

East Syracuse Minoa Central School District

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SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY

Overall Objectives

The educational program offered by this District is predicated upon the presence of the student and requires continuity of instruction and classroom participation. The overall objective of this policy is to improve student attendance as a means to increase learning and achievement and increase the graduation rate. In addition, the policy will include strategies for the maintenance of an adequate record verifying the attendance of all children at scheduled instruction and establish a mechanism by which the patterns of pupil absence can be examined to develop effective intervention strategies to improve school attendance.

Specific Strategies to Accomplish These Objectives

The School District will:

- 1) 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.
- 2) 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 annually review and, if necessary, revise the Comprehensive Student Attendance Policy.
- 3) Maintain accurate recordkeeping via a Register of Attendance to record attendance, absence tardiness or early departure of each student.
- 4) Utilize data analysis systems for tracking individual student attendance and individual and group trends in student attendance problems.
- 5) Develop early intervention strategies to improve school attendance for all students.

Excused and Unexcused Absences, Tardies and Early Departures

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

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd)

- 1) Excused: Absences from school which are considered excused:
 - a. Personal illness
 - b. Death in the family
 - c. Illness in the family
 - d. Medical appointments
 - e. Dental appointments
 - f. Impassable roads
 - g. Inclement weather
 - h. Religious Observance
 - i. Required to be in court
 - j. Quarantine
 - k. Attendance at health clinics
 - l. Pre-approved college visits
 - m. Pre-approved job shadow experiences
 - n. Military Obligations
 - o. Educational school-sponsored trips
 - p. Administrative approval/emergency situations - covers unexpected events that keep a student from attendance. The principal will consider such cases individually.

- 2) Unexcused Absences from school which are considered unexcused include, but are not limited to:
 - a. Visiting
 - b. Haircut/Salon appointment
 - c. Obtain learner's permit/road test (if it encompasses the entire day)
 - d. Overslept
 - e. Babysitting
 - f. Needed at home
 - g. Hunting/Fishing
 - h. Trip with or without parent(s) or guardian(s) for recreational purposes. Because vacation periods are provided within the school calendar, trips taken at other times during the year will be considered unexcused absences and will be subject to penalties enforced, unless the trip is approved by the Superintendent or his or her designee.
 - i. Birthday
 - j. Car trouble
 - k. Music Lessons
 - l. Running errands
 - m. Work and job interviews
 - n. Non-school related sporting events or trip

- 3) Truant: Any absence without a parent or legal guardian's prior approval or knowledge.

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd)**Coding System**

AE - Absent Excused
AU- Absent Unexcused
TE - Tardy Excused
TU - Tardy Unexcused
TR- Truant
LE - Leave Excused
LU- Leave Unexcused

A record will 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 will 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 will be compiled and provided to the designated school personnel who are responsible for attendance. The nature of the absence, tardiness or early departure will be coded on a student's record in accordance with the established District/building procedures.

Participation/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, at the secondary level; 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 in collaboration with academic departments and classroom teachers. At the elementary level, an effort grade will reflect attendance and preparedness and will be assigned by the classroom teacher.

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, will be counted as the equivalent of regular attendance in class.

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd)

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

Incentives to Encourage Pupil Attendance

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

- 1) Attendance honor rolls to be posted in prominent places in District buildings and included in District newsletters and, with parent or person in parental relation consent, in community publications;
- 2) Monthly drawings for prizes at each grade level to reward exemplary attendance;
- 3) Special events (e.g., assemblies, guest speakers, field days) scheduled on days that historically have high absenteeism (e.g., Mondays, Fridays, day before vacation);
- 4) Grade-level rewards at each building for best attendance;
- 5) Classroom acknowledgement of the importance of good attendance (e.g., individual certificates, recognition chart, bulletin boards);
- 6) Grants focused on attendance improvement;
- 7) Year-end attendance awards;
- 8) Assemblies collaboratively developed and promoted by student council, administration, PTA/PTO and other community groups to promote good attendance.

Notice to Parents

A designated school official will notify by telephone the parent or person in parental relation to a student who is absent, tardy, or departs early without proper excuse. If the parent or person in parental relation cannot be reached by telephone, after five consecutive days of absence, the staff member will provide the notification by mail. Further, the District's Attendance Policy will be mailed to the parent or 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 or person in parental relation, a school conference will be scheduled between the parent or 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.

Further, the District reserves the right to require a doctor's note.

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd)

Intervention Strategies

In order to effectively intervene when an identified pattern of unexcused absences, tardiness or early departures occur, designated District personnel will pursue the following:

- 1) Identify specific element(s) of the pattern (e.g., grade level, building, time frame, type of unexcused absences, tardiness or early departures);
- 2) Contact the District staff or building administrator most closely associated with the element. If specific cases where the pattern involves an individual student, the student and parent or person in parental relation will be contacted;
- 3) Discuss strategies to directly intervene with specific element;
- 4) Recommend intervention to Superintendent or designee if it relates to change in District policy or procedure;
- 5) Implement changes, as approved by appropriate administration;
- 6) Utilize appropriate District and/or community resources to address and help remediate student unexcused absences, tardiness, or early departure;
- 7) Monitor and report short and long-term effects of intervention.

Review of Student 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 semester. 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.

In accordance with the Commissioner of Education's Regulations, definitions of excused and unexcused student absences have been developed and patterns of student absences are analyzed in order to implement instructional intervention strategies designed to meet the objectives of this policy.

This policy will be communicated annually to students, parents, teachers, and administrators. The Board of Education will review this policy annually.

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

Adopted: 7/8/24

Students

SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS

The Board of Education directs the Superintendent to establish regulations to screen new entrants to school, as necessary and appropriate, to determine which students may have disabilities, may qualify for academic extension or intervention, or may be of limited English proficiency. The regulations are to be consistent with federal, state law and the Commissioner's Regulations.

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

Adopted: 7/8/24

SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY**Kindergarten**

A resident child must be at least five (5) years old by December 1 of the school year of entry to be admitted to Kindergarten during that school year. 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.

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 by law, 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 requires 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.

(Continued)

SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY (Cont'd.)**Proof of Age**

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;
- 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.

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: 7/8/24

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (MCKINNEY-VENTO)**IDENTIFICATION OF STUDENTS IN TEMPORARY HOUSING**

Under the federal McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act of 2015 (ESSA) and Education Law Section §3209, as amended in 2017, all districts are obligated to affirmatively identify all students in temporary housing. Therefore, it is the policy of the East Syracuse Minoa Central School District (the “Local Educational Agency,” “LEA,” or “District”) to determine whether there are students in temporary housing within the LEA by using a housing questionnaire to determine the nighttime residence of all newly enrolled students and all students whose address changes during the school year. Not all students in temporary housing can be identified through social service agencies or shelters, as children may be sharing the housing of other persons, such as family or friends, due to loss of housing, economic hardship, or other similar reason. For this reason, the District uses a housing questionnaire that asks for a description of the current living arrangements of the child or youth in order to determine whether the child or youth meets the definition of a homeless child under the McKinney-Vento Homeless Education Assistance Act (42 U.S.C. § 11434A(2)) (“McKinney-Vento”) and Education Law § 3209(1)(a). Please note that the terms “homeless child” and “student in temporary housing” are used interchangeably throughout this policy; and the terms “LEA” and “District” are used interchangeably throughout this policy.

In addition to using the housing questionnaire, the District will also contact the local department of social services (<http://www.ongov.net/dss/>) to identify students in temporary housing, as well as the local runaway and homeless youth shelter (<https://ocfs.ny.gov/programs/youth/rhy/directory.php>) and any other shelters located within the LEA boundaries to ensure all students in temporary housing are properly identified and served.

DEFINITION OF HOMELESS CHILD AND UNACCOMPANIED YOUTH

Pursuant to McKinney-Vento 42 USC § 11434A(2), Education Law § 3209(1)(a), and 8 NYCRR § 100.2(x)(1)(iii) a homeless child is defined as:

- (1) a child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child or youth who is:
 - (i) sharing the housing of other persons due to loss of housing, economic hardship or similar reason (sometimes referred to as “doubled-up”);
 - (ii) living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;

(Continued)

Students

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (MCKINNEY-VENTO) (Cont'd)

- (iii) abandoned in hospitals;
or
 - (iv) a migratory child as defined in subsection two of section thirteen hundred nine of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, who qualifies as homeless under any of the provisions of clauses (i) through (iii) of this subparagraph or subparagraph two of this paragraph;
 - (v) an unaccompanied youth, as defined in section seven hundred twenty-five of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act; or
- (2) a child or youth who has a primary nighttime location that is:
- (i) 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 article nineteen-H of the executive law; or
 - (ii) 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 stations or similar setting.

An unaccompanied youth is defined as a homeless youth who is not in the physical custody of a parent or guardian. *42 USC § 11434A(6); 8 NYCRR §100.2(x)(1)(iii)(6)*

DUTIES OF THE MANDATED MCKINNEY-VENTO LIAISON

Every LEA, regardless of whether it receives a McKinney-Vento subgrant, is required to designate a local liaison for homeless children and youth (known as the “McKinney-Vento liaison”). The McKinney-Vento liaison for the District serves as one of the primary contacts between families experiencing homelessness and school staff, district personnel, shelter workers, and other service providers. The McKinney-Vento liaison coordinates services to ensure that homeless children and youth enroll in school and have the opportunity to succeed.

