6.3	Appointment and Training of CSE and CPSE Members	
6.3.1	Appointment and Training of Committee on Special Education (CSE)/ Subcommittee on Special Education Members	7631
6.3.2	Appointment and Training of Committee on Preschool Special Education (CPSE) Members	7632
6.4	Student Individualized Education Program (IEP): Development and Provision.....	7640
6.4.1	Transition Services	7641
6.4.2	Extended School Year (July/August) Services and/or Programs	7642
6.4.3	Transfer Students with Disabilities.....	7643
6.5	Identification and Register of Children with Disabilities (Child Find)	7650
6.6	Parent Involvement for Children with Disabilities	7660
6.7	Impartial Due Process Hearings/Selection of Impartial Hearing Officers	7670
6.8	Independent Educational Evaluations.....	7680
6.9	Special Education Mediation.....	7690

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY**Statement of Overall Objectives**

School attendance is both a right and a responsibility. The School District is an active partner with students and parents in the task of ensuring that all students meet or exceed the New York State Learning Standards. Because the School District recognizes that consistent school attendance, academic success and school completion have a positive correlation, the School District has developed, and, if necessary, will revise a Comprehensive Student Attendance Policy to meet the following objectives:

- a) To increase school completion for all students;
- b) To raise student achievement and close gaps in student performance;
- c) To identify attendance patterns in order to design attendance improvement efforts;
- d) To know the whereabouts of every student for safety and other reasons;
- e) To verify that individual students are complying with education laws relating to compulsory attendance;
- f) To determine the District's average daily attendance for State aid purposes.

Description of Strategies to Meet Objectives

The School District will:

- a) Create and maintain a positive school building culture by fostering a positive physical and psychological environment where the presence of strong adult role models encourages respectful and nurturing interactions between adults and students. This positive school culture is aimed at encouraging a high level of student bonding to the school, which in turn should lead to increased attendance.
- b) Develop a Comprehensive Student Attendance Policy based upon the recommendations of a multifaceted District Policy Development Team that includes representation from the Board of Education, administrators, teachers, students, parents 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 recordkeeping via a Register of Attendance to record attendance, absence, tardiness or early departure of each student.

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

- d) Utilize data analysis systems for tracking individual student attendance and individual and group trends in student attendance problems.
- e) Develop early intervention strategies to improve school attendance for all students.

Determination of Excused and Unexcused Absences, Tardiness and Early Departures

Based upon our District's education and community needs, values and priorities, the School District has determined that absences, tardiness and early departures will be considered excused or unexcused according to the following standards.

- a) **Excused:** An absence, tardiness or early departure may be excused if due to personal illness, illness or death in the family, impassable roads due to inclement weather, religious observance, quarantine, required court appearances, attendance at health clinics, approved college visits, approved cooperative work programs, military obligations or other such reasons as may be approved by the Board of Education.
- b) **Unexcused:** An absence, tardiness or early departure is considered unexcused if the reason for the lack of attendance does not fall into the above categories (e.g., family vacation, hunting, babysitting, haircut, obtaining learner's permit, road test, oversleeping).

A written excuse, signed by a parent/person in parental relation should be presented by the student when returning to school following each absence.

Student Attendance Recordkeeping/Data Collection

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. An absence, tardiness or early departure will be entered as "excused" or "unexcused" along with the District code for the reason.

Attendance shall be taken and recorded in accordance with the following:

- a) For students in non-departmentalized kindergarten through grade five (5) (i.e., self-contained classrooms and supervised group movement to other scheduled school activities such as physical education in the gym, assembly, etc.), such student's presence or absence shall be recorded after the taking of attendance once per school day.
- b) For purposes of APPR and Teacher-Student Data Linkages (TSDL), classroom attendance for all students K through 12 must be recorded on a subject-by-subject basis for Teacher of Record Determinations.

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

- c) For students in grades 6 through 12 or in departmentalized schools at any grade level (i.e., students pass individually to different classes throughout the day), each student's presence or absence shall be recorded after the taking of attendance in each period of scheduled instruction.
- d) Any absence for a school day or portion thereof shall be recorded as excused or unexcused in accordance with the standards articulated in this policy.
- e) In the event that a student at any instructional level from grades K through 12 arrives late for or departs early from scheduled instruction, such tardiness or early departure shall be recorded as excused or unexcused in accordance with the standards articulated in this policy.

A record shall be kept of each scheduled day of instruction during which the school is closed for all or part of the day because of extraordinary circumstances including adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, destruction of or damage to a school building, or such other cause as may be found satisfactory to the Commissioner of Education.

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).

At the conclusion of each class period or school day, all attendance information shall be compiled and provided to the designated school personnel who are responsible for attendance. The nature of the absence, tardiness or early departure shall be coded on a student's record in accordance with the established District/building procedures.

Student Attendance/Course Credit

The District believes that classroom participation is related to and affects a student's performance and grasp of the subject matter 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 as well as 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.

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SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

At the middle school/senior high school level, any student with more than thirty (30) absences in a course, or fifteen (15) absences for a half (1/2) year course, may not receive credit for the course. However, it is District policy that students with properly excused absences, tardiness and early departures for which the student has performed any assigned make-up work, assignments and/or tests shall not be counted as an absence for the purpose of determining the student's eligibility for course credit. District procedures will specify how student tardiness and early departures will be calculated and factored into the District's minimum attendance standard.

However, where a student earns a passing grade, credit will not be denied for the course(s).

For summer school and courses meeting 1/2 year or 1/4 year, the same policy will apply and a calculation of the absences will be prorated accordingly.

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.

Students will be considered in attendance if the student is:

- a) Physically present in the classroom or working under the direction of the classroom teacher during the class scheduled meeting time; or
- b) Working pursuant to an approved independent study program; or
- c) Receiving approved alternative instruction.

Students who are absent from class due to their participation in a school sponsored activity are to arrange with their teachers to make up any work missed in a timely manner as determined by the student's teacher. Attendance at school sponsored events where instruction is substantially equivalent to the instruction which was missed shall be counted as the equivalent of regular attendance in class.

Upon returning to school following a properly excused absence, tardiness or early departure, it shall be the responsibility of the student to consult with his/her teacher(s) regarding arrangements to make up missed work, assignments and/or tests in accordance with the time schedule specified by the teacher.

Notice of Minimum Attendance Standard/Intervention Strategies Prior to the Denial of Course Credit

In order to ensure that parents/persons in parental relation and students are informed of the District's policy regarding minimum attendance and course credit, and the implementation of specific intervention strategies to be employed **prior to the denial of course credit to the student for insufficient attendance**, the following guidelines shall be followed:

(Continued)

Students

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

- a) Copies of the District's Comprehensive Student Attendance Policy will be available to parents/persons in parental relation and provided to students at the beginning of each school year or at the time of enrollment in the District or be incorporated into the student handbook.
- b) School newsletters and publications will include periodic reminders of the components of the District's Comprehensive Student Attendance Policy. Copies of the Attendance Policy will also be included in parent/student handbooks or posted on the District website.
- c) At periodic intervals, a designated staff member(s) will notify, by telephone, the parent/person in parental relation of the student's absence, tardiness, or early departure and explain the relationship of the student's attendance to his/her ability to receive course credit. If the parent/person in parental relation cannot be reached by telephone, a letter shall be sent detailing this information.
- d) A designated staff member will review the District's Attendance Policy with students who have excessive and/or unexcused absences, tardiness or early departures. Further, appropriate student support services/personnel within the District, as well as the possible collaboration/referral to community support services and agencies, will be implemented prior to the denial of course credit for insufficient attendance by the student.

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

A designated staff member shall notify by telephone the parent/person in parental relation to a student who is absent, tardy or departs early without proper excuse. The staff member shall explain the District's Comprehensive Student Attendance Policy, the District's/building level intervention procedures, and, if appropriate, the relationship between student attendance and course credit. If the parent/person in parental relation cannot be reached by telephone, 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.

Attendance Incentives

In order to encourage student attendance, the District will develop and implement grade-appropriate/building-level strategies and programs including, but not limited to:

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SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

- a) Attendance honor rolls to be posted in prominent places in District buildings and included in District newsletters and, with parent/person in parental relation consent, in community publications;
- b) Monthly drawings for prizes at each grade level to reward perfect attendance;
- c) Special events (e.g., assemblies, guest speakers, field days) scheduled on days that historically have high absenteeism (e.g., Mondays, Fridays, day before vacation);
- d) Grade-level rewards at each building for best attendance;
- e) Classroom acknowledgment of the importance of good attendance (e.g., individual certificates, recognition chart, bulletin boards);
- f) Annual poster/essay contest on importance of good attendance;
- g) Assemblies collaboratively developed and promoted by student council, administration, PTA/PTO and other community groups to promote good attendance.

Disciplinary Consequences

Unexcused absences, tardiness and early departures will result in disciplinary sanctions as described in the District's Code of Conduct. Consequences may include, but are not limited to, in-school suspension, detention and denial of participation in interscholastic and extracurricular activities. 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.

Intervention Strategy Process

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 specific element(s) 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 element. 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 element;

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

- 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.

Appeal Process

A parent/person in parental relation may request a building level review of their child's attendance record.

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 records and if such records 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 or persons in parental relation to students at the beginning of 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;
- c) Providing copies of the policy to any other member of the community upon request; and

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2014

7110
8 of 8

Students

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)

- d) Posting the policy on the District's website.

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

Adopted: 8/5/14

2014

7111

Students

SUBJECT: ELEMENTARY ATTENDANCE AREAS

The Board of Education shall establish the geographic attendance areas for the Cape Vincent Elementary School and the Guardino Elementary School. Students residing within a respective attendance area shall attend the designated elementary school. Deviation from these established areas shall be at the discretion of the Board based on a recommendation by the Superintendent of Schools.

Adopted: 8/5/14

SUBJECT: AGE OF ENTRANCE**Kindergarten**

Students who are legal residents of the School District and who reside with parents or guardians within the School District at the time of the opening day of school must be five (5) years of age or more on December 1 in order to register for Kindergarten.

A child who transfers into the School 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 School District on the opening day of school, and
- b) The child has been registered and enrolled in kindergarten in the District in which his/her parents were legal residents.

Other Grades

Admission of children to other grades shall involve a consideration of both chronological age and the readiness of the children to do the work of those grades.

Proof of Age

A student's birth certificate or other satisfactory evidence of age shall be presented at the time of initial registration. The child shall be entered under his/her legal name.

Education Law Sections 1712, 3202 and 3212

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

Adopted: 8/5/14

SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS

The School District has developed a plan for the diagnostic screening of all new entrants and students with low test scores.

A new entrant means a student entering the New York State public school system, 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 three on either the third grade English language arts or mathematics assessment for New York State elementary schools.

Such diagnostic screening will be utilized to determine which students:

- a) Have or are suspected of having a disability;
- b) Are possibly gifted; or
- c) Are possibly limited English proficient.

Such diagnostic screening shall be conducted:

- a) By persons appropriately trained or qualified;
- b) By persons appropriately trained or qualified in the student's native language if the language of the home is other than English, as possible;
- 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 fifteen (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 thirty (30) days of the availability of the test scores.

New Entrants

For new entrants, diagnostic screening shall include, but not be limited to the following:

- a) A health examination by a physician/physician's assistant or nurse practitioner or submission of a health certificate in accordance with Education Law Sections 901, 903, and 904;
- b) Certificates of immunization or referral for immunization in accordance with Section 2164 of the Public Health Law;

(Continued)

Students

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

- c) Vision, hearing and scoliosis screenings as required by Section 136.3 of Commissioner's Regulations;
- d) A determination of development in oral expression, listening comprehension, written expression, basic reading skills and reading fluency and comprehension, mathematical calculation and problem solving, motor development, articulation skills, and cognitive development using recognized and validated screening tools; and
- e) A determination whether the student is of foreign birth or ancestry and comes from a home where a language other than English is spoken as determined by the results of a home language questionnaire and an informal interview in English and the native language.

Students with Low Test Scores

For students with low test scores, diagnostic screening shall include, but not be limited to:

- a) Vision and hearing screenings to determine whether a vision or hearing impairment is impacting the student's ability to learn; and
- b) A review of the instructional programs in reading and mathematics to ensure that explicit and research validated instruction is being provided in reading and mathematics.

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 such examination conflicts with their genuine and sincere religious beliefs.

Results and Reports

The results of the diagnostic screening shall be reviewed and a written report of each student screened shall be prepared by appropriately qualified School District staff. The report shall include a description of diagnostic screening devices used, the student's performance on those devices and, if required, the appropriate referral.

If such screening indicates a possible disability, a referral, with a report of the screening, shall be made to the Committee on Special Education (CSE) or the Committee on Preschool Special Education (CPSE) no later than fifteen (15) calendar days after completion of such diagnostic screening.

If such screening indicates a child identified as possibly being of limited English proficiency, such child shall be referred for further evaluation in accordance with Part 154 of the Regulations of the Commissioner of Education to determine eligibility for appropriate transitional bilingual or free-standing English as a Second Language (ESL) programs.

(Continued)

SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS (Cont'd.)**Reporting to Parents**

Parents/guardians of children to be screened shall receive information in advance regarding the purpose of screening, the areas to be screened and the referral process. The information shall be communicated either orally or in writing in the parents' primary language(s). This information will be provided during the registration interview.

Parents/guardians have the right to request information regarding their child's performance on screenings. They shall have access to the screening results and obtain copies upon request. The results of all mandated screening examinations shall be in writing and shall be provided to the child's parent/guardian and to any teacher of the child within the school while the child is enrolled in the school. A letter will be sent to the parent/guardian of any child failing a screening.

Confidentiality of Information

The Board of Education's policy and administrative procedures in accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA) shall apply to all information collected about a child through the screening program. In accordance with the policy and regulations, parents shall be informed of their right to privacy, their right to access to the records and their right to challenge those records should they be inaccurate, misleading or otherwise inappropriate. This will also be included in the student handbook.

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

NOTE: Refer also to Policies #7131 -- Education of Homeless Children and Youth
#7512 -- Student Physicals
#8240 -- Instructional Programs: Driver Education, Gifted and Talented Education and Physical Education

Adopted: 8/5/14

SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY**Ages of Attendance/Compulsory Attendance Age**

According to Education Law, a student who becomes six (6) years of age on or before the first of December in any school year shall be required to attend full-time instruction from the first day that the District schools are in session in September of such school year, and a student who becomes six (6) years of age after the first of December in any school year shall be required to attend full-time instruction from the first day of session in the following September. Except as otherwise provided in Education Law Section 3205(3), a student shall be required to remain in attendance until the last day of session in the school year in which the student becomes sixteen (16) years of age.

However, in accordance with Education Law Section 3205(3), the Board of Education in **any** school district shall have the power to require minors from sixteen (16) to seventeen (17) years of age who are not employed to attend full-time instruction until the end of the school year in which the student turns seventeen (17) years of age.

All persons dwelling within the District who are between the ages of five (5) years and twenty-one (21) years and who have not received a high school diploma shall be entitled to enroll in the District.

Undocumented children, like U.S. citizen children, have the right to attend school full-time as long as they meet the age and residency requirements established by state law.

Proof of Age

The State Education Department does not require districts to collect students' social security numbers for any purpose. While school districts may need to collect certain data pursuant to State and/or federal laws, they should do so **after** a student has enrolled in school so as not to inadvertently give the impression that information related to immigration status will be used in making registration/enrollment determinations.

In accordance with Education Law, where a birth certificate or record of baptism is not available, a passport (including foreign passport) may be used to determine a child's age for purposes of enrollment/registration in school. Should none of these be available, the District may consider certain other documentary or recorded evidence to determine a child's age.

The following are examples of documentation that may be used to establish a student's age. This list is not intended to be exhaustive, nor is it a list of required documentation.

- a) School photo ID with date of birth;
- b) Hospital or health records;

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

- c) State or other government-issued ID;
- d) Military dependent ID card;
- e) Native American Tribal document;
- f) Record(s) from non-profit international aid agencies and voluntary agencies (VOLAGs);
- g) Consulate identification card; and
- h) Official driver's license.

Determination of Student Residency

The residence of children dwelling within the District boundaries shall be established in a manner consistent with State Law and the Regulations of the Commissioner. The Board of Education or its designee shall determine whether a child is entitled to attend a District school. Any adverse residency decision by a school official, other than the Board or its designee, shall include written notice to the parent/person in parental relation of the procedures for obtaining review of the decision within the District.

A child's residence is presumed to be that of his/her parents or legal guardians. However, the District may encounter students, particularly from other countries, who reside with persons other than their parents or legal guardians. In order to determine residency in these cases, the District may request information regarding such student's custody to establish residency and to ensure the health, safety and welfare of the child.

Children Living With Noncustodial Parents

A child's residence is usually determined by the residence of the custodial parent. However, a noncustodial parent who resides in the District may enroll his/her child in a District school if he/she shares the day-to-day responsibilities for the child and the custodial parent designates the child's residence with the noncustodial parent.

Homeless Children

The parent/person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the School District in the case of an unaccompanied youth; or the director of a residential program for runaway and homeless youth established pursuant to Executive Law Article 19-H, in consultation with the homeless child, where such homeless child is living in such program, may designate either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child shall attend.

(Continued)

SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY (Cont'd.)**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. However, the District is not required to provide transportation between a temporary residence located outside the District and the school the child attends.

Emancipated Minors

A determination of whether a student is to be designated as an emancipated minor in the Thousand Islands Central School District will be based on evidence that the student is no longer under custody, control and support of his/her parents/persons in parental relation. To establish emancipation, a minor may submit documentation of his/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/her parents/persons in parental relation.

These statements are renewable each school year. If at any time the above information is changed without prompt notification or proven to be false, the parent/person in parental relation and/or student may be subject to legal action.

Children Living With Persons Not Their Parents -- Guardianship or Custody

In accordance with the Family Court Act and Domestic Relations Law, a person possessing a lawful order of guardianship or custody of a minor child who is not the parent of such child may enroll the child in public school in the school district where he/she and the child reside.

Therefore, upon application for enrollment by the guardian or custodian, the District shall enroll such a child for such time as the child resides with the guardian or custodian in the District upon verification that the guardian or custodian possess a lawful order of guardianship or custody for the child and that the guardian or custodian and the child properly reside in the same household within the District.

Children Lacking a Permanent Address

Prior to making a residency determination, the Board or its designee must afford the student's parent/guardian, or the person in parental relationship, the opportunity to submit information concerning the student's right to attend the District's schools. Commissioner's Regulations create procedures for designating the school district of attendance and additional State Aid is available for those homeless children and runaway and homeless youth who fall within the definitions cited above and designate either the school district of current location or a district participating in a regional placement plan. However, there may be other children who, although not falling within the

(Continued)

Students

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

regulations' definition of "a homeless child" or "runaway and homeless youth" nonetheless, lack a permanent address. Such children may not be deprived of the right to attend school. particular, federal law requires both the State Education Department and local school districts to develop and revise policies to remove barriers to the enrollment and retention of such children and youth. To ensure the right to education, School Board must be prepared to make residency determinations for such children on a case by case basis. The following rules, derived from case law, provide important guidelines for making such determinations:

- a) Generally a residence is not lost until another residence is established through both intent and action expressing such intent.
- b) Nor does a person's temporary absence from one's district of residence necessarily constitute establishment of a residence in the district where temporarily located or abandonment of one's permanent residence. They could be considered to be temporarily displaced, in which case the district would require a letter explaining the circumstances and asking that the student to be considered a resident for enrollment purposes during the duration of such displacement.

Accordingly, students not covered in Commissioner's Regulations at 8 NYCRR 100.2(x) whose families (or emancipated minors who) lose their permanent home due to circumstances beyond their control, who are forced to make temporary arrangement outside their district of residence and whose actions reflect an intent to return to the district, do not lose their right to attend school in the district where they previously lived. To determine one's intent, evidence regarding the family's (or individual's) continuing ties to the community and their efforts to return are relevant.

- c) Where the parents and guardians of children have no other residence and the children dwell with them within the School District, although such residence may not be accompanied by an intention to dwell there permanently, the obligation of the District to provide such children with a free education is clear and unequivocal.

In any case, the lack of a permanent address does not constitute a legitimate basis for denying a student admission to school. In such cases, students are either entitled to continue to attend school in the district where they attended before losing their permanent home or in the district where they are temporarily located. Since a determination of "intent" is often based on subjective rather than objective criteria, districts should give significant weight to the family's or student's designation of a school district of residence, once the district determines that the student is homeless and actually lived in the district designated immediately prior to the loss of permanent housing or is temporarily house in the designated district. To ensure continuity of education, school districts are urged to work closely with student and families who lack a permanent address.

(Continued)

Students

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

McKinney-Vento Homeless Education Assistance Act, Section 722, as reauthorized by the No Child Left Behind Act of 2001

Domestic Relations Law Section 74

Education Law Sections 2045, 3202, 3205, 3209, 3212(4) 3218(1)(b), and, 3218(1)(d)

Family Court Act Section 657

8 NYCRR Sections 100.2(x) and (y)

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

Adopted: 8/5/14

Students

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH

The parent/person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the School District in the case of an unaccompanied youth; or the director of a residential program for runaway and homeless youth established pursuant to Executive Law Article 19-H, in consultation with the homeless child, where such homeless child is living in such program, may designate either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child shall attend.

Pursuant to Commissioner's Regulations, a "homeless child" means a child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child who is:

- a) Sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;
- b) Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
- c) Abandoned in hospitals;
- d) Awaiting foster care placement;
- e) A migratory child who qualifies as homeless in accordance with Commissioner's Regulations. As defined in the No Child Left Behind Act of 2001, the term "migratory child" *includes* a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who has moved from one school district to another in the preceding 36 months, in order to obtain, or accompanies such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work; or
- f) A child or youth who has a primary nighttime location that is:
 1. 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 local department of social services, and residential programs for runaway and homeless youth established pursuant to Executive Law Article 19-H; or
 2. 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.

(Continued)

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

- g) Considered an "unaccompanied youth":
1. An unaccompanied youth is a homeless child (for whom no parent or person in parental relation is available) or youth not in the physical custody of a parent or legal guardian.
 2. An unaccompanied youth **shall not include** a child or youth who is residing with someone other than a parent or legal guardian for the sole reason of taking advantage of the schools of the district.

The term "**homeless child**" **shall not include** a child in foster care or receiving educational services pursuant to Education Law Sections 3202(4), (5), (6), (6a) or (7) or pursuant to Articles 81, 85, 87 or 88. For example, a child in a family home at board, a school for the mentally retarded, a hospital or other institution for the care, custody and treatment of children; youths under the direction of the Division for Youth incarcerated in county correctional facilities or youth shelters; or children residing in child care institutions or schools for the deaf or blind would not be considered "homeless."

Enrollment, Retention and Participation in the Educational Program

Enrollment of homeless children shall not be delayed and their ability to continue or participate in the educational program shall not be restricted due to issues such as:

- a) Transportation;
- b) Immunization requirements;
- c) Residency requirements;
- d) Birth certificates, medical records, individualized education programs (IEPs), school records and other documentation;
- e) Guardianship issues;
- f) Comprehensive assessment and advocacy referral processes;
- g) Resolution of disputes regarding school selection;
- h) Proof of social security numbers;
- i) Attendance requirements;

(Continued)

Students

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

- k) Sports participation rules;
- l) Inability to pay fees associated with extracurricular activities such as club dues and sports uniforms; or
- m) Other enrollment issues.

Educational Programs and Services

The School District shall provide homeless children and youth with access to all of its programs, activities and services to the same extent that they are provided to resident students.

Homeless children and youth shall be educated as part of the school's regular academic program. Services must be provided to homeless children and youth through programs and mechanisms that integrate homeless children and youth with their non-homeless counterparts, including programs for special education, vocational and technical education, gifted and talented students, before and after school, English language learners/limited English proficiency, Head Start, Even Start, and school nutrition. Services provided with McKinney-Vento funds must expand upon or improve services provided as part of the regular school program. Consequently, the School District shall ensure that homeless children and youth are not segregated in a separate school, or in a separate program within the school, based on their status as homeless; and to the extent feasible consistent with the requirements of Commissioner's Regulations, keep a homeless child or youth in the school of origin except when doing so is contrary to the wishes of the child's or youth's parent or guardian. Further, the School District shall review and revise policies and practices, including transportation guidelines, that may act as barriers to the enrollment, attendance, school success, and retention of homeless children and youth in the School District.

All homeless children and youth are automatically eligible for Title I Part A services whether or not they meet the academic standards or live in a Title I school attendance area. Homeless students may receive Title I educational or support services from schoolwide and targeted-assistance school programs.

Transportation

If the local social service district or the Office of Children and Family Services is not required to provide transportation, the designated district is responsible for the provision and the cost of the student's transportation. Where a homeless student designates the school district of current location as the district the student will attend, then that district shall provide transportation to the student on the same basis as a resident student. Where the homeless student designates the school district of origin or a school district participating in a regional placement plan, then that district must provide transportation to and from the homeless child's temporary housing and school.

(Continued)

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

Transportation responsibilities apply to all school districts regardless of whether or not they receive McKinney-Vento funds. Transportation must be provided during the pendency of enrollment disputes. If the designated district provides transportation for non-homeless preschool children, it must also provide comparable transportation services for homeless preschool children.

School District Liaison for Homeless Children and Youth

The School District shall designate an appropriate staff person, who may also be a coordinator for other federal programs, as the local educational agency liaison for homeless children and youth to carry out the duties as enumerated in law, Commissioner's Regulations and applicable guidance issued by the U.S. and New York State Education Departments. The District will inform school personnel, local service providers and advocates of the office and duties of the local homeless liaison.

Training

The District will train all school enrollment staff, secretaries, school counselors, school social workers, and Principals on the legal requirements for enrollment. School nutrition staff, school registered professional nurses, teachers, and bus drivers will receive training on homelessness that is specific to their field.

Outreach

The District will make every effort to inform the parents or guardians of homeless children and youth of the education, transportation and related opportunities available to their children including transportation to the school of origin. The parent(s)/guardian(s) will be assisted in accessing transportation to the school they select, and will be provided with meaningful opportunities to participate in the education of their children. Public notice of educational rights of homeless children and youth will be disseminated by the District in places where families and youth are likely to be present (e.g., schools, shelters, soup kitchens), and in comprehensible formats (e.g., geared for low literacy or other community needs).

Dispute Resolution

The District shall establish procedures for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth and provide a written explanation, including a statement regarding the right to appeal to the parent or guardian if the School District sends the student to a school other than the school of origin or the school requested by the parent or guardian. These disputes shall include, but are not limited to, disputes regarding transportation and/or a child's or youth's status as a homeless child or unaccompanied youth.

(Continued)

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

If there is a factual dispute over whether a student is homeless, the District will immediately enroll the student and then provide the parent/guardian the opportunity to submit verification of homelessness. The student will remain enrolled until a final determination is made by the District and for a minimum of thirty (30) days after the final determination to allow the parent/guardian opportunity to appeal to the Commissioner of Education. If the student files an appeal that contains a request for a stay within thirty (30) days of such final determination, the District must continue to enroll the student until the Commissioner rules on the stay request.

Record and Reporting Requirements

If the District, as the school district of origin, receives a request to forward student records to a receiving district, the records must be forwarded within five (5) days.

The School District shall maintain documentation regarding all aspects of the District's contact with and services provided to homeless students and youth for possible on-site monitoring by the State Education Department.

The District shall collect and transmit to the Commissioner of Education, at such time and in the manner as the Commissioner may require, a report containing such information as the Commissioner determines is necessary to assess the educational needs of homeless children and youths within the state.

McKinney-Vento Homeless Education Assistance Act, as reauthorized by the No Child Left Behind Act
of 2001, 42 USC Section 11431 et seq.
Education Law Sections 902(b) and 3209
8 NYCRR Section 100.2(x)

SUBJECT: NON-RESIDENT STUDENTS

The Board of Education affirms that its primary responsibility is to provide the best possible educational opportunities for the children who are legal district residents and who are of legal age to attend the school.

