FOREWORD

Contained herein are the policy statements formulated by the Board of Education of the Enlarged City School District of Middletown, NY.

Policy is defined as a basic plan of action. It establishes limits within which freedom of judgment can be exercised.

Policy is a governing principle of management. It is a statement that has an effect on the interests of those who come under its jurisdiction. A policy may originate from the constitution, from statute, from local determinations and/or from customary patterns of formal behavior.

Policy should accomplish the following:

a) State a position taken by the District;
b) Grant the authority to act;
c) Be sufficiently detailed to give adequate direction;
d) Be achievable within the real environment of the school and community;
e) Provide for impartial procedures.

In addition to the adopted policies, the operation of the School District is governed by and subject to all applicable Laws, Regulations of the Commissioner of Education, Civil Service requirements, Board of Education Resolutions, School Administrative Regulations and Contracts of Agreement.

If any part of this manual is made invalid by judicial decision or legislative or administrative enactment, all other parts shall remain in full effect unless and until they are amended or repealed by the Board of Education. The official record of the adoption, amendment, or repeal of the by-laws and policies of the Enlarged City School District of Middletown, NY shall be the minutes of the meetings of the Board of Education.
ENLARGED CITY SCHOOL DISTRICT OF MIDDLETOWN, NY
POLICY MANUAL CONTENTS

SECTION 1000  BY-LAWS
SECTION 2000  INTERNAL OPERATIONS
SECTION 3000  COMMUNITY RELATIONS
SECTION 4000  ADMINISTRATION
SECTION 5000  NON-INSTRUCTIONAL/BUSINESS OPERATIONS
SECTION 6000  PERSONNEL
SECTION 7000  STUDENTS
SECTION 8000  INSTRUCTION

The following abbreviations will be used in the Policy Manual:

Federal:
USC    United States Code
CFR    United States Code of Federal Regulations

State:
NYCRR  New York Code of Rules and Regulations
8 NYCRR Regulations of the Commissioner of Education
PHILOSOPHY STATEMENT

In preparing individuals to develop their fullest potential for living in the society of today and tomorrow, the Board of Education and the staff of the School District:

I. Recognize their responsibility to help meet the physical, intellectual and emotional needs of children; particularly the needs to inquire, learn, think, and create; to establish aesthetic, moral and ethical values; and to relate satisfactorily to others in social situations involving family, work, government and recreation.

II. Accept primary responsibility for giving students a mastery of the basic skills of learning, thinking and problem-solving; for teaching them to use the various media of self-expression; for instilling in them a knowledge of the social and natural sciences; for acquainting them with the richness of our heritage; and for stimulating them to productive work in the various areas of human endeavor.

III. Acknowledge the importance of their supplemental role to the home and other social agencies in developing habits and attitudes which make for effective personal living, the maintenance of optimum physical and mental health, and the establishment of sound moral, ethical, and aesthetic values.

Realizing that education, as here defined, is a lifelong process, the School System seeks to orient its graduates toward various types of post-secondary education and further formal training and study of many types; and to provide educational opportunities particularly suited to the needs of adults, both as individuals and as citizens in a democracy.
ORGANIZATION OF THE BOARD OF EDUCATION

1.1 School District and Board of Education Legal Status and Authority .............................................. 1110
1.3 Number of Members and Terms of Office ............................................................................................ 1130

NOMINATION AND ELECTION OF BOARD OF EDUCATION MEMBERS

2.1 Board of Education Members: Qualifications .................................................................................... 1210
2.2 Board of Education Members: Nomination and Election ................................................................. 1220
2.3 Reporting of Expenditures and Contributions .................................................................................... 1230
2.4 Resignation and Dismissal .................................................................................................................... 1240