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

1. Students in temporary housing are identified by school personnel and through coordination activities with other entities and agencies;
2. Students in temporary housing enroll in, and have full and equal opportunity to succeed in, the schools of the District;

(Continued)

Students

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (MCKINNEY-VENTO) (Cont'd)

3. Students in temporary housing and their families receive educational services for which they are eligible, including Head Start programs administered by an LEA, Early Head Start, early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq), and other preschool programs administered by the LEA.
4. Students and parents in temporary housing receive referrals to health care services, dental services, mental health and substance abuse services, housing services and other appropriate services;
5. Parents or guardians of students in temporary housing are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
6. Parents and guardians of students in temporary housing, and unaccompanied youth, are fully informed of all transportation services, including transportation to and from the school district of origin and are assisted in accessing transportation services;
7. Disputes regarding eligibility, school selection, enrollment and/or transportation are mediated in accordance with the requirements of McKinney-Vento, Section 3209 of the Education Law, and Section 100.2(x)(7)(ii) of the Regulations of the Commissioner of Education;
8. Assistance in commencing an appeal pursuant to Education Law §310 of a final determination regarding eligibility, enrollment, school selection and/or transportation is provided to the students in temporary housing's parent or guardian or the unaccompanied youth in accordance with the provisions of 8 NYCRR §100.2(x)(7)(iii)(c);
9. Public notice of the educational rights of students in temporary housing is posted in locations where such students receive services, such as schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of students in temporary housing, and unaccompanied youth; A record is maintained of all appeals of enrollment, school selection and transportation; and
10. School personnel providing services to students in temporary housing receive professional development and other support; and
11. Unaccompanied youths—
 - a. are enrolled in school;
 - b. have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth, including receiving credit for full or partial coursework earned in a prior school pursuant to Commissioner's regulations, and

(Continued)

Students

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (MCKINNEY-VENTO) (Cont'd)

- c. are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) and that the youths may obtain assistance from the local educational agency liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090).
12. School personnel, service providers, advocates working with students in temporary housing, parents and guardians of students in temporary housing, and students in temporary housing are informed of the duties of the McKinney-Vento liaison.
42 USC §11432(g)(6)(A)-(B); 8 NYCRR §100.2(x)(7)(iii)(a)

SCHOOL OF ORIGIN

The school of origin is:

- The public school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool or a charter school;
- The designated receiving school at the next grade level for all feeder schools for a student in temporary housing who completes the final grade level served by the school of origin; and
- The public school or preschool in which such child would have been entitled or eligible to attend based on such child's last residence before the circumstances arose which caused such child to become homeless if the child becomes homeless after such child is eligible to apply, register, or enroll in the public preschool or kindergarten or if the child is living with a school-age sibling who attends school in the school district of origin.

42 USC §11432(g)(3)(G); NY Education Law §3209(1)(i)

Feeder school means:

- a preschool whose students are entitled to attend a specified elementary school or group of elementary schools upon completion of that preschool; or
- a school whose students are entitled to attend a specified elementary, middle, intermediate, or high school or group of specified elementary, middle, intermediate, or high schools upon completion of the terminal grade of such school; or
- a school that sends its students to a receiving school in a neighboring school district.

NY Education Law §3209(1)(f)

Receiving school means:

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

(Continued)

Students

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (MCKINNEY-VENTO) (Cont'd)

- a school that enrolls students from a feeder school in a neighboring local educational agency.

NY Education Law §3209(1)(h)

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

NY Education Law §3209(1)(g)

SCHOOL AND SCHOOL DISTRICT DESIGNATIONS

The District understands that the “designator” makes an initial decision about which school and school district a student in temporary housing will attend. A designator is:

- the parent or person in parental relation (guardian) to a student in temporary housing; or
- the student in temporary housing, together with the McKinney-Vento liaison, in the case of an unaccompanied youth; or
- the director of a residential program for runaway and homeless youth, in consultation with the student in temporary housing, where such student is living in such program.

See, NY Education Law §3209(1)(b); 8 NYCRR §100.2(x)(1)(i)

The District will ask the designator to designate one of the following as the school district of attendance:

- **School district of current location** - the public school district within the State of New York in which the hotel, motel, shelter or other temporary housing arrangement of a student in temporary housing or the residential program for runaway and homeless youth is located, which is different than the school district of origin.
- **School district of origin** - the public school district within the State of New York in which the student in temporary housing was attending a public school on a tuition-free basis or was entitled to attend when circumstances arose that caused such child to become homeless which is different from the school district of current location. The school district of origin also includes the school district in the state of New York in which the child was residing when circumstances arose which caused such child to become homeless if such child was eligible to apply, register, or enroll in public preschool or kindergarten at the time such child became homeless, or the homeless child has a sibling who attends a school in the school district in which the child was residing when circumstances arose which caused such child to become homeless.

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (MCKINNEY-VENTO) (Cont'd)

- **School district participating in a regional placement plan** – a regional placement plan is a comprehensive regional approach to the provision of educational placements for homeless children, which must be approved by the Commissioner of Education.

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

- the school of origin; or
- any school that permanently housed children and youth who live in the attendance area in which the child or youth is actually living are eligible to attend, including a preschool.

Please note: Students can maintain enrollment in the school of origin for the duration of homelessness and through the end of the school year in which the student becomes permanently housed. The student may be able to remain in the school of origin for one additional year, if the year constitutes the student's terminal year in such school building.

42 USC §11432(g)(3)(A); NY Education Law §3209(1)-(2); 8 NYCRR §100.2 (x)(1)-(2)

DESIGNATION/STAC 202 FORM

The District will identify all students in temporary housing, and a designation form will be completed by the designator for all such students and any other student who claims homelessness. Designations must be made on the STAC 202 form provided by the Commissioner. A copy of the form is available at <https://www.nysteachs.org/stac-202-forms>

- The appropriate designator must complete the designation form. The District makes designation forms available to a student in temporary housing who seeks admission to school or to the parent or person in parental relation who seeks to enroll such child in school.
- Where a parent or person in parental relation or a child who is neither placed in a temporary housing facility by the local department of social services nor housed in a residential program for runaway homeless youth, designates the District as the school district of current location, the District will forward to the State Education Department a completed designation form and a statement of the basis for its determination that the child is a homeless child entitled to attend the schools of the district.

NY Education Law §3209(2); 8 NYCRR §100.2(x)(3)

(Continued)

Students

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (MCKINNEY-VENTO) (Cont'd)**UPON RECEIPT OF THE DESIGNATION/STAC 202 FORM: IMMEDIATE ENROLLMENT AND BEST INTEREST DETERMINATIONS**

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

- immediately review the designation form to assure that it has been completed and admit the student in temporary housing even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, immunization records, proof of residency or other documentation and even if the child or youth has missed application deadlines;
- determine whether the designation made by the designator is consistent with the best interests of the student in temporary housing. In making best interests decisions the District will:
 - presume that keeping the child in the school of origin is in the child's best interest, except when doing so is contrary to the wishes of the parent or guardian (or youth in the case of an unaccompanied youth); and
 - consider student-centered factors such as the effect of mobility on student achievement, education, health, and safety of the child, giving priority to the wishes of the child's parent or guardian (or the youth, if a homeless unaccompanied youth). If the District determines that it is in the best interest of the student in temporary housing to attend a school other than the school of origin or the designated school, the District shall provide the parent or guardian (or youth, if an unaccompanied youth) with a written explanation of its determination, including information about the right to appeal. (*See Dispute Resolution Process*).

42 USC §11432(g)(3)(B); NY Education Law §3209(2)(f)(3); 8 NYCRR § 100.2(x)(7)(ii).

- provide the child with access to all of the District's programs, activities and services to the same extent as they are provided to resident students;
- immediately contact the school district where the child's records are located in order to obtain a copy of such records and coordinate the transmittal of records for students with disabilities pursuant to section 200.4(e)(8)(iii) of the Commissioner's regulations;

(Continued)

Students

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (MCKINNEY-VENTO) (Cont'd)

- immediately refer the parent or guardian of the student in temporary housing to the McKinney-Vento liaison who must assist in obtaining necessary immunizations or immunization or medical records if the child or youth needs to obtain immunizations or immunization or medical records;
- forward the STAC 202 form to the Commissioner and the school district of origin, where applicable. In all cases, the District will give a copy of the completed STAC 202 to the designator and keep a copy of the STAC 202 form for the LEA's records.

42 USC §§11432(g)(3)(C)&(g)(4); NY Education Law §3209(2); 8 NYCRR §100.2(x)(4)

UPON RECEIPT OF A REQUEST FOR RECORDS

Within five days of receipt of a request for school records from a new school, the District will forward, in a manner consistent with state and federal law, a complete copy of the student in temporary housing's records, including, but not limited to, proof of age, academic records, evaluations, immunization records, and guardianship papers, if applicable. NY Education Law §3209(2)(g); 8 NYCRR §100.2(x)(5)

TUITION REIMBURSEMENT

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

- the district is either the school district of current location or a school district participating in a regional placement plan,
- the district is designated as the school district of attendance, and
- the school district of origin for the student in temporary housing is within New York State.