The Board of Education retains the right to open and close the enrollment of non-resident students at any time by motion and approval. Resident students who become non-resident during the school year and wish to remain at Thousand Islands Central School District for the remainder of the year may petition the Superintendent by letter. This request is subject to the Board of Education consideration and approval.

To the extent the Thousand Islands Central School District has met its obligation to its resident students and has remaining space and capacity within the School District, a non-resident may be admitted to the District if and only if, in the judgment of the Superintendent of Schools and the Board of Education the admission of non-resident student(s) meet(s) the following criteria:

- a) Non-resident students shall be admitted to the extent space is available in existing classrooms and upon determination that the needs of the students can be met within the District's existing programs and staff.
- b) No increase in size of faculty or staff or additional expenditure of additional local funds except to the extent that the Board of Education contracts out for such services for its resident students will be necessary to accommodate them.
- c) A student may be admitted if their home district does not offer a course/program that the District provides. Siblings of that student may be admitted if space exists at their grade level. Nothing in this policy provides for the automatic admission of a non-resident student on the basis that a sibling is admitted.
- d) All rules and regulations in effect for District students will be applicable to non-resident students.
- e) The admission of such non-resident student is and continues to be in the best interest of the District.
- f) The student is determined to be a student in good standing in his/her District of residence (i.e., is not on academic probation or otherwise the subject of any out of school suspensions in the past school year).
- g) Non-resident children of all Thousand Islands Central School District full-time employees shall be admitted for one hundred dollars (\$100) tuition.

(Continued)

Students

SUBJECT: NON-RESIDENT STUDENTS (Cont'd.)

- h) Foreign and Foreign Exchange students who are living with District residents may be enrolled at the discretion of the District. In accordance with federal law, a foreign student who attends a public secondary school under an F-1 Visa must reimburse the School District for the full unsubsidized per capita cost of providing education at the school during the student's attendance. The administration is authorized to file with the U.S. Department of Homeland Security the forms necessary for the monitoring of non-immigrant foreign exchange students during the course of their stay in the District in accordance with the Student and Exchange Visitor Information System (SEVIS).
- i) The Board of Education will determine the status of all non-resident students on an annual basis. Non-resident families will be required to submit a District-generated form regarding their status.
- j) Tuition amounts shall be established by the Board of Education annually after the next year's budget has been set.

Conditions of Acceptance

Conditions of acceptance of a non-resident student(s), the Parent(s)/Guardian(s) of such student(s) and the student(s), as applicable, agree to the following:

- a) The parent(s)/Guardian(s) shall be responsible for arranging the transportation of the student to and from the District and shall provide the District with the name of another adult who shall be responsible for the transportation of the student, if the parent/guardian is not available, in the event of an early dismissal or emergency; The only exception to this policy will be if a District bus on a regular run travels past the non-resident student's home and space is available on that bus. Otherwise, bus routes will not be changed or extended to satisfy the transportation needs of nonresident students.
- b) The student shall be subject to the same rules governing student attendance and student discipline as resident students and shall be required to comply with these rules. Any violations of school rules, including, but not limited to, excessive tardiness, truancy, or other infractions that would result in the suspension of a resident student from school, shall constitute a basis for the student's immediate dismissal;
- c) Violation of civil or criminal laws and regulations may cause a student to be denied admission to the Thousand Islands Central School District;
- d) A non-resident student dismissed for disciplinary reasons or non-attendance pursuant to this policy shall not be readmitted under this policy;

(Continued)

Students

SUBJECT: NON-RESIDENT STUDENTS (Cont'd.)

- e) Extracurricular Activities - To the extent otherwise eligible, all non-resident students admitted pursuant to this policy shall be allowed to participate in all activities/sporting opportunities to the same extent as resident students of the District, except that the parent(s)/guardian(s) of such student(s) shall be responsible for his/her/their transportation from any after school activities to their home;
- f) The non-resident student will continue to demonstrate satisfactory academic achievement annually by obtaining passing final course/grade level grades; and
- g) The decision of the Superintendent of Schools shall be final if a student is dismissed from the District during the school year. Prior to such dismissal, the District shall provide the Parent(s)/Guardian(s) with written notification for its determination.

Parent(s)/Guardian(s) may appeal such a decision to the Board of Education within thirty (30) days of such determination upon written notice with a statement of the reasons for such appeal. If excluded from the continuation as a non-resident student, the student will not be considered for re-admittance in the future.

Procedures for Admittance of Non-Resident Students

- a) A copy of Board of Education Policy #7132 will be sent to any prospective parent(s)/guardian(s) who is/are contemplating petitioning the school district for non-resident acceptance.
- b) A parent/guardian must write a letter to the Principal or Superintendent requesting acceptance into the District as a non-resident student. Letters of reference from the school district of residence may be required and should accompany this correspondence.
- c) A parent/guardian will sign permission for the Principal to contact and discuss the student(s)' academic and behavioral standing with the district of residence.
- d) The non-resident family including student(s) must have a personal conference with the Principal prior to any decision of acceptance.
- e) The Principal and Superintendent will make a determination as to whether the student(s) will be put on the Board of Education agenda for Board of Education action.
- f) The Board of Education will determine the status of the application for acceptance as a non-resident student.
- g) Parent(s)/Guardian(s) will be notified of the Board of Education's decision and applicable next steps.

(Continued)

SUBJECT: NON-RESIDENT STUDENTS (Cont'd.)**Policy Review**

Nothing in this policy shall require the District to assume responsibility for the education of a non-resident student beyond those specifically outlined above. All services not specifically referred to herein shall remain the obligation of the student's district of residence, including, but not limited to: screening; referrals; evaluation, program reviews by the Committee on Special Education; the provisions of any special services to which the student may otherwise be entitled but which are not available within the District in a manner consistent with the terms and conditions of the policy set forth herein.

Reservation of Claims

Should a material misstatement of fact be made and relied upon by any administrator or the Board of Education in admitting a non-resident student tuition, the Board shall be entitled to terminate the cost of the instructional program for the child.

Tuition

The annual tuition for all non-resident students accepted for admission to the Thousand Islands Central School District after July 1, 2012 is set at two thousand dollars (\$2,000) per student. The annual tuition where more than one child from the same family or household attends the District shall be an additional two thousand dollars (\$2,000) for each additional student. Tuition is to be paid in two (2) equal installments. The first installment is to be paid on or before September 1, and the second is to be paid on or before February 1 of each school year. There will be no tuition refunds once a semester commences. Where a student's tuition is paid in full for the year and the second semester has not yet begun, a refund of the tuition costs for the second semester may be requested. Whether a refund will be granted is in the discretion of the Superintendent, and will be determined on a case by case basis. Non-payment of tuition is sufficient cause to rescind the approval of a non-resident student's application for admission to the District.

Revocation

The Superintendent reserves the right to revoke the admission of a non-resident student whenever, the Superintendent determines, in his/her discretion, that valid and sufficient cause exists for the student's admission to be revoked.

8 USC Chapter 12
Education Law Sections 1709(13), 2045 and 3202
8 NYCRR Section 174.2

Adopted: 8/5/14

Students

SUBJECT: SCHOOL CENSUS

Although not required by law, the Thousand Islands Central School District can take a census of all children from birth to eighteen (18) years of age. Census data shall be reported as required by law.

The census must indicate the names of all children between birth and eighteen (18) years of age, and of children with disabilities between birth and twenty-one (21) years of age; their respective residences by street and number; the day of the month and the year of their birth; the names of the parents/persons in parental relation to them; such information relating to physical or mental disabilities, to illiteracy, to employment and to the enforcement of the law relating to child labor and compulsory education as the State Education Department and the Board of Education shall require; and also such further information as the Board shall require.

On written request and in such form as prescribed by the Commissioner of Education, the Board shall provide to the Commissioner a report containing the names, ages and addresses of those children who are blind or deaf, and those children having serious physical or mental disabilities. Additionally, such report shall further indicate whether such children are being educated within the public schools of the District or, if they are not, where such education is being furnished to them.

Parents/persons in parental relation to those children within the prescribed census age ranges are to make such reports as the Board of Education shall require, including, but not limited to, providing two (2) weeks before the child reaches compulsory school age, the name of the child; the child's residence; the name of the person or persons in parental relation to the child; the name and location of the school to which the child shall have been or shall be sent as a student; and such other information as required by law or as the Board may require.

A parent, guardian or other person having under his/her control or charge a child between birth and eighteen (18) years of age who withholds or refuses to give information in his/her possession relating to such census data as required by law pertaining to the child; or, in the alternative, gives false information in relation to such census data, shall be liable to and punished by a fine or imprisonment as established by law.

Count of Immigrant Children and Youth

As a provision of the federal Title III Part A – English Language Acquisition, Language Enhancement, and Academic Achievement Act under the No Child Left Behind Act of 2001, the U.S. Secretary of Education requires that **all local educational agencies (LEAs)** count the number of "immigrant children and youth" enrolled in the public and nonpublic schools in the geographic area under the jurisdiction of, or served by, the LEA. The results of this count have important implications for the receipt of supplemental federal funds to eligible LEAs in New York State for services to recently arrived immigrant children and youth.

(Continued)

SUBJECT: SCHOOL CENSUS (Cont'd.)

For purposes of this count, the term "immigrant children and youth" shall include those individuals who:

- a) Are ages three (3) through twenty-one (21);
- b) Were **NOT** born in any state or from the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the U.S. Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands; and
- c) Have **NOT** been attending schools in any one or more States for more than three (3) full academic years.

Each nonpublic school shall report its data to the public school district in which it is located. It is the responsibility of each public school district to report its immigrant count as well as the counts for all nonpublic schools within its jurisdiction.

In accordance with law, the District shall conduct its survey and submit the information electronically to the New York State Education Department by the specified deadline date. LEAs must also maintain on file a list of the immigrant students counted, their countries of origin, dates of arrival, and the public or nonpublic school in which they are registered as well as copies of the letter to each of the nonpublic schools in its jurisdiction regarding the count.

20 USC Section 6811
Education Law Sections 3240-3243 and 4402(1)(a)
8 NYCRR Section 200.2(a)

NOTE: Refer also to Policy #7650 -- Identification and Register of Children with Disabilities

Adopted: 8/5/14

SUBJECT: STUDENT EVALUATION**Placement**

Placement within the system, with respect to building, teacher, and grade or special class, shall be at the discretion of the school administration and shall be subject to review and change at any time. In making such decisions, the administrator or Building Principal will be guided by performance in class, past records, parent/guardian and teacher recommendations, standardized test scores, and any other appropriate sources of information, but the final decision shall rest with the school administration. Parents may request, in writing, teacher attributes that would best serve their child's learning needs; however, requests for specific teachers will not be honored.

Promotion and Retention

The procedures to be followed by the staff regarding promotion and retention will be developed by the Superintendent and will be continually evaluated. Building Principals may establish written standards for promotion or retention within the school units to which the students are assigned, subject to the guidelines of the Superintendent and the approval of the Board of Education.

Testing Program

The Board of Education endorses and supports the use of ability, achievement, diagnostic, readiness, interest and guidance tests as part of the total educational process to the degree to which tests help the District to serve its students.

Alternative Testing Procedures

The use of alternative testing procedures shall be limited to:

- a) Students identified by the Committee on Special Education and/or Section 504 Team as having a disability. Alternative testing procedures shall 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 Guidelines.

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

The District shall report the use of alternative testing procedures to the State Education Department on a form and at a time prescribed by the Commissioner.

(Continued)

SUBJECT: STUDENT EVALUATION (Cont'd.)**Reporting to Parents/Guardians**

Parents/guardians shall receive an appropriate report of student progress at regular intervals.

Report cards shall be used as a standard vehicle for the periodic reporting of student progress and appropriate school related data. Report cards, however, are not intended to exclude other means of reporting progress, such as interim reports, conferences, phone conversations, etc.

When necessary, attempts will be made to provide interpreters for non-English speaking parents/guardians.

Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.
Education Law Section 1709(3)
8 NYCRR Sections 100.2(g), 117 and 154

Students

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

The Board of Education assures parents or persons in parental relation who are hearing impaired the right to 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 are defined to 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" shall include any hearing impairment, whether permanent or fluctuating, which prevents meaningful participation in School District meetings or activities.

Parents or persons in parental relation shall be notified of the availability of interpreter services to be provided at no charge, provided that a written request is made to the School District within fourteen (14) days of the scheduled event. Exceptions to the time frame request may be made for unanticipated circumstances as determined by the Principal/designee. The District shall also notify appropriate school personnel as to the terms and implementation of this policy.

If interpreter services are requested, the District shall 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 shall 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 School District shall 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, but are not limited to, the use of:

- a) Written communications, transcripts, note takers, etc.; and
- b) Technology, such as: a decoder or telecommunication device for the deaf, assistive listening devices, and closed or open captioning.

Education Law Section 3230
8 NYCRR Section 100.2(aa)

Adopted: 8/5/14

Students

SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS

Response to Intervention (RtI) is a multi-tiered early prevention and intervention system designed to improve outcomes for all students. In accordance with Commissioner's Regulations, the School District has established administrative practices and procedures for implementing District-wide initiatives that address a Response to Intervention (RtI) process applicable to all students. For students suspected of having a potential learning disability, the District will provide appropriate RtI services pursuant to Commissioner's Regulations prior to a referral to the Committee on Special Education (CSE) for evaluation.

The New York State Education Department (SED) has released a guidance document to assist school districts in designing and implementing an effective RtI process. This document includes, but is not limited to, information regarding regulatory requirements, quality indicators, staff development, tools to assist districts in selecting a specific model and procedures for the use of RtI data in determining if a student has a learning disability. This guidance document is available at:

<http://www.p12.nysed.gov/specialed/RTI/guidance/cover.htm>.

Thousand Islands Central School District has established procedures for identifying students with learning disabilities that use a research-based RtI process prior to, or as part of, an individual evaluation to determine whether a student has a learning disability. An RtI process is **required** for all students in grades kindergarten through grade 4 suspected of having a learning disability in the area of reading. 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 shall be 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) Screenings shall be provided to all students in the class to identify those students who are not making academic progress at expected rates;

K through 5: All students will have three (3) screenings per year.
- c) Scientific, research-based instruction shall be 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;

(Continued)

Students

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

- d) Repeated assessments of student achievement which should include curriculum based 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, and reviewed by classroom teachers, AIS teachers and special education teachers;
- 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's RTI program will consist 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.

Child Study Teams (CST), 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 CST'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.

(Continued)

SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS (Cont'd.)**Criteria for Determining the Levels of Intervention to be Provided to Students**

Fountas and Pinnell Benchmarks will be used to assess all students in reading. Students will receive AIS/RtI on a daily basis when it has been deemed a necessary service.

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 use of the Tier Level of instruction will be specific to each student's needs and will be an ongoing process, 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.

The analysis of Tier One student performance data will be used to identify those students who need additional intervention at the Tier Two Level of instruction.

Tier Two Instruction

In general, Tier Two instruction will consist of small group, targeted interventions for those students identified as being "at risk" who fail to make adequate progress in the general education classroom. Tier Two instruction will include programs and intervention strategies designed to supplement Tier One interventions provided to all students in the general education setting.

Tier Two instruction may be provided by specialized staff such as reading and math teachers, tutors, speech therapists, school psychologists and/or school counselors as determined by the Child Study Team.

(Continued)

Students

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

At the conclusion of Tier Two instruction, the Student Support Team will review the student's progress and make a determination as to whether Tier Two interventions should be maintained; the student returned to the general education classroom if satisfactory progress is shown; or referred for Tier Three instruction. Students are discontinued from services based on testing, AIS teacher recommendations and special education service text level scores.

Tier Three Instruction

Tier Three instruction is the provision of more intensive instructional interventions, tailored to the needs of the individual student; and is provided to those students who do not achieve adequate progress after receiving interventions at the Tier Two level. Tier Three instruction may include longer periods of intervention program and services than those provided in the first two Tiers based upon the significant needs of the student.

Tier Three instruction will be provided by those specialists, as determined by the special education services, best qualified to address the individual student's targeted area(s) of need. 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.

Progress monitoring on a continuous basis is an integral part of Tier Three; and the student's response to the intervention process will determine the need/level of further intervention services and/or educational placement. Annual testing is completed by special education, as well as interim testing.

Amount and Nature of Student Performance Data to be Collected

The Student Support Team 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.

Manner and Frequency for Progress Monitoring

Teachers and special education staff will meet annually with administration to review student referrals and make decisions in regards to intensity and type of services necessary. 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 Child Study Team.

(Continued)

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

34 CFR Sections 300.309 and 300.311

Education Law Sections 3208, 4002, 4401, 4401-a, 4402, 4402, and 4410

8 NYCRR Sections 100.2(ii), 200.2(b)(7), 200.4(a), 200.4(j)(3)(i), and 200.4(j)(5)(i)(g)

Students

SUBJECT: GRADUATION REQUIREMENTS/EARLY GRADUATION/ACCELERATED PROGRAMS

In order to graduate from Thousand Islands Central School District, a student must complete or may exceed the requirements set forth in Part 100 of the Commissioner's Regulations. The Board of Education reserves the right to establish requirements for graduation which exceed the minimum standards as defined by the New York State Regents. All students must be in compliance with Commissioner's Regulations for graduation in achieving a minimum of a Regents diploma unless otherwise indicated.

Regents Diploma with Honors

The District may award a Regents diploma with honors to students who receive an average of ninety percent (90%) on all Regents examinations required for a Regents diploma. These exams include comprehensive English, mathematics, science, US History and Government, Global History and Geography and languages other than English (LOTE). This diploma with honors may also be given to a student who has substituted no more than two (2) alternative assessments for a Regents examination as approved by Commissioner's Regulations Section 100.2(f). However, the student's actual score on the substituted alternative assessment will not be factored into the ninety percent (90%) calculation.

Regents Diplomas with Advanced Designation

The District may award a Regents diploma with Advanced Designation to students who complete all credits for a Regents diploma as well as additional credits, consisting of two (2) LOTE or a five (5) unit sequence in the Arts or Career and Technical Education (CTE). These students must also pass all the required Regents examinations and three additional Regents examinations in Math, Science and LOTE (when available or local exam).

Regents Diplomas with Advanced Designation with Honors

The District may award a Regents diploma with advanced designation with honors. A student needs to have an average score of ninety percent (90%) on all Regents examinations required for the advanced diploma. These Regents examinations are: comprehensive English, two (or three) mathematics, two sciences (one in physical science/the other in life science), US History and Government, Global History and Geography and languages other than English (LOTE).

Annotation of Science and/or Math Mastery

To earn an annotation of science and/or math mastery on a diploma, a student must complete all Regents with advanced designation credits and pass with a score of 85 or better on three Regents examinations in science and/or mathematics.

(Continued)

Students

SUBJECT: GRADUATION REQUIREMENTS/EARLY GRADUATION/ACCELERATED PROGRAMS (Cont'd.)**Career and Technical Endorsement**

To earn a career and technical endorsement on a diploma, a student must complete all Regents Diploma credits; complete an integrated career and technical education course, which is jointly developed and taught by an academic subject teacher and/or career and technical education teacher; and pass a technical assessment. If no assessment exists in a particular field, a District or BOCES may form a consortium to solicit local regional or national business or related professional organizations to create an assessment.

Appeal of Regents Examination Score Option

School Districts must provide unlimited opportunities for all students (students with and without disabilities) to retake required Regents examinations to improve their scores so that the student may graduate with a Regents diploma. Any student who fails, after at least two (2) attempts, to attain a score of 65 or above on a required Regents examination for graduation must be given an opportunity to appeal such score in accordance with the provisions of Section 100.5(d)(7) of the Regulations of the Commissioner of Education. No student may appeal his/her score on more than two (2) of the five (5) required Regents examinations. A student whose appeal is accepted for one (1) required Regents examination, and who has attained a passing score of 65 or above on each of the four (4) remaining required Regents examinations, shall earn a Regents diploma. A student whose appeal is accepted for two (2) required Regents examinations, and who has attained a passing score of 65 or above on each of the three (3) remaining required Regents examinations, shall earn a local diploma. *This is the only circumstance in which a general education student may earn a local diploma.*

Early Graduation

Upon request from the student's parent/guardian, a student shall be eligible for early graduation in fewer than eight (8) semesters upon completion of all requirements for graduation, excluding physical education, as mandated by Commissioner's Regulations. A student shall not be required to continue enrollment for the sole purpose of completing physical education requirements.

Accelerated Programs**Eighth Grade Acceleration for Diploma Credits**

Individual eighth grade students only may be afforded the opportunity to take high school courses in mathematics and in at least one of the following areas: English, social studies, languages other than English, art, music, career and technical education subjects, or science courses. The Superintendent or his/her designee is responsible for determining that an eighth grade student is eligible to take high school courses. The District shall utilize a set of criteria to determine each

(Continued)

SUBJECT: GRADUATION REQUIREMENTS/EARLY GRADUATION/ACCELERATED PROGRAMS (Cont'd.)

student's readiness for acceleration. Students who are accelerated for diploma credit must have been provided instruction designed to facilitate their attainment of, by the end of Grade 7, the State intermediate learning standards in each subject area in which they are accelerated.

Advanced Placement

Advanced Placement (AP) examinations are administered by the College Board with strict guidelines as to their implementation. A national, standardized, arduous examination is administered by the College Board in May of each year for a great variety of courses in various subject areas. In addition to entering a universe of knowledge that might otherwise remain unexplored in high school, Advance Placement examinations afford students the opportunity to earn credit or advanced standing in most of the nation's colleges and universities. The District shall utilize a set of criteria to determine a student's readiness for enrollment in the Advanced Placement classes.

Additional programs may include SUPA, JCC EDGE, Project Lead the Way (PLTW), Robotics, Distance Learning opportunities and SUNY Plattsburgh's MOAS.

Online Coursework

Section 100.5(d) of NYCRR amends the Commissioner's Regulations to allow school districts and BOCES to 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 students shall successfully complete an online or blended course and demonstrate mastery of the learning outcomes for the subject by passing the Regents exam and/or other assessment in the subject area.

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

NOTE: Refer also to Policy #7222 -- Diploma and/or Credential Options for Students with Disabilities

Adopted: 8/5/14

Students

SUBJECT: DIPLOMA AND/OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES

The District is committed to ensuring that students with disabilities are provided appropriate opportunities to earn a Regents or Local Diploma or other exiting Commencement Credential in accordance with the Commissioner's Regulations. To this end, graduation and transition plans shall take into account the various pathways available to these students.

In addition to all graduation options afforded to general education students, *including the Regents Diploma and various honors and/or designations*, the following diplomas and/or credentials are also available for students with disabilities.

Local Diploma

To earn a Local Diploma, students with disabilities must:

- a) Complete the same twenty-two (22) units of credit required for a Regents Diploma; and
- b) Achieve a score of 55 or higher on one or more of the five (5) examinations required for a Regents Diploma.

Note: Students with disabilities entering Grade 9 prior to September 2011: A passing grade on a Regents Competency Test (RCT) may be used in lieu of a passing grade on a Regents examination. The school may administer the RCT before or after the corresponding Regents exam, however the student must take the required Regents exam. The RCT option remains available until the applicable student graduates or turns twenty-one (21) years old.

Local Diploma Compensatory Option (Safety Net)

To earn a Local Diploma using the compensatory option, students with disabilities must:

- a) Complete the same twenty-two (22) units of credit required for a Regents Diploma;
- b) Achieve a score of at least 55 on both the English (ELA) and Math Regents exams;
- c) Achieve a score between 45-54 on one or more of the other required Regents exams (US History and Government, Global History, and a Science), in which case each score of 65 or higher on any other Regents exam may compensate for a single 45-54 required exam;
- d) Obtain a passing grade for the course in the subject area of the Regents exam in which he or she received a score of 45-54;
- e) Have a satisfactory attendance rate in accordance with the District's or school's attendance policy for the school year; and

(Continued)

Students

SUBJECT: DIPLOMA AND/OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES (Cont'd.)

- f) Not already be using a passing score on any RCTs, if such exam is available to the student (entered Grade 9 prior to September 2011).

Career Development and Occupational Studies (CDOS) Commencement Credential

The Career Development and Occupational Studies (CDOS) Commencement Credential may be earned by a student with a disability to document his or her preparation for entry-level employment after high school. This credential can be awarded in conjunction with a Regents or Local Diploma, or may be issued by itself.

When awarding the CDOS Commencement Credential using *option one*, the student shall demonstrate evidence of the following requirements, which shall be verified by the District:

- a) The student has a developed, annually reviewed and, as appropriate, revised Career Plan to assure the student is actively engaged in career exploration;
- b) The student has demonstrated commencement level knowledge and skills of the CDOS learning standards. To evidence this level of knowledge and skill, a student must demonstrate: career development, integrated learning, and universal foundation skills. In addition a student may also, but is not required to, demonstrate additional career skills by completing a career-specific major;
- c) The student has successfully completed at least two (2) units of study (216 hours) in Career and Technical Education (CTE) courses, including a minimum of 54 hours of documented school supervised work-based learning experiences, which may, but is not required to, be completed in conjunction with the CTE courses; and
- d) Within one year prior to a student's exit from school, at least one Employability Profile must be completed by designated school staff or other individuals knowledgeable about the student's employment skills and experiences.

A student's CTE courses and supervised work-based learning experiences must be documented on his or her transcript and the Career Plan and Employability Profile must be placed in a student's permanent record. The State Education Department (SED) has provided models of the Career Plan and Employability Profile forms as well as charts of work-based learning programs and nationally-recognized work-readiness credentials, located at:

<http://www.p12.nysed.gov/specialed/publications/CDOScredential-memo-613.htm>

(Continued)

Students

SUBJECT: DIPLOMA AND/OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES (Cont'd.)

Instead of the above (a-d) requirements, a District may utilize *option two* by awarding a CDOS Commencement Credential to a student who has completed a nationally-recognized work-readiness program or certification. Districts cannot exclusively offer option two and must still provide opportunities for students to fulfill the CDOS Commencement Credential through option one's requirements.

Skills and Achievement (SA) Commencement Credential

To issue the Skills and Achievement (SA) Commencement Credential the District must ensure that the student:

- a) Meets the definition of a student with a severe disability;
- b) Has been recommended by the Committee on Special Education (CSE) to take the New York State Alternative Assessment (NYSAA) for students with severe disabilities;
- c) Has been given appropriate opportunities to participate in community experiences and development of employment and other instructional activities to prepare the student for post-secondary living, learning and employment; and
- d) Has been issued a summary of the student's academic achievement and functional performance. A model summary form developed by SED is located at:
<http://www.p12.nysed.gov/specialed/publications/SACC-SESform-att2.htm>

Awarding the SA or CDOS Commencement Credentials

The SA and CDOS Commencement Credentials may be issued at any time after such student has attended school for at least twelve (12) years, or at the end of the school year in which the student turns twenty one (21) years old. When a student is under twenty-one (21) and is issued SA Commencement Credential or the CDOS Commencement Credential *without* the Regents or Local Diploma, the credential award must be accompanied by a written statement of assurance. This statement must indicate that the student remains eligible to attend the public school within the District, without payment of tuition, until the student has either earned a diploma or until he/she turns twenty-one (21), whichever occurs first.

The CDOS and SA Commencement Credentials must be similar in form to the diplomas issued by the District, except that they shall not use the term "diploma" on them. The SA Commencement Credential must contain a clear annotation that it is based on alternate academic achievement standards. The CDOS Commencement Credential shall indicate that it has been endorsed by the New York State Board of Regents as a certificate of readiness for entry-level employment.

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**SUBJECT: DIPLOMA AND/OR CREDENTIAL OPTIONS FOR STUDENTS WITH
DISABILITIES (Cont'd.)**

Education Law Sections 3202 and 4402
8 NYCRR Sections 100.1, 100.2, 100.5, 100.6, 200.4 and 200.5

NOTE: Refer also to Policy #7220 -- Graduation Requirements/Early Graduation/Accelerated Programs

Students

SUBJECT: DUAL CREDIT FOR COLLEGE COURSES

Students who wish to enroll in college level coursework shall meet all academic, grade level and coursework requirements as set forth by administrative guidelines. Students who have demonstrated intellectual and social maturity may choose to matriculate at any one (1) of the colleges that have a cooperative agreement with our School District. Such opportunities may include early admission to college, collegiate-level work offered in the high school, or other means of providing advanced work. Review and approval by the administration are necessary before any college courses may be taken during the school day.