THE ROLE OF THE BOARD OF EDUCATION

3.0 Board Member Ethics .......................................................................................................................... 1300
3.0.1 Board Meeting Procedures for the Conduct of Trustees (Including Those Televised and/or Digitally Recorded) ........................................................................................................... 1301
3.1 Powers and Duties of the Board .............................................................................................................. 1310
3.2 Nomination and Election of Board Officers .......................................................................................... 1320
3.3 Appointments and Designations by the Board of Education .............................................................. 1330
3.3.1 Duties of the District Clerk .................................................................................................................. 1331
3.3.2 Duties of the School District Treasurer ............................................................................................... 1332
3.3.3 Duties of the Tax Collector ................................................................................................................... 1333
3.3.4 Duties of the External (Independent) Auditor ..................................................................................... 1334
3.3.5 Appointment and Duties of the Claims Auditor .................................................................................. 1335
3.3.6 Duties of the Extraclassroom Activity Fund Central Treasurer and Faculty Auditor .......................... 1336
3.3.7 Duties of the School Attorney ............................................................................................................ 1337
3.3.8 Duties of the School Physician/Nurse Practitioner .......................................................................... 1338
3.3.9 Duties of the Internal Auditor ............................................................................................................ 1339

BOARD POLICY

4.1 Policy and Administrative Regulations .................................................................................................. 1410
Enlarged City School District of Middletown, NY

MEETINGS OF THE BOARD OF EDUCATION

5.1 Regular Board Meetings and Rules (Quorum and Parliamentary Procedure)........1510
   5.1.1 Agenda Format ..............................................................................................1511
5.2 Special Meetings of the Board of Education .............................................................1520
5.3 Minutes ......................................................................................................................1530
5.4 Executive Sessions .....................................................................................................1540

MEETINGS OF THE DISTRICT

6.1 Annual District Meeting and Election/Budget Vote..................................................1610
   6.1.1 Business of the Annual District Election .......................................................1611
6.2 Annual Organizational Meeting .................................................................................1620
   6.2.1 Hours of Voting for School District Elections and Referenda ......................1621
6.3 Legal Qualifications of Voters at School District Meetings ......................................1630
6.4 Absentee Ballots ........................................................................................................1640
6.5 Submission of Questions and Propositions at the Annual Meeting and
   Election and Special District Meetings ......................................................................1650
SUBJECT: SCHOOL DISTRICT AND BOARD OF EDUCATION LEGAL STATUS AND AUTHORITY

The Constitution of New York State instructs the Legislature to provide for a system of free common schools wherein all children of the State may be educated.

The Legislature of the State has implemented this constitutional mandate through the creation of school districts of various types. As a City School District of a city with less than 125,000 inhabitants, the Enlarged City School District of Middletown, NY is organized under and subject to the provisions of Education Law Article 51.

The Board of Education is a corporate body charged with the general control, management, and responsibility of the schools of the Enlarged City School District of Middletown, NY. As such, it possesses those powers and duties set forth in law.

Education Law §§ 2, 1501, 1604, 1701, 1709, 1804, 2502, and 2503

Adopted: 6/2/05
Revised: 4/20/16
SUBJECT: NUMBER OF MEMBERS AND TERMS OF OFFICE

The Board of Education of the Enlarged City School District of Middletown, NY shall consist of nine members who are elected by the qualified voters of the School District at the annual District meeting and election or at a special District meeting, or who are appointed by the Board of Education, as prescribed by law.

Elected members of the Board of Education shall serve for three years beginning July 1 following their election, except as specified below, and each term shall expire on the 30th day of June of the third year.

An appointed member of the Board of Education shall hold office until the next regular school district election, and the person elected to fill such vacancy shall take office immediately upon the filing of the oath of office with the District Clerk.

Whenever a term of office expires at the end of a school year, and such position is or becomes vacant at the time of the annual District meeting and election, the person elected to fill the full term vacancy shall also be deemed elected to fill the remainder of the term preceding the commencement of the full term (meaning that the candidate elected to fill the full-term shall be deemed elected as of the day of the election).

Education Law §§ 2105(14), 2502(6) and 2610

See also, Board minutes for meeting of January 22, 2009, authorizing placement of a proposition on the ballot proposing a reduction in Board Members' term of office from five to three years: and see Board minutes for meeting of May 20, 2009, declaring results of electorate's vote in favor of the proposition to reduce the term of office as specified.

Adopted: 6/2/05
Revised: 8/26/10; 04/20/16
SUBJECT: BOARD OF EDUCATION MEMBERS: QUALIFICATIONS

A Board of Education member of the Enlarged City School District of Middletown, NY must meet the following qualifications:

a) A citizen of the United States;

b) Eighteen (18) years of age or older;

c) Able to read and write;

d) A legal resident of the District for a continuous and uninterrupted period of at least one (1) year prior to the election;

e) Cannot be an employee of the Enlarged City School District of Middletown, NY;

f) The only member of his/her family (that is, cannot be a member of the same household) on the Enlarged City School District of Middletown, NY Board;

g) May not simultaneously hold another, incompatible public office; including, but not limited to Superintendent, clerk, tax collector, treasurer or librarian, or an employee of the Board. In small city school districts, Board members may not hold any city office other than that of police officer or firefighter.

h) Must not have been removed from a school district office within one (1) year preceding the date of appointment or election to the Board.