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

NY Education Law §3209(3)(a)

In addition, the District is eligible for reimbursement for the direct costs of educational services, including transportation costs for students who continue enrollment in the District schools after finding permanent housing midyear in a different school district within New York State. In such

(Continued)

Students

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (MCKINNEY-VENTO) (Cont'd)

cases, the District will directly bill the new district where the student permanently resides for all direct costs of educational services, including transportation, that are not otherwise reimbursed under special federal programs.

NY Education Law §3209(4)(i); NYS Field Memo, September 26, 2013 (available at: http://nysteachs.org/media/STACGuidance_Final_9-26-13.pdf)

TRANSPORTATION RESPONSIBILITIES

- A social services district is responsible for providing transportation to students in temporary housing, including preschool students and students with disabilities who are eligible for benefits under Social Services Law §350-j and placed in temporary housing arrangements outside their designated districts. Where the social services district requests that the District provide or arrange for transportation for a student in temporary housing in the circumstances above, the District shall provide or arrange for the transportation and directly bill the social services district so that the district will be fully and promptly reimbursed for the cost of the transportation. *NY Education Law §3209(4)(a)*
- If the District is the designated school district of attendance, the District shall provide for the transportation of each student in temporary housing who is living in a residential program for runaway and homeless youth, including if such temporary housing is located outside the school district. The costs for transportation for each student in temporary housing who lives in a residential program for runaway youth and homeless youth located outside of the designated school district will be reimbursed by the State Education Department, to the extent funds are provided for such purpose, with the submission of a Runaway and Homeless Youth Act Transportation Program Form. Where the District provides transportation for a student living in an Runaway and Homeless Youth (“RHY”) facility, the district will promptly request reimbursement using the Runaway and Homeless Youth Act Transportation Form, which is available from the Homeless Education Program Office (518-473-0295) and online at www.nysteachs.org. *NY Education Law §3209(4)(b)*
- The District will transport any student in temporary housing to their school of origin, including preschools and charter schools, where it is the designated district of attendance and the student in temporary housing is not entitled to receive transportation from the Department of Social Services. *NY Education Law §3209(4)(c); 8 NYCRR §100.2(x)(6)(iv)*

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (MCKINNEY-VENTO) (Cont'd)

- When the District is designated as the school district of current location for a student in temporary housing and the student does not attend the school of origin, the District will provide transportation on the same basis as it is provided to resident students, unless the local transportation policy represents a barrier to the student's attendance in school. *NY Education Law §§3209(4)(d) & (6)(b); 8 NYCRR §100.2(x)(6)(iii)*
- If the student in temporary housing designates the District as the school district of attendance, transportation will not exceed 50 miles each way, unless the Commissioner of the State Education Department determines that it is in the best interest of the child. *NY Education Law §3209(4)(c); 8 NYCRR §100.2(x)(6)(ii)*
- Where the District is designated as the school district of attendance and it has recommended the student in temporary housing attend a summer educational program, such district of attendance will provide transportation services to students in temporary housing for summer educational programs if the lack of transportation poses a barrier to the student's participation in the program. *NY Education Law §3209(4)(e); 8 NYCRR §100.2(x)(6)(v)*
- Where the District is designated as the school district of attendance, it will provide transportation services to students in temporary housing for extracurricular or academic activities when:
 - The student participates in or would like to participate in an extracurricular or academic activity, including an after-school activity, at the school; and
 - The student meets the eligibility criteria for the activity; and
 - The lack of transportation poses a barrier to the student's participation in the activity. *NY Education Law §3209(4)(f); 8 NYCRR §100.2(x)(6)(vi)*
- Where the District is designated as the school district of attendance, it will provide transportation as described above for the duration of homelessness, unless the social services district is responsible for providing transportation. After the student becomes permanently housed, the District will provide transportation to the school of origin until the end of the school year and for one additional year if that year constitutes the child's terminal year in the school building. *NY Education Law §3209(4)(i); 8 NYCRR §100.2(x)(6)(iv)*

DISPUTE RESOLUTION PROCESS

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

(Continued)

Students

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (MCKINNEY-VENTO) (Cont'd)

- The District will provide a written explanation, including a statement regarding the right to appeal, to the parent or guardian of a student in temporary housing, or to an unaccompanied youth if the District determines that the District is not required to either enroll and/or transport such child or youth to the school of origin or a school requested by the parent or guardian or unaccompanied youth, or if there is a disagreement about a child's or youth's status as a homeless child or unaccompanied youth. The written explanation will be in a manner and form understandable to such parent, guardian, or unaccompanied youth and will include a statement regarding the McKinney- Vento liaison's availability to help the parent, guardian, or unaccompanied youth with any appeal and the contact information for the liaison.
- The District will immediately enroll the student in the school in which enrollment is sought by the parent or guardian or unaccompanied youth, provide transportation to the school, and will delay for 30 days the implementation of a final determination to decline to either enroll in and/or transport the student in temporary housing to the school of origin or a school requested by the parent or guardian or unaccompanied youth.
- If the parent or guardian of a student in temporary housing or unaccompanied youth commences an appeal to the Commissioner within 30 days of such final determination, the student will be permitted to continue to attend the school he or she is enrolled in at the time of the appeal and/or receive transportation to that school pending the resolution of all available appeals.

42 USC §§11432(g)(3)(B) & (E); NY Education Law §3209(5); 8 NYCRR §100.2(x)(7)(ii)

MCKINNEY-VENTO LIAISON'S DISPUTE RESOLUTION RESPONSIBILITIES

The District's McKinney-Vento liaison must assist the student in temporary housing's parent or guardian or unaccompanied youth in bringing an appeal to the Commissioner under Education Law §310 of a final school district decision regarding enrollment, school selection and/or transportation. In the event of a dispute regarding eligibility, enrollment, school selection, and/or transportation, the District's McKinney-Vento liaison will:

- provide the parent or guardian or unaccompanied youth with a copy of the form petition, which is available at: <http://www.counsel.nysed.gov/appeals/homelessForms>;
- assist the parent or guardian or unaccompanied youth in completing the form petition;
- arrange for the copying of the form petition and supporting documents for the parent or guardian or unaccompanied youth, without cost to the parent or guardian or unaccompanied youth;

(Continued)

Students

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (MCKINNEY-VENTO) (Cont'd)

- accept service of the form petition and supporting papers on behalf of any school district employee or officer named as a party or the school district if it is named as a party or arrange for service by mail by mailing the form petition and supporting documents to any school district employee or officer named as a party and, if the school district is named as a party, to a person in the office of the superintendent who has been designated by the board of education to accept service on behalf of the school district;
- provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgment verifying that the McKinney-Vento liaison has received the form petition and supporting documents and will either accept service of these documents on behalf of the school district employee or officer or school district or effect service by mail by mailing the form petition and supporting documents to any school district employee or officer named as a party and, if the school district is named as a party, to a person in the office of the superintendent who has been designated by the board of education to accept service on behalf of the school district;
- transmit on behalf of the parent or guardian or unaccompanied youth, within five days after the service of, the form petition or any pleading or paper to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234;
- provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgement verifying that the McKinney-Vento liaison has received the form petition and supporting documents and will transmit these documents on behalf of the parent, guardian or unaccompanied youth to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234;
- accept service of any subsequent pleadings or papers, including any correspondence related to the appeal, if the parent or guardian or unaccompanied youth so elects. The liaison must also make such correspondence available to the parent or guardian or unaccompanied youth; and
- maintain a record of all appeals of enrollment, school selection, and transportation determinations.

42 USC §11432(g)(3)(E)(iii); 8 NYCRR §100.2(x)(7)(iii)(c)

COORDINATION

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

(Continued)

Students

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (MCKINNEY-VENTO) (Cont'd)

- The District will coordinate with other school districts on inter-district issues, such as transportation or transfer of school records.
- The District will coordinate implementation of the above provision of services with the requirements of the Individuals with Disabilities Education Act (IDEA) for students with disabilities.

42 USC §11432(g)(5); 8 NYCRR §100.2(x)(7)(iv)

COORDINATION WITH TITLE I (For LEAs that receive Title I Funds)

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

- Title I, Part A funds are set aside as are necessary to provide students in temporary housing, who may have unique needs that differ from their permanently housed peers, with educationally related support services;
- Its local plan includes a description of how the plan is coordinated with McKinney-Vento;
- Its local plan describes the services provided to students in temporary housing;
- Its local plan describes the efforts it made to identify students in temporary housing, including unaccompanied youth, if the District reports that there are no students in temporary housing enrolled in the LEA. Such efforts will include contacting the local department of social services or Office of Children and Family Services (OCFS) to verify that there are no students in temporary housing in the LEA; and
- Its housing questionnaire asks about the living arrangements of the child or unaccompanied youth, including asking if he or she is living in a shelter; with relatives or others due to loss of housing or economic hardship; in an abandoned apartment/building; in a motel/hotel, camping ground, car, train/bus station or other similar situation due to the lack of alternative, adequate housing. Documentation of the LEA's efforts to identify students in temporary housing will be maintained on file and a copy of the housing questionnaire that asks the above questions will also be kept on file.