The Board shall not be required to pay tuition and other related costs for those high school students enrolled in college courses.

Students

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE

The School District shall comply with the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Under its provisions, parents/guardians and noncustodial parent(s), whose rights are not limited by court order or formal agreement, of a student under eighteen (18), or a student who is eighteen (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 School 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 such agency or institution (34 Code of Federal Regulations (CFR) Section 99.3). 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. As such, they are subject to the confidentiality provisions of both Acts.

Personal notes made by teachers or other staff, on the other hand, 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

The Board directs that administrative procedures be formulated to comply with the provisions of federal law relating to the availability of student records. The purpose of such regulations and procedures shall be to make available to the parents/guardians of students and noncustodial parent(s) whose rights are not limited by court order or formal agreement, or students who are eighteen (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 such records with respect to third parties.

(Continued)

Students

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 such signature:

- a) Identifies and authenticates a particular person as the source of the electronic consent; and
- b) Indicates such person's approval of the information contained in the electronic consent.

Exceptions

Without the consent of a parent or eligible student, a 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, but restrict disclosure for more potentially dangerous purposes. The District shall 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 such 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/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 intends to enroll, or after the student has enrolled or transferred, so long as the

(Continued)

Students

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

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 such 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, schools must provide a copy of the information disclosed and an opportunity for a hearing.

d) For Health and Safety Emergency Reasons

School districts must balance the need to protect students' personally identifiable information 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. School districts may release information from records to appropriate parties including, but not limited to, parents, law enforcement officials and medical personnel. A school district's determination that there is an articulable and significant threat to the health or safety of a student or other individuals shall be based upon a totality of the circumstances, including the information available, at the time the determination is made. The school 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 such 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

A 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 neglect, absent an order or subpoena (see below).

(Continued)

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)g) Pursuant to a Subpoena or Court Order

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

Districts may disclose a student's records without first notifying parents/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. Pursuant to a judicial order in cases where the parents are a party to a court proceeding involving child abuse or neglect 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 a 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 eighteen (18) years of age or older a 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)

Students

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

("FERPA permitted" entities). 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 (audit, evaluation, or enforcement or compliance activity).

The District may, from time to time, disclose PII from education records without consent to authorized representatives of the entities listed above. The District may also, from time to time, 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.

l) 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, from time to time, disclose PII from education records without consent to such organizations conducting studies for the District, in accordance with its obligations under FERPA.

In addition, other entities outside of the District may, from time to time, 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 such 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 shall 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 shall 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.)**State Exception for Student Teacher Videotaped Instruction**

Although not specifically listed in the enumerated exceptions to FERPA, New York State Regulations specify that schools are required to allow student teachers to videotape themselves providing instruction in a classroom to meet the instruction component for teaching certification. The video must remain confidential and is not subject to viewing or disclosure to an individual or entity other than the student teacher applicant and personnel engaged in the determination of that student teacher's certification.

Challenge to Student Records

Parents/guardians of a student under the age of eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, shall have an opportunity for a hearing to challenge the content of the school records, 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 such inaccurate, misleading, or otherwise inappropriate data contained therein.

Release of Information to the Noncustodial Parent

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

Family Educational Rights and Privacy Act of 1974, 20 USC Section 1232g
34 CFR Part 99
8 NYCRR 80-1.5(b)

NOTE: Refer also to Policies #7241 -- Student Directory Information
#7242 -- Military Recruiters' Access to Secondary School
Students and Information on Students
#7643 -- Transfer Students with Disabilities

Adopted: 8/5/14

Students

SUBJECT: STUDENT DIRECTORY INFORMATION

The District shall publish and include in the student handbook an annual public notice informing parents or eligible students (i.e., a student eighteen (18) years of age or older or who is attending an institution of post-secondary education) of the District's definition of directory information, the parent/eligible student's right to refuse the release of student directory information and indication of the time period for their response. (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 such public notice and a reasonable response period, the District may release such information to an outside group without individual consent.

The Family Educational Rights and Privacy Act (FERPA) defines student directory information as any of the items as indicated in the following list. The Thousand Islands Central School District will release the following defined directory information: name; address; date of birth; major field of study; grade level; participation in sports and activities; weight and height (for members of athletic teams); dates of enrollment honors, degrees and awards; photograph; name of educational institution previously attended.

Directory information **does not** include:

- a) A student's social security number; or
- b) A student's identification (ID) number, except as provided below.

Directory information includes a student ID number, user ID, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, or that is displayed on a student ID card or 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 personal identification number (PIN), password, or other factor known or possessed only by the authorized user. 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.

Limited Directory Information Disclosure

Limited Directory Information Disclosure means that that the District may limit disclosure of its designated directory information to specific parties, for specific purposes, or both. Allowing limited directory information disclosure may permit the District to use student directory information for such limited purposes as school yearbooks, honor roll lists, graduation programs, playbills and other similar uses, without obtaining individual consent. Limiting the disclosure of such information may be beneficial when the District perceives such disclosure as putting students at risk of becoming targets of marketing campaigns, news media or possible victims of criminal acts. The District shall limit its disclosure of its designated directory information as specified in its public notice to parents and eligible students.

(Continued)

SUBJECT: STUDENT DIRECTORY INFORMATION (Cont'd.)**Military Recruiter Access**

The release of student directory information is not to be confused with the release of names, addresses and telephone listings of eligible students (i.e., a student seventeen (17) years of age or older or in the eleventh grade (or its equivalent) or higher) to Military Recruiters. In compliance with the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001 (NCLB), and the National Defense Authorization Act, the School District shall notify parents that by law it routinely releases this information to Military Recruiters upon request subject to a parents'/eligible students' request not to disclose such information with written parental verification of such request.

Family Educational Rights and Privacy Act of 1974, 20 USC Section 1232(g)
34 CFR Part 99

NOTE: Refer also to Policy #7242 -- Military Recruiters' Access To Secondary School Students and Information on Students

Adopted: 8/5/14

Students

SUBJECT: MILITARY RECRUITERS' ACCESS TO SECONDARY SCHOOL STUDENTS AND INFORMATION ON STUDENTS

In compliance with the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001 (NCLB); and the National Defense Authorization Act, and in accordance with the Family Educational Rights and Privacy Act (FERPA), the School District shall comply with a request by a Military Recruiter for names, addresses, and telephone listings of eligible students. Eligible student under ESEA and the National Defense Authorization Act is defined as a secondary student who is seventeen (17) years of age or older or in the eleventh grade (or its equivalent) or higher. Under ESEA and the National Defense Authorization Act, parents must be notified that the School District by law routinely discloses students' names, addresses, and telephone listings to Military Recruiters upon request, subject to a parent's/eligible student's request not to disclose such information with written parental verification of such request.

Under FERPA, the School District must provide notice to parents/eligible students of the types of student information that it releases publicly. This type of information, commonly referred to as "directory information," which is released by the District includes - but is not limited to - such items as students' names, addresses, and telephone listings. The notice must include an explanation of a parent's/eligible student's right to request that "directory information" not be disclosed without prior written consent of the parent/eligible student. Eligible student under FERPA is defined as a student eighteen (18) years of age or older or who is attending an institution of post-secondary education.

A single notice provided through a mailing, student handbook, or other method that is reasonably calculated to inform parents/eligible students of the above information is sufficient to satisfy the notification requirements of both FERPA, ESEA and the National Defense Authorization Act. The notification shall advise the parent/eligible student of how to opt out of the public, nonconsensual disclosure of directory information and the disclosure of name, address and telephone listing to Military Recruiters; and shall state the method and timeline within which to do so.

Further, in compliance with the ESEA and the National Defense Authorization Act, the District shall give Military Recruiters the same access to secondary school students as they provide to postsecondary institutions or to prospective employers.

If a parent/eligible student opts out of providing directory information (or any subset of such information) to third parties, the opt-out relating to the student's name, address, or telephone listing applies to requests from Military Recruiters as well. For example, if the opt-out states that telephone numbers will not be disclosed to the public, the District may not disclose telephone numbers to Military Recruiters.

The Superintendent/designee shall ensure that appropriate notification is provided regarding the opt-out rights prohibiting release of directory information and/or release of name, address and telephone listing to Military Recruiters.

(Continued)

2014

7242
2 of 2

Students

**SUBJECT: MILITARY RECRUITERS' ACCESS TO SECONDARY SCHOOL STUDENTS
AND INFORMATION ON STUDENTS (Cont'd.)**

Elementary and Secondary Education Act of 1965, Section 9528, 20 USC Section 7908 as amended by the
No Child Left Behind Act of 2001

Family Educational Rights and Privacy Act of 1974, 20 USC Section 1232(g)

National Defense Authorization Act Section 544, 10 USC Section 503

34 CFR Section 300.571

Education Law Section 2-a

8 NYCRR Section 3.33

Adopted: 8/5/14

Students

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.

School districts have a legal responsibility to protect the privacy of education data, including personally identifiable information (PII) of its students. The Family Education Rights and Privacy Act of 1974, commonly known as 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 accordance with 34 CFR 99.32 (a)(1). 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 and/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 personally identifiable information 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 an alleged breach, the District will promptly take steps to validate the breach, mitigate any loss or damage, and notify law enforcement if necessary.

The Superintendent will develop and implement regulations for prevention, response and notification regarding student data breaches.

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

NOTE: Refer also to Policies #5672 -- Information Security Breach and Notification
#7240 -- Student Records: Access and Challenge

Adopted: 8/5/14

Students

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 **eight protected areas**:

- a) Political affiliations or beliefs of the student or the student's parent/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/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).

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). Further, PPRA does not supersede any of the requirements of the Family Educational Rights and Privacy Act (FERPA).

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

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

(Continued)

Students

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

Annual Parental Notification of Policies/Prior Written Consent/"Opt Out" Provisions

The School District shall provide for reasonable notice of the adoption or continued use of this policy directly to parents/guardians and eligible students enrolled in the District. At a minimum, the District shall provide such 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 shall offer an opportunity for parents/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 **eight 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/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 such 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 shall "directly" notify, such as through U.S. Mail or email, the parents of students who are scheduled to participate in the specific

(Continued)

Students

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

activities or surveys prior to participation and provide an opportunity for the parent to provide written consent or opt his/her child out of participation in accordance with law and the surveys conducted.

U.S. Department of Education-Funded Surveys

In compliance with the Protection of Pupil Rights Amendment (PPRA), the School District is committed to protecting the rights and privacy interests of parents/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 shall make instructional materials available for inspection by parents/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 School District **shall obtain prior written parental/guardian consent** before minor students are required to participate in any DOE-funded survey, analysis, or evaluation that reveals information concerning any of the **eight protected areas**.

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

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

- a) The right of the parent/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/guardians to inspect such surveys are to be submitted, in writing, to the Building Principal *at least ten (10) days prior to the administration or distribution of any survey. Further, the District shall grant a request by the parent/guardian for reasonable access to such survey within a reasonable period of time after the request is received by the District.
- b) Arrangements shall 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 **eight protected areas**, including the right of the parent/guardian of the student to inspect, upon request, any survey containing one or more of the **eight protected areas**. Such requests must be submitted by the parent/guardian, in writing, to the Building Principal *at least ten (10) days prior to the administration or distribution of any survey.
- c) Parents/guardians shall 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 School District, for the purposes of this policy, as

(Continued)

Students

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

thirty [30] days) after such request is received by the District. Requests shall be submitted by parents/guardians, in writing, to the Building Principal. The term "*instructional material*" means instructional 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 School 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 School 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/authorized in accordance with Federal or State law and/or regulation, it is policy of the Board of Education, to **not permit** the collection, disclosure, or use of personal information (the term "*personal information*" is 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 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 school attorney as deemed necessary by the Superintendent/designee.

This law is not intended to preempt applicable provisions of State law that require parental/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:

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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*;

**Military recruiter access to student information is governed by the Family Educational Rights and Privacy Act of 1974 (FERPA) and the National Defense Authorization Act for Fiscal Year 2002.*
- 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 such tests and assessments) and the subsequent analysis and public release of the aggregate data from such 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.

Family Educational Rights and Privacy Act of 1974, as amended by the No Child Left Behind Act of 2001,
20 USC Sections 1232h(b) and 1232h(c)
34 CFR Part 98

NOTE: Refer also to Policies #7121 -- Diagnostic Screening of Students
#7242 -- Military Recruiters' Access to Secondary School Students and Information on Students
#7511 -- Immunization of Students
#7512 -- Student Physicals
#7513 -- Administration of Medication

Adopted: 8/5/14

SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION

In accordance with General Obligations Law Title 15-A, a parent of a minor or incapacitated person may designate another person as a person in parental relation to such minor or incapacitated person for certain health care and educational decisions for a period not exceeding six (6) months. However, such 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 himself/herself 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 pursuant to this law shall 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 General Obligations Law Title 15-A, and shall include specified information as enumerated in law for designations of thirty (30) days or less, as well as additional information required for designations of more than thirty (30) days. The designation of a person in parental relation may be presented to any school that requires such designation by either the parent or designee. The designation may specify a period of time less than six (6) months for which such designation shall be valid unless earlier revoked by the parent in accordance with law. *However, a designation specifying a period of more than thirty (30) days shall be notarized.*

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

- a) Revocation; or
- b) The expiration of thirty (30) days from the date of signature if the designation does not meet the requirements for designations of more than thirty (30) days; or
- c) Six (6) months from the date of commencement specified in the designation if the designation meets the requirements for designations of more than thirty (30) days.

Scope of Designation

A designation made pursuant to 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.

Revocation of Designation

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

(Continued)

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

A designee who receives notification from a parent of any such revocation shall immediately notify any school to which a designation has been presented. A parent may directly notify any school of the revocation. If the designee fails to notify the school of the parents' revocation, the action of the parent still stands and the designee is revoked.

Effect of Designation

- a) A designee shall possess all the powers and duties of a person in parental relation pursuant to Public Health Law Sections 2164 and 2504 and Education Law Sections 2 and 3212, unless otherwise specified in the designation.
- b) A designation shall not impose upon a designee a duty to support pursuant to Family Court Act Section 413.
- c) A designation shall 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 shall 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 shall terminate and be revoked upon the death or incapacity of the parent who signed the designation.
- e) The decision of a designee shall 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 in fact authorized the designee to provide such consent may not be deemed to have acted negligently, unreasonably or improperly in accepting the designation and acting upon such consent. However, any such person may be deemed to have acted negligently, unreasonably or improperly if he/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 shall be construed to require designation of a person in parental relation as provided within the statute where such designation is not otherwise required by law, rule or regulation.

Education Law Sections 2 and 3212
Family Court Act Section 413
General Obligations Law Title 15-A
Mental Hygiene Law Section 80.03
Public Health Law Sections 2164 and 2504

Adopted: 8/5/14

Students

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 (10) and under the age of eighteen (18) where such 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 five thousand dollars (\$5,000). Under certain circumstances, prior to the entering of a judgment in the sum total of five hundred dollars (\$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 five hundred dollars (\$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 five hundred dollars (\$500).

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

A School 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 (10) and under the age of eighteen (18) where such 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 shall mean the funds reasonably expended by the School District in responding to such 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 enumerated in law.

In seeking restitution, the School District shall 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 pursuant to General Obligations Law Section 3-112.

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

Adopted: 8/5/14

Students

SUBJECT: STUDENT DRESS CODE

The responsibility for the dress and appearance of students shall rest with individual students and parents. They have the right to determine how the student shall dress, provided that such attire does not interfere with the operation of the school or infringe upon the general health, safety and welfare of District students or employees. Student dress and appearance must be in accordance with the *District Code of Conduct*. The administration is authorized to take action in instances where individual dress does not meet these stated requirements.

While the school administration may require students participating in physical education classes to wear certain types of clothing such as sneakers, socks, shorts, and tee shirts, they may not prescribe a specific brand which students must wear.

This policy does not mean that student, faculty, or parent groups may not recommend appropriate dress for school or special occasions. It means that a student shall not be prevented from attending school or a school function, or otherwise be discriminated against, so long as his/her dress and appearance meet the above requirements. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state or country.

Education Law Section 2801(1) -- definition of school function

NOTE: Refer also to *District Code of Conduct*

Adopted: 8/5/14

SUBJECT: SUSPENSION OF STUDENTS

The Superintendent and/or 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.

SuspensionFive (5) School Days or Less

The Superintendent and/or the Principal of the school where the student attends shall have the power to suspend a student for a period not to exceed five (5) school days. In the absence of the Principal, the designated "Acting Principal" may then suspend a student for a period of five (5) school days or less.

When the Superintendent or the Principal (the "suspending authority") proposes to suspend a student for five (5) school days or less, the suspending authority shall provide the student with **notice** of the charged misconduct. If the student denies the misconduct, the suspending authority shall provide an **explanation** of the basis for the suspension.

When suspension of a student for a period of five (5) school days or less is proposed, administration shall also immediately notify the parent/person in parental relation in writing that the student *may be* suspended from school.

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

The notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the student and the parent/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 shall be in the dominant language or mode of communication used by the parents/persons in parental relation. At the informal conference, the student and/or parent/person in parental relation shall be authorized to present the student's version of the event and to ask questions of the complaining witnesses.

(Continued)

Students

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

The notice and opportunity for informal conference shall 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 shall take place as soon after the suspension as is reasonably practical.

Teachers shall 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 (5) School Days

In situations where the Superintendent determines that a suspension in excess of five (5) school days may be warranted, the student and parent/person in parental relation, upon reasonable notice, shall have had an opportunity for a fair hearing. At the hearing, the student shall have the right of representation by counsel, with the right to question witnesses against him/her, and the right to present witnesses and other evidence on his/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 shall not be barred from considering the admissibility of such weapon, instrument or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of such weapon, instrument or appliance was the result of an unlawful search or seizure.

Minimum Periods of Suspension

Pursuant to law, Commissioner's Regulations and the *District's Code of Conduct*, minimum periods of suspension shall 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 shall be suspended for a period of not less than one (1) calendar year. However, the Superintendent 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 such 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" shall be determined in accordance with the Regulations of the Commissioner.

(Continued)

Students

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

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

Suspension of Students with Disabilities

Generally, should a student with a disability infringe upon the established rules of the schools, disciplinary action shall 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 (10) 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 (10) consecutive school days or constitutes a pattern, 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 (10) school days after a decision is made:

- a) By the Superintendent 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 or Building Principal to impose a suspension that constitutes a disciplinary change of placement.

(Continued)

Students

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

The manifestation team shall 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 shall 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 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/her disability the CSE shall conduct a functional behavioral assessment, if one has not yet been conducted, and implement or modify a behavioral intervention plan.

Functional behavioral assessment (FBA) means the process of determining why the student engages in behaviors that impede learning and how the student's behavior relates to the environment. FBA must be developed consistent with the requirements of Commissioner's Regulations Section 200.22(a) and shall 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.

Behavioral intervention plan (BIP) means a plan that is based on the results of a functional behavioral assessment 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 behavioral intervention plan.

(Continued)

Students

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)No Finding of Manifestation

If it is determined that the student's behavior is not a manifestation of his/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/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 such student.

Provision of Services Regardless of the Manifestation Determination

Regardless of the manifestation determination, students with a disability shall 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:

- a) During suspensions or removals for periods of up to ten (10) school days in a school year that do not constitute a disciplinary change in placement, students with disabilities of compulsory attendance age shall be provided with alternative instruction on the same basis as nondisabled students. Students with disabilities who are not of compulsory attendance age shall be entitled to receive services during such 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 (10) consecutive school days or less that in the aggregate total more than ten (10) school days in a school year but do not constitute a disciplinary change in placement, students with disabilities shall 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, a functional behavioral assessment, 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 (1) of the student's teachers, shall 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 (10) school days in a school year which constitute a disciplinary change in placement, students with disabilities shall 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, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. The IAES and services shall be determined by the CSE.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**Interim Alternative Educational Setting (IAES)**

Students with disabilities who have been suspended or removed from their current placement for more than ten (10) 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 forty-five (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 (3) specific instances when a student with a disability may be placed in an IAES for up to forty-five (45) school days without regard to a manifestation determination:

- 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.

A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

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.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

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

- 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, a functional behavioral assessment 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.

Suspension From BOCES

The BOCES Principal may suspend School District students from BOCES classes for a period not to exceed five (5) school days when student behavior warrants such action.

In-School Suspension

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

BOCES Activities

BOCES activities, such as field trips and other activities outside the building itself, are considered an extension of the school program. Therefore, an infraction handled at BOCES 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 BOCES classes. The decision rests with the Superintendent or his/her designee.

Exhaustion of Administrative Remedies

If a parent/person in parental relation wishes to appeal the decision of the Building Principal and/or Superintendent to suspend a student from school, regardless of the length of the student's suspension, the parent/person in parental relation must appeal to the Board of Education prior to commencing an appeal to the Commissioner of Education.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**Procedure After Suspension**

When a student has been suspended and is of compulsory attendance age, immediate steps shall 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 of Education whenever it appears to be for the best interest of the school and the student to do so. The Board of Education 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.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 615(k)(1)]
18 USC Section 921
Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.
20 USC Section 7151, as reauthorized by the No Child Left Behind Act of 2001
34 CFR Part 300
Education Law Sections 2801(1), 3214 and 4402
Penal Law Section 265.01
8 NYCRR Sections 100.2(1)(2), 200.4(d)(3)(i), 200.22 and Part 201

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

Students

SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES

The parent of a student who has violated any rule or code of conduct of the School District and who was not identified as a student with a disability at the time of such behavior may assert several protections provided for under the Individuals with Disabilities Education Act (IDEA) and State regulations *if the School District is deemed to have had knowledge (as determined in accordance with law and/or regulations and referenced below) that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.*

Basis of Knowledge

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

- a) The parent of the student has expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education and related services. However, 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 has requested an evaluation of the student in writing; or
- c) A teacher of the student, or other District personnel, has 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 (i.e., subheading "Basis of Knowledge"):

- a) The parent of the student has not allowed an evaluation of the student pursuant to law and/or regulations;
- b) The parent of the student has refused services under law and/or regulations; or
- c) The student has been evaluated and it was determined that the student is not a student with a disability.

(Continued)

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

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 School 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 shall be the responsibility of the Superintendent of Schools, Building Principal or other school official imposing the suspension or removal to determine whether the student is a student presumed to have a disability.

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 such nondisabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted in accordance with law and/or regulations. Pending the results of the evaluation, the student shall 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 shall provide special education and related services in accordance with law and/or regulations.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446, Section 615(k)(5)]
Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.
34 CFR Part 300
8 NYCRR Section 201.5

NOTE: Refer also to Policy #7313 -- Suspension of Students

Adopted: 8/5/14

Students

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(ACCEPTABLE USE POLICY)**

Integrating technology into the curriculum is a priority. Technology should be integrated, not as a separate subject or as a once-in-a-while project, but as a tool to promote and extend student learning on a daily basis. The challenge is in finding ways to use technology -- and to help students use it -- that doesn't take time away from core subjects. We need to prepare our students.

Purpose

The purpose of the Thousand Islands Central School Districts' Internet and email is to provide shared educational resources with its member schools and with regional districts. The resources are intended to enhance the collaboration and exchange of information between and among schools, school offices, and other State and educational entities.

The Thousand Islands Central Schools' Internet and email access is provided to conduct school business only. TICSD encourages the use of the internet and email because they make communication more efficient and effective. However, Internet Service and email are TICSD property, and their purpose is to facilitate school business. Every staff member with access to the Internet and email has a responsibility to maintain and enhance the school's public image and to use email and access to the internet in a productive manner. Any improper use of the Internet or email is not acceptable and will not be permitted.

Mission

The Thousand Islands Central School District Computer Network is committed to the use of technology to support District school improvement initiatives in the context of the NYS Long Range Plan for the Use of Technology in Elementary, Middle School and High School Education and the New York State Learning Standards.

Rationale

The rationale for establishing the Thousand Islands Central School District Local and Wide Area Computer Networks, and Internet access Network is to provide a mechanism that will advance and promote education in all of its school buildings. The Network is intended to facilitate the collaboration and exchange of information among all who are concerned and involved with education. The integration of networking technology into daily operations of your classrooms, libraries, and offices is intended to promote the development of high-quality technological resources in an effective, efficient, and economical manner.

(Continued)

Students

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(ACCEPTABLE USE POLICY) (Cont'd.)****Guidelines**

It is imperative that staff, students, and visitors conduct themselves in a responsible, and legal manner while using District equipment and networks. This policy provides general guidelines for use by its users. Final determination of acceptable behavior rests with the Superintendent. The following factors define District policy for Computer Network and Internet access:

- a) Any use of District equipment or computer networks for inappropriate, illegal, obscene, or sexually exploitive purposes is prohibited. Illegal activities are defined as any violation of local, State and Federal laws as well as any violation of the District's established rules and regulations governing appropriate behavior. Inappropriate use is defined as any violation of the intended purpose to which the network access account was issued. Obscene activities are defined as any violation of generally accepted social standards for use of publicly operated communication medium, which is accessible, by children and underage adults;
- b) Any use of the District's equipment for commercial purposes, or individual profit is prohibited;
- c) Any use of the District's equipment for partisan political activity is prohibited;
- d) Any use of the District's equipment that is intended to disrupt use by other users, deny intended services, or invade the privacy of others is prohibited;
- e) The District's network accounts shall be used only by authorized students and staff as approved by the Building Principal/District administrators. Users are solely responsible for all activity that occurs while logged in under their operating or individual accounts;
- f) It is expected that all users will prudently use the District's resources and prevent waste wherever possible. Users may not intentionally write, produce, generate, copy, propagate, or attempt to introduce any computer code designed to self replicate (e.g., computer virus), damage or otherwise hinder the performance of any computer's memory, file system, or software;
- g) Users may not intentionally tamper with networks, terminals, printers, wiring, etc., or attach unauthorized devices or equipment to the network. Installation, modification, or removal of software will be done only under the supervision of a qualified technician and with the approval of the network administrator and the District Technology Coordinator;
- h) Students, staff, parents, and administrators are prohibited from disclosing student records, personnel information, confidential records, or internal financial data to unauthorized recipients;

(Continued)

Students

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(ACCEPTABLE USE POLICY) (Cont'd.)**

- i) Any user's network communications that traverses another network is subject to that network's acceptable use policy;
- j) Student use is permitted with appropriate administrative authorization, and proper supervision;
- k) Users must recognize and observe applicable copyright laws and usage restrictions. Unauthorized duplication, deletion, alteration, or reconfiguration of District software, or any other activity deemed an infringement of a product copyright is prohibited;
- l) All data and other work created, stored, or maintained on District computing resources is the property of the District. Users are not permitted to inappropriately delete stored information, regardless of authorship, or to otherwise alter access to their computing resources in a manner which would deny the District access to historical information or which would otherwise impede normal functioning of the business of the District;
- m) The District reserves the right to read and/or access users' files when necessary to resolve problems reported by the owner of those files, or in similar situations with the knowledge and consent of the owner. Access to a user's directory and files may be necessary to remove extraneous files from the system or verify proper system operation, or to effectuate fixes and upgrades, or to comply with bona fide investigations. When access is required without the knowledge and consent of the owner, the activity will be logged by the building Technology Representative, along with the reasons for access, for review by the Superintendent;
- n) Access to District computing resources shall terminate upon student graduation and employee termination of employment. Accounts may stay active at the discretion of the Superintendent;
- o) Each Building Principal (or his/her designated representative) is the first level of responsibility to review alleged infractions of this policy and will coordinate with District staff to determine appropriate corrective action. The Principal shall notify the District Technology Coordinator when and if an account needs to be disabled due to the infraction;
- p) The Superintendent is the final authority on the resolution of any conflicts between this policy and other established procedures. The Superintendent is the final decision authority on all matters related to the District Computer Network.

Guidelines for Publishing Student Work, Images and Names

No personal information about students or their parents/guardians, including phone numbers, home addresses or email addresses shall be published on a District or school web page.