Education Law §§ 1804(1), 1950(9), 2101, 2102, 2103, 2103-a, 2130(1), and 2502(7)
Public Officers Law § 3

 Adopted: 6/2/05
SUBJECT: BOARD OF EDUCATION MEMBERS: NOMINATION AND ELECTION

a) Candidates for the office of member of the Board of Education shall be nominated by a petition directed to the Clerk of the School District which is signed by at least one hundred (100) qualified voters of the District. Petitions must state the residence of each signer, the name and residence of each candidate.

b) The notice of the annual District meeting must state that petitions nominating candidates for the Board of Education must be filed with the Clerk of the District no later than 20 days before the Annual or Special District Meeting at which the school board election will occur, between 9 a.m. and 5 p.m.

c) Voting will be by machine, and provision shall be made for the election by "write-in-vote" of any candidate not previously nominated. The position of candidates on ballots shall be determined by lot at a drawing conducted by the District Clerk on the day after the last filing. Candidates or their proxies may be present for the drawing.

d) The hours of voting shall be as indicated by Board resolution.

e) The candidates receiving the largest number of votes shall be declared elected in accordance with Education Law.

f) At least ten (10) days prior to the election, the Board shall appoint at least two (2) inspectors of election for each voting machine, and set their salary.

g) The District Clerk shall oversee the election. The Clerk shall give notice immediately to each person declared elected to the Board, informing him/her of the election and his/her term of office.

h) Only qualified voters as determined by Education Law (Section 2012) may vote at any District meeting or election.

i) No electioneering will be allowed within one hundred (100) feet of the polling place.

j) When a term of office expires at the end of a school year and the office has become vacant at the time of election, the person elected to fill the new full term vacancy also fills the remaining days of the previous term, beginning his/her term of office immediately upon election and taking and filing of the oath of office.

k) In accordance with District policy, newly-elected Board members may participate without voting privileges in regular Board meetings and executive sessions prior to being sworn in at the Annual Organizational Meeting.

Education Law §§ 2004, 2018, 2025, 2029, 2031-a, 2032, 2034(7)(d), 2105(14), 2121, 2502, 2602, 2608(1) and 2610

Adopted: 6/2/05
SUBJECT: REPORTING OF EXPENDITURES AND CONTRIBUTIONS

Each candidate for the position of member of the Board of Education whose expenses and/or contributions received exceed five hundred dollars ($500) must file a statement accounting for his/her campaign expenditures and contributions with the District Clerk and an additional statement with the Commissioner of Education. In the event the expenses do not exceed five hundred dollars ($500) and the aggregate amount of all contributions made to the candidate do not exceed $500, then a sworn statement to that effect must only be filed with the District Clerk.

Required contribution statements shall include:

a) The dollar amount and/or fair market value of any receipt, contribution or transfer which is other than money;
b) The name and address of the transferor, contributor or person from whom received;
c) If that transferor, contributor or person is a political committee as defined in Section 14-100 of the Election Law;
d) The name and political unit represented by the committee;
e) The date of receipt;
f) The dollar amount of every expenditure;
g) The name and address of the person to whom the expenditure was made, or the name of and political unit represented by the committee to which it was made; and
h) The date of the expenditure.

The times for filing the statements are as follows:

a) The first statement on or before the thirtieth day preceding the election to which it relates;
b) A second statement on or before the fifth day before the election;
c) A third statement within twenty days after the election.

Any contribution or loan in excess of $1000 received after the close of the period covered in the last statement filed before the election (b above) but before the election itself shall be reported within 24 hours after receipt.

(Continued)
SUBJECT: REPORTING OF EXPENDITURES AND CONTRIBUTIONS (Cont’d.)

All statements must be sworn before a notary public, a commissioner of deeds, a lawyer or a public
official authorized by New York State law to administer oaths.