20 USC §§6312(b)(6) & 6313(c)(3)

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (MCKINNEY-VENTO) (Cont'd)**REPORTING**

The District will collect and transmit to the Commissioner, at such time and in such manner as the Commissioner may require, reports containing such information as the Commissioner determines is necessary, including the numbers of homeless students, their grade, and their nighttime residence.
NY Education Law §3209(6)(c); 8 NYCRR 100.2(x)(7)(v)

ACCESS TO FREE MEALS

The District will provide free meals to all children identified as homeless. They do not have to complete a free or reduced-price meal application. When the McKinney-Vento liaison or a shelter director provides a child's name to the District's school food service office, free school meals will commence immediately.
42 USC §1758(b)(5) (b)(12)(A)

REMOVAL OF BARRIERS

The District will review and revise local policies that may act as barriers to the identification of students in temporary housing and their enrollment and retention in school, including barriers to enrollment and retention due to outstanding fees or fines, or absences.
42 USC §11432(g)(1)(I)&(g)(7)(A); NY Education Law §3209(6)(b)

COMPARABLE SERVICES

The District will provide services to students in temporary housing comparable to those offered to other students in the district, including transportation services; educational services for which the child or youth meets the relevant eligibility criteria, such as services provided under Title I or similar State or local programs; educational programs for students with disabilities; educational programs for English learners; programs in career and technical education; programs for gifted and talented students; and school nutrition programs.
42 USC §11432(g)(4); NY Education Law §3209(9)

PRIVACY OF STUDENT INFORMATION

Information about a student in temporary housing's living situation shall be treated as a student education record and shall not be deemed to be directory information under the Family Educational Rights and Privacy Act (FERPA). A parent/guardian or homeless unaccompanied youth may

(Continued)

Students

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (MCKINNEY-VENTO) (Cont'd)

consent to the release of a student's address information in the same way they would for other student education records under FERPA.

Questions about this policy or the protections available to students in temporary housing can be directed to the McKinney-Vento Liaison: Cheryl West, Director of Counseling, Youth Development and Leadership. Questions can also be directed to NYS-TEACHS at (800) 388-2014 or the State Education Department at (518) 473-0295.

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)

Adopted: 7/8/24

SUBJECT: NON-RESIDENT STUDENTS

Students residing outside the District will not be allowed to enroll in the School District except with specific approval of the Superintendent of Schools. Acceptance will be on a yearly basis. Tuition will be computed annually according to an established formula consistent with any applicable state law and/or the Commissioner's Regulations.

The tuition for students who are children of non-resident employees is waived.

Non-resident families must provide their own transportation.

There must be agreement by Superintendent that the student will benefit from such placement. In addition, non-resident students will not be admitted unless it is determined by the District that there is sufficient space to accommodate admittance, that no increase in the size of the faculty or staff will be necessary, that admittance will not result in the necessity of a new class or section, and that no BOCES or out of district services will be required as a result of the nonresident student's attendance.

The Superintendent also is to establish rules and regulations setting forth the conditions under which non-resident students will be admitted to the District for short periods without tuition. Such non-tuition paying students may include, but are not limited to the following categories:

1. Future Residents: A student whose family intends to move into the School District may begin attendance at the start of the quarter in which the move is planned, with approval of the Superintendent or his/her designee. Such approval will be contingent upon the parent/person in parental relation providing proof of such move, including but not limited to a contract to purchase or build a house, or a lease. This approval may be revoked at any time by the Superintendent or his/her designee upon written notice providing the opportunity to respond to the decision maker regarding the reason (s) for revocation.
2. Former Students: Students in good standing, attending the District as residents, who subsequently move out of the district, may be allowed to complete the semester in which they move, or, if the move occurs in the third quarter, the school year in which they move, with approval of the Superintendent or his/her designee. The District will not, however, provide transportation to such students. This approval may be revoked at any time by the Superintendent or his/her designee upon written notice providing the opportunity to respond to the decision maker regarding the reason(s) for revocation.

(Continued)

SUBJECT: NON-RESIDENT STUDENTS

3. Students Entering their Senior Year: Students in good standing, attending the District as residents, who move out of the district during their Junior Year of High School, may be allowed to complete their Senior Year of High School in the District, with approval of the Superintendent or his/her designee. The District will not, however, provide transportation to such students. This approval may be revoked at any time by the Superintendent or his/her designee upon written notice providing the opportunity to respond to the decision maker regarding the reason(s) for revocation.

The District reserves the right to revoke a non-resident student's attendance privileges in the event that the student and/or parents do not comply with applicable policies, rules and regulations of the District (including but not limited to the Code of Conduct, academic standards, and attendance standards), or if the student or parent provided false or misleading information to the District upon enrollment.

Non-resident student attendance privileges may be revoked at any time by the Superintendent or his/her designee upon written notice providing the opportunity to respond to the decision maker regarding the reason(s) for revocation.

8 USC Chapter 12

Education Law Sections 1709(13), 2045 and 3202

8 NYCRR Section 174.2

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

Adopted: 7/8/24

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, teacher recommendations, standardized test scores, and any other appropriate sources of information, but the final decision shall rest with the school administration.

Promotion, Acceleration and Retention

In very rare instances, retention or acceleration may be permissible and/or advisable. The procedures to be followed by the staff regarding promotion, acceleration and retention will be developed by the Superintendent in accordance with applicable law and regulation, and will be periodically evaluated.

The District will not make any student promotion or placement decisions based solely or primarily on student performance on state assessments. However, the District may consider student performance on such assessments in conjunction with multiple measures of student performance, so long as such assessments do not constitute the major factor in such determinations.

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

Adopted: 7/8/24

Students

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

The Board of Education will provide interpreter services, provided sufficient notice is given, at no charge, to parents or persons in parental relation, who are hearing impaired for school meetings or activities related to their child's educational program. Notice of the need for an interpreter will be considered sufficient if a written request for the service has been submitted to the Building Principal and received no less than five (5) school days prior to the scheduled meeting or activity. If an interpreter is unavailable, the District will make other reasonable accommodations which are satisfactory to the parents (e.g., note taker, transcript, decoder, or telecommunication device for the deaf).

Education Law Section 3230
8 NYCRR Section 100.2(aa)

Adopted: 7/8/24

Students

SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS

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 disability, the District will provide appropriate RTI interventions prior to a referral to the Committee on Special Education (CSE) for evaluation.

The District's RTI process shall include:

- a) Scientific, research-based instruction in reading and mathematics provided to all students in the general education class by qualified personnel. Instruction in reading, per Commissioner's Regulations, shall mean scientific, research-based reading programs that include explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies;
- b) Universal screenings shall be provided to all students to identify those students who are not making academic progress at expected rates;
- c) Scientific, research-based instruction matched to student need with increasingly intensive levels of targeted interventions for those students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards;
- d) Progress monitor student achievement, including curriculum based measures to determine if interventions are resulting in student progress toward age or grade level standards;
- e) Educational decisions about student goals, instruction and program services will be made on data from interventions. This may include referrals for special education programs and/or services;
- f) Written notification to the parents including a summary of the student's performance data, plan for intervention, and the parents' right to request an evaluation for special education programs and/or services; and
- g) Student support teams in each building will analyze the data concerning a student's response to intervention and make education decisions about changes in goals, instruction and/or services in conjunction with RTI providers.

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)

Adopted: 7/8/24

SUBJECT: GRADUATION REQUIREMENTS/EARLY GRADUATION/ACCELERATED PROGRAMS

In order to graduate from East Syracuse Minoa Central School District, a student must complete or may exceed the requirements set forth in 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.

Career and Technical Endorsement

Students who have earned either a Career Development and Occupational Studies Commencement Credential (CDOS) or Skills and Achievement Commencement Credential (SACC) by the time their ninth-grade cohort reaches graduation may, but are not required to, participate in that graduation ceremony and related activities. If students who participate in the graduation ceremony by earning a CDOS or SACC only subsequently meet the requirements for either a Regents or local high school diploma, they may participate in the graduation ceremony of that graduating class as well. Students who participate in graduation ceremonies by earning only a CDOS or SACC are entitled to continue their educational program until the end of school year in which they turn 21 years old, or until they earn a Regents or local high school diploma, whichever is earlier.

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.

Participation in Graduation Ceremonies and Activities

Any student who has satisfactorily completed all graduation requirements will be permitted to participate in the graduation ceremony and all related graduation activities of his or her graduating class subject to certain exceptions. Students may be prohibited from participating in the graduation ceremony or related graduation activities as a consequence of violating the District's *Code of Conduct*.

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

(Continued)

Students

SUBJECT: GRADUATION REQUIREMENTS/EARLY GRADUATION/ACCELERATED PROGRAMS

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

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: 7/8/24

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 enroll in college-level course work with institutions 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.

Adopted: 7/8/24

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE

The School District shall comply with the provisions of the Family Educational Rights and Privacy Act (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. 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.

Access to Student Records

The Board directs that administrative regulations and 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.

Under FERPA, unless otherwise exempted in accordance with law and regulation, the District may release personally identifiable information contained in student 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.

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

Adopted: 7/8/24

Students

SUBJECT: STUDENT DIRECTORY INFORMATION

The District shall publish an annual public notice informing parents or eligible students (i.e., a student eighteen (18) years of age or older) 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. Following such public notice and a reasonable response period, the District may release such information to an outside group without individual consent.

The East Syracuse Minoa District may release the following defined directory information as checked below:

- name
- address
- telephone listing
- date and place of birth
- major field of study
- grade level
- participation in officially recognized sports and activities
- weight and height (for members of athletic teams)
- dates of attendance
- honors, degrees and awards
- email address
- photograph
- name of educational institution previously attended

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

Adopted: 7/8/24

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS

The Protection of Pupil Rights Amendment ("PPRA") is a federal statute which protects student privacy in connection with:

- a) Student surveys;
- b) Instructional materials;
- c) Invasive physical examinations; and
- d) The collection of personal information for marketing purposes.