(Continued)

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(ACCEPTABLE USE POLICY) (Cont'd.)**

Student Images

- a) Students are routinely videotaped and photographed during school concerts, assemblies, awards, classroom activities, etc.
- b) These images may be displayed or shown on the Thousand Islands Central School District's website.
- c) Student names are not connected with their images.

Student Names/Work

Recognizing a student's accomplishments through appropriate publicity shares the good news of a student's achievement and can build or reinforce his/her positive self-image.

When original student work is posted without an accompanying student picture, a student's first name and, if necessary for clarification, grade designation may be cited (e.g., Kathy, grade 7a, John, grade 4) without specific notification.

Parents who do not want their child videotaped or photographed and those images displayed in the circumstances described are asked to contact the school.

Sanctions

- a) Violations may result in loss of access. Users involved will be informed of the nature of these violations, and will have an opportunity to respond to them;
- b) Additional disciplinary action may be determined at the building level in line with existing practice regarding inappropriate language or behavior;
- c) Users may be required to make full financial restitution;
- d) When applicable, law enforcement agencies may be involved.

Start-Up Screen Notice

The following statement shall be displayed upon startup, "Your use of the workstation implies that you have read, understand and agree to abide by the Thousand Islands School District's Acceptable Use Policy for access to the device."

(Continued)

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(ACCEPTABLE USE POLICY) (Cont'd.)**

Internet Safety Policy - see appendix A

- a) Although the Thousand Islands Central School District recognizes the value of the Internet as an educational tool, it also understands that information with no redeeming social value is accessible through the internet.
- b)
 1. The Thousand Islands Central School District has developed and will enforce this Internet Safety Policy in compliance with the Children's Internet Protection Act (CIPA) and the Neighborhood Children's Internet Protection Act (NCIPA).
 2. In addition, the Thousand Islands Central School District maintains its "Computer and Internet Use Policy", which governs the acceptable use of the Internet by students and employees.

Access to the Internet using the Thousand Islands Central School District's computer equipment is subject to the following restrictions:

a) Filtering

Filtering software will be used to block minors' access to:

(See Appendix A)

1. Visual depictions that are:
 - (a) Obscene;
 - (b) Child pornography; or
 - (c) Harmful to minors; and
2. Internet sites which, in the Board's determination, contain material which is "inappropriate for minors."

Adult access to visual depictions that are obscene and/or child pornography will also be blocked. However, the Superintendent or his/her designee may disable the software to enable access to blocked sites for bona fide research or other lawful purposes.

b) Safety of Minors When Using Direct Electronic Communications

1. In using the computer network and Internet, minors are not permitted to reveal personal information such as home addresses, telephone numbers, their real last names or any information which might allow someone they are communicating with

(Continued)

Students

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(ACCEPTABLE USE POLICY) (Cont'd.)**

online to locate them. No minor may arrange a face-to-face meeting with someone he/she "meets" on the computer network or Internet without his/her parent's permission.

2. Before utilizing any electronic communications (including but not limited to electronic mail and "chat rooms") in any instructional setting, students will be taught that they must disclose to their teacher any message they receive that is inappropriate or makes them feel uncomfortable. They must also be taught that they must never agree to meet with someone they have met online without their parents' approval.

c) Unauthorized Access and Other Unlawful Activities

It is a violation of this Policy to:

1. Use the Thousand Islands Central School District's computer network or the Internet to gain unauthorized access to other computers or computer systems, or to attempt to gain such unauthorized access;
2. Damage, disable or otherwise interfere with the operation of computers, computer systems, software or related equipment through physical action or by electronic means; and/or
3. Violate state or federal law relating to copyright, trade secrets, the distribution of obscene or pornographic materials, or any other applicable law or municipal ordinance.

d) Unauthorized Disclosure and Dissemination of Personal Identification Information Regarding Minors

Personally identifiable information concerning minors may not be disclosed on the Internet (e.g., on the Thousand Islands Central School District's web page) without the permission of a parent or guardian. If a student is eighteen (18) or over, the permission may also come from the student himself/herself.

Regulations and Dissemination

The Superintendent is authorized to develop and implement regulations consistent with the policy. The Superintendent will also be responsible for disseminating the policy and associated regulations to school personnel and students.

(Continued)

Students

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(ACCEPTABLE USE POLICY) (Cont'd.)****Home and School Access**

The Family Education Rights and Privacy Act, FERPA, also known as the Buckley Amendment of 1974, requires the confidentiality of students' records, and the personally identifiable information contained in them. Absent of written permission from the parent or information published as Directory Information, the accessing of student records can only be for legitimate educational interests, or the need-to-know exception, in fulfilling one's professional responsibilities. With staffs capability of easily accessing student records via the SchoolTool student information system, great care and caution must be exercised in the utilization and dissemination of information. It is imperative that one's access and pass code to SchoolTool data be protected at all times. The accessing of students' demographics i.e., address or free and reduced meal eligibility for the purposes of mailings, recruitments, or scholarships is limited and it can be authorized via one's administrator.

SchoolTool**Staff and Parents/Guardians agree to:**

- a) Keep login and Password secure
- b) Not to share Login and Password with anyone
- c) Inform the District Technology Coordinator immediately if their Login and Password is lost or compromised in any manner
- d) Use discretion to ensure confidentiality with regard to when and where SchoolTool is accessed and to log out of the application immediately upon completion of their task
- e) Treat this application as a confidential and secure application
- f) Not to disclose the contents, screen, share Login and Password or provide information to a competitor about the future development of SchoolTool

Appendix A

Generally speaking, "**obscenity**" is defined as any work that an average person (applying contemporary community standards) would find, taken as a whole, appeals to a prurient interest. The work also must depict or describe, in a patently offensive way, sexual conduct as specifically defined in state law. Moreover, the work, taken as a whole, has to lack serious literary, artistic, political or scientific value.

(Continued)

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(ACCEPTABLE USE POLICY) (Cont'd.)**

"Child Pornography" is defined as:

... any visual depiction, including a photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical or other means, of sexually explicit conduct, where (a) the production of visual depiction involves the use of a minor (someone under the age of nineteen [19]) engaging in sexually explicit conduct; (b) such visual depiction is or appears to be, of a minor engaging in sexually explicit conduct; (c) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct; or (d) such visual depiction is advertised, promoted, presented, described or distributed in such manner conveys the impression that the material is or contains a visual depiction of a minor engaging in sexually explicit conduct.

The phrase **"harmful to minors"** is defined as:

... any picture, graphic image, file, or other visual depiction that (a) taken as whole and with respect to minors (defined here as anyone under the age of seventeen [17]), appears to a prurient interest in nudity, sex or excretion; (b) depicts, describes, or presents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and (c) taken as a whole, lacks serious literary, artistic, political, or scientific value as a to minors.

Violations/Consequences:

a) Students:

1. Students who violate this policy shall be subject to loss of district system access up to and including permanent loss of privileges, and discipline up to and including expulsion.
2. Violations of law will be reported to law enforcement officials.
3. Disciplinary action may be appealed by parents and/or students in accordance with existing District procedures for suspension or loss of student privileges.

b) Staff:

1. Staff who violate this policy shall be subject to discipline, up to and including loss of District system access up to and including permanent loss of privileges, suspension, termination or discharge, in accordance with Board policy, negotiated agreements and applicable law.
2. Violations of law will be reported to law enforcement officials.

(Continued)

Students

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(ACCEPTABLE USE POLICY) (Cont'd.)**

This will serve as official notification informing all network/email account users that any violation of the above information will result in disciplinary action which could include suspension and/or termination.

NOTE: Refer also to Policy #8271 -- Internet Safety/Internet Content Filtering Policy
District Code of Conduct

Adopted: 8/5/14

Students

SUBJECT: STUDENT ELECTRONIC DEVICE POLICY

If a student grade Kindergarten through 12 is seen with an electronic device during the school day it will be brought to the office.

Grade 6 to 12 students' electronic devices including cell phones, iPads, iPods, and all other electronic devices, headphones are to be off and in lockers from 7:35 a.m. to 2:30 p.m.

- a) First electronic device violation will result in the device being taken to the office and may be picked up by the student at the end of the day.
- b) Second electronic device violation, the device will be brought to the office, the student will serve a one (1) hour after school or one (1) hour in school detention, and a parent/guardian will be notified that they need to pick up the device from the office.
- c) Third offense, the student will not be allowed to bring any electronic devices to school, the device will be brought to the office, the student will serve a one (1) day In-School Suspension (ISS), and a parent/guardian will need to pick the phone up in the office.
- d) Fourth offense, the student will not be allowed to bring any electronic devices to school, the device will be brought to the office, a parent/guardian will need to pick the phone up in the office, and a Superintendent's Hearing will be scheduled.

If any school staff member hears a cell phone, iPad, iPod, or any other electronic device ring in a backpack or locker, they have the right to search the backpack or locker and take the device to the office.

Students

SUBJECT: ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)

The Board of Education recognizes that the misuse of alcohol, drugs, tobacco, 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 and/or selling, use and/or possession of alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs is prohibited at any school-sponsored function, on school grounds and on school buses at all times. The inappropriate use of prescription and over-the-counter drugs shall also be prohibited.

Smoking

Smoking shall not be permitted and no person shall smoke within one hundred (100) feet of the entrance, exits or outdoor areas of any public or private elementary or secondary schools. However, this shall not apply to smoking in a residence, or within the real property boundary lines of such residential real property.

Non-medical Use of Prescription Drugs

Non-medical use of prescription drugs among young people has become an increasing problem in the United States. Prescription drugs are easier to access because they can be taken from their home's medicine cabinet and young people may believe they are safer than illicit drugs because they are manufactured by a pharmaceutical company.

Should a student be found in possession of any of these substances, they shall be dealt with in accordance with the Code of Conduct.

Persons Entering School Grounds

Persons shall be banned from entering school grounds or school-sponsored events when exhibiting behavioral, personal or physical characteristics indicative of having used or consumed alcohol or other substances. A school-sponsored function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state or country.

In accordance with Penal Law Section 220.00 for purposes of controlled substances offenses:

- a) "School grounds" means (1) in or on or within any building, structure, athletic playing field, playground or land contained within the real property boundary line of the District's schools, or (2) any area accessible to the public located within one thousand (1,000) feet of the real property boundary line comprising any such school or any parked automobile or other parked vehicle located within one thousand (1,000) feet of the real property boundary line comprising any District school. An "area accessible to the public" shall mean sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants.

(Continued)

Students

**SUBJECT: ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)
(Cont'd.)**

- b) "School bus" means every motor vehicle owned by the District and operated for the transportation of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities or privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

Prevention and Intervention

Through the collaborative efforts of staff, students, parents/guardians and the community as a whole, a comprehensive program shall be developed addressing alcohol, tobacco, drugs, and other substances to include the following elements:

Primary Prevention

Preventing or delaying alcohol, tobacco, drugs, and other substance use/abuse by students shall be the major focus of a comprehensive K through 12 program in which proactive measures of prevention and early intervention are emphasized. This program shall include:

- a) A sequential K through 12 curriculum based on recognized principles of effectiveness that is developed and incorporated into the total educational process. This curriculum shall be concerned with education and prevention in all areas of alcohol, tobacco, drugs, and other substances use/abuse;
- b) Training school personnel and parents/guardians to reinforce the components of the policy through in-service and community education programs with up-to-date factual information and materials;
- c) An effort to provide positive alternatives to alcohol, tobacco, drugs, and other substances use/abuse through the promotion of drug/tobacco/alcohol-free special events, service projects and extracurricular activities that will develop and support a positive peer influence.

Intervention

School-based intervention services shall be made available to all students, grades K through 12, and provided by prevention professionals who are appropriately trained in this area. The purpose of intervention is to eliminate any existing use/abuse of alcohol, tobacco, drugs, and other substances and to identify students considered to be at risk for use/abuse. Intervention programming shall include:

(Continued)

Students

**SUBJECT: ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)
(Cont'd.)**

- a) Counseling of students in groups and as individuals on alcohol, tobacco, drugs, and other substance use/abuse. Counselors shall be appropriately trained and skilled school staff assigned for this purpose;
- b) Referring students to community or other outside agencies when their use/abuse of alcohol, tobacco, drugs, and other substances requires additional counseling or treatment. Referral is a key link in school and community efforts and the process is basic to the dissemination of information regarding available counseling and health services;
- c) Providing a supportive school environment designed to continue the recovery process for students returning from treatment. A re-entry program may include continuing student and/or family counseling and emphasizing positive alternatives to alcohol, tobacco, drugs, and other substance use/abuse;
- d) Developing a parent network to serve as a support group and provide a vehicle of communication for parent education;
- e) Ensuring confidentiality as required by state and federal law.

Disciplinary Measures

Disciplinary measures for students consuming, sharing and/or selling, using and/or possessing alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs shall be outlined in the *District's Code of Conduct on School Property*.

Staff Development

There shall be ongoing training of District staff about the components of an effective alcohol, tobacco and other substances program. Training shall include, but not be limited to, District policies and regulations and the staff's role in implementing such policies and regulations. Teachers shall be trained to implement the District's K through 12 alcohol, tobacco, drugs and other substance prevention curricula; intervention staff shall be suitably trained to carry out appropriate services.

Implementation, Dissemination and Monitoring

It shall be the responsibility of the Superintendent to implement the alcohol, tobacco, drugs, and other substances Board policy by collaboration with school personnel, students, parents/guardians and the community at large.

(Continued)

Students

**SUBJECT: ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)
(Cont'd.)**

Additionally, copies of Board policy shall be disseminated to District staff, parents/guardians and community members. The Superintendent/designee shall periodically review the tobacco, drugs and alcohol abuse prevention program to determine its effectiveness and support appropriate modifications, as needed.

Safe and Drug-Free Schools and Communities Act, as reauthorized by the No Child Left Behind Act of 2001
20 USC Section 7101 et seq.
Education Law Section 2801(1)
Penal Law Sections 70.70(2)(a)(i), 220.00(17) and 220.44(5)
Vehicle and Traffic Law Section 142
Public Health Law 1399(o)
8 NYCRR Section 409

NOTE: Refer also to Policies #3280 -- Use of School Facilities, Materials and Equipment
#3410 -- Code of Conduct on School Property
#5640 -- Smoking/Tobacco Use
#8211 -- Prevention Instruction
District Code of Conduct

Adopted: 8/5/14

Students

SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS

Students are protected by the Constitution from unreasonable searches and seizures. A student may be searched and contraband/prohibited items seized on school grounds or in a school building by an authorized School District official only when the School District official has reasonable suspicion to believe the student has engaged in or is engaging in proscribed 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. School officials must first determine whether the action was justified at its inception, and second, 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. Another staff member, also of the same sex, will always be present as a witness.

Strip Searches

A strip search is a search that requires a student to remove any or all of his/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 shall, to the extent practicable, be isolated and secured. Police and parents will be contacted immediately.

(Continued)

SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS (Cont'd.)**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. 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. Searches have been proven to have a deterrent effect on student behavior. Students have no reasonable expectation of privacy with respect to school property; and school officials retain complete control over such property. This means that student desks, lockers, textbooks, computers, and other materials, supplies or storage spaces may be subject to search and/or seizure of contraband/prohibited items at any time by school officials, without prior notice to students and without their consent. However, a student's personal belongings contained within the locker, desk, etc. are subject to the reasonable suspicion standard for searches by an authorized school official.

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, administration may conduct investigations concerning reports of misconduct which may include, but are 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 by the appropriate school administrator. The student's parent/guardian may be contacted; the degree, if any, of parental/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/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right/responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such 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 (at least until after the questioning of students by school authorities has been conducted) 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/her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

(Continued)

Students

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

If deemed appropriate and/or necessary, the Superintendent/designee may also review the circumstances with School District legal counsel so as to address concerns and the course of action, if any, which may pertain to and/or result from the questioning of students by school officials.

Law Enforcement Officials

It shall be the policy of the School District that a cooperative effort shall 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 such officers is necessary to prevent injury to persons or property.

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

School Resource Officers

Districts may utilize School Resource Officers (SROs), 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 School 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 such a search has been met.

Interrogation of Students by Law Enforcement Officials

If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Generally, police authorities may only interview students on school premises without the permission of the parent/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 should take the matter up directly with the student's parent/guardian.

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

If possible, questioning of a student by police should take place in private and in the presence of the Building Principal/designee.

(Continued)

SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS (Cont'd.)**Child Protective Services' Investigations**

From time to time, Child Protective Services may desire to conduct interviews of students on school property. Such interviews generally pertain to allegations of suspected child abuse and/or neglect. The Board encourages cooperation with Child Protective Services in accordance with applicable Social Services Law.

Education Law Sections 1604(9), 1604(30), 1709(2), 1709(33) and 2801
Family Court Act Section 1024
Social Services Law Sections 411-428
8 NYCRR Section 100.2(1)

Adopted: 8/5/14

Students

SUBJECT: BUS RULES AND REGULATIONS

The Thousand Islands Central School District furnishes transportation to those 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 these buses is a privilege and may be withdrawn if the student does not comply with the rules and regulations set forth in the Code of Conduct.

Bus drivers shall 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/her passengers safely.

The Board of Education, the Superintendent and/or his/her designee has the authority to suspend the transportation privileges of children who are disorderly and insubordinate on buses. Generally, parent(s)/guardian(s) will be required to make alternative transportation arrangements for their children who have been suspended from riding the bus. However, the effect of a suspension from transportation on the student's ability to attend school will be considered. If a suspension from transportation effectively results in a suspension from attendance because of the distance between the home and the school and the absence of alternative public or private means of transportation, the District shall 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/her Individualized Education Program is being considered for suspension from transportation, and that suspension would effectively result in a change in placement, the student shall be referred to the Committee on Special Education.

The Board directs the administration to establish rules and regulations for student conduct on buses, including applicable due process rights to be afforded students suspended from transportation privileges. These rules and regulations shall be promulgated to all concerned, including the nonpublic schools to which students are transported.

Individuals with Disabilities Act (IDEA), 20 USC Sections 1400-1485
8 NYCRR Section 156

NOTE: Refer also to *District Code of Conduct*

Adopted: 8/5/14

SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS**Corporal Punishment**

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

Whenever a school employee uses physical force against a student, the school employee shall immediately report the situation to his/her Principal/Supervisor. The Principal/Supervisor shall, 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 of Schools shall submit a written report semi-annually to the Commissioner of Education, with copies to the Board of Education, 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 Thousand Islands Central School 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

However, if alternative procedures and methods which would not involve physical force do not work, then the use of reasonable physical force is not prohibited for the following reasons:

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

Such emergency interventions shall only be used in situations where alternative procedures and methods not involving the use of reasonable physical force cannot reasonably be employed. Emergency interventions shall 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 shall 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 Sections 19.5, 100.2(1)(3), 200.15(f)(1) and 200.22(d)

NOTE: Refer also to Policies #7313 -- Suspension of Students

Students

SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT

With the exception of those students who receive prior written permission from the Board of Education or its designee, no student may bring in or possess any "firearm" or "weapon" on school property, on a school bus or District vehicle, in school buildings, or at school sponsored activities or settings under the control or supervision of the District regardless of location. Any student who has been found guilty of bringing in or possessing a firearm or weapon in violation of this policy will be disciplined in a manner consistent with State and Federal law and the District's Code of Conduct. Such discipline may include a mandatory suspension for a period of not less than one (1) calendar year for a student who is determined to have violated the Federal Gun-Free Schools Act and its implementing provisions in the New York State Education Law, provided that the Superintendent may modify the suspension requirement on a case-by-case basis.

Students who have brought a "weapon" or "firearm" to school will be referred by the Superintendent to either a presentment agency (the agency or authority responsible for presenting a juvenile delinquency proceeding) or to appropriate law enforcement officials. Such referrals will be made as follows: a student who is under the age of sixteen (16) and who is not a fourteen (14) or fifteen (15) year-old who qualifies for juvenile offender status under the Criminal Procedure Law will be referred to a presentment agency for juvenile delinquency proceedings; a student who is sixteen (16) years old or older, or who is fourteen (14) or fifteen (15) and qualifies for juvenile offender status, will be referred to the appropriate law enforcement authorities.

For the purposes of this policy, the term "weapon" will be as defined in 18 USC 930(g)(2).

For the purposes of this policy, the term "firearm" will be as defined in 18 USC 921(a).

Students with disabilities continue to be entitled to all rights enumerated in the Individuals with Disabilities Act and Education Law Article 89. This policy shall not be deemed to authorize suspension of students with disabilities in violation of those authorities.

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.

Gun-Free Schools Act as reauthorized by the No Child Left Behind Act of 2001
18 USC Sections 921(a) and 930
Criminal Procedure Law Section 1.20(42)
Education Law Sections 809-a and 3214

NOTE: Refer also to Policies #3411 -- Prohibition of Weapons on School Grounds
#7313 -- Suspension of Students
District Code of Conduct

Adopted: 8/5/14

SUBJECT: EXTRACURRICULAR ACTIVITIES

The Board of Education considers extracurricular activities to be a valuable part of the program of the school and shall support these activities within the financial means of the District.

Limited Open Forum

The Board of Education maintains a limited open forum where secondary students may meet for voluntary student-initiated activities unrelated directly to the instructional program, regardless of religious, political or philosophical content.

To provide "a fair opportunity" to students who wish to conduct a meeting, the Board of Education, in accordance with the provisions of the Equal Access Act, shall ensure that:

- a) The meeting is voluntary and student-initiated;
- b) There is no sponsorship of the meeting by the school, the government, or its agents or employees;
- c) Employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity;
- d) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
- e) Nonschool persons may not direct, conduct, control, or regularly attend activities of student groups (20 USC Section 4071[c]).

The Board prohibits student organizations whose activities may be unlawful or may cause disruption or interference with the orderly conduct of the educational process.

Administration is responsible for establishing regulations governing the use of school facilities by student organizations.

Eligibility for Attendance

- a) Students who are suspended from school on a day of an athletic game or practice session, party, school dance, or other school affair scheduled after regular school hours are not eligible for participation or attendance at such events.
- b) In order for students to attend a school-sponsored function, it is necessary that students attend classes for at least one half (1/2) of the school day on the day of the activity, unless otherwise excused by the building administrator. One-half (1/2) of the school day is defined as follows: from 8:30 a.m. until noon or from noon until the end of the school day.

(Continued)

SUBJECT: EXTRACURRICULAR ACTIVITIES (Cont'd.)

- c) Athletes must be in attendance by 8:15 to be eligible for athletic play and practice without a legal excuse.

Equal Access Act, 20 USC Sections 4071-4074
Education Law Sections 1709 and 1709-a, 2503-a and 2554-a
Vehicle and Traffic Law Section 142
8 NYCRR Part 172

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7411

Students

SUBJECT: 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.

Adopted: 8/5/14

Students

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM

Athletics are an integral part of a well-balanced educational program. Therefore, the Board supports within its resources a broad sports program with equal access for both males and females, with an emphasis on maximum participation, through interscholastic and intramural activity. The District will comply with recommendations from the U.S. Department of Education's Office for Civil Rights (OCR) regarding Title IX equal opportunity for males and females in the District's total athletic program regarding any of the following factors which may be applicable:

- a) The nature and extent of the sports program to be offered (including the levels of competition, such as varsity, club, etc.);
- b) The provision of equipment and supplies;
- c) The scheduling of games and practice time;
- d) The provision of travel and per diem allowances;
- e) The nature and extent of the opportunity to receive coaching and academic tutoring;
- f) The assignment and compensation of coaches and tutors;
- g) The provision of locker rooms, practice and competitive facilities;
- h) The provision of medical and training facilities and services;
- i) The provision of housing and dining facilities and services; and
- j) The nature and extent of support, publicity and promotion including cheerleading, bands, published programs distributed at games, and booster club activities.

The interscholastic athletic program shall conform to the Regulations of the Commissioner of Education as well as the established rules of the New York State Public High Schools Athletic Association and the State Education Department.

Eligibility for interscholastic athletic competition requires that the students:

- a) Provide written parental/guardian consent. A consent form for a student's participation in interscholastic sports must contain information regarding mild traumatic brain injuries (concussions) as specified in Commissioner's Regulations;
- b) Pass satisfactorily the medical examination administered by the school physician/nurse practitioner or the student's personal physician. The school physician/nurse practitioner retains final approval on all physicals performed by the student's personal physician; and

(Continued)

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

- c) Meet the requirements for interscholastic competition as set forth by the Commissioner's Regulations and the New York State Public High School Athletic Association.

Booster Clubs

The School 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, benefits, services and opportunities attained through the use of private funds (e.g., "booster clubs"), such funds are considered in combination with all benefits, services and opportunities.

Private fundraising, including student-initiated fundraising, is permissible under Title IX. Further, compliance with Title IX does not mean that teams must "share" proceeds from fundraising activities. It does, however, place a responsibility on the District to ensure that benefits, services, treatment and opportunities overall, regardless of funding sources, are equivalent for male and female athletes.

In accordance with OCR, in order for the District to be in continuing compliance with Title IX requirements, the District must assure that services, benefits and opportunities in its athletic programs are provided on an equivalent basis to both boys and girls, including those services, benefits and opportunities that are provided through the use of outside financial assistance such as donations, fundraising by coaches, and booster clubs.

Selection/Classification Process

The Board approves the use of the selection/classification process for all secondary school interscholastic team members. The Board directs the Superintendent to implement the procedures and maintain a file of those students deemed eligible as a result of those procedures.

Student Athletic Injuries

No student should be allowed to practice or play in an athletic contest if he/she is suffering from an injury. The diagnosis of and prescription of treatment for injuries is strictly a medical matter and should under no circumstances be considered within the province of the coach. A coach's responsibility is to see that injured players are given prompt and competent medical attention, and that all details of a doctor's instructions concerning the student's functioning as a team member are carried out. No student will be allowed to practice or compete if there is a question whether he/she is in adequate physical condition.

A physician's certificate may be required before an athlete is permitted to return to practice or competition.

(Continued)

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)**Concussions**

A student who has sustained or is believed to have sustained a mild traumatic brain injury (concussion) must be immediately removed from athletic activities. If there is any doubt, it shall be presumed that the student is so injured until proven otherwise. Before being permitted to return to athletic activity, a student must be symptom free for not less than twenty-four (24) hours and have been evaluated by and received written and signed authorization from a licensed physician. Additionally, for extra class athletic activities, a student must have received clearance from the School District Medical Director to participate in such activity.

Athletic Program - Safety

The District will take reasonable steps to see that physical risks to students participating in the interscholastic athletic program shall be kept at a minimum by:

- a) Requiring medical examinations of participants;
- b) Obtaining appropriately certified and/or licensed staff to coach all varsity, junior varsity, and modified games, along with certified and/or licensed officials to referee all such competitions;
- c) Ensuring that equipment is both safe and operative within approved guidelines; and
- d) Providing professional development and training opportunities for all coaching staff.

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

NOTE: Refer also to Policy #7522 -- Concussion Management

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Adopted: 8/5/14

Students

SUBJECT: CONTESTS FOR STUDENTS, STUDENT AWARDS AND SCHOLARSHIPS**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. Upon the judgment of the Principal, the request may be forwarded to the Superintendent and the Board of Education for approval.

Student Awards and Scholarships

The School District may obtain and award to its students awards and scholarships. The Board of Education, having been entrusted by law, will hold in trust gifts, grants, bequests and legacies given or bequeathed to the Thousand Islands Central School District and shall apply the same and/or their interest and proceeds according to the instruction of the donors and according to the procedures established by the administration.

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

Adopted: 8/5/14

Students

SUBJECT: FUND RAISING BY STUDENTS

Fund raising 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 such plan shall have a clearly defined purpose and, in general, shall contribute to the educational experience of students and shall not conflict with instructional programs or state mandates. Fund raising activities away from school property shall be held to a minimum. All participation shall be voluntary.

Door to door sales projects undertaken by any high school organization using the Thousand Islands Central School District name shall require previous approval of the Board of Education. Profits shall 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 (e.g., holiday wrappings, etc.) 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 such sales or fees. In addition, it is imperative that employees not 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 and/or fee-free basis. Further, employees engaged in such activities may be held personally liable.