Education Law §§ 1528 and 1529
Election Law § 14-100(1)

Adopted: 6/2/05
SUBJECT: RESIGNATION AND DISMISSAL

Board members may resign at a District meeting of residents (i.e., the annual meeting, not a regular Board of Education meeting) or by filing a written resignation with the District Superintendent of the Supervisory District who must endorse his/her approval and file the resignation with the District Clerk.

Alternatively, a Board member may resign under Public Officers Law Section 31 by filing a written resignation with the District Clerk. The Clerk must then notify the School Board and the State Board of Elections.

A resignation may be withdrawn only with the consent of the person to whom the resignation was delivered (i.e., the District Clerk or BOCES District Superintendent). The School Board has no authority to act upon a request to withdraw a resignation.

The resignation shall take effect upon the date specified in the letter of resignation; however, if no effective date is specified, it shall take effect on the date of delivery to or filing with the District Clerk. If an effective date is specified in the letter of resignation, such date shall not be more than thirty (30) days subsequent to the date of its delivery or filing.

It shall be the duty of each member of the Board of Education to attend all meetings of the Board and, if any member shall refuse to attend three (3) consecutive meetings of the Board after having been regularly notified and a satisfactory cause for each non-attendance is not shown, the Board will proceed to declare that office vacant.

A Board member may be removed from office by the Commissioner of Education for willful violation of any provision of law, neglect of duty, or willfully disobeying any decision, order or regulation of the Commissioner. The Board of Education may also remove a Board member for misconduct relating to the exercise of authority as a Board member. A written copy of all charges made of such misconduct must be served upon the Board member at least ten (10) days before the time designated for a hearing on the charges; and the Board member shall be allowed a full and fair opportunity to refute such charges before removal.

As a small city school district, the District is not obligated to fill a vacancy on the Board which occurs due to death, resignation, removal from office or from the School District, or refusal to serve of a Board member.

However, the Board may fill the vacancy by appointment for a term ending with the next annual election of the School District at which time such vacancy shall be filled in a regular manner for the balance of the unexpired term. If the Board chooses to fill the vacancy by appointment, the appointment requires a majority vote of the remaining members of the Board.

(Continued)
SUBJECT: RESIGNATION AND DISMISSAL (Cont'd.)

The Board, at its own option, may instead call a special election within ninety (90) days to fill the unexpired term. If not so filled, the District Superintendent of the Supervisory District may appoint a competent person to fill the vacancy until the next annual election.

A person elected or appointed to fill a vacancy shall take office immediately upon filing the oath of office.

Education Law §§ 306, 1607, 1706, 1709(17)(18), 1804(1), 2103(2), 2109, 2111, 2112, 2113, 2502, 2503 and 2553
Public Officers Law §§ 30, 31 and 35

Adopted: 6/2/05
SUBJECT: BOARD MEMBER ETHICS

Each member of the Middletown City School District Board of Education recognizes that:

a) The citizens of the community have entrusted the Board with the educational development of the children and youth of the community;

b) The public expects each Board member's first and greatest concern to be in the best interest of each and every one of the young people of the community without distinction as to who they are or what their background may be;

c) The future welfare of the community, of the state, and of the nation depends in the largest measure upon the quality of education the District provides in the public schools;

d) The Board must take the initiative in helping all the people of this community to have all the facts, all the time, about the schools, to the end that they will readily provide the finest possible school programs, school staff, and school facilities;

e) Legally, the authority of the Board is derived from the state, which ultimately controls the organization and operation of the School District, and which determines the degree of discretionary power left with the Board and the people of the community for the exercise of local autonomy;

f) Each Board member must never neglect his/her personal obligation to the community and any legal obligation to the state, nor surrender these responsibilities to any other person, group, or organization; but that, beyond these, each Board member has a moral and civic obligation to the nation which can remain strong and free only so long as public schools in the United States are kept free and strong.

The Board also recognizes its obligation to set forth a code of ethics under the provisions of the General Municipal Law. The Board, therefore, adopts the following code of ethics for the guidance of each Board member.