This policy, which has been **developed in consultation with parents**, is designed to afford the PPRA protections to the District's students.

Student Surveys

Surveys are useful tools for determining student educational needs and appropriate services to meet those needs. Some surveys may ask questions regarding "protected information" under the PPRA. "Protected information" includes:

- a) Political affiliation or beliefs of the student or the student's parent;
- 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 the student's parent; 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).

(Continued)

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

Right to Consent

No minor student, without parental consent, may take part in a survey, analysis or evaluation funded in whole or in part by the U.S. Department of Education that reveals protected information ("USDOE Protected Information Survey").

Right to Opt Out

Parents have the right to opt their children out of any survey involving the collection and disclosure of any protected information for surveys not funded in whole or in part by the US Department of Education ("Third Party Protected Information Survey").

Right to Inspect

Parents have the right to inspect, upon request, any Third-Party Survey before the survey is administered or distributed by a school to students.

Instructional Materials

Right to Inspect

Parents have the right to inspect, upon request, any instructional material used as part of the educational curriculum for students. "Instructional material" includes: content that is provided to a student, regardless of format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). Instructional material does not include tests or academic assessments.

Invasive Physical Examinations

"Invasive physical examinations" include: Any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injecting into the body, but does not include a hearing, vision or scoliosis screening.

Right to Opt Out

Parents have the right to opt their children out of the administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student ("protected invasive physical examination").

(Continued)

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

Exceptions

In addition to hearing, vision and scoliosis screening, the District may perform any physical exam screening permitted or required under State law (e.g., physical examinations upon entrance to school at grades 1, 3, 7 & 10, physical examinations for participation in athletics or to obtain work permits, examinations for suspected disabilities conducted in accordance with the IDEA or Section 504 of the Rehabilitation Act of 1973).

Collection of Personal Information for Marketing Purposes

Right to Inspect

Parents have the right to inspect any instrument used in the collection of personal information for commercial purposes before the instrument is administered or distributed to their children. While it is the District's policy not to permit the collection, disclosure, or use of personal information for commercial purposes, the right to opt out and inspect under this section does 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:

- a) College or post-secondary educational recruitment or military recruitment;
- b) Book clubs, magazines and programs providing access to low-cost literary products;
- c) Curriculum and instructional materials used in schools;
- d) Tests and assessments used to provide cognitive, evaluative, diagnostic, clinical, aptitude or achievement information for 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) Student recognition programs;
- f) The sale by students of products or services to raise funds for school-related activities.

Right to Opt Out

Parents have the right to opt their children out of activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others for marketing or East Syracuse Minoa District Board Policy Manual sale

(Continued)

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

purposes ("commercial purposes"). "Personal Information" includes: Individually identifiable information including a student's or parent's first and last name, home address, telephone number, or social security number.

When personal information is collected, disclosed or used, student privacy shall be protected by the District pursuant to the requirements of the Family Educational Rights and Privacy Act.

Procedural Issues

Inspection of Surveys, Instructional Materials and Instruments to Collect Personal Information from Students for Commercial Purposes

Any parent wishing to exercise his/her right to inspect materials under this policy should provide a written request to his/her child's Building Principal. Upon receipt of the request, arrangements shall be made to provide access to the material within thirty (30) calendar days.

Parents will be notified annually, at the beginning of the school year and when enrolling students for the first time in District schools, of this policy. Parents will also be notified within a reasonable period of time after any substantive change to this policy.

Annual Notification of Policy

Parents will be notified annually, at the beginning of the school year and when enrolling students for the first time in District schools, of this policy. Parents will also be notified within a reasonable period of time after any substantive change to this policy.

Annual Notification of Anticipated Surveys, Invasive Physical Exams & Collection of Personal Information

Parents will be notified at the beginning of the school year of the anticipated dates when the District will administer any protected information survey, perform any protected invasive physical examination, or collect, disclose or use personal information for commercial purposes. Parents will be provided with subsequent prior written notice of such activities that arise during the course of the school year. With each notice, parents will be advised of their right to consent or opt their child out, as the case may be, as to each activity listed.

Transfer of Parental Rights

The rights provided to parents under PPRA transfer to the student when he/she turns eighteen (18) years old or is an emancipated minor under New York State law.

Adopted: 7/8/24

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

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

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

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

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

Standards of Acceptable Use

Generally, the same standards of acceptable student conduct which apply to any school activity shall apply to use of the DCS. This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate student conduct and use as well as proscribed behavior.

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

(Continued)

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

Students who engage in unacceptable use may lose access to the DCS in accordance with applicable due process procedures, and may be subject to further discipline under the District's school conduct and discipline policy and the District Code of Conduct. The District reserves the right to pursue legal action against a student and/or the parents of a student who damages or destroys property of the District, in accordance with applicable law.

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be School District property subject to control and inspection. The Superintendent of designee may access all such files and communications without prior notice to ensure system integrity and that users are complying with the requirements of this policy and accompanying regulations. Students should **NOT** expect that information stored on the DCS will be private.

Regulations will be established as necessary to implement the terms of this policy.

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

Adopted: 7/8/24

SUBJECT: STUDENT USE OF PERSONAL TECHNOLOGY

The Board of Education seeks to maintain a safe and secure environment for students and staff. Advances in technology have made it possible to expand the learning environment beyond traditional classroom boundaries. Personal technology means any digital or electronic device owned, used and/or possessed by a student, and may include, but is not limited to, cell phones, computers, tablets, e-readers, MP3 players, cameras, watches, gaming devices or consoles and other “smart” devices. Using personal technology during instructional time can enable students to explore new concepts, personalize their learning experience and expand their global learning opportunities. Additionally, the use of personal technology devices is ubiquitous in today's society and standards for student use during non-instructional time should adapt to this change. This policy defines the use of personal technology during instructional and non-instructional times and reinforces the standard that all use, regardless of its purpose, must follow the guidelines outlined in the Student Acceptable Use Policy (AUP), the District's *Code of Conduct*, and the Dignity for All Students Act.

Instructional Purposes

Personal technology use by students may be permitted during the school day for instructional purposes. Teachers will indicate when and if instructional use is acceptable. Students are expected to act responsibly and thoughtfully when using technology resources. Students bear the burden of responsibility to inquire with school administrators and/or teachers when they are unsure of the permissibility of a particular use of technology prior to engaging in such use. Instructional uses may include, but are not limited to, approved classroom activities, research, college admissions activities, career development, communication with experts, homework and other activities as deemed appropriate by school staff.

Non-Instructional Uses

Appropriate use of personal technology during non-instructional time is also allowed if students follow the guidelines in the AUP and *Code of Conduct*. Non-instructional use includes but is not limited to texting, calling and otherwise communicating with others, use of social media, Internet searches, reading, listening to music, and watching videos. This use during non-instructional time must be conducted in a safe and unobtrusive manner, at approved times, and in approved locations. Students bear the burden of responsibility to inquire with school administrators and/or teachers when they are unsure of the permissibility of a particular use of technology prior to engaging in such use. Devices must generally be kept in silent mode to avoid disrupting others.

(Continued)

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

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

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

Prohibition during State Assessments

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

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

Students must follow the guidelines for use set out in the District *Code of Conduct* and Board policies at all times. Consequences for misuse will follow guidelines in the District's *Code of Conduct*. The District will develop regulations for the implementation of this policy that shall include, but are not limited to, instructional use, non-instructional use, liability, bullying and cyberbullying, and privacy issues.

NOTE: Refer also to Policies #7315 -- Student Use of Computerized Information Resources (Acceptable Use Policy)
#7550 -- Dignity for All Students Act
#7552 -- Bullying in the Schools
#8271 -- Internet Safety/Internet Content Filtering Policy

Adopted: 7/8/24

Students

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

The Board of Education is committed to the prevention of alcohol, tobacco and any other drug use. It is the policy of the District that an alcohol, tobacco and other drug-free environment will be maintained. No person may consume, use, possess, sell, manufacture, or share drugs, alcohol, or other illicit substances or associated paraphernalia on school grounds, in school vehicles, or at school functions. In addition, the use of tobacco products on school grounds, in school vehicles, or at school functions is prohibited. Likewise, the inappropriate use of prescription and over-the-counter medications is not permitted.

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.

Adopted: 7/8/24

SUBJECT: SEARCHES AND QUESTIONING OF STUDENTS

Students may be subject to personal searches and searches of their possessions where "reasonable suspicion" exists that such search will obtain evidence that the student violated the law or school rules. Searches may be conducted by the Superintendent, Building Principal or designee.

"Reasonable suspicion" means that whoever is conducting or authorized the search has a good faith reason to believe that the student violated the law or school rules and that a search will disclose evidence of such violation. Such a reasonable belief must be based upon **all** the circumstances of the situation, including such things as:

- a) The student's age;
- b) The student's history and record in school;
- c) The prevalence and seriousness of the problem to which the search is directed;
- d) The urgency necessitating an immediate search; and
- e) The reliability of information used to establish the need for the search.