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

NOTE: Refer also to Policy #3271 -- Solicitation of Charitable Donations from School Children

Adopted: 8/5/14

Students

SUBJECT: CONSTITUTIONALLY PROTECTED PRAYER IN THE PUBLIC SCHOOLS

In accordance with the most recent Guidance Document issued by the U.S. Department of Education implementing the requirements of the No Child Left Behind Act of 2001, the Board of Education affirms the responsibilities of the School District, consistent with applicable statutory/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 of Education policy shall prevent, or otherwise deny participation in, constitutionally protected prayer in District schools, consistent with the Guidance Document and applicable law as enumerated above.

The Board rescinds any other policy that may be inconsistent with the mandates of this policy, which shall 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 No Child Left Behind Act of 2001,
Section 9524
Equal Access Act, 20 USC Sections 4071-4074

NOTE: Refer also to Policy #8360 -- Religious Expression in the Instructional Program

Adopted: 8/5/14

Students

SUBJECT: SCHOOL HEALTH SERVICES

All districts must provide and maintain a continuous program of health services which includes, but is not limited to:

- a) Providing medical examinations, scoliosis screening, vision screening and audiometer tests, 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 defective 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/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 plant;
- 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.

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 in accordance with Public Health Law Section 2164 and the New York State Department of Health Regulations unless:

- a) A New York State licensed physician certifies that such immunization is detrimental to the child's health. The requirement for that immunization is waived until such immunization is no longer detrimental to the child's health; or
- b) The student's parent, parents, or persons in parental relation hold genuine and sincere religious beliefs which are contrary to the requirement. In such cases, the Building Principal will make a case-by-case determination whether a parent/guardian is entitled to invoke this religious exemption from required immunizations after receiving a written and signed statement from the parent(s) or persons in parental relation to such child. New York State Law does not recognize exemptions based on a parent(s) or guardian(s) personal or philosophical beliefs.

Except for the above two exemptions, the District may not permit a student lacking evidence of immunization to remain in school for more than fourteen (14) days, or more than thirty (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/person in parental relation a statement of his/her duty regarding immunization as well as a consent form prescribed by the Commissioner of Health. The school shall cooperate with the local health authorities to provide a time and place for the immunization of these students.

Parents, guardians or other persons in parental relation may appeal to the Commissioner of Education if their child is denied school entrance or attendance for failing to meet health immunization standards.

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

For current information regarding immunization requirements, refer to website: <http://schoolhealthservicesny.com>

(Continued)

SUBJECT: IMMUNIZATION OF STUDENTS (Cont'd.)

For advice on a specialized immunization questions, contact the regional New York State Department of Health (NYSDOH) office directly. A complete listing of regional offices can be found on the following website:

http://www.health.ny.gov/professionals/diseases/reporting/communicable/infection/regional_epi_staff.htm

All schools will post educational information on influenza and the benefits of influenza immunization. The information must be in plain view and available to parents. Schools can obtain the information to post at:

http://www.nyhealth.gov/prevention/immunization/childhood_and_adolescent.htm

Education Law Sections 310 and 914
Public Health Law Section 2164
8 NYCRR Part 136
10 NYCRR Subpart 66-1

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

Adopted: 8/5/14

SUBJECT: STUDENT PHYSICALS**Health Examination**

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

- a) The student's entrance in a District school at any grade level;
- b) Entrance to pre-kindergarten or kindergarten;
- c) Entry into the 2nd, 4th, 7th and 10th 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.

In addition, the District requires a certificate of physical fitness for:

- a) All athletes prior to their first sport of the school year, then only those who were injured or ill during their first sport before participating in a second sport during the school year;
- b) All students who need work permits; and
- c) All students either suspected of or sustaining a mild traumatic brain injury (concussion) must receive a written and signed authorization from a licensed physician before returning to athletic activities in school.

Health Certificate

Each student must submit a health certificate attesting to the health examination within thirty (30) days after his or her entrance into school and within thirty (30) days after his/her entry into the Pre-Kindergarten or Kindergarten, 2nd, 4th, 7th and 10th grades. The health certificate shall be filed in the student's cumulative record. The health certificate must:

- a) Describe the condition of the student when the examination was given;
- b) State the results of any test conducted on the student for sickle cell anemia;
- c) State whether the student is in a fit condition of health to permit his/her attendance at public school and, where applicable, whether the student has defective 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 such work to prevent injury to the student;

(Continued)

Students

SUBJECT: STUDENT PHYSICALS (Cont'd.)

- d) Include a calculation of the student's body mass index (BMI) and weight status category. BMI is computed as the weight in kilograms divided by the square of height in meters or the weight in pounds divided by the square of height in inches multiplied by a conversion factor of 703. Weight status categories for children and adolescents shall be defined by the Commissioner of Health. BMI collection is mandatory, effective September 2008. Reporting is random, with districts chosen by the NYS Department of Health. Selected districts must report BMI results on-line using DOH's Health Provider Network (HPN), a secure website;
- e) Be signed by a duly licensed physician, physician assistant, or nurse practitioner, who is authorized by law to practice in New York State consistent with any applicable written practice agreement; or authorized to practice in the jurisdiction in which the examination was given, provided that the Commissioner of Health has determined that such jurisdiction has standards of licensure and practice comparable to those of New York. A certificate signed by a chiropractor is not acceptable except for a scoliosis evaluation.

Dental Certificate

The dental certificate law became effective on September 1, 2008. This law applies to new entrants in PreK, K, Grades 2, 4, 7 and 10. In accordance with this law, a notice of request for a dental health certificate shall be distributed at the same time that the parent/person in parental relation is notified of health examination requirements, such certificate to be furnished at the same time the health certificate is required. At this time, students will be permitted to attend school regardless of whether or not they have a dental certificate.

The dental certificate shall be signed by a duly licensed dentist or a registered dental hygienist authorized by law to practice in New York State or one who is 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. The certificate shall describe the dental health condition of the student upon assessment, which shall not be more than twelve (12) months prior to the commencement of the school year in which the assessment is requested, and shall state whether the student is in fit condition of dental health to permit his/her attendance at the public schools.

Requests are not to be retroactive (i.e., any physical requested prior to September 1, 2008 does not need to have an additional notice sent requesting the dental certificate). Requests are not required when the student or parent/person in parental relation objects on the grounds of conflict with their genuine and sincere religious beliefs. Within thirty (30) days following the student's entrance in the school or grade, the certificate, if obtained, shall be filed in the student's cumulative health record.

(Continued)

Students

SUBJECT: STUDENT PHYSICALS (Cont'd.)Examination by Health Appraisal

The Principal or the Principal's designee will send a notice to the parents 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 thirty (30) days from the date of such notice, an examination by health appraisal will be made of such student by the School Physician.

The School Physician shall cause such students to be separately and carefully examined and tested to ascertain whether any such student has defective 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 such work to prevent injury to the student.

The physician, physician assistant or nurse practitioner administering such examination shall determine whether a one-time test for sickle cell anemia is necessary or desirable and, if so determined, shall conduct such test and include the results in the health certificate.

Unless otherwise prohibited by law, if it is ascertained that any students have defective sight or hearing, or a physical disability or other condition, including sickle cell anemia which may require professional attention with regard to health, the Principal or Principal's designee shall notify, in writing, the student's parents or persons in parental relation as to the existence of such disability. If the parents or persons in parental relation are unable or unwilling to provide the necessary relief and treatment for such students, such fact shall be reported by the Principal or Principal's designee to the School Physician, who then has the duty to provide relief for such students.

Health Screenings

The District will provide:

- a) Scoliosis screening at least once each school year for all students in grades 5 through 9. The positive results of any such screening examinations for the presence of scoliosis shall be provided in writing to the student's parent or person in parental relation within ninety (90) days after such finding;
- b) Vision screening to all students who enroll in school including at a minimum color perception, distance acuity and near vision within six (6) months of admission to the school. In addition, all students shall be screened for distance acuity in grades Kindergarten, 1, 2, 3, 5, 7 and 10 and at any other time deemed necessary. The results of all such vision screening examinations shall be provided in writing to the student's parent or person in parental relation and to any teacher of the student. The vision report will be kept in a permanent file of the school for at least as long as the minimum retention period for such records;

(Continued)

SUBJECT: STUDENT PHYSICALS (Cont'd.)

- c) Hearing screening to all students within six (6) months of admission to the school and in grades Kindergarten, 1, 3, 5, 7 and 10, as well as at any other time deemed necessary. Screening shall include, but not be limited to, pure tone and threshold air conduction screening. The results of any such hearing tests shall be provided in writing to the student's parent or person in parental relation and to any teacher of the student.

The results of all health screenings (hearing, vision and scoliosis) shall be recorded on appropriate forms signed by the health professional making the examination, include appropriate recommendations, and be kept on file in the school. 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.

Accommodation for Religious Beliefs

No health examinations, health history, examinations for health appraisal, screening examinations for sickle cell anemia and/or other health screenings shall be required where a student or the parent or person in parental relation to such student objects thereto on the grounds that such 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 such person holds such beliefs shall be submitted to the Principal or Principal's designee, in which case the Principal or Principal's designee may require supporting documents.

Homeless Students

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 medical records.

Family Educational Rights and Privacy Act of 1974 (FERPA)
20 USC Section 1232(g)
Education Law Sections 901-905, 912 and 3217
8 NYCRR Part 135 and 136

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 Homeless Children and Youth
#7511 -- Immunization of Students
#7522 -- Concussion Management

Adopted: 8/5/14

Students

SUBJECT: ADMINISTRATION OF MEDICATION

The school's registered professional nurse may administer medication to a student during school hours under certain conditions. (For the purpose of this policy "medication" includes prescription and non-prescription). Per New York State Education Department (NYSED) requirements, the school must receive the following before medication is given to a student:

- a) The original written order from the student's physician stating the name of the medication, precise dosage, frequency and time of administration;
- b) A written, signed consent from the student's parent or legal guardian 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 legal guardian. (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/her person in school, or on the school bus, or keep any medication in his/her school locker(s). An exception to this policy may apply for a student's asthma inhaler or epi-pen which a student may carry and use under certain conditions.

All medication orders must be reviewed annually or whenever there is a change in dosage.

Procedures governing the School District's receipt, storage and disposal of medication, as well as those pertaining to the administration of medication to a student after school hours and/or off school grounds during a school-sponsored activity will be in accordance with NYSED guidelines.

Emergency Medication

The administration of emergency medication (injectable, including "epi-pens," and/or oral) to a student for extreme hypersensitivity may be performed by a school staff member responding to an emergency situation when such use has been prescribed by a licensed prescriber. However, a registered professional nurse/nurse practitioner/physician/physician's assistant *must* have trained the staff member to administer the emergency medication for that particular emergency situation (e.g., "epi-pen") and given him/her approval to assist the student in the event of an emergency anaphylactic reaction. Such a response would fall under the Good Samaritan exemption for rendering emergency care during a life threatening situation.

Use of Asthma Inhalers in Schools

A student may carry and use an asthma inhaler if the School Health Office has on file: the physician's written order/diagnosis that the student has a severe asthma condition and may be subject to sudden and debilitating asthmatic attacks; and written permission from the student's parent or legal

(Continued)

Students

SUBJECT: ADMINISTRATION OF MEDICATION (Cont'd.)

guardian. Upon written request of the student's parent or legal guardian, the school must allow a student to maintain an extra asthma inhaler in the care and custody of the school's registered professional nurse. (A School District is **not required** to hire a registered professional nurse solely for the purpose of maintaining a spare inhaler or to ensure that a registered professional nurse is available at all times in a school building for such purpose.)

Health Office personnel will 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, under any circumstances, will be referred for counseling by school nursing personnel. Additionally, school administration and parents will be notified of such unauthorized use of medication by the student, and school administration may also be involved in determining the proper resolution of such student behavior.

Blood Glucose Monitoring

Children with diabetes have the right to care for their diabetes at school in accordance with the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 which provide protection against discrimination for children with disabilities, including diabetes.

Accordingly, blood glucose monitoring must be allowed in the school setting at any time, within any place, and by anyone necessitating such testing. Children must receive assistance if needed with the procedure.

The school nurse shall oversee any arrangements that need to be made for testing and a system to report the results to the nurse as needed. Proper arrangements should be made for the disposal of sharps.

Alcohol-Based Hand Sanitizers

Alcohol-based hand sanitizers are considered over-the-counter (OTC) drugs by the United States Food and Drug Administration. However, due to the fact that careful hand-washing and sanitation is the most effective way to control the recent spread of Methicillin-Resistant Staphylococcus Aureus (MRSA) in schools, the New York State Education Department (NYSED) has allowed a medical exemption to the requirements for OTC preparations in the school setting to permit the use of alcohol-based hand sanitizers.

(Continued)

SUBJECT: ADMINISTRATION OF MEDICATION (Cont'd.)

The School Physician 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.

An employee may bring in hand sanitizer with approval from their supervisor and should provide the Right to Know Compliance Officer with the Safety Data Sheet (SDS). It should be noted that hand sanitizers which contain alcohol are flammable and shall not be placed in hallways or near an open flame or source of sparks.

Disposal of Unused Medication

Any unused medication (including, but not limited to expired prescription and nonprescription drugs) must be returned to the parent/person in parental relation by the end of each school year. If the parent/person in parental relation does not retrieve the unused medication by the end of the school year, then the School Nurse or designated School Health Office personnel must document that the medication was abandoned and dispose of the unused medication.

Sunscreen

Although the Food and Drug Administration (FDA) technically considers sunscreen an over-the-counter drug which would require a doctor's prescription, New York Education Law Section 907 allows students to carry and use topical sunscreen products approved by the FDA for over-the-counter use for the purpose of avoiding overexposure to the sun and not for medical treatment of an injury or illness. A parent/guardian of the student must provide written permission which shall 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 guardian and authorized by the school.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 614(a)]
Individuals with Disabilities Education Act (IDEA), 20 USC Sections 1400 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.
Education Law Sections 902(b), 907, 916, 6527(4)(a) and 6908(1)(a)(iv)
Public Health Law Section 3000-a

NOTE: Refer also to Policy #7521 -- Students with Life-Threatening Health Conditions

Adopted: 8/5/14

Students

SUBJECT: STUDENT HEALTH RECORDS

The School shall keep a convenient, accurate, and up-to-date health record of every student. Insofar as the health records include confidential disclosures or findings, they shall 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 School 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" under FERPA because they are:

- a) Directly related to a student;
- b) Maintained by the School or a party acting for the School; and
- c) Not excluded from the definition of "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 such 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 Section 1232g
Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191 34 CFR Part 99
45 CFR Parts 160, 162 and 164 Education Law Sections 902(b) and 905
8 NYCRR Part 136

Adopted: 8/5/14

Students

SUBJECT: ACCIDENTS AND MEDICAL EMERGENCIES

Procedures shall be established and maintained by the Superintendent for the handling of student injuries and medical emergencies that occur on school property and during school activities.

Student Emergency Treatment

All staff members of the School 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 of Education 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 if warranted. This solution will be used after other alternatives, including parent/person in parental relation contact, have been made.

Insurance

The Board of Education shall approve provisions for all students to be covered by group insurance.

Such student accident insurance policies are to be a co-insurance with family coverage(s) as primary.

Education Law Sections 1604(7-a), 1604(7-b), 1709(8-a) and 1709(8-b)

Adopted: 8/5/14

Students

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.

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.

All students within the District with known life-threatening conditions should have a comprehensive plan of care in place: an Emergency Care Plan (ECP) and/or Individualized Healthcare Plan (IHP), and if appropriate an Individualized Education Plan (IEP) or Section 504 Plan.

School Health Team

The District has identified the following as potential members of the School Health Team to ensure that health information is complete, appropriate accommodations are prepared, and any necessary medication and environmental protocols are in place for students with life-threatening health conditions:

- a) Parents/Guardians and Students;
- b) School District Administration;
- c) School Medical Director;
- d) School Nurse;
- e) Teachers;
- f) Guidance Counselor/Social Worker;
- g) Teaching Assistants and Teacher Aides;
- h) Food Service Personnel;
- i) Custodial Staff;
- j) Transportation Personnel;
- k) Athletic Director, Coaches and After School Volunteers.

(Continued)

SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS (Cont'd.)**Anaphylaxis**

Although anaphylaxis can affect almost any part of the body and cause various symptoms, the most dangerous symptoms include breathing difficulties and a drop in blood pressure or shock which are potentially fatal. Treatment for anaphylaxis includes immediate removal of the allergen, and treating the rapidly progressing effects of histamine release in the body with epinephrine and antihistamines.

Particularly for those students with chronic life-threatening conditions such as diabetes, seizure disorders, asthma and allergies (food, insect sting, latex, medications, etc.) which may result in severe, life-threatening reactions to various environmental triggers, it is necessary that the District work cooperatively with the parent(s) and the healthcare provider to:

- a) Immediately develop an Emergency Care Plan (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 Individualized Healthcare Plan 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 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/she works toward self-management;
- f) Allow self-directed students, as assessed by the school nurse, to carry life saving medication with prior approval by the medical provider, and according to health practice and procedures, as long as duplicate life saving medication is also maintained in the Health Office in the event the self-carrying student misplaces their medication;
- g) Assure appropriate and reasonable building accommodations are in place within a reasonable degree of medical certainty.

(Continued)

Students

SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS (Cont'd.)

In addition, the District will:

- a) Provide training for all staff in the recognition of an anaphylactic reaction;
- b) Have standing emergency medical protocols for nursing 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 to administer in the event of an unanticipated anaphylactic episode;
- d) As permitted by New York State law, maintain stock supplies of life saving emergency medications such as epinephrine and antihistamine in all Health Offices for use in first time emergencies;
- e) Ensure that Building-level and District-wide school safety plans include appropriate accommodations for students with life-threatening health conditions;
- f) Encourage families to obtain medic-alert bracelets for at risk students;
- g) Educate students regarding the importance of immediately reporting symptoms of an allergic reaction.

Creating an Allergen-Safe School Environment

Avoidance of exposure to allergens is the key to preventing a life-threatening anaphylactic reaction. Educating the entire school community about life-threatening allergies is crucial in keeping students with such allergies safe. The risk of accidental exposure or cross-contamination is always present, 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.

To guard against accidental exposure to allergens, monitoring of the following high-risk areas and activities is crucial:

- 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.

(Continued)

SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS (Cont'd.)**Use of Epinephrine Auto-Injector Devices (Epi-Pens) in the School Setting**

The administration of epinephrine by epi-pen to a student with a known severe allergy needing an anaphylactic treatment agent may be performed by a school staff member responding to an emergency situation when such use has been prescribed by a licensed prescriber. However, a registered professional nurse/nurse practitioner/physician/physician's assistant *must* have trained the staff member to administer the epi-pen for that emergency situation and given him/her approval to assist the student in the event of an anaphylactic reaction.

Documentation of training must be maintained in the Anaphylaxis Protocol for Non-Licensed School Staff Members for each affected student. The emergency response by non-licensed school staff members is permitted under the Medical Practice Act (Education Law Section 6527(4)(a)) and the Nurse Practice Act (Education Law Section 6908 (1)(a)(iv)) and is covered by the "Good Samaritan Law" (Public Health Law Section 3000-a).

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;
- b) Assuring the availability of the necessary equipment and/or medications;
- c) Providing appropriately trained licensed persons as required by law;
- d) Providing additional appropriately trained adults to complete delegated tasks as allowed by law;
- e) Developing an emergency plan for the student; and
- f) Providing ongoing staff and student education.

Americans with Disabilities Act, 42 USC Section 12101 et seq.
Individuals with Disabilities Education Act (IDEA), 20 USC Sections 1400-1485
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.
34 CFR Part 300
Education Law Sections 6527 and 6908
Public Health Law Sections 2500-h and 3000-a

Adopted: 8/5/14

Students

SUBJECT: CONCUSSION MANAGEMENT

The Board of Education 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 our students is a primary concern. Therefore, the Thousand Islands Central School District adopts the following Policy to support the proper evaluation and management of concussion injuries.

A concussion is a mild traumatic brain injury (MTBI). A concussion 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 academics as well as their athletic pursuits.

Concussion Management Team (CMT)

In accordance with the Concussion Management and Awareness Act, the School 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 School District. The Concussion Management Team shall oversee and implement the School District's concussion policy and regulations, 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 mild traumatic brain injuries. Furthermore, every concussion management team may establish and implement a program which provides information on mild traumatic brain injuries 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 shall complete a course of instruction every two (2) 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;

(Continued)

SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

- 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 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.

Information to Parents

The District shall include the following information on concussion in any permission or consent form or similar document that may be required from a parent/person in parental relation for a student's participation in interscholastic sports. Information 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.

The District will provide a link on its website, if one exists, to the above list of information on the State Education Department's and Department of Health's websites.

Identification of Concussion and Removal from Athletic Activities

The District shall require the immediate removal from all athletic activities of any student who has sustained, or is believed to have sustained, a mild traumatic brain injury (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 shall be removed from the class, game or activity and must be evaluated as soon as possible by an appropriate health care professional. Such removal must occur based on display of symptoms regardless of whether such injury occurred inside or outside of school. If there is any doubt as to whether the student has sustained a concussion, it shall be presumed that the student has been injured until proven otherwise. The District shall notify the student's parents or guardians and recommend appropriate evaluation and monitoring.

(Continued)

SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

The School District may choose to 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.

Return to School Activities and Athletics

The student shall not return to physical activity (including athletics, physical education class and recess) until he/she has been symptom-free for not less than twenty-four (24) hours, and has been evaluated and received written authorization from a licensed physician. In accordance with Commissioner's Regulations, the School District's Medical Director will give final clearance on a return to activity for extra-class athletics. All such authorizations shall 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 shall 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's Medical Director may also formulate a standard protocol for treatment of students with concussions during the school day.

In accordance with New York State Education Department (NYSED) guidelines, this Policy shall be reviewed periodically and updated as necessary in accordance with New York State Education Department guidelines. 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 Sections 207; 305(42), and 2854
8 NYCRR 135.4 and 136.5

Guidelines for Concussion Management in the School Setting, SED Guidance Document, June 2012

Adopted: 8/5/14

SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT**Familial Child Abuse**

The School District subscribes to all of the provisions of Title 6 - Child Protective Services of the Social Services Law Sections 411-428. Our purpose is to provide protective services to abused and neglected/maltreated children as described by the law, and to make all school personnel within the District aware of our legal responsibilities under this law.

Regulations shall be developed, maintained and disseminated by administration regarding the:

- a) Mandatory reporting of suspected child abuse or neglect/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 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 shall be established and implemented to enable such staff to carry out their reporting responsibilities.

School Officials Required to Report

The definition of a "school official" who is mandated to report cases of child abuse or neglect/maltreatment to the State Central Register (SCR) pursuant to Social Services Law Section 413(1) includes, but is 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.

All mandated reporters shall make the report themselves and then immediately notify the Building Principal or his/her designee. The Building Principal or his/her designee shall be responsible for all subsequent administration necessitated by the report.

(Continued)

SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)

Any report shall 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

Social Services Law Section 413(1) also prohibits a school from taking any retaliatory personnel action against an employee because such employee believes that he/she has reasonable cause to suspect that a child is an abused or neglected/maltreated child and that employee makes a report to SCR pursuant to Social Services Law. Further, no school or school official shall impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

Pursuant to Labor Law Section 740(1)(e), "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 New York State Office of Children and Family Services "**Report of Suspected Child Abuse or Maltreatment**" Form LDSS-2221A may be accessed at website:
<http://www.ocfs.state.ny.us/main/cps/>

Education Law Section 3209-a
Family Court Act Section 1012
Labor Law Section 740(1)(e)
Social Services Law Sections 411-428

Child Abuse in an Educational Setting

The School District is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers as enumerated in law.

"Child abuse" shall mean any of the following acts committed in an educational setting by an employee or volunteer against a child:

- 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 such physical injury, serious physical injury or death; or

(Continued)

Students

SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)

- 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 pursuant to Penal Law Article 235.

"Educational setting" shall mean the building(s) and grounds of the School District; the vehicles provided by the School District for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off School 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's registered professional nurse, school guidance counselor, school psychologist, school social worker, school administrator, School Board member, or other school personnel required to hold a teaching or administrative license or certificate, that a child (defined in the law as a person under the age of twenty-one (21) years enrolled in a school district in this state) has been subjected to child abuse by an employee or volunteer in an educational setting, that person shall upon receipt of such allegation:

- a) Promptly complete a written report of such 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. Such written report shall be completed on a form as prescribed by the Commissioner of Education.
- b) Except where the school administrator is the person receiving such an 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 (subject to the following paragraph).

In any case where it is alleged the child was abused by an employee or volunteer of a school other than a school within the school district of the child's attendance, the report of such allegations shall be promptly forwarded to the Superintendent of Schools of the school district of the child's attendance and the school district where the abuse allegedly occurred.

Any employee or volunteer 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 shall have immunity from civil liability which might otherwise result by reason of such actions.

(Continued)

SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)

Upon receipt of a written report alleging child abuse in an educational setting, the school administrator or Superintendent must then determine whether there is "reasonable suspicion" to believe that such an act of child abuse has occurred. Where there has been a determination as to the existence of such reasonable suspicion, the school administrator or Superintendent must follow the notification/reporting procedures mandated in law and further enumerated in administrative procedures including parental notification. When the school administrator receives a written report, he/she shall promptly provide a copy of such report to the Superintendent.

Where the school administrator or Superintendent has forwarded a written report of child abuse in an educational setting to law enforcement authorities, the Superintendent shall also refer such report to the Commissioner of Education where the employee or volunteer alleged to have committed such 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 such a report to a person or agency as required by law, shall have immunity from civil liability which might otherwise result by reason of such actions.

Reports and other written material submitted pursuant to law with regard to allegations of child abuse in an educational setting, and photographs taken concerning such reports that are in the possession of any person legally authorized to receive such information, *shall be confidential and shall 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 pursuant to a court-ordered subpoena. School administrators and the Superintendent shall exercise reasonable care in preventing such unauthorized disclosure.

Additionally, teachers and all other school officials shall be provided an annual written explanation concerning the reporting of child abuse in an educational setting, including the immunity provisions as enumerated in law. Further, the Commissioner of Education shall furnish the District with required information, including rules and regulations for training necessary to implement District/staff responsibilities under the law.

Prohibition of "Silent" (Unreported) Resignations

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent or the Commissioner of Education, where 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/her position.

(Continued)

Students

SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)

Superintendents (or a designated administrator) who reasonably and in good faith report to law enforcement officials information regarding allegations of child abuse or a resignation as required pursuant to the law shall have immunity from any liability, civil or criminal, which might otherwise result by reason of such actions.

Education Law Article 23-B and Sections 902(b), 3028-b and 3209-a
Penal Law Articles 130, 235 and 263
Social Services Law Section 413
8 NYCRR Part 83

Adopted: 8/5/14

Students

SUBJECT: SUICIDE

According to national statistics, suicide is the third leading cause of death among young people. It is the policy of the Board to enact clear guidelines for prevention, intervention and post-intervention of suicide, reflecting the District's concern for this serious mental health issue.

The Board recognizes the need for suicide prevention and will instruct the Superintendent to establish a District crisis intervention team whose responsibility will be to develop a suicide response plan. This plan will be integrated into the existing school safety plan. The plan will include education and awareness of risk factors for youth suicide, procedures for intervening if a student exhibits risk factors, including referral services, and a post intervention plan to help the school and community cope with the aftermath of such a tragic event should it occur.

Suicide prevention will be incorporated into the curriculum to educate students. This will be done in a manner so as not to sensationalize the matter, but to provide students with information and resources on this important mental health issue. The District will also foster interagency cooperation that will enable staff to identify and access appropriate community resources to aid students in times of crisis.

The administration is responsible for informing staff of regulations and procedures of suicide prevention, intervention and post-intervention that have been developed by the District. The District will actively respond to any situation where a student verbally or behaviorally indicates intent to attempt suicide or to do physical harm to himself/herself. Staff training and professional development on suicide and crisis intervention will be made available.