The request for a search of a student or student's possessions will be directed to the Superintendent, Building Principal or designee, who will generally attempt to obtain an admission from the student of possession of the illegal matter or a voluntary consent to the search. The search will be limited to the extent necessary to locate the illegal matter. Typically, the search should be conducted in the privacy of administrative offices and the student should be present when his/her possessions are being searched.

No Strip Searches

Except as otherwise noted in this section, no search which requires a student to remove any and/or all clothing may be conducted by school officials. If the Superintendent, Building Principal or designee believes such a search is necessary due to the suspected presence of a weapon or drugs, the official will notify the police and detain the student until the police arrive to determine what further action is appropriate. However, students may be requested to remove outer coats, jackets and shoes, and to empty pockets, without the above precautions.

Documenting Search

The Superintendent, Building Principal or designee will be responsible for documenting each student search. Such writing should include:

- a) Name and age of student searched;

(Continued)

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

- b) The reasons for the search;
- c) Information received that established the need for the search;
- d) The name of the informant(s) from whom the information was received (informants other than the School District employees will be considered reliable if they have previously supplied information which was accurate and verified or if the same information is received independently from several informants);
- e) Names of those persons who were present when the search was conducted;
- f) Any substance or objects discovered;
- g) Disposition of items found;
- h) Time, manner and results of parental notification.

The Superintendent, Building Principal or designee will be responsible for the custody, control and disposition of any illegal or dangerous matter taken from a student. He/she will remain in control of such substance or objects until the same are delivered to law enforcement authorities.

Searches of School Property Including Use of Drug-Detecting Dogs

Students have no reasonable expectation of privacy rights in school lockers, desks or other storage places owned by the District. Each Building Principal or designee should notify all students that lockers, desks and other school storage places may be subject to inspection at any time by school officials or by drug-detecting dogs.

The District will periodically use "drug detection dogs" in ascertaining the presence of illegal substances in our school buildings and/or on school property. These dogs may be used to sniff cars, lockers and desks on a random and/or comprehensive building-wide basis. However, they may not be used to "sniff" students without reasonable suspicion that the search will lead to contraband.

Police-Initiated Searches

No police officer will be allowed to perform a student search except in accordance with legal requirements for a search by a police officer. In the case of a police officer presenting a search warrant, the Superintendent, Building Principal or designee will first attempt to inform the parent or guardian of the police demand to search in order to afford the parent or guardian an opportunity to be present at the search. In the event that the parent or guardian cannot be contacted prior to a police search, the parent or guardian will be informed of the search in writing by the Superintendent or Building Principal as soon thereafter as is practicable.

(Continued)

SUBJECT: SEARCHES AND QUESTIONING OF STUDENTS (Cont'd.)**Questioning of Students by School Officials**

School officials have the right to question students regarding any violations of school rules and/or illegal activity. In general, 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, as appropriate, generally 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.

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.

Questioning 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 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 QUESTIONING 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: 7/8/24

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.

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.

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 event or activity 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.

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

Adopted: 7/8/24

2024

7411

Students

SUBJECT: 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: 7/8/24

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 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) and Sudden Cardiac Arrest 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
- 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.

Athletic Placement Process

The Board approves the use of the Athletic Placement 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.

(Continued)

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

In addition, the District will comply with the requirements of the Concussion Management and Awareness Act. The Superintendent is authorized to establish regulations to implement this policy.

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) 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 Sections 135 and 136

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

Adopted: 7/8/24

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 Superintendent, Deputy Superintendent, or designee. Samples of informational material should accompany the request.

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 East Syracuse Minoa 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: 7/8/24

Students

SUBJECT: MUSICAL INSTRUMENTS

- a) All instrumental music students shall be encouraged to own or rent their instrument - particularly the less expensive instruments (flute, clarinet, trumpet, saxophone, trombone and percussion kits).
- b) Students will not be required to rent or purchase the more expensive instruments. Instruments in this category are as follows: oboe, bassoon, tuba, French horn, baritone horn/euphonium, tenor and baritone saxophones, bass trombone, bass clarinet and concert percussion instruments. School-owned instruments in this classification will be disbursed upon decisions by the instrumental music staff as available.
- c) Students are responsible for providing consumable supplies for their instrument such as reeds, valve oil, slide grease and drum sticks.
- d) Students and parents/guardians will assume responsibility for proper care of school-owned instruments and will pay for damages beyond normal wear and tear or loss.
- e) The District will only transport, on its vehicles, those instruments meeting certain safety standards as indicated in the New York State Department of Transportation Regulations.

New York State Department of Transportation Regulations Section 720.22

Adopted: 7/8/24

Students

SUBJECT: FUND RAISING BY STUDENTS

The Board of Education recognizes fund raising activities as important to the financial well-being of student groups and school based community organizations. Accordingly, the Board has the responsibility to provide for the protection and the supervision of the financial affairs of the different school related clubs, groups, and organizations that fund raise. All fund raising activities must meet the following requirements:

- a) Fund raising by students requires the prior approval of Principals and for athletic related activities, the Director of Athletics, Physical Education and Health, in accordance with Board policy and regulations.
- b) All fund raising activities must have a stated educational purpose, contribute to the educational experience of students, and not conflict with instructional programs. Fund raising for personal items such as articles of clothing and club or team parties is not permitted unless approved in advance by the Principal, and where appropriate, the Director of Athletics, Physical Education and Health.
- c) Fund raising away from school property, by student groups, is to be held to a minimum.
- d) Fund raising activities involving door to door sales are not permitted for students in grades PreK through 6. For students in grades 7-12, door to door sales using the East Syracuse Minoa name shall have prior Principal approval, and where appropriate, the Director of Athletics, Physical Education and Health.
- e) Fund raising shall be voluntary and open to all recognized school clubs and school based organizations.
- f) Sale of goods requires review of goods in advance by the Principal, and when appropriate, the Director of Athletics, Physical Education and Health, to determine the product's value and worthiness for sale.
- g) Fund profits are to be used to enhance school programs by providing money for expenditures not normally funded by the District budget.
- h) District employees may not gain from the sale of merchandise or services.
- i) All moneys collected must be accounted for in strict accordance with procedures established by the Business Office.
- j) The Board of Education maintains the right to discontinue any and all fund raising activity by student groups and/or school based community organizations on school property.

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

Adopted: 7/8/24

2024

7460

Students

SUBJECT: CONSTITUTIONALLY PROTECTED PRAYER IN THE PUBLIC SCHOOLS

No Board of Education policy shall prevent, or otherwise deny participation in, constitutionally protected prayer in District schools, consistent with federal law.

The Board rescinds any other policy that may be inconsistent with the mandates of this policy, which 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: 7/8/24

Students

SUBJECT: PROMOTION OF STUDENT VOTER REGISTRATION AND PRE-REGISTRATION

The Board of Education recognizes the importance of civic engagement for students, and shall, in accordance with applicable law, establish procedures to promote student voter registration and pre-registration.

To promote student voter registration and pre-registration, the Board of Education directs the Deputy Superintendent to develop procedures for:

- a) Informing students in the High School of the state requirements for voter registration and pre-registration;
- b) Providing access to voter registration and pre-registration applications during the school year; and
- c) Providing assistance with filing such applications.

Such procedures may include working in collaboration with the Onondaga County Board of Elections and the District's Central High School to conduct voter pre-registration and registration in the High School.

Completion and submission of voter registration or pre-registration forms shall not be a course requirement or graded assignment for students.

Adopted: 7/8/24

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, dental inspection and/or screening, scoliosis screening, vision screening and hearing screening pursuant to applicable law, regulation and guidance;
- b) Informing parents or other persons in parental relation to the student, pupils and teachers of the individual student's health condition subject to federal and state confidentiality laws. The District will provide this notice in writing if the District becomes aware that the student has impaired sight or hearing or a physical 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 care and treatment), providing care 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 treating conditions and diseases and for the general improvement of the health of students;
- e) Instructing school personnel in procedures to take in case of accident or illness;
- f) Maintaining a program of education to inform school personnel, parents, non-school health agencies, welfare agencies and the general public regarding school health conditions, services and factors relating to the health of students;
- g) Providing inspections and supervision of the health and safety aspects of the school facilities;
- h) Providing pre-participation health examinations before participation in sports;
- i) Providing health examinations necessary for the issuance of employment certificates; and
- j) Surveying and making necessary recommendations concerning the health and safety aspects of school facilities and the provision of health information.

Education Law Article 19
8 NYCRR Part 136

Adopted: 7/8/24

Students

SUBJECT: IMMUNIZATION OF STUDENTS

Every child entering or attending a District school must present proof of immunization or proof of immunity by serology (blood test) if applicable unless a New York State licensed physician certifies that the immunization is detrimental to the student's health. The requirement for that immunization is waived until the immunization is no longer detrimental to the student's health.

Except for this medical exemption, 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.

The administration will notify the local health authority of the name and address of excluded students and provide the parent or person in parental relation a statement of his or her duty regarding immunization as well as a consent form prescribed by the Commissioner of Health. The school will work with the local health authorities to communicate to parents information regarding the availability of immunizations for 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 immunizations, or immunization or medical records.

Education Law §§ 310 and 914
Public Health Law §§ 613 and 2164
8 NYCRR §§ 100.2 and 136.3
10 NYCRR Subpart 66-1

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

Adopted: 7/8/24

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 initial entrance in a District school at any grade level;
- b) Entrance to pre-kindergarten or kindergarten;
- c) Entry into the 1st, 3rd, 5th, 7th, 9th and 11th grades.

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

In addition, the District requires a pre-participation physical 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 the appropriate medical provider before returning to athletic activities, in accordance with applicable law and the District's concussion procedures.

Health Certificate

Each student must submit a health certificate complying with applicable requirements and attesting to the health examination within thirty (30) days after his or her initial entrance into school at any grade level, and within thirty (30) days after his or her entry into pre-kindergarten or kindergarten, and the 1st, 3rd, 5th, 7th, 9th and 11th grades. The health certificate shall be filed in the student's cumulative record.

(Continued)

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 Medical Director/Director of School Health Services.

Health Screenings

The District will provide hearing, vision and scoliosis screenings to students in accordance with applicable laws and regulations.

The results of all health screenings shall be recorded on appropriate forms 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, and maintained in accordance with applicable records retention requirements.

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 Parts 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: 7/8/24

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 for seeking first aid care for students who are injured or become ill while under school supervision.

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).

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: 7/8/24

SUBJECT: CONCUSSION MANAGEMENT

The Board of Education recognizes that concussions and head injuries are one of 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 Board directs the Superintendent, Athletic Director and/or designee to develop regulations, procedures and protocols related to identifications of concussion and removal from athletic activities, management of concussion symptoms, and a student's return to school and physical activity following a concussion, in accordance with this policy and applicable laws, regulations, and NYSED guidance.

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 concussions to parents and persons in parental relation throughout each school year.

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

Adopted: 7/8/24

Students

SUBJECT: CHILD ABUSE AND MALTREATMENT: MANDATED REPORTING**Child Abuse and Maltreatment**

The District takes seriously the obligations of its officers and employees to report cases of child abuse or maltreatment. To this end, regulations will be developed, maintained, and disseminated by administration regarding the:

- a) Mandatory reporting of suspected child abuse or maltreatment;
- b) Reporting procedures and obligations of persons required to report;
- c) Provisions for taking a child into protective custody;
- d) Mandatory reporting of deaths;
- e) Immunity from liability and penalties for failure to report;
- f) Obligations for provision of services and procedures necessary to safeguard the life or health of a child; and
- g) Provision of information in recognizing signs of unlawful methamphetamine laboratories for all current and new school officials (i.e., "mandated reporters") who, as part of their usual responsibilities, visit children's homes.

Additionally, all school staff, administrators and officials will be required to complete training on these topics in accordance with the law.

Reporting Information

The District will post the child abuse hotline telephone number and directions for accessing the Office of Children and Family Services (OCFS) website in English and Spanish on its website and in clearly and highly visible areas of school buildings. The District will also make this information available from its administrative offices; provide it to parents and persons in parental relation at least once per school year by electronic communication, sending the information home with students, or otherwise; and provide it to each teacher and administrator. The District may post and provide this information in other, common languages used by the school community.

Persons Required to Report

Persons required to report cases of child abuse or maltreatment to the State Central Register (SCR) in accordance with Social Services Law include, but are not limited to, school teachers, school guidance counselors, school psychologists, school social workers, school nurses, school administrators or other school personnel required to hold a teaching or administrative license or certificate, and full- or part-time compensated school employees required to hold a temporary coaching license or professional coaching certificate.

(Continued)

Students

SUBJECT: CHILD ABUSE AND MALTREATMENT: MANDATED REPORTING (Cont'd.)

All mandated reporters must make the report themselves and then immediately notify the building principal or designee. The building principal or designee will be responsible for all subsequent administration necessitated by the report. Any report must include the name, title, and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.

Prohibition of Retaliatory Personnel Action

The District will not take any retaliatory personnel action against an employee because the employee believes that he or she has reasonable cause to suspect that a child is an abused or maltreated child and that employee makes a report to SCR. Further, no school official will impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

“Retaliatory personnel action” means the discharge, suspension, or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

Report Form

The “Report of Suspected Child Abuse or Maltreatment” Form may be accessed at the OCFS website.

Child Abuse in an Educational Setting

The District is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers. Regulations will be developed, maintained, and disseminated by administration regarding the process and requirements for reporting of allegations that a child has been subjected to child abuse by an employee or volunteer in an educational setting.

Prohibition of “Silent” (Unreported) Resignations

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent, or the Commissioner, as appropriate, information concerning allegations of child abuse in an educational setting against an employee or volunteer in exchange for that individual’s resignation or voluntary suspension from his or her position.

The Superintendent (or other school administrator) who reasonably and in good faith reports to law enforcement officials information regarding allegations of child abuse or a resignation as required by law will have immunity from any liability, civil or criminal, which might otherwise result by reason of those actions.

(Continued)

Students

SUBJECT: CHILD ABUSE AND MALTREATMENT: MANDATED REPORTING (Cont'd.)

Prohibition on Aiding and Abetting Sexual Abuse

Unless exempted by law, no District employee, contractor, or agent of the District will assist another District employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows or has probable cause to believe, that the individual engaged in sexual misconduct regarding a minor or student in violation of the law.

Education Law Article 23-B and §§ 409-1, 902(b), 3028-b and 3209-a
Family Court Act § 1012
Labor Law § 740(1)(e)
Penal Law Articles 130, 235 and 263
Social Services Law §§ 411-428
8 NYCRR Part 83, § 100.2(nn)
20 USC § 7926

Adopted: 7/8/24

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)

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)

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: 7/8/24

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 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 the District Code of Conduct, 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, dangerous, negative or reckless activity expected or required for the purpose of initiating into, affiliating with, or maintaining membership in any group, activity, organization, club, or team, regardless of the individual's willingness to participate or an individual's intent to cause harm or injury to another* . 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 utilized for complaints of harassment and/or bullying 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.

(Continued)

Students

SUBJECT: HAZING OF STUDENTS (Cont'd.)**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)

NOTE: Refer also to Policies #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
District Code of Conduct

Adopted: 7/8/24

Students

SUBJECT: NOTIFICATION OF SEX OFFENDERS

When the Superintendent of Schools and/or designee receives information concerning the release and/or residence of sex offenders within the District, the Superintendent and/or designee will communicate appropriate information to District staff and the community as required by applicable law.

Implementation

The Board directs the Superintendent and/or designee to develop administrative regulations to implement this policy.

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

Adopted: 7/8/24

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 will maintain supervision over locker rooms and/or team rooms. 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

Adopted: 7/8/24

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 law.

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.

Notice to Parents/Persons in Parental Relation

The District 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.

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.

(Continued)

Students

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

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 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 by law. 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 law, 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: 7/8/24

Students

SUBJECT: CORPORAL PUNISHMENT, RESTRAINT OF STUDENTS, AND TIMEOUT

This policy is to establish District guidelines prohibiting the use of corporal punishment and prescribing when and how restraint and timeout¹ of students is to be used in response to or to address student behaviors. In all situations, positive, proactive, evidence- and research-based strategies through a multi-tiered system of supports are to be used to reduce the occurrence of challenging behaviors, eliminate the need for the use of timeout and physical restraint, and improve school climate and the safety of all students.

School employees and agents are prohibited from using any of the following against a student:

- corporal punishment;
- aversive interventions; or
- seclusion.

Timeout and physical restraint will not be used as discipline or punishment, retaliation, or as a substitute for positive, proactive intervention strategies that are designed to change, replace, modify, or eliminate a targeted behavior.

Factors Which May Precipitate the Use of Timeout and/or Physical Restraint

Generally, timeout and physical restraint will only be used when:

- other less restrictive and intrusive interventions and de-escalation techniques would not prevent imminent danger of serious physical harm to the student or others;
- there is no known medical contraindication to its use on the student; and
- school staff using such interventions have been trained and their training is current in its safe and appropriate application in accordance with the requirements of this policy.

Both will only be used for developmentally appropriate time periods based on the latest information provided by SED.

A. Timeout

Except in accordance with Commissioners regulations (8 NYCRR 200.22(c)), timeout will only be used in a situation that poses an immediate concern for the physical safety of the student or others. Staff will return the student to their educational program as soon as the student has safely de-escalated, regained control and is prepared to meet expectations.

(Continued)

¹ All terms used in this policy are as defined in the Board of Regents regulations section 19.5.

Students

**SUBJECT: CORPORAL PUNISHMENT, RESTRAINT OF STUDENTS, AND TIMEOUT
(Cont'd)**

In addition to other laws and/or regulations pertaining to timeout rooms used by the District, the room or physical space used for timeout will be unlocked, and any door must be able to be opened from the inside. The use of locked rooms or physical spaces is expressly prohibited. The room or space will allow for continuous visual and auditory monitoring of the student.

B. Use of Physical Restraint

Physical restraint will only be used in a situation in which immediate intervention involving the use of reasonable physical force is necessary to prevent imminent danger of serious physical harm to the student or others. The type of physical restraint used will be the least restrictive technique necessary and be discontinued as soon as the imminent danger of serious physical harm has resolved. Physical restraint will never be used in a manner that restricts the student's ability to breathe or communicate or harms the student. The use of prone restraint is expressly prohibited.

Physical restraint will not be used to prevent property damage except in situations where there is imminent danger of serious physical harm to the student or others and the student has not responded to positive, proactive intervention strategies.

Physical restraints will be administered only by staff who have received training and such training is current in accordance with the requirements set forth below.