NOTE: Refer also to Policies: #3420 -- Non-Discrimination and Anti-Harassment in the School District
#5681 -- School Safety Plans
#7550 -- Dignity for All Students Act
#7552 -- Bullying in the Schools
#7553 -- Hazing of Students

Adopted: 8/5/14

Students

SUBJECT: DIGNITY FOR ALL STUDENTS ACT

The Board of Education recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, the District will strive to create an environment free of bullying, discrimination and/or harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission. Since cyberbullying is a form of bullying, the term "bullying" as used in this policy will implicitly include cyberbullying even if it is not explicitly stated.

The District condemns and prohibits all forms of bullying, discrimination and/or harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property and at school-sponsored activities and events that take place at locations off school property. In addition, any act of bullying, discrimination and/or harassment, outside of school sponsored events, which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline.

Dignity Act Coordinator

At least one (1) employee at every school shall be designated as the Dignity Act Coordinator(s). The Dignity Act Coordinator(s) 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 (identity or expression) and sex. The Board of Education shall appoint a Dignity Act Coordinator(s) who is employed by such District or BOCES and is licensed and/or certified as a classroom teacher, school counselor, psychologist, nurse, social worker, administrator/supervisor or Superintendent of Schools. Districts must share the name(s) and contact information of the Dignity Act Coordinator(s) with all school personnel, students, and parents/persons in parental relation, which shall include, but is not limited to, providing the name, designated school and contact information by:

- a) Listing such information in the *Code of Conduct* and updates posted on the Internet website, if available; and
- b) Including such information in the plain language summary of the *Code of Conduct* provided to all persons in parental relation to students before the beginning of each school year; and
- c) Providing such information to parents and persons of parental relation in at least one (1) District or school mailing or other method of distribution including, but not limited to, through electronic communication and/or sending such information home with each student and, if such information changes, in at least one (1) subsequent District or school mailing or other such method of distribution as soon as practicable thereafter; and

(Continued)

SUBJECT: DIGNITY FOR ALL STUDENTS ACT (Cont'd.)

- d) Posting such information in highly visible areas of school buildings; and
- e) Making such information available at the District and school-level administrative offices.

If a Dignity Act Coordinator vacates his/her position, another school employee shall immediately be designated for an interim appointment as Coordinator, pending approval from the Board of Education, within thirty (30) days of the date the position was vacated. In the event a Coordinator is unable to perform the duties of the position for an extended period of time, another school employee shall immediately be designated for an interim appointment as Coordinator, pending return of the previous Coordinator to the position. The District must provide the change in information to parents or persons in parental relation as soon as practicable. The change in name and/or contact information of the Dignity Act Coordinator will not constitute a revision to the *Code of Conduct* so as to require a public hearing.

Training and Awareness

Each District and Charter School shall establish guidelines for training which shall be approved by the Board of Education. Training will be provided each school year for all District employees in conjunction with existing professional development training to raise staff awareness and sensitivity of bullying, discrimination and/or harassment directed at students that are committed by students or school employees on school property, at a school function, or off school property when the actions create or would foreseeably create a risk of substantial disruption within the school environment or where it is foreseeable that the conduct might reach school property.

Training will include ways to promote a supportive school environment that is free from bullying, discrimination and/or harassment. Training shall:

- a) Raise awareness and sensitivity;
- b) Address social patterns and the effects on students;
- c) Inform employees on the identification and mitigation of such acts;
- d) Provide strategies for effectively addressing problems of exclusion, bias and aggression;
- e) Include safe and supportive school climate concepts in curriculum and classroom management; and
- f) Ensure the effective implementation of school policy on conduct and discipline.

(Continued)

Students

SUBJECT: DIGNITY FOR ALL STUDENTS ACT (Cont'd.)

Instruction in grades Kindergarten through 12 shall include a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. For the purposes of this policy, "tolerance," "respect for others" and "dignity" shall include awareness and sensitivity to bullying, discrimination and/or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders and sexes. Such component must also include instruction on the safe and responsible use of the Internet and electronic communications.

Rules against bullying, discrimination and/or harassment will be included in the *Code of Conduct*, publicized District-wide and disseminated to all staff and parents. Any amendments to the Code will be disseminated as soon as practicable following their adoption. New teachers shall be provided a complete copy of the current Code upon their employment. An age-appropriate summary shall be distributed to all students at a school assembly at the beginning of each school year.

Reports and Investigations of Bullying, Discrimination and/or Harassment

The District will investigate all complaints of bullying, discrimination and/or harassment, either formal or informal, and take prompt corrective measures, as necessary. School employees who witness or receive a report (oral or written) of harassment, bullying and/or discrimination must orally notify the Superintendent, Principal, or their designee *no later than one (1) school day* after witnessing or receiving a report of such incident. The employee must then file a written report *within two (2) school days* after making the oral report. If, after an appropriate investigation, the District finds that this policy has been violated, corrective action will be taken in accordance with District policies and regulations, the *Code of Conduct*, and all appropriate federal or state laws. The Superintendent, Principal or their designee shall notify the appropriate local law enforcement agency when it is believed that any harassment, bullying and/or discrimination constitute criminal conduct.

The District will annually report material incidents of bullying, discrimination and/or harassment which occurred during the school year to the State Education Department. Such report shall be submitted in a manner prescribed by the Commissioner, on or before the basic educational data system (BEDS) reporting deadline or such other date as determined by the Commissioner. SED has developed a form for gathering data titled, "Reports of Incidents Concerning School Safety and the Educational Climate" which can be found on the NYSED website.

The Principal of each primary and secondary school shall provide a regular report (at least once during each school year) on data and trends related to harassment, bullying and/or discrimination to the Superintendent and in a manner prescribed by, as applicable, the District, BOCES or charter school. There is no need for schools or districts to submit this report to the State Education Department.

(Continued)

Students

SUBJECT: DIGNITY FOR ALL STUDENTS ACT (Cont'd.)**Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

Any person who has reasonable cause to suspect that a student has been subjected to bullying, discrimination and/or harassment by an employee or student, on school grounds or at a school function, who acts reasonably and in good faith and reports such information to school officials or law enforcement authorities, shall have immunity from any civil liability that may arise from making such report. The Board prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or any other individuals who participated in the investigation of a complaint of bullying, discrimination and/or harassment.

Education Law Sections 10-18, 801-a, 2801 and 3214
8 NYCRR Section 100.2

NOTE: Refer also to Policies #1330 -- Appointments and Designations by the Board of Education
#3410 -- Code of Conduct on School Property
#3420 -- Non-Discrimination and Anti-Harassment in the School District
#7551 -- Sexual Harassment of Students
#7552 -- Bullying in the Schools
#7553 -- Hazing of Students
#8242 -- Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education

Adopted: 8/5/14

Students

SUBJECT: SEXUAL HARASSMENT OF STUDENTS

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District students an environment that is free of sexual harassment and intimidation. Sexual harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds, on a school bus and at all school-sponsored events, programs and activities including those that take place at locations off school premises or in another state. Since sexual violence is a form of sexual harassment, the term, "sexual harassment" in this policy will implicitly include sexual violence even if it is not explicitly stated.

Sexual Harassment

Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication of a sexual nature when:

- a) Submission to or rejection of such sexually harassing conduct and/or communication by a student affects decisions regarding any aspect of the student's education, including participation in school-sponsored activities;
- b) Conditions exist within the school environment that allow or foster obscene pictures, lewd jokes, sexual advances, requests for sexual favors or other harassing activities of a sexual nature; and
- c) Such conduct and/or communication has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creating an intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit.

Sexual Violence

Sexual violence is defined by New York Penal Law as 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 acts such as:

- a) Rape;
- b) Sexual assault;
- c) Sexual battery;
- d) Sexual coercion.

(Continued)

Students

SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)

A person may be unable to consent to a sexual act due to his/her age, use of drugs or alcohol or due to intellectual or other disability. In order to encourage victims of sexual violence to come forward, a District must inform students that the District's primary concern is with their safety. The school should assure victims that any broken rules or violations made by them will be addressed separately from the sexual harassment allegation. For example, victims need to know that their use of alcohol or drugs never makes them at fault for sexual violence.

The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances, expectations, and relationships should be evaluated including, but not limited to, the ages of the offender and the victim; the number of individuals involved; and the type, frequency and duration of the conduct. A single incident of sexual harassment may be sufficiently severe to create a hostile environment in the school and a student may experience the continuing effects from off-campus sexual harassment when in the school setting. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from a third party such as a school visitor, volunteer, or vendor, or any other individual associated with the School District. Sexual harassment may occur from student-to-student, from staff-to-student, from student-to-staff, as well as staff-to-staff. The District will designate, at a minimum, two (2) Compliance Officers, one (1) of each gender.

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/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. Such report shall be directed to or forwarded to the District's designated Compliance Officers through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual harassment will also be promptly investigated in accordance with the terms of this policy. In the event that the Compliance Officer is the alleged offender, the report will be directed to the next level of supervisory authority.

Upon receipt of an informal/formal complaint (even an anonymous complaint), the District will conduct a prompt, equitable, and thorough investigation of the charges. However, even in the absence of a complaint, if the District has knowledge of or has reason to know of or suspect any occurrence of sexual harassment, the District will investigate such conduct promptly, equitably and thoroughly. To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges, and any disclosure will be provided on a "need to know" basis. The Superintendent will inform the Board of Education of investigations involving findings of harassment.

Based upon the results of the investigation, if the District determines that an employee and/or student has violated the terms of this policy and/or accompanying regulations, immediate corrective

(Continued)

Students

SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)

action will be taken as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with District policy and regulation, the *Code of Conduct*, and applicable laws and/or regulations. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, the *Code of Conduct* and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

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. Follow-up inquiries shall be made to ensure that sexual harassment has not resumed and that all those involved in the investigation of the sexual harassment complaint have not suffered retaliation.

Finding That Harassment Did Not Occur

At any level/stage of investigation of alleged harassment, if a determination is made that harassment did not occur, the Compliance Officer will so notify the complainant, the alleged offender and the Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to District policy or regulation and/or pursuing other legal avenues of recourse.

However, even if a determination is made that harassment did not occur, the Superintendent/designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the school community is not conducive to fostering harassment in the workplace.

In all cases, the Superintendent will inform the Board of Education of the results of each investigation involving a finding that harassment did not occur.

Knowingly Makes False Accusations

Employees and/or students who *knowingly* make false accusations against another individual as to allegations of harassment may also face appropriate disciplinary action.

Privacy Rights

As part of the investigation, the District has the right to search all school property and equipment including District computers. Rooms, desks, cabinets, lockers, computers, etc. are provided by the District for the use of staff and students, but the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

(Continued)

SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)**Development and Dissemination of Administrative Regulations**

Regulations will be developed for reporting, investigating and remedying allegations of sexual harassment. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable Compliance Officer(s).

Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

The Superintendent/designee(s) will affirmatively discuss the topic of sexual harassment with all employees and students, express the District's condemnation of such conduct, and explain the sanctions for such harassment. Appropriate training and/or "awareness" programs will be established for staff and students to help ensure knowledge of and familiarity with the issues pertaining to sexual harassment in the schools, and to disseminate preventative measures to help reduce such incidents of prohibited conduct. Furthermore, special training will be provided for designated supervisors and managerial employees, as may be necessary, for training in the investigation of sexual harassment complaints.

A copy of this policy and its accompanying regulations will be available upon request and may be posted at various locations in each school building. The District's policy and regulations on sexual harassment will be published in appropriate school publications such as teacher/employee handbooks, student handbooks, and/or school calendars.

Civil Rights Act of 1991, 42 USC Section 1981(a)
Title VII of the Civil Rights Act of 1964, 42 USC Section 2000e et seq.
Title IX of the Education Amendments of 1972, 20 USC Section 1681 et seq.
34 CFR Section 100 et seq.
29 CFR Section 1604.11(a)
Civil Service Law Section 75-B
Education Law Section 2801(1)
Executive Law Sections 296 and 297

Adopted: 8/5/14

Students

SUBJECT: BULLYING IN THE SCHOOLS

The Board of Education is committed to providing a safe and productive learning environment within its schools. Bullying of a student by another student is strictly prohibited on school property, in school buildings, on school buses, and at school sponsored events and/or activities whether occurring on or off campus. The Board of Education shall require the prohibition of bullying - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the *District Code of Conduct* for all grade levels.

For purposes of this policy, the term "bullying" among children is defined, in general, as: "a variety of negative acts carried out repeatedly over time. It involves a real or perceived imbalance of power, with a more powerful child or group attacking those who are less powerful." Bullying can take three forms:

- a) Physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings);
- b) Verbal (including, but not limited to, taunting, malicious teasing, name calling, making threats); and
- c) Psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation).

Although this Policy focuses on the bullying of a student by another student, it should be noted that bullying against any individual is strictly prohibited. This includes bullying of staff members against students, students against staff members, staff members against other staff members, and bullying by or against any parents, persons in parental relation, volunteers, visitors or vendors who may be on school property or at school sponsored events as defined above.

Engages in Cyberbullying Behavior

As with other forms of bullying, cyberbullying is an attempt to display power and control over someone perceived as weaker. Cyberbullying involving District students may occur both on campus and off school grounds and may involve student use of the District Internet system or student use of personal digital devices while at school, such as cell phones, digital cameras, and personal computers to engage in bullying.

Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory email messages, instant messages, text messages, digital pictures or images, or website postings (including blogs or social networking sites).

(Continued)

Students

SUBJECT: BULLYING IN THE SCHOOLS (Cont'd.)

Cyberbullying has the effect of:

- a) Physically, emotionally or mentally harming a student;
- b) Placing a student in reasonable fear of physical, emotional or mental harm;
- c) Placing a student in reasonable fear of damage to or loss of personal property; and
- d) Creating an intimidating or hostile environment that substantially interferes with a student's educational opportunities.

Also, cyberbullying that occurs off-campus, that causes or threatens to cause a material or substantial disruption in the school, could allow school officials to apply the "***Tinker*** standard" where a student's off-campus "speech" may be subject to formal discipline by school officials when it is determined that the off-campus speech did cause a substantial disruption or threat thereof within the school setting [*Tinker v. Des Moines Indep. Sch. Dist.* 393 U.S. 503 (1969)]. Such conduct could also be subject to appropriate disciplinary action in accordance with the *District Code of Conduct* and possible referral to local law enforcement authorities.

Reports of Allegations of Bullying/Cyberbullying Behavior

Any student who believes that he/she is being subjected to bullying/cyberbullying behavior, as well as any other person who has knowledge of or witnesses any possible occurrence of bullying, shall report the bullying to any staff member or the Building Principal. The staff member/Building Principal to whom the report is made (or the staff member/Building Principal who witnesses bullying behavior) shall investigate the complaint and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of bullying. Investigation of allegations of bullying shall follow the procedures utilized for complaints of harassment within the School District. Allegations of bullying shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

Prevention and Intervention

Personnel at all levels are responsible for taking corrective action to prevent bullying behavior of which they have been made aware at School District sites or activities and/or reporting such behavior to their immediate supervisor. Further, staff training shall be provided to raise awareness of the problem of bullying within the schools and to facilitate staff identification of and response to such bullying behavior among students.

(Continued)

Students

SUBJECT: BULLYING IN THE SCHOOLS (Cont'd.)

Prevention and intervention techniques within the District to prevent bullying behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to bullies, victims and their parents to help ensure that the bullying stops.

Rules against bullying shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents.

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 participate in the investigation of allegations of bullying. Follow-up inquiries and/or appropriate monitoring of the alleged bully and victim shall be made to ensure that bullying behavior has not resumed and that all those involved in the investigation of allegations of bullying have not suffered retaliation.

Civil Service Law Section 75-B

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 Act
#7551 -- Sexual Harassment of Students
#7553 -- Hazing of Students
#8271 -- Internet Safety/Internet Content Filtering Policy
District Code of Conduct

Adopted: 8/5/14

Students

SUBJECT: HAZING OF STUDENTS

The Board of Education is committed to providing a safe, productive and positive learning environment within its schools. Hazing activities are demeaning, abusive and/or illegal behaviors that harm victims, and are inconsistent with the educational goals of the District by negatively impacting the school environment. Hazing of a student by another student or group 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 of a student refers to soliciting, encouraging, aiding, or engaging in "hazing" behavior as defined pursuant to District policy, regulation and/or law. The Board of Education shall require the prohibition of hazing - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the *District Code of Conduct* for all grade levels.

For purposes of this policy, the term "*hazing among students is defined as any humiliating or dangerous activity expected of a student to join a group, regardless of their willingness to participate.*" Hazing behaviors include, but are not limited to, the following general categories:

- a) Humiliation: socially offensive, isolating or uncooperative behaviors.
- b) Substance abuse: abuse of tobacco, alcohol or illegal drugs.
- c) Dangerous hazing: hurtful, aggressive, destructive, and disruptive behaviors.

Incorporated within this definition are various forms of physical, emotional and/or sexual abuse which may range in severity from teasing/embarrassing activities to life threatening actions.

Even if the hazing victim participated "willingly" in the activity, or there was no "intent" by the hazer to harm or injure another individual, hazing is still hazing and against District policy, the *District Code of Conduct* and may be in violation of New York State Law. However, hazing of students does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions. Any hazing activity, whether by an individual or a group, shall be presumed a forced activity and in violation of Board policy, regardless of the "willingness" of the student to participate.

Any student who believes that he/she is being subjected to hazing behavior, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of hazing, shall report the incident to any staff member or the Building Principal. Anonymous student complaints of hazing behavior will also be investigated by the District. The staff member/Building Principal to whom the report is made (or the staff member/Building Principal who witnesses hazing behavior) shall investigate the complaint/incident and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of hazing. Investigations of allegations of hazing shall follow the procedures

(Continued)

Students

SUBJECT: HAZING OF STUDENTS (Cont'd.)

utilized for complaints of harassment within the School District. Allegations of hazing shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle Blower" Protection)

The Board of Education prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of hazing. Follow-up inquiries and/or appropriate monitoring of the alleged hazer(s) and victim(s) shall be made to ensure that hazing behavior has not resumed and that all those involved in the investigation of allegations of hazing have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

Knowingly Makes False Accusations

Students who *knowingly* make false accusations against another individual as to allegations of hazing may also face appropriate disciplinary action.

District Responsibility/Training

Personnel at all levels are responsible for taking corrective action to prevent hazing behavior of which they have been made aware at School District sites; by school sponsored groups, clubs or teams; and at school sponsored events and/or activities whether occurring on or off-campus. Further, as may be applicable, personnel are to report such hazing behavior to their immediate supervisor. Staff training shall be provided to raise awareness of the problem of hazing within the schools and to facilitate staff identification of, and response to, such hazing behavior among students.

Prevention and intervention techniques within the District to help prevent hazing behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to hazers, victims and their parents to help ensure that the hazing stops.

Rules against hazing shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents. Disciplinary sanctions for violation of this policy shall be outlined in the *District Code of Conduct* and may also be incorporated in staff and student handbooks. In addition, allegations of hazing behavior may result in referral to law enforcement officials as necessary.

Civil Service Law Section 75-B
Education Law Sections 1709-a, 2503-a, 2554-a and 2801
Penal Law Sections 120.16 and 120.17
8 NYCRR Section 100.2(1)(2)

(Continued)

SUBJECT: HAZING OF STUDENTS (Cont'd.)

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 Act
#7551 -- Sexual Harassment of Students
#7552 -- Bullying in the Schools
#8271 -- Internet Safety/Internet Content Filtering Policy
District Code of Conduct

Students

SUBJECT: NOTIFICATION OF SEX OFFENDERS

In accordance with the Sex Offender Registration Act ("Megan's Law"), the Board of Education 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. This policy is enacted in order to minimize the possibility that the 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 shall cooperate with local police authorities and the local community in promoting and protecting the safety and well being of its students.

It is the policy of the Board of Education to disseminate all information which the District 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 including, but not limited to, Building Principals, supervisors, teachers, office personnel, coaches, custodians, bus drivers, and security personnel. The Superintendent reserves the right to automatically disseminate such information to additional members of the staff, designated supervisors of non-school groups that regularly use District facilities and have children in attendance, parents/guardians of District students, and other community residents who, in the opinion of the Superintendent, have an immediate need to be notified of such data in order to protect the safety of our students.

All staff members shall be informed of the availability of the information received by the District pursuant to Megan's Law upon written request to the applicable Building Principal/designee or supervisor. Community residents shall be notified of the availability of this information, with written requests directed to the District Office. The District provides a link on the District website to New York State's online Sex Offender Registry.

Staff members shall 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. Such law enforcement officials will be notified of this information by the District as appropriate.

Information that is disseminated to the School District pursuant to Megan's Law may be disclosed or not disclosed by the District in its discretion. Any information which the School 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 eighteen (18) or who has been designated a Level 3 sex

(Continued)

SUBJECT: NOTIFICATION OF SEX OFFENDERS (Cont'd.)

offender, the court requires that such 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 eighteen (18) while one or more of such persons are present.

However, by exception, a sex offender may enter school grounds or facility with the written authorization of his/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/she enters solely to vote.

Implementation

Administrative procedures shall be developed to implement this policy.

Correction Law Article 6-C
Executive Law 259-c(14)
Penal Law 65.10(4-a) and 140.15
Public Officers Law Section 84 et seq.

Students

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 must not be granted unless a teacher or staff member is definitely in charge.

- a) District personnel will be fully responsible for the supervision of all students in either their class or their after school activities.
- b) Coaches and as necessary, the Principals, will maintain supervision over the dressing rooms by personally being present during the dressing periods. Coaches are responsible for the supervision of their athletes at the end of practice. This may entail bus duty, or making sure students have transportation home.
- c) Teachers and/or assigned school personnel in the elementary grades will be responsible for the playground supervision of all the children under their jurisdiction during the recess periods and before the regular afternoon sessions. The Principal will distribute the responsibility so that the playground situation will be properly controlled.
- d) Students are not to be sent on any type of errand away from the building.

NOTE: Refer also to Policy #5720 -- Transportation of Students

Students

SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE

Any District student who is a victim of a violent criminal offense, as defined pursuant to Education Law and Commissioner's Regulations, that occurred on the grounds of the District elementary or secondary school that the student attends, shall be allowed to attend a safe public school within the School District to the extent required by the federal No Child Left Behind Act (NCLB) 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 shall 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.

Determination Whether Student is a Victim

Procedures shall 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 shall, prior to making any such determination, consult with any law enforcement agency investigating the alleged violent criminal incident and consider any reports or records provided by such 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 may also consult with the school attorney prior to making such determination.

The Superintendent's determination may be appealed to the Board of Education. However, this determination will not preclude any student disciplinary proceeding brought against the alleged victim or perpetrator of such violent criminal offense.

(Continued)

Students

SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE (Cont'd.)**Notice to Parents/Persons in Parental Relation**

A school district that is required to provide school choice in accordance with applicable provisions of the federal No Child Left Behind Act of 2001, Education Law and Commissioner's Regulations, shall 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 such transfer. Such notice shall be, to the extent practicable, provided in the dominant language or mode of communication used by the parents or persons in parental relation to such student. The School District shall so notify the parents of, or persons in parental relation to, such student within twenty-four (24) hours of the determination that the student has been the victim of a violent criminal offense on school grounds at the school he/she attends.

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

However, **such notification shall not be required** where there are no other public schools within the District at the same grade level or a transfer to a safe public school within the School District is otherwise impossible. Similarly, procedures for such notification of parents/persons in parental relation to students who are victims of violent criminal offenses shall not be required where the School District has only one public school within the District or only one public school at each grade level.

Designation of Safe Public School

It shall be the responsibility of the School District, based on objective criteria, to designate a safe public school or schools within the District to which students may transfer. However, the District is not required to designate a safe public school where there are no other public schools within the District at the same grade level or transfer to a safe public school within the District is otherwise impossible. Similarly, if the District has only one public school within the School System or only one public school at each grade level, the School District shall not be required to designate a safe public school.

Any student who transfers to a safe public school, in accordance with the provisions of this policy and applicable law and regulation, shall be enrolled in the classes and other activities of the public school to which such student transfers in the same manner as all other students at the public school. The receiving school shall 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 School District shall allow transferring students to transfer to a school that is making adequate yearly progress and has not been

(Continued)

Students

SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE (Cont'd.)

identified as requiring school improvement, corrective action, or restructuring. The District shall provide transportation for any student permitted to transfer to the safe public school within the District designated by the School System within the transportation limits established pursuant to Education Law Sections 3635 and 4401(4). Any student who transfers to a safe public school shall be permitted to remain in such 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/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/she currently attends.

Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001,
Section 9532
Education Law Section 2802(7)
8 NYCRR Section 120.5

Adopted: 8/5/14

Students

SUBJECT: SPECIAL EDUCATION: DISTRICT PLAN

A District plan shall be developed describing the Special Education program in the Thousand Islands Central School District. The District plan shall 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 of Education 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 the policies and practices of the Board of Education to ensure that appropriate space will be continually available to meet the needs of resident students and preschool students with disabilities who attend special education programs provided by Boards of Cooperative Educational Services.
- f) 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.
- g) The estimated budget to support such plan.
- h) The date on which such plan was adopted by the Board of Education.
- i) A description of how the District plan is consistent with the special education space requirements plan for the region as developed by the Board of Cooperative Educational Services.

The District plan, with personally identifiable student information deleted, shall be filed and available for public inspection and review by the Commissioner.

20 USC Section 1474(e)(3)(B)
8 NYCRR Part 155 and Section 200.2(c)

Adopted: 8/5/14

Students

SUBJECT: CHILDREN WITH DISABILITIES

A child with a disability means a student under the age of twenty-one 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/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 finds that the District has inappropriate policies, procedures or practices resulting in a significant disproportionality by race/ethnicity in the suspension, identification, classification and/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 of Education 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 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. Provide training sessions for interview committee;
 4. Special Education teachers are required to have subject matter knowledge appropriate to the level of instruction being provided; when teaching two (2) or more core academic subjects exclusively to children with disabilities, the teacher will meet the requirements of "highly qualified" per the No Child Left Behind Act (NCLB) and the

(Continued)

Students

SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

Individuals with Disabilities Education Improvement Act of 2004 (IDEA) or demonstrate competence in all the core academic subjects taught per state regulations;

5. Special education teachers and administrators are required to complete enhanced training in the needs of autistic children.
- 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 and/or Curriculum Coordinator keep Committee on Special Education (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) Consideration of the location of a school program(s) to a student's residence, before placement into an educational program. The District will work with BOCES on student placement.

(Continued)

Students

SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

- h) 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.
- i) Allocation of appropriate space within the District for special education programs that meet the needs of students with disabilities.
- j) Assurance that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by BOCES.

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, Committee on Special Education (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 Committee on Special Education (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, parent 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.

Parental consent must be obtained by the school district of location before any personally identifiable information about the student is shared between officials in the public school district of residence and officials in the public school 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.

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SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

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.

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 (10) 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 develop a new IEP for the student that addresses the parent's concerns. *A parent who does not provide such written notice within ten (10) days may have his request for reimbursement reduced or denied. In most cases, a parent's failure to satisfy these notice requirements is a complete bar to recovery.*

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Sections 612 and 614
Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.
20 USC Section 9101(23)
21 USC Section 812(c)
34 CFR Part 300
Education Law Sections 3004(4), 3004(5), 3208, 3242, 3602-c, 4401-4407 and 4410-6
8 NYCRR Sections 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 Policy #7615 -- Least Restrictive Environment

Adopted: 8/5/14

Students

SUBJECT: GROUPING BY SIMILARITY OF NEEDS

The Board of Education 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 shall apply:

- a) That each student with a disability shall be identified, evaluated and placed as determined by the Committee on Special Education (CSE).
- b) The CSE shall 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 shall recommend to the Board of Education appropriate educational programs and services for each student with a disability based upon the CSE evaluation.
- d) The CSE shall provide information to those teachers and professionals who arrange instructional groups for students with disabilities. Information shall 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 shall 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 shall not be the sole determinant for placement of a student in a special education program.
- h) The management needs of such 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 Sections 200.1(ww), 200.2(b)(3), 200.4(d) and 200.6(a)(3)

Adopted: 8/5/14

Students

**SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S
INDIVIDUALIZED EDUCATION PROGRAM**

The Board of Education shall establish at least one Committee on Special Education (CSE) and one Committee on Preschool Special Education (CPSE). The Board shall also establish, as necessary, Subcommittees on Special Education to ensure timely evaluation and placement of students with disabilities.