Following a physical restraint, school medical personnel, including the school nurse, will determine if an injury has been sustained by the student. Medical personnel will document any marks, bruises or other injuries the student may have at the time of the evaluation.

Parental Notification

Each building principal is responsible for developing specific procedures for parental notification of restraints and timeouts consistent with the following requirements. Such procedures must:

- include same day notification to a parent or person in parental relation to the student following the use of timeout, including timeout used in conjunction with a student's behavioral intervention plan or use of a physical restraint. When the student's parent or person in parental relation cannot be contacted, after reasonable attempts are made, the school principal or building administrator will record such attempts. For students with disabilities, the school principal or building administrator will report such attempts to the student's committee on preschool special education or committee on special education. Such notification will offer the parent the opportunity to meet regarding the incident; and

(Continued)

**SUBJECT: CORPORAL PUNISHMENT, RESTRAINT OF STUDENTS, AND TIMEOUT
(Cont'd)**

- provide the parent or person in parental relation to the student a copy of the documentation of the incident within three school days of the use of timeout or a physical restraint.

Documentation

The school will maintain documentation of each incident involving the use of timeout, including timeout used in conjunction with a student's behavioral intervention plan or physical restraint on each student as prescribed in Board of Regents regulations, section 19.5(d)(4).

Debriefing

As soon as practicable, and after every incident in which timeout or a physical restraint is used on a student, a school administrator or designee will meet with the school staff who participated in the use of timeout or physical restraint to discuss:

- the circumstances leading to the use of timeout or physical restraint; and
- the positive, proactive intervention strategies that were utilized prior to the use of timeout physical restraint; and
- planning for the prevention and reduction of the future need for timeout or physical restraint with the student including, if applicable, whether a referral should be made for special education programs and/or other support services or, for a student with a disability, whether a referral for review of the student's individualized education program or behavioral intervention plan is needed; and
- direct a school staff member to debrief the incident with the student in a manner appropriate to the student's age and developmental ability and to discuss the behavior(s), if any, that precipitated the use of timeout or physical restraint.

Review of documentation

The school administrator or designee will regularly review documentation on the use of timeout and physical restraint to verify compliance with school's policy and procedures. When there are multiple incidents within the same classroom or involving the same staff, the school administrator or designee will take appropriate steps to address the frequency and pattern of use.

Staff training

All staff will receive annual training on the school's policies and procedures related to the use of timeout and physical restraint; evidence-based positive, proactive strategies; crisis intervention and prevention procedures and de-escalation techniques.

(Continued)

Students

**SUBJECT: CORPORAL PUNISHMENT, RESTRAINT OF STUDENTS, AND TIMEOUT
(Cont'd)**

Any staff who may be called upon to implement timeout or physical restraint, will receive annual, evidence-based training in safe and effective developmentally appropriate timeout and physical restraint procedures.

Adopted: 7/8/24

Students

SUBJECT: SPECIAL EDUCATION: DISTRICT PLAN

A District plan shall be developed in accordance with applicable law and regulation describing the Special Education program in the East Syracuse Minoa 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)(1)

Adopted: 7/8/24

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.

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 including ads in local and regional newspapers, District Website and college websites;
 2. Verify certifications and conduct reference checks;
 3. Provide training sessions for interview committee and follow professional development requirements;
 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 Federal and state law or demonstrate competence in all the core academic subjects taught per state regulations;
 5. Provide mentoring and on-going support to retain personnel.
 6. Special education teachers and administrators are required to complete enhanced training in the needs of autistic children.

(Continued)

SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

- e) Establishing the following guidelines for the provision of appropriate accommodations necessary to measure the academic achievement and functional performance of the student in the administration of District-wide and statewide 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;
 - 3. All administrators and instructional staff have been provided with the New York State Education Department Document entitled, "Test Access and Accommodations for Students With Disabilities."
- 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.
- 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.

(Continued)

SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

- 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.

(Continued)

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.*

Instructional Materials in Usable Alternative Format

The Superintendent of Schools or the Superintendent's designee is responsible for establishing and implementing a plan to make all instructional materials to be used in the District's schools available in a usable alternative format consistent with the National Instructional Materials Accessibility Standards to all students with a disability in accordance with the student's educational needs and course selections at the same time that such materials are available to non-disabled students.

Alternative format includes any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a student with a disability enrolled in the District, including but not limited to Braille, large print, open and closed captioned, audio or electronic file. Electronic files must be compatible with at least one alternative format conversion software program that is appropriate to meet the student's needs.

(Continued)

SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

The plan shall (1) give a preference in the purchase of instructional materials to those vendors who agree to provide such materials in alternative formats; (2) specify, when an electronic file is provided, how the format will be accessed by students and/or how the district will convert to the accessible format; (3) specify the process to be used when ordering materials to identify the needs of students with disabilities for alternative format materials; (4) specifying ordering timelines to ensure that alternative format materials are available at the same time as regular format materials; and (5) include procedures to initiate the process to obtain materials in alternative formats without delay when a student with a disability moves into the school district during the school year and needs the same.

Declassification of Students with Disabilities

The Superintendent of Schools or the Superintendent's designee is responsible for establishing administrative plans and practices for the appropriate declassification of students with disabilities. Such plan and practice shall include, at the minimum, that students with disabilities be regularly considered for declassification when believed by any member of the CSE to be appropriate and, at least, as part of the three-year re-evaluation. Such plan and practice shall also provide that no student will be declassified without a prior reevaluation and that the student will be provided appropriate educational and support services upon declassification.

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.

(Continued)

SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)**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;
- b) Related services (the term "related services" does not include a medical device that is surgically implanted, the optimization of the device's functioning (e.g., mapping), maintenance of, or the replacement of such device);
- c) Community experiences;
- d) The development of employment and other post-school adult living objectives; and
- e) When appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

Beginning not later than the first 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.

(Continued)

SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

In accordance with the Code of Federal Regulations, the District must invite a student with a disability to attend the student's CSE meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the student and the transition services needed to assist the student in reaching those goals. If the student does not attend the CSE meeting, the District must take other steps to ensure that the student's preference and interests are considered. To the extent appropriate, with the consent of the parent or a student who has reached the age of majority, the District must also invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

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.

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.

SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

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: 7/8/24

**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 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 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.

Subcommittee on Special Education

The number of Subcommittees on Special Education will be determined by the CSE and the CSE will be responsible for the oversight and monitoring of the activities of each subcommittee to assure compliance with the requirements of applicable state and federal laws and regulations.

Each Subcommittee may perform the functions for which the CSE is responsible, except:

- a) When a student is considered for initial placement in a special class; or
- b) When a student is considered for initial placement in a special class outside of the student's school of attendance; or

(Continued)

Students

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

- c) When a student is considered for placements in a school primarily serving students with disabilities or a school outside the District.

Subcommittees shall report annually to the CSE regarding the status of each student with a disability within its jurisdiction. Upon receipt of a written request from the parent or person in parental relation to a student, the Subcommittee shall refer to the CSE any matter in which the parent disagrees with the Subcommittee's recommendation concerning a modification or change in the identification, evaluation, educational placement or provision of a free appropriate education to the student.

Education Law 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: 7/8/24

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 the Commissioner's Regulations, 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 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).

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: 7/8/24

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: 7/8/24

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 Instructional Support Teams (IST) will be formed in accordance with law and/or regulations as may be applicable as well as District guidelines. The IST 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 IST.

(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.

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.

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.

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

(Continued)

Students

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

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: 7/8/24

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

NOTE: Refer also to Policy #3420 -- Non-Discrimination and Anti-Harassment in the School District

Adopted: 7/8/24

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

Committee on Special Education (CSE) Membership

The Committee on Special Education (“CSE”) shall be designated by the Board of Education on an annual basis to ensure timely evaluation and placement of students with disabilities. The CSE members shall be appointed upon the recommendation of the Superintendent of Schools. Members shall include, but not be limited to, individuals in those positions designated in Section 4402 of the New York State Education Law. A District representative will be designated as the “chairperson” of the CSE.

The Superintendent or designed shall be responsible for developing regulations to implement this policy.

Subcommittees

The number of Subcommittees on Special Education will be determined by the CSE. The subcommittee on Special Education will be composed of members and have functions consistent with the Regulations of the Commissioner of Education.

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 (CPSE) Members

Adopted: 7/8/24

SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS

Committee on Preschool Special Education (CPSE) Membership

The Committee on Preschool Education (“CPSE”) is established to conduct meetings to develop, review and revise the Individualized Education Program of preschool children with a disability in accordance with Article 89 of the New York Education Law and Part 200 of the Regulations of the Commissioner of Education. Members shall include, but not be limited to, those positions designated in Section 4410 of the New York State Education Law.

The Superintendent or designed shall be responsible for developing regulations to implement this policy.

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 Preschool Principal 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.

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 (CSE)/Subcommittee on Special Education Members

Adopted: 7/8/24

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.

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 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.

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION**

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.

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Section 615(k)(l)
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: 7/8/24

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

Adopted: 7/8/24

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;
- 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

Adopted: 7/8/24

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 regulations 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: 7/8/24

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: 7/8/24

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 parent's 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 the record by the IHO.

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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.

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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 the 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.

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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.

Administrative Procedures

Administrative procedures will be developed for the selection and appointment of an IHO consistent with regulatory requirements.

(Continued)

Students

SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)

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

Adopted: 7/8/24