Committee on Special Education

The Board of Education shall, 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 through the CSE Office shall notify the parent/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 shall provide a recommendation to the Board which shall arrange for the appropriate special education programs and services to be provided within sixty (60) school days of the date of receipt of consent to evaluate. For a student with a disability referred for review, a recommendation shall be provided to the Board which shall arrange for the appropriate special education programs and services to be provided within sixty (60) school days of the referral for review. However, if such recommendation of the CSE is for placement in an approved in-state or out-of-state private school, the Board shall arrange for such special education programs and services for students with disabilities within thirty (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 of Education disagrees with such recommendation, the Board shall 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 such objections or concerns. The CSE shall 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 such 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 such objections or

(Continued)

Students

SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)

concerns. The second CSE shall 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.

Pursuant to Commissioner's Regulations, the Board may not select the recommendation of the original CSE once it has established a second CSE.

The Board shall provide the student's parents/guardians with written notice and a copy of the statement of its objections or concerns and notice of due process rights in accordance with Section 200.5 of the Regulations of the Commissioner.

Committee on Preschool Special Education

Upon receipt of the recommendation of the Committee on Preschool Special Education (CPSE), the Board of Education shall arrange for the preschool student with a disability to receive such 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 such services are recommended by the CPSE less than thirty (30) school days prior to, or after, the appropriate starting date selected for the preschool student with a disability; in that case, such services shall be provided no later than thirty (30) days from the recommendation of the CPSE.

If the Board disagrees with the recommendation of the CPSE, the Board shall 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 of Education shall provide such notice as required by federal and state law and regulations.

Education Law Sections 4402 and 4410
8 NYCRR Sections 200.2(d)(1), 200.4(c), 200.4(d), 200.5 and 200.16(e)

NOTE: Refer also to Policies #7631 -- Appointment and Training of Committee on Special Education (CSE)/Subcommittee on Special Education Members
#7632 -- Appointment and Training of Committee on Preschool Special Education (CPSE) Members

Adopted: 8/5/14

Students

SUBJECT: PRESCHOOL SPECIAL EDUCATION PROGRAM

The Board recognizes the need for educational programs for three (3) and four (4) 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) which shall be comprised 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 is required to collect entry assessment data in the three (3) outcome areas on all preschool children who receive an initial evaluation. As currently required by Commissioner's Regulation Section 200.5, a parent must be fully informed about the proposed initial evaluation and must provide consent for an initial evaluation. This would include a description of the proposed evaluation.

The CPSE will receive entry-level assessment results in the three (3) 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 (3) outcome areas for all preschool children evaluated and found to be eligible. The form is to 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 (SED).

If the committee recommends placing a child in an approved program that also conducted an evaluation of such child, it shall indicate in writing that such placement is an appropriate one for the child. In addition, the committee shall provide notice to the Commissioner of such recommendation.

Individuals with Disabilities Act (IDEA), 20 USC Section 1400 et seq.
Education Law Section 4410
8 NYCRR Sections 200.2(b)(2), 200.2(b)(5) and 200.5

NOTE: Refer also to Policy #7632 -- Appointment and Training of Committee on Preschool Special Education (CPSE) Members

Adopted: 8/5/14

Students

SUBJECT: LEAST RESTRICTIVE ENVIRONMENT

Least restrictive environment 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. The placement of an individual student with a disability in the least restrictive environment shall:

- 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 such device;
- 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; and
- c) Be as close as possible to the student's home.

The District has an obligation, pursuant to law and regulation, to educate students with disabilities in the least restrictive environment. The School District shall ensure that:

- a) Placement is based on the student's individualized education program and determined at least annually;
- b) Placement is as close as possible to the student's home, and unless the student's individualized education program requires some other arrangement, the student shall be educated in the school he/she would have attended if not disabled;
- c) In selecting the least restrictive environment, consideration will be given to any potential harmful effect on the student or on the quality of services that he/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 District shall 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 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.

Individuals with Disabilities Education Act (IDEA) 20 USC Section 1400 et seq.
34 CFR Part 300
Education Law Sections 4401-4410-a
8 NYCRR Sections 100.5, 100.9, 200.1(cc), 200.1(qq), 200.2(b), 200.4 and 200.6
Adopted: 8/5/14

Students

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION)**

The School District shall establish a plan for implementing schoolwide approaches and prereferral interventions in order to remediate a student's performance *prior to referral* for special education. This plan may include a Response to Intervention (RTI) process.

The provision of programs and/or services for students starts with consideration/implementation of instruction in the general education curriculum, with appropriate supports and/or modifications as may be necessary. In implementing prereferral intervention strategies, the District may utilize resources/strategies already in place for qualified students including, but not limited to, services available through Section 504 of the Rehabilitation Act of 1973, and Educationally Related Support Services and Academic Intervention Services as defined in Education Law and/or Commissioner's Regulations. All of these programs may be considered as possible components of Prereferral/Intervention Instructional Support Plans. The District will ensure that there is a system in place, with appropriate personnel, for developing, implementing and evaluating prereferral intervention strategies.

The District will provide general education support services, instructional modifications, alternative instructional approaches, or alternative program options to address a student's performance prior to a referral to a Committee on Special Education (CSE). Formal Child Study Teams (CST) will be formed in accordance with law and/or regulations as may be applicable as well as District guidelines. The CST will include representatives from general and special education as well as other disciplines and include individuals with classroom experience. Parents/persons in parental relation to students will be involved in developing prereferral strategies to address the educational needs of their child. Additionally, the District will seek collaboration between outside agencies and the school prior to a referral of the student to the CSE in order to address necessary student support services.

Administration shall ensure that appropriate 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/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.

The determination of prevention and prereferral intervention strategies/services shall consider the student's strengths, environment, social history, language and cultural diversity in addition to the teacher's concerns. The building administrator will further ensure that all staff are familiar with intervention procedures and procedures for operating an CST.

(Continued)

Students

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION) (Cont'd.)**

Prereferral/Intervention Instructional Support Plans shall be proactive in their strategies to meet the broad range of student needs and to improve student performance. Prereferral/Intervention strategies and/or Instructional Support Plans are to be reviewed and evaluated to determine their effectiveness, and modified as may be appropriate. Appropriate documentation of the prevention and/or intervention strategies implemented shall be maintained.

However, should a referral be made to the CSE during the course of implementing prereferral/intervention instructional support services, the CSE is obligated in accordance with law to continue 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, if applicable.

Educational Related Support Services

Educational related support services (ERSS) means curriculum and instructional modification services; direct student support team services; assessment and non-career counseling services; special instruction to eligible students with disabilities as defined in Education Law Section 4401, which does not generate excess cost aid including related services but excluding transportation and transition services; and to eligible, qualified students pursuant to Section 504 of the Rehabilitation Act of 1973. These services are provided to eligible students, individually or in groups, and may include those related consultation services provided to their families and related school personnel in order to enhance the academic achievement and attendance of such students. Educational related support services shall also mean speech and language improvement services as defined in Commissioner's Regulations.

ERSS may be utilized as a component of any Prereferral/Intervention Instructional Support Plan.

Section 504 of the Rehabilitation Act of 1973

For students who are qualified for services pursuant to Section 504 of the Rehabilitation Act, but are not classified as students with disabilities as defined in Education Law Section 4401, Section 504 Accommodation Plans may address instructional support services that can be utilized as components of any prereferral/intervention strategies as deemed necessary and/or appropriate.

Academic Intervention Services

Academic intervention services means additional instruction which supplements the instruction provided in the general education curriculum and assists students in meeting the 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.

(Continued)

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION) (Cont'd.)**

However, such services shall not include services provided to students with limited English proficiency pursuant to Commissioner's Regulations or special education services and programs as defined in Education Law Section 4401. Academic intervention services are intended to assist students who are at risk of not achieving the State learning standards in English language arts, mathematics, social studies and/or science, or who are at risk of not gaining the knowledge and skills needed to meet or exceed designated performance levels on State assessments.

The District has developed a description of the academic intervention services offered to grades K through 12 students in need of such services. The District will review and revise this description every two (2) years based on student performance results.

Parental notification of students who have been determined to need academic intervention services will be provided as per Commissioner's Regulations.

In implementing prevention and/or prereferral intervention support strategies in order to remediate a student's performance prior to referral for special education, the utilization of academic intervention services, as enumerated in Commissioner's Regulations, may be included as a component of any such Prereferral/Intervention Instructional Support Plan.

Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.

Education Law Sections 3602(32), 4401 and 4401-a

8 NYCRR Sections 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

Adopted: 8/5/14

Students

SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES

The School District shall establish and implement a plan for the appropriate declassification of students with disabilities which must include:

- 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 School 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 shall 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 (IEP).

Prior to the reevaluation, the School District shall obtain informed written parental consent unless otherwise authorized pursuant to law and/or regulation. Parental consent need not be obtained 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 and/or due process procedures.

The District shall 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.

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/her post-secondary goals. In addition, parents must receive prior written notice indicating that the student is not eligible to receive a free appropriate public education after graduation with the receipt of the local high school or Regents diploma. Additional information on the Student Exit Summary and sample form can be found on the SED website:

http://www.p12.nysed.gov/specialed/publications/SACC_directions-att3.htm

(Continued)

SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)

In addition, the parent must receive prior written notice, in accordance with Commissioner's Regulations, before the student's graduation from high school with a local or Regents diploma or before he/she receives an Individualized Education Program (IEP) diploma. If the student will be graduating with an IEP diploma, this prior written notice must indicate 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 twenty-one (21) or until receipt of a regular high school diploma. However, New York State Law does not grant a child who has reached the age of majority all rights previously granted to parents under IDEA.

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 shall:

- 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 such services, the frequency of provision of such services, and the duration of these services, provided that such services shall not continue for more than one (1) year after the student enters the full-time regular education program.

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 pursuant to Commissioner's Regulations Part 80. Such services include:

- a) For the student: psychological services, social work services, speech and language improvement services, noncareer 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 shall 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.

(Continued)

Students

SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)**Procedural Safeguards Notice**

The District shall 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 shall take steps to ensure that the notice is translated orally or by other means to the parent in his/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, pursuant to law and/or regulation, have been met.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.
34 CFR Part 300
Education Law Sections 4401-4410-a
8 NYCRR)Sections 100.2(u), 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 Policy #7222 -- Diploma and/or Credential Options for Students with Disabilities
#7641 -- Transition Services

Adopted: 8/5/14

Students

SUBJECT: STUDENTS WITH DISABILITIES PARTICIPATING IN SCHOOL DISTRICT PROGRAMS

All students with disabilities residing in the District, including those of preschool age, shall be provided with full access and opportunity to participate in School District programs, including nonacademic and extracurricular programs and activities, that are available to all other students enrolled in the public schools of 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 School District, referrals to agencies that provide assistance to individuals with disabilities and employment of students (both by the School District and assistance in making outside employment available).

Parents/guardians of students with disabilities, including those students placed in out-of-District programs, shall receive timely notice of such District programs and activities.

Community Resources

The School District may compile a list of community resources (appropriate and/or helpful services that may be available outside of the school setting) and provide this information to parents or persons in parental relation of a child with a disability. Such a list shall clearly state that these services are in addition to programs and services provided by the School District and will not be paid for by the School District. Any member of the School District's committees or subcommittees on special education, or the School District, who, acting reasonably and in good faith, provides this information shall not be liable for such action.

Education Law Sections 4402(1)(b)(3-a) and 4410 (5)(b)(IV)
8 NYCRR Sections 200.2(b)(1) and 200.2(b)(2)

Adopted: 8/5/14

Students

SUBJECT: SECTION 504 OF THE REHABILITATION ACT OF 1973

The Board of Education 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 shall make its program and facilities accessible to all its students with disabilities.

The District shall 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 of Schools. This official shall provide information, including complaint procedures, to any person who feels his/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. A school 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 such 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/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 (IEP) or a plan under Section 504.

Schools may employ appropriate eligibility requirements or criteria in determining whether to admit students, including students with disabilities, into accelerated classes or programs. Additionally, nothing in Section 504 or Title II requires schools to admit into accelerated classes or programs students with disabilities who would not otherwise be qualified for these classes or programs.

Americans With Disabilities Act, 42 USC Section 12101 et seq.
Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.
28 CFR Part 35
34 CFR Parts 104 and 300

Adopted: 8/5/14

Students

SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS

Committee on Special Education (CSE) Membership

The Board of Education shall appoint a Committee on Special Education (CSE) whose membership shall include, but not be limited to, the following members:

- a) The parent(s) or persons in parental relation of the student. To ensure that one or both parents are present at each CSE meeting, the District and the parent(s) may agree to use alternative means of participation such as videoconferences or conference phone calls;
- b) Not less than one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);
- c) Not less than one (1) special education teacher of the student, or, where appropriate, not less than one (1) special education provider (i.e., related service provider) of such student;
- d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general education curriculum and about the availability of resources of the District. An individual who meets these qualifications may be the same individual appointed as the special education teacher or provider in c) above or the school psychologist in i) below. The representative of the District will serve as the chairperson of the Committee;
- e) An individual who can interpret the instructional implications of evaluation results, who may be a CSE member selected from the regular education teacher, the special education teacher or provider, the school psychologist, or the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;
- f) A member as described in letters b) through e) of this subheading is not required to attend the CSE meeting, in whole or in part, if the parent/person in parental relation to the student with a disability and the School District agree, in writing not less than five (5) calendar days prior to the meeting date, that the attendance of the member is not necessary because:
 1. The member's area of the curriculum or related services is not being modified or discussed in the meeting; or
 2. The member's area of the curriculum or related services is being modified or discussed in the meeting but, not less than five (5) calendar days prior to the meeting, the excused member has submitted to the parents/persons in parental relation and the CSE written input into the development of the IEP, particularly with respect to their area of curriculum or related services; or

(Continued)

Students

SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)

3. The committee member is unable to attend due to an emergency or unavoidable scheduling conflict and the District submits the written input listed in 2. above to the parents/persons in parental relation within a reasonable time prior to the meeting and prior to obtaining written consent to the excusal by the parents/persons in parental relation;
 - g) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the committee;
 - h) Whenever appropriate, the student with a disability. The District must invite a child with a disability to attend the child's CSE meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals. If the child does not attend the CSE meeting, the District must take other steps to ensure that the child's preference and interests are considered. To the extent appropriate, with the consent of the parent or a student eighteen (18) years or older, the District must also invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services;
 - i) A school psychologist;
 - j) A school physician, if requested in writing at least seventy-two (72) hours prior to the meeting by the parents of the student or the School District; and
 - k) An additional parent, residing in the District or a neighboring school district who is a parent of a student with a disability, of a student who has been declassified and is no longer eligible for an individualized education program (IEP), or a parent of a disabled student who has graduated. This parent member may serve for a period of five (5) years beyond the student's declassification or graduation provided such parent shall not be employed by or under contract with the School District. Such parent shall not be a required member unless the parents or other person in parental relation to the student, the student, or a member of the CSE specifically requests in writing at least seventy-two (72) hours prior to such meeting, that the additional parent member attend the meeting. The parents or persons in parental relation of the student in question shall receive proper written notice of their right to have an additional parent attend any meeting of the committee regarding the student, along with a prepared statement from NYSED explaining the role of having the additional parent attend the meeting.

(Continued)

Students

SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)

Subcommittee on Special Education Membership

The Board of Education shall appoint, as necessary, a Subcommittee on Special Education whose membership shall include, but not be limited to, the following members:

- a) The parent(s) of the student;
- b) Not less than one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);
- c) Not less than one (1) special education teacher, of the student, or where appropriate, not less than one (1) special education provider (i.e., related service provider) of such student;
- d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general education curriculum and about the availability of resources of the District. This individual may also fulfill the requirements of c) or e) of this section. The representative of the District will serve as the chairperson of the Subcommittee;
- e) A school psychologist, whenever a new psychological evaluation is reviewed or a change to a program option with a more intensive staff/student ratio, as set forth in Section 200.6(f)(4) of the Regulations of the Commissioner, is considered;
- f) A member as described in letters b) through e) of this subheading is not required to attend the subcommittee meeting, in whole or in part, if the parent/person in parental relation to the student with a disability and the School District agree, in writing not less than five (5) calendar days prior to the meeting date, that the attendance of the member is not necessary because:
 1. The member's area of the curriculum or related services is not being modified or discussed in the meeting; or
 2. The member's area of the curriculum or related services is being modified or discussed in the meeting but, not less than five (5) calendar days prior to the meeting, the excused member has submitted to the parents/persons in parental relation and the CSE written input into the development of the IEP, particularly with respect to their area of curriculum or related services; or

(Continued)

SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)

3. The committee member is unable to attend due to an emergency or unavoidable scheduling conflict and the District submits the written input listed in 2. above to the parents/persons in parental relation within a reasonable time prior to the meeting and prior to obtaining written consent to the excusal by the parents/persons in parental relation;
 - g) At the discretion of the parent or the Committee, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the subcommittee;
 - h) An individual who can interpret the instructional implications of evaluation results, who may be a member described in letters "b" through "g" of this subheading; and
 - i) Whenever appropriate, the student with a disability.

Training

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

The Director of Special Education shall be responsible to the Superintendent for establishing 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 Committee on Special Education.

Alternative Means of Meeting

When conducting a meeting of the Committee on Special Education (CSE), the parent and the representative of the District appointed to the CSE may agree to use alternative means of meeting participation, such as videoconferences and conference calls.

Individuals with Disabilities Education Act (IDEA) 20 USC Section 1400 et seq.
34 CFR Part 300 and Section 300.321
Education Law Section 4402
8 NYCRR Sections 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
#7632 -- Appointment and Training of Committee on Preschool Special Education Members

Adopted: 8/5/14

Students

SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS**Committee on Preschool Special Education (CPSE) Membership**

The Board of Education shall appoint a Committee on Preschool Special Education (CPSE) whose membership shall include, but not be limited to, the following members:

- a) The parent(s) of the preschool child. To ensure that one or both parents are present at each CPSE meeting, the District and the parent(s) may agree to use alternative means of participation such as video conferences or conference phone calls;
- b) A representative from the agency that works with the child or the early intervention provider that completes the child's evaluation;
- c) A representative of the School District who is qualified to provide, or supervise the provision of, special education and who is knowledgeable about the general education curriculum and about the availability of preschool special education programs and services and other resources of the District and the municipality (who shall serve as Chairperson of the CPSE);
- d) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the regular education teacher, the special education teacher or provider, the school psychologist, the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;
- e) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the committee;
- f) An additional parent of a child with a disability who resides in the School District or a neighboring school district, and whose child is enrolled in a preschool or elementary level education program provided that such parent shall not be employed by or under contract with the School District; and provided further that such parent shall not be a required member unless the parents of the child or a member of the CPSE request, in writing at least seventy-two (72) hours prior to such meeting, that the additional parent member attend the meeting. The parents or other person in parental relation shall receive proper written notice of their right to have an additional parent attend any meeting of the committee regarding the student along with a statement, prepared by NYSED, explaining the role of having the additional parent attend the meeting;

(Continued)

Students

SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS (Cont'd.)

- g) For a child's smooth transition from early intervention programs and services (Infant and Toddler Programs), at the request of the parent/person in parental relation, the appropriate professional designated by the agency that has been charged with the responsibility for the preschool child; and
- h) A representative from the municipality of the preschool child's residence. Attendance of the appointee of the municipality is not required for a quorum.

However, except for the parents/persons in parental relation and the appointee from the municipality (a) and i) above) a member of the CPSE is not required to attend a meeting of the team in whole or in part if the parent/person in parental relation and the District agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed at that meeting.

Additionally, a member as described in letters b) through h) of this subheading may be excused from attending the CPSE meeting, in whole or in part, if the parent/person in parental relation to the student with a disability and the School District agree, in writing to the excusal not less than five (5) calendar days prior to the meeting date, that the attendance of the member is not necessary because:

- a) The member's area of the curriculum or related services is being modified or discussed in the meeting but, not less than five (5) calendar days prior to the meeting, the excused member has submitted to the parents/persons in parental relation and the CSE written input into the development of the IEP, particularly with respect to their area of curriculum or related services; or
- b) The committee member is unable to attend due to an emergency or unavoidable scheduling conflict and the District submits the written input listed in a) above to the parents/persons in parental relation within a reasonable time prior to the meeting and prior to obtaining written consent to the excusal by the parents/persons in parental relation.

Training

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

The Director of Special Education shall be responsible to the Superintendent for establishing 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 Committee on Preschool Special Education.

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**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL
SPECIAL EDUCATION (CPSE) MEMBERS (Cont'd.)**

Alternative Means of Meeting

When conducting a meeting of the Committee on Preschool Special Education (CPSE), the parent and the representative of the District appointed to the CPSE may agree to use alternative means of meeting participation, such as videoconferences and conference calls.

Individuals with Disabilities Education Act (IDEA) 20 USC Section 1400 et seq.
34 CFR Part 300
Education Law Section 4410
8 NYCRR Sections 200.2(b)(3) and 200.3

NOTE: Refer also to Policies #7613 -- The Role of the Board in Implementing a Student's Individualized Education Program
#7614 -- Preschool Special Education Program
#7631 -- Committee on Special Education/Subcommittee on Special Education Members

Adopted: 8/5/14

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION****Development of Individualized Education Program**

The Board of Education directs that the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) shall have prepared a written statement (program) for each child with a disability.

Such an Individualized Education Program (IEP) will be developed by the CSE or CPSE upon referral, and reviewed or revised, whichever is appropriate, for every child with a disability at least annually or in the event that the program no longer appears to be appropriate to meet the student's needs and ability level.

The District shall ensure that each student with a disability has an IEP in effect at the beginning of each school year.

Functional Behavioral Assessments/Behavioral Intervention Plans

A functional behavioral assessment (FBA) is an integral part of the evaluation and reevaluation of a student with a disability 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 the environment. An FBA for a student with a disability is an evaluation requiring parental consent, pursuant to Commissioner's Regulation 200.5(b).

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:

- a) The identification of the problem behavior,
- b) The definition of the behavior in concrete terms,
- c) The identification of the contextual factors that contribute to the behavior (including cognitive and affective factors), and
- d) The 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. It must include, but is not limited to:

- a) Information obtained from direct observation of the student;

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

- b) Information from the student, the student's teacher(s) and/or related service providers; and
- c) A review of available data and information from the student's record and other sources including any relevant information provided by the student's parent.

The FBA cannot be based solely on the student's history of presenting problem behavior.

The CSE/CPSE will ensure that functional behavioral assessments, when appropriate, are conducted and reviewed to:

- a) Identify supplementary aids and services, modifications and/or related services appropriate to address the identified behaviors to promote the student's involvement and progress in the general curriculum;
- b) Determine a student's eligibility for special education services;
- c) Develop the IEP which includes behavioral goals and objectives and positive behavioral supports and strategies.

In the case of a student whose behavior impedes his or her learning or that of others, the CSE/CPSE shall consider strategies, including positive behavioral interventions and supports and other strategies to address that behavior. The need for a behavioral intervention plan (BIP) shall be documented on the IEP and such plan shall be reviewed at least annually by the CSE/CPSE. In addition, regular progress monitoring of the frequency, duration and intensity of the behavioral interventions shall be conducted at scheduled intervals, documented and reported to the parents and CSE/CPSE.

A behavioral intervention plan may not include the use of aversive interventions or time out rooms except in accordance with specific Board policy regulating these techniques.

Individual Evaluations

Parental consent must be provided for an initial evaluation. If such consent is not received within thirty (30) calendar days of receipt of the referral, the CSE/CPSE Chairperson will document all attempts made to obtain the consent and, if appropriate, advise the Board of its right to utilize the due process procedures to conduct an evaluation without parental consent.

Unless a referral is withdrawn, an individual evaluation at no cost to the parent will be completed by the CSE/CPSE within sixty (60) calendar days after written parental consent has been obtained or a parental refusal to consent is overridden, unless:

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

- a) An extension is mutually agreed to by the parent and the CSE/CPSE for the following situations:
 - 1. Transfer students: A student enrolls in the District after sixty (60) days and prior to a determination by the student's previous school district as to whether the student has a disability, but only if the new school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent and the new district agree in writing to a specific timeframe for completion; or
 - 2. Students suspected of having learning disabilities; or
- b) The parent or student repeatedly fails or refuses to produce the student for evaluation.

No student shall 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. This shall include information relating to enabling the student to participate and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities.)

As part of any evaluation, a group that includes the CSE/CPSE and other qualified professionals, as appropriate, shall 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 shall identify what additional data, if any, are needed to determine:

- a) Whether the student has or continues to have a disability;
- b) The present levels of academic achievement and related developmental needs of the student, including:
 - 1. Academic achievement, functional performance, and learning characteristics;
 - 2. Social development;

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

3. Physical development; and
 4. Management needs.
- c) In the case of a reevaluation of a student, whether the student continues to need special education; and
 - d) Whether any additions or modifications to the special education services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general education curriculum.

If additional data are not needed, the District must notify the parents of that determination and the reasons for it and of the right of the parents to request an assessment to determine whether, for purposes of services provided in accordance with law and Commissioner's Regulations, the student continues to be a student with a disability and to determine the student's educational needs. The District is not required to conduct the assessment unless requested to do so by the student's parents.

The determination that a student has a learning disability will be made in accordance with the procedures outlined in Section 200.4(j) of Commissioner's Regulations.

Individual Re-evaluations

A CSE/CPSE shall 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 (3) years, unless the District and the parent/person in parental relation agree in writing that such re-evaluation is unnecessary.

A re-evaluation shall not be conducted more frequently than once a year unless the parent and the District representative appointed to the CSE/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 shall 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.

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Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

To the extent possible, the District shall encourage the consolidation of re-evaluation meetings for the student and other CSE/CPSE meetings for the student.

Amendments to the IEP

Amendments to the IEP made after the annual review by the CSE/CPSE may be made by reconvening the CSE/CPSE and rewriting the IEP or by developing a written document to amend or modify the student's current IEP, provided that:

- a) The parents/persons in parental relation request an amendment to the IEP and the District and parents/persons in parental relation agree to the amendment in writing; or
- b) The District provides the parents/persons in parental relation a written proposal to amend a provision or provisions of the IEP conveyed in language understandable to the parents/persons in parental relation in their native language or other dominant mode of communication, informs and allows the parents/persons in parental relation the opportunity to consult with the appropriate personnel or related service providers concerning the proposed changes, and the parents/persons in parental relation agree in writing to the amendments.

If the parents/persons in parental relation agree to amend the IEP without a meeting, they shall be provided prior written notice (notice of recommendation) of the changes to the IEP and the Committee notified of the changes. If the changes are made by rewriting the entire IEP, the District shall provide the parents/persons in parental relation a copy of the rewritten IEP. If the amendment is made without rewriting the entire document, the District shall 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

The Board of Education shall allow recording equipment to be used at meetings regarding individualized education programs for students with disabilities.

Provision of Individualized Education Program

The Board of Education directs that the Superintendent/designee(s) 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 such program*. Such individuals responsible for the implementation of a student's IEP shall be notified and trained on how to access such IEP electronically. For purposes of this policy, "other service provider" means a representative of another public school district, charter school, Board of Cooperative Educational

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

Services (BOCES) or school enumerated in Education Law Articles 81, 85 or 89 where the student receives or will receive IEP services. Further, the District will designate at least one school official who shall be responsible for maintaining a record of the personnel who have received IEP copies for each student.

Any copy of a student's IEP shall remain confidential in compliance with the Individuals with Disabilities Education Act, the Family Educational Rights and Privacy Act, and District policy regarding confidentiality of student records; and shall not be disclosed to any other person other than the parent of such 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 such information. Procedures will be established to ensure that copies of students' IEPs are stored in secure locations and retrieved or destroyed when such professionals are no longer responsible for implementing a student's IEP.

The Chairperson of the CSE, CSE subcommittee, or CPSE *shall designate* for each student one or, as appropriate, more than one professional employee of the School 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 regular education teacher, special education teacher, related service provider, other service provider, supplementary school personnel (i.e., a teaching assistant or a teacher aide as defined in Commissioner's Regulations), and other provider and support staff person of his/her responsibility to implement the recommendations on a student's IEP, including the responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP. In selecting the professional staff person(s), the Chairperson could select him/herself for this responsibility, another administrator, or a teacher, related service provider or other professional based on the particular circumstances of the student's disability and education program.

The School District shall also ensure that each teaching assistant, teacher aide and each other provider responsible for assisting in the implementation of a student's IEP has *the opportunity to review* a copy of the student's IEP (including amendments) prior to the implementation of such program. Further, each teaching assistant, teacher aide and such other provider responsible for assisting in the implementation of a student's IEP shall have *ongoing access* to a copy of the IEP, which may be the copy provided to the student's special education teacher or the teacher or related service provider under whose direction the supplementary school personnel or other provider works. However, the District may, at its discretion, provide a copy of the IEP to teaching assistants and/or teacher aides.

A copy of a student's IEP shall be provided to the student's parents at no cost to the student's parents.

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Section 615(k)(1)

Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.

21 USC Section 812(c)

Education Law Articles 81, 85 and 89 and Sections 207, 3208 and 4402(7)

8 NYCRR Sections 200.1(hh), 200.2(b)(11), 200.4(b)(4), 200.4(d)(3)(i), 200.4(e)(3), 200.4(f), 200.4(j),
200.16(e)(6) and 200.22

Adopted: 8/5/14

Students

SUBJECT: TRANSITION SERVICES

Beginning not later than the first IEP to be in effect when the student is age fifteen (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.

In accordance with the Code of Federal Regulations, the District must invite a child with a disability to attend the child's CSE meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals. If the child does not attend the CSE meeting, the District must take other steps to ensure that the child's preference and interests are considered. To the extent appropriate, with the consent of the parent or a child 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.

As defined by the Commissioner's Regulations, 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 the student with a disability 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 shall include needed activities in the following areas:

- a) Instruction;

(Continued)

SUBJECT: TRANSITION SERVICES (Cont'd.)

- 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.

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Section 614(a)
Individuals with Disabilities Education Act (IDEA), 20 USC Sections 1400 et seq.
34 CFR Sections 300.321, 300.343, 300.347 and 300.348
Education Law Section 4401
8 NYCRR Sections 200.1(qq), 200.1(fff), 200.4(d)(2)(ix), and 200.5(c)(2)(vii)

NOTE: Refer also to Policy #7617 -- Declassification of Students with Disabilities

Students

SUBJECT: EXTENDED SCHOOL YEAR (JULY/AUGUST) SERVICES AND/OR PROGRAMS

The School District shall provide, directly or by contract, special services and/or programs during July and August (i.e., extended school year) to those students whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration in order to prevent substantial regression as determined by the Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE). Written consent of the parent is required prior to initial provision of special education services in a twelve (12) month special service and/or program.

The CSE/CPSE must determine whether a student requires extended school year special education services and/or programs in order to prevent substantial regression. 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. In accordance with Commissioner's Regulations, students must be considered for twelve (12) month special services and/or programs to prevent substantial regression if they are:

- a) Students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention and who are placed in special classes; or

Preschool students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention;

- b) Students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment and are placed in special classes; or

Preschool students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment;

- c) Students who are recommended for home and/or hospital instruction whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment; or

Preschool students whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment in the home;

- d) Students, including preschool students, whose needs are so severe that they can be met only in a seven (7) day residential program; or

(Continued)

Students

SUBJECT: EXTENDED SCHOOL YEAR (JULY/AUGUST) SERVICES AND/OR PROGRAMS (Cont'd.)

- e) Students who are not in programs as described in subparagraphs (a) through (d) above during the period from September through June and who, because of their disabilities, exhibit the need for a twelve (12) month special service and/or program provided in a structured learning environment of up to twelve (12) months duration in order to prevent substantial regression as determined by the CSE; or

Preschool students who are not described in subparagraphs (a) through (d) above whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration to prevent substantial regression as determined by the Preschool Committee on Special Education (CPSE).

For students eligible for twelve (12) month service and/or program, per Commissioner's Regulations Section 200.4(d)(2)(x), the student's Individualized Education Program (IEP) shall indicate the identity of the provider of services during the months of July and August, and, for preschool students determined by the CPSE to require a structured learning environment of twelve (12) months duration to prevent substantial regression, a statement of the reasons for such recommendation.

The IEP shall indicate the projected date of the review of the student's need for such services and shall indicate the recommended placement.

The State Education Department (SED) is authorized to approve programs and to establish State Aid reimbursement rates for all special services and programs provided during July and August, both public and private. Therefore, if the School District plans to operate a July/August program, the District must first apply to SED for approval in accordance with SED guidelines/procedures.

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Section 614(a)

Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.

Education Law Section 4408

8 NYCRR Part 110 and Sections 200.1(qq), 200.4(d)(2)(x), 200.5(b)(1)(iii), 200.6(j), and 200.16(i)(3)(v)

Adopted: 8/5/14

Students

SUBJECT: TRANSFER STUDENTS WITH DISABILITIES

To facilitate the transition of students with disabilities transferring into or out of the District the District shall:

- 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 (as defined in Section 200.1(zz) of Commissioner's Regulations) 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.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 614(a)]
Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.
8 NYCRR Sections 200.1(zz) and 200.4(e)(8)

NOTE: Refer also to Policy #7240 -- Student Records: Access and Challenge

Adopted: 8/5/14

Students

**SUBJECT: IDENTIFICATION AND REGISTER OF CHILDREN WITH DISABILITIES
(CHILD FIND)**

The school district of residence is required to locate and identify all students with disabilities who reside in the district, including students who do not attend public school (with the exception of students with disabilities who are parentally placed in nonpublic schools outside the district of residence). Therefore, it is the policy of the Board of Education to conduct a census in order to have all children with disabilities within its jurisdiction under the age of twenty-one (21) identified, located and evaluated, including children of preschool age, homeless children, children who are wards of the State as defined in Commissioner's Regulations and children in all public and private agencies and institutions.

Any student suspected of having a disability is to be referred to the applicable Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) for evaluation and possible identification as a student with disability.

Census data shall be reported by October 1 to the CSE/CPSE as appropriate. The CSE/CPSE will maintain and revise annually a register and related summary reports containing the data requirements indicated in Commissioner's Regulations.

Nonpublic School Students with Disabilities Who are Parentally Placed

If the School 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 such nonpublic school.

The child find activities must be similar to activities for students with disabilities in the public schools and must be completed in a time period comparable to that for other students attending public schools in the School District.

As the public school district of location, the District must consult with the nonpublic schools where students are parentally placed to determine an accurate count of students with disabilities attending such schools and receiving special education services.

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.

(Continued)

**SUBJECT: IDENTIFICATION AND REGISTER OF CHILDREN WITH DISABILITIES
(CHILD FIND) (Cont'd.)**

Provision of Special Education Services for Child under Age Seven

It is the responsibility of the Committee on Special Education (CSE) to provide special education services to a child with a disability under the age of seven who is eligible for school-age services, not subject to compulsory attendance requirements and not on a regular school attendance register. These are children with disabilities who are eligible for school-age special education services that are no longer eligible for preschool special education services, but are not parentally placed in a nonpublic elementary school and not being home schooled.

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Section 612
Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.
34 CFR Part 300
Education Law Sections 3240-3242, 3602-c(2)(a), 4401-a, 4402(1)(a), 4404, 4405 and 4410-6
8 NYCRR Sections 200.2(a), 200.4 and 200.6(m)(3)

NOTE: Refer also to Policies #7130 -- Entitlement to Attend - Age and Residency
#7140 -- School Census

Students

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES

The Board of Education recognizes the rights of the parent/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.

All due process procedures for parents/guardians and children in the Commissioner's Regulations shall be observed by the School District.

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 pursuant to General Obligations Law Title 15-A including an individual so designated who is acting in the place of a birth or adoptive parent (including a grandparent, stepparent or other relative with whom the child resides), or a surrogate parent who has been appointed in accordance with Section 200.5(n) of Commissioner's Regulations. The term does not include the State if the student is a ward of the State.

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 by a judge in accordance with State law; the Board shall assign an individual from a list of willing and eligible persons to act as a surrogate for the parents or guardians. This determination shall be completed within a reasonable time following the receipt of a referral for an initial evaluation or re-evaluation; alternatively, the surrogate parent may be appointed by a judge overseeing the child's case.

The person selected as a surrogate shall have no interest that conflicts with the interest of the child he/she represents, and shall have knowledge and skills that ensure adequate representation of the child.

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)**Prior Written Notice (Notice of Recommendation)**

Prior written notice (notice of recommendation) 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 to the student. Prior written notice must also be provided informing the parents when no additional data is required to determine the student's educational needs, the reasons for this determination and their right to request an assessment. Prior written notice will also be provided prior to the student's graduation with a local or Regents diploma, stating that such student will no longer be entitled to receive a Free Appropriate Public Education (FAPE) after graduation. Additionally, prior written notice will be provided upon the student's receipt of any other exiting credential, including but not limited to a Skills and Achievement Commencement Credential or a Career Development and Occupational Studies Commencement Credential, provided the student has not already earned a local or Regents diploma. Such notice shall state that the student continues to be eligible for FAPE until the school year in which the student turns age twenty-one (21), or until the receipt of a local or Regents high school diploma, whichever is earlier.

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 electronic mail (email) communication if the District makes this option available.

Parent Participation in Meetings

The School 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)/Committee on Preschool Special Education (CPSE) meeting or are afforded the opportunity to participate in a mutually agreed upon time and place. The School District must document its attempts to involve parents, such as:

- a) Detailed records of telephone calls made or attempted and the results of these calls;
- b) Copies of correspondence sent to the parents and any responses received; and
- c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

A meeting may be conducted without a parent in attendance if the School District is unable to convince the parents that they should attend.

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

Additionally, the School District must take whatever action is necessary to ensure the parent understands the proceedings of this meeting including arranging for an interpreter for parents with deafness or whose native language is other than English.

Parental Consent

In accordance with due process, a parent (as defined in Commissioner's Regulations Section 200.1(l)) of a special education student or a student suspected of having a disability must provide informed consent before the School District can take certain actions. The District will make reasonable efforts to obtain written informed consent and will maintain a detailed record of its attempts and the results of the 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/she may participate in the child's education.

Consent for Evaluations

The parent or guardian must provide informed consent to the initial evaluation, or reevaluations in accordance with law and/or regulations. If a parent does not provide consent for an initial evaluation, the School District *may* pursue the evaluation by commencing a due process hearing to override the refusal to provide consent.

Parental consent for a reevaluation is not needed if the District can demonstrate that it has taken reasonable measures to obtain consent, but the parents or guardians have failed to respond.

Consent for the Initial Provision of Services

Parental consent is also required for the initial provision of special education services. Consent for an initial evaluation does not constitute consent for the initial provision of services. If a parent does not provide consent for the initial provision of services, the School District *shall not* provide the special education programs and services to the student and shall not use the due process procedures to challenge the parent's refusal to consent. The School District shall not be considered to be in violation of the requirements to provide a free appropriate public education (FAPE), shall not be required to convene a meeting of the committee on special education or develop an individualized education program (IEP).

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)Consent to Access Public Benefits or Insurance (e.g., Medicaid)

A School District must notify the child's parent in writing prior to accessing the child's or parent's public benefits or insurance for the first time and annually thereafter. The written notification must explain the protections afforded to parents so that parents are fully informed of their rights before the District accesses their or their child's Medicaid or other public benefits or insurance to pay for services under the IDEA. Furthermore, this notice must be in a language understandable to the general public and in the parent's native language or the mode of communication used by the parent.

A School District must obtain a one-time written consent from the parent, after providing the written notification (as described above), before accessing the child's or parent's public benefits or insurance (e.g., Medicaid) for the first time. The consent must state that the parent understands and agrees that the School District may access the child's or parent's public benefits or insurance to pay for special education or related services. The consent must also specify:

- a) The personally identifiable information that may be disclosed (this can include records or information about the services that will be provided to the student);
- b) The purpose of the disclosure; and
- c) The agency to which the disclosure may be made (Medicaid).

Merely providing the Medicaid application does not meet the IDEA parent consent requirements. A sample Medicaid Consent Form may be found at:

<http://www.p12.nysed.gov/specialed/publications/sampleconsent.htm>.

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 twenty-one (21):

- a) Who has been placed or remanded pursuant to Social Services Law or the Family Court Act or freed for adoption pursuant to Social Services Law; or
- b) Who is in the custody of the Commissioner of Social Services or the Office of Children and Family Services; or

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

- c) Who is a destitute child under Social Services Law.

In the event that a child is a ward of the State, the School District shall make reasonable efforts to obtain the informed consent from the parent of the child for an initial evaluation to determine whether the child is a child with a disability.

The School District is not required to obtain informed consent if:

- a) Despite reasonable efforts to do so, the School 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 of the student 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 in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the student.

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 may not continue to pursue those evaluations by using the due process procedures and the District 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 such 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/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:

- a) Shall 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;

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

- b) Shall 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) Shall not be considered to be in violation of the requirement to make a free and appropriate public education (FAPE) available to the student because of the failure to provide the student with further special education and related services following revocation of consent; and
- d) Is not required to convene a meeting of the Committee on Special Education 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 School 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:

- a) Upon initial referral or parental request for evaluation;
- b) Upon the first filing of a due process complaint notice to request mediation or an impartial due process hearing;
- c) Upon request by a parent;
- d) Upon a decision to impose a suspension or removal that constitutes a disciplinary change in placement; and
- e) Upon first receipt of a State complaint.

Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446) Section 614(a)
Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.
34 CFR Part 300
Education Law Sections 207, 3212, 4005, 4202, 4401 and 4402
8 NYCRR Sections 200.1, 200.4(b)(6), and 200.5

NOTE: Refer also to Policy #7260 -- Designation of Person in Parental Relation

Adopted: 8/5/14

Students

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS

The parent/person in parental relation of a student with a disability may file a written request with the Board for an impartial due process hearing with respect to any matter relating to the identification, evaluation, educational placement, provision of a free appropriate public education, manifestation determination or other matter relating to discipline. The Board may also initiate such hearing.

The School District is committed to making every effort to amicably resolve differences involving the educational programs for students with disabilities. Mediation will be available to resolve disputes involving any matter, including matters arising prior to the filing of a request for an impartial due process hearing. In addition, the District may establish procedures providing the opportunity to meet with a disinterested party from a community dispute resolution center for an explanation of the benefits of the mediation process.

For those exceptional circumstances where a more formal method is required, the impartial hearing process will be utilized. The Impartial Hearing Officer (IHO) renders a written decision after the parties present and refute evidence before him/her. The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

Impartial Due Process Hearing Process

The request for an impartial due process hearing must be submitted within two (2) years of the date the parent or the District knew or should have known about the alleged action forming the basis of the complaint. However, the two (2) year timeline does not apply if the parent was prevented from requesting the hearing due to specific misrepresentations by the District that it had resolved the problem or the District's withholding of information from the parent that is required by Commissioner's Regulations.

The following is an overview of the impartial due process hearing process/prehearing conference:

a) Due Process Complaint Notification

1. The parent or the School District may request an impartial due process hearing by first submitting a due process complaint notice.

A hearing may not be held until a due process complaint notice is filed. Either the parent, the District, or the attorney representing either party may present a complaint with respect to any matter relating to 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 such student.

(Continued)

Students

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

This written due process complaint notice must include:

- (a) The name of the student;
 - (b) The address of the student's residence or, in the case of a homeless student, available contact information;
 - (c) The name of the school the child is attending;
 - (d) A description of the nature of the problem of the student relating to the proposed or refused initiation or change, including facts relating to the problem; and
 - (e) A proposed resolution of the problem to the extent known and available to the party at the time.
2. The due process complaint notice will be deemed sufficient unless the party receiving the notice notifies the other party and the IHO in writing within fifteen (15) days of receiving the notice that they believe the notice requirements have not been met.
 3. Within five (5) days of the receipt of the notice of insufficiency, the IHO shall make a determination on the face of the notice of whether the notification meets the notice requirements and shall immediately notify the parties in writing of the determination.
 4. If the District has not sent a prior written notice (notice of recommendation) to the parent regarding the subject matter of the complaint notice, the District will send a response to the parent within ten (10) days of receiving the complaint which includes:
 - (a) An explanation of why the District proposed or refused to take the action raised in the complaint;
 - (b) A description of other options the Committee on Special Education (CSE)/ Committee on Preschool Special Education (CPSE) considered and why those options were rejected;
 - (c) A description of each evaluation procedure, assessment, record, or report the District used as a basis for the proposed or refused action; and
 - (d) A description of the factors relevant to the District's proposal or refusal.

(Continued)

Students

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

5. Upon receipt or filing of the due process complaint notice, the District will provide the procedural safeguards notice to the parents. The District will also inform parents in writing of the availability of mediation and of any free or low-cost legal and other relevant services available in the area.
6. Within ten (10) days of receiving the complaint notice, the non-complaining party must send a response specifically addressing the issues raised in the notice.
7. A party may amend its due process complaint notice only if:
 - (a) The other party consents in writing and is given the opportunity to resolve the complaint through a resolution process;
 - (b) The IHO grants permission, but not later than five (5) days before the impartial due process hearing commences.

Applicable timelines for the impartial due process hearing will recommence at the time of the filing of the amended notice.

8. No issues may be raised at the impartial due process hearing that were not raised in the due process complaint notice.

b) Resolution Process

1. Within fifteen (15) days of receiving the due process complaint notice from the parent and prior to the due process hearing itself, the District shall convene a meeting with the parents and relevant members of the CSE/CPSE, as determined by the District and the parent, who have specific knowledge of the facts identified in the complaint. A representative of the District who has decision-making authority must attend. The attorney for the District may not attend unless the parent is accompanied by an attorney. At this resolution meeting, the District has the opportunity to resolve the complaint after the parents discuss their complaint and the facts forming its basis.

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, including notifying parents of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the resolution meeting at a mutually agreed on time and place and in a location that is physically accessible to the parents.

(Continued)

Students

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

2. When conducting meetings and carrying out administrative matters (such as scheduling), the parent and District may agree to use alternative means of meeting participation such as video conferences or conference calls.
3. The parent and District may agree in writing to waive the resolution process or agree to use the mediation process to resolve the dispute.
4. If a settlement is reached at or pursuant to the resolution meeting, the parties shall execute a legally binding agreement signed by the parent and the representative of the District who has authority to bind the District. This agreement is enforceable in court. However, either party may void the agreement within three (3) business days of the agreement's execution.
5. If the District has not resolved the due process complaint to the satisfaction of the parents within thirty (30) days of receipt of the complaint notice, the impartial hearing process may begin.
6. Except where the parties have jointly agreed to waive the resolution process or use mediation, the failure of a parent filing a due process complaint to participate in the resolution meeting will delay the timeline for the resolution process and due process hearing until the meeting is held:

If the District is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made (and documented), the District may, at the conclusion of the thirty-day period, request that an IHO dismiss the parents' due process complaint.

If the District fails to hold the resolution meeting within fifteen (15) days of receipt of the parent's due process complaint or fails to participate in the resolution meeting, the parent may seek the intervention of the IHO to begin the due process hearing timeline.

c) Pre-Hearing Conference

A pre-hearing conference (which may take place via telephone) may be scheduled by the IHO to simplify or clarify issues; establish dates for the completion of the hearing; identify evidence to be entered into the record; identify witnesses expected to provide testimony; and/or address other administrative issues. A transcript or written summary shall be entered into record by the IHO.

(Continued)

Students

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)d) Impartial Due Process Hearing

In the event the complaint is not resolved in a resolution process, the Board will arrange for an impartial due process hearing to be conducted. When carrying out administrative matters relating to an impartial due process hearing, such as scheduling, exchange of witness lists and status conferences, the parent and District may agree to use alternative means of meeting participation such as video conferences or conference calls.

1. The District must immediately (but not later than two (2) 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 IHO. The District selects the IHO through a rotational selection process in accordance with regulatory timelines. The Superintendent's Secretary/District Clerk will be responsible for contacting IHOs and maintaining appropriate records.
2. The IHO must be certified by the Commissioner of Education, be independent and have access to the support and equipment necessary to perform the duties of an IHO. When the selected IHO indicates availability, the Board of Education must immediately appoint him/her. To expedite this process, the Board may designate one (1) or more of its members to appoint the IHO on behalf of the Board.
3. The IHO may not accept appointment unless he/she is available to make a determination of sufficiency of a due process complaint notice within five (5) days of receiving such a request and (unless an extension is granted) to initiate the hearing in a timely fashion.
 - (a) When the District files the due process complaint notice, the hearing or pre-hearing conference must commence within the first fourteen (14) days after the date the IHO is appointed;
 - (b) When a parent files the due process complaint notice, the hearing or pre-hearing conference must commence within the first fourteen (14) days after whichever of the following occurs first:
 - 1) The date the IHO receives the parties' written waiver of the resolution meeting; or
 - 2) The IHO receives the parties' written confirmation that a mediation or resolution meeting was held but no agreement could be reached; or

(Continued)

Students

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

- 3) The expiration of the thirty-day resolution period unless the parties agree in writing to continue mediation at the end of the thirty-day resolution period. In such case, the hearing or pre-hearing conference will commence within the first fourteen (14) days after the IHO is notified in writing that either party withdrew from mediation.
4. The hearing, or a prehearing conference, shall commence within the timeframe specified in c) above, unless an extension is granted pursuant to Commissioner's Regulations. The parties to the proceeding may be accompanied and advised by legal counsel and by individuals with special knowledge or training with respect to the problems of students with disabilities. Notably, if a parent prevails at an impartial due process hearing, he or she is entitled to reasonable attorney's fees, but not fees for his/her non-attorney advocate. Such fees are considered "expert fees" and are not recoverable under the current IDEA.
5. Each party must disclose to all parties all evaluations completed by that date and recommendations based on the offering party's evaluation that they intend to use at the hearing not less than five (5) days prior to the hearing. The IHO may bar any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.
6. In New York State, a party to an impartial due process hearing may be "represented" by a non-attorney. Commissioner's Regulation directs that parents, school authorities, and their respective counsel or "representative" shall have an opportunity to present evidence, compel the attendance of witnesses and to confront and question all witnesses at the hearing. Each party shall have the right to prohibit the introduction of any evidence, the substance of which has not been disclosed to all parties at least five (5) business days prior to the due process hearing.
7. The hearing will be conducted at a time and location that is reasonable and convenient to the parent and the student involved. The hearing shall be closed to the public unless the parent requests an open hearing.
8. The role and responsibilities of the IHO will be as enumerated in Commissioner's Regulations. At all stages of the proceeding, the IHO may assist an unrepresented party by providing information relating only to the hearing process. However, nothing shall impair or limit the authority of the IHO to ask questions of counsel or witnesses for the purpose of clarification or completeness of the record.

(Continued)

Students

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

9. The student shall remain in his/her current placement during the pendency of the impartial due process hearing unless both parties agree or accept as otherwise provided for expedited impartial due process hearings for certain disciplinary suspensions or removals of a student. For a preschool child not currently receiving special education services and programs, he/she may, during any impartial due process hearings or appeals, receive special education services and programs if the parent/person in parental relation and the District agree. However, during the pendency of an appeal for a preschool child who is transitioning from an Early Intervention (EI) program and is no longer eligible for the EI program due to age, the District is not required to provide the services the child had been receiving under EI. If found eligible for special education as a preschool student with a disability, and if the parent consents to the initial provision of services, the District will provide those programs and services that are not in dispute.
10. The IHO renders and forwards the finding of fact and decision to the parties and to the State Education Department in accordance with timelines set forth in Commissioner's Regulations but not later than forty-five (45) days from the date required for commencement of the impartial due process hearing specified in c) above. For expedited hearings the deadline is within ten (10) school days after the hearing; for preschool hearings the timeframe is thirty (30) days after the receipt by the Board of a request for a hearing or after the initiation of such hearing by the Board.
11. The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

Burden of Proof

In accordance with New York State law, the burden of proof and persuasion in an impartial due process hearing dispute relative to a student's special education placement rests upon the school district. However, a parent/person in parental relation seeking tuition reimbursement for a unilateral parental placement shall have the burden of persuasion as to the appropriateness of the placement.

Recordkeeping and Reporting

The District will utilize the New York State Education Department's Impartial Hearing Reporting System (IHRS) to access the alphabetical list of the names of each IHO who is certified in New York State and available to serve in the District. The District will record and report to the State Education Department required information relating to the selection of IHOs and the conduct of impartial due process hearings according to the manner and schedule specified by the Department. The Superintendent shall designate a staff member(s) who will be responsible for inputting such information into the IHRS.

(Continued)

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

Compensation of Impartial Hearing Officers

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 rate of compensation may not exceed the maximum rate approved by the Director of the Division of the Budget. The District will also reimburse the IHO for certain travel and other hearing-related expenses (e.g., duplication and telephone costs) pursuant to an annually determined schedule. On an annual basis, the District will forward a copy of its compensation rates to each IHO on the District's rotational list.

At the completion of the impartial due process hearing, the IHO shall submit an itemized bill of hourly charges and expenses, which will be promptly paid by the District.

Mediation

The District will inform the parent in writing of the availability of mediation and any free or low-cost legal and other relevant services available in the area at the request of the parent or when an impartial due process hearing is requested.

Mediation is voluntary and does not deny or delay a parent's right to an impartial due process hearing. If mediation is initiated after a request for an impartial due process hearing has been received, the impartial due process hearing must continue unless the request for the impartial due process hearing is withdrawn. However, a party may request an extension to an impartial due process hearing in order to pursue mediation.

Guardians ad Litem at Impartial Due Process Hearings

Unless a surrogate parent has been previously appointed, the IHO must appoint a guardian ad litem when he/she determines that the interests of the parent(s) are opposed to or are inconsistent with those of the student or whenever the interests of the student would be best protected by such appointment.

Confidentiality

All issues relating to a request for and conduct of an impartial due process hearing must be kept confidential by all District staff.

(Continued)

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

Administrative Procedures

Administrative procedures will be developed for the selection and appointment of an IHO consistent with regulatory requirements.

Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.
34 CFR Part 300
Education Law Sections 4005, 4202, 4404(1) and 4410(7)
8 NYCRR Sections 200.1, 200.2, 200.5, 200.16, 200.21 and 201.11

NOTE: Refer also to Policy #7690 -- Special Education Mediation

Students

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. Regulatory standards are outlined in New York State Regulations of the Commissioner of Education Part 200.5(g). Additionally, the Federal Regulations (34 Code of Federal Regulations [CFR] 300.502) specify requirements for an independent evaluation.

A parent is entitled to only one IEE at public expense each time the District conducts an evaluation with which the parent disagrees.

Administrative procedures on independent evaluations will be developed in order to explain the rights of parents and the responsibilities of school districts with regard to independent evaluations, and also to avoid any misunderstandings.

34 CFR Sections 300.12 and 300.502
8 NYCRR Sections 200.1(z) and 200.5(g)

Adopted: 8/5/14

Students

SUBJECT: SPECIAL EDUCATION MEDIATION

The District will offer mediation to resolve any disputes involving any matter for which an impartial due process hearing may be brought, including matters arising prior to the filing of a due process complaint notice.

Such mediation shall 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 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 and stating that all discussions occurring during the mediation process are confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding of any Federal or State court. If the written agreement is inconsistent with the student's current individualized education programs (IEP), the IEP must be immediately amended to reflect the mediation agreement.

The mediation process is voluntary and will not operate to 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. Parents or persons in parental relation to students suspected of or having disabilities continue to have full access to all rights, including due process procedures, provided for in federal and state laws and regulations. Similarly, mediation shall not be construed to limit a parent or person in parental relation from requesting an impartial due process hearing without having first utilized mediation procedures set forth in Education Law.

Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446) Section 614(a)
Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.
34 CFR Part 300
Education Law Sections 4005, 4202 and 4404-a
Judiciary Law Section 849a
8 NYCRR Sections 200.1 and 200.5

Adopted: 8/5/14