Each School Board member should:

a) Devote time, thought, and study to the duties and responsibilities of being a school board member so that he/she may render effective and credible service;

b) Work with fellow Board members in a spirit of harmony and cooperation in spite of differences of opinion that arise during vigorous debate of points at issue;

c) Base personal decisions upon all available facts in each situation; vote by honest conviction in every case, unswayed by partisan bias of any kind; and, thereafter, abide by and uphold the final majority decision of the Board;

(Continued)
SUBJECT: BOARD MEMBER ETHICS (Cont'd.)

d) Remember that, as an individual, a Board member has no legal authority outside the meetings of the Board, and to conduct relationships with school staff, local citizenry, and media accordingly;

e) Resist temptation and outside pressure to use the Board position for personal benefit or for the benefit of any other individual or agency;

f) Recognize that it is as important for the Board to understand and evaluate the educational program of the schools;

g) Bear in mind, under all circumstances, that the primary function of the Board is to establish the policies by which the schools are to be administered, but that the administration of the educational program and the conduct of school business shall be left to the employed Superintendent and his/her professional and non-professional staff;

h) Welcome and encourage active cooperation by citizens, organizations, and the media with respect to establishing policy on current school operation and proposed future developments;

i) Support various organizations that address the needs of school boards; and

j) Strive toward ideal conditions for most effective School Board service to the community, in a spirit of teamwork and devotion to public education as the greatest instrument for the preservation and perpetuation of our representative democracy.

The rules of ethical conduct of this policy shall not conflict with, but shall be in addition to the prohibitions of the General Municipal Law Article 18 relating to conflicts of interests of school district officers and employees.

Adopted: 6/2/05
SUBJECT: BOARD MEETING PROCEDURES FOR THE CONDUCT OF TRUSTEES (INCLUDING THOSE TELEvised AND/OR DIGITALLY RECORDED)

For the purposes of this policy, "Board meetings" are understood to be meetings of the Board held in public; not meetings of the public. As such, the Board has the obligation to provide for an orderly process to ensure fairness in the presentation of the views and opinions of its individual Trustees. The following procedural rules apply to Board Trustees only.

a) Electronic recording of the meeting will begin only when the President of the Board calls the meeting to order. It will end on the call of a recess or adjournment.

b) Trustees will be assigned seats so that they can be identified and their microphones activated and the cameras set on them when they are recognized to speak.

c) All questions and comments from other Trustees must be addressed to the Board as a whole and the Board President will determine whether and/or who will respond.

d) No person may speak unless recognized directly by the President who has the responsibility of maintaining order.

e) Only one person may have the floor at any one time.

f) Once recognized to speak by the President, the Trustee shall have the floor for no more than the agreed upon time limits as set by the Board during its annual reorganization meeting. (e.g., Resolution approved at the 07/02/09 meeting 4:00 minute)

g) Each Trustee shall have equal rights to speak, but this policy shall not be interpreted as requiring a Trustee to do so.

h) Full and free discussion shall be entertained.

i) Personal, demeaning or insulting remarks will be ruled out of order.

j) Trustees will not be permitted to use cellular telephones, text messaging blackberries or any other electronic communication devices while Board meetings are in session.

k) Trustees must behave in a manner that does not threaten, harass and/or intimidate fellow trustees. The Board President or his/her designee is authorized to ensure that Board meetings are free of said behavior.

l) All trustees must confine themselves to the question before the Board and avoid personalities and personal attacks on fellow trustees, administrators and members of the community.

Adopted: 9/17/09
SUBJECT: POWERS AND DUTIES OF THE BOARD

As a Small City School District, the Board of Education shall have powers and duties as set forth in New York State Education Law, principally Articles 33, 35, 37, 51 and 53, and other applicable Federal and State laws and regulations. In general, the Board shall have in all respects the superintendence, management and control of the educational affairs of the District and shall have all the powers necessary to exercise these powers expressly granted to it by the laws of New York State and the Commissioner of Education.

Education Law §§ 1604, 1709, 1804 and 2503

NOTE: Refer also to Policy #6540 -- Defense and Indemnification of Board Members and Employees

Adopted: 6/2/05
SUBJECT: NOMINATION AND ELECTION OF BOARD OFFICERS

Board of Education officers will be nominated and elected by the Board at its annual organizational meeting for a term of one year. They will take their oath as officers at this meeting along with newly elected members.

The elected officers of the Board are:

a) President; and
b) Vice President.

Duties of the President of the Board of Education

The President's duties may include the following:

a) Presides at all meetings of the Board;
b) Calls special meetings as necessary or on request;
c) Appoints members to all committees of the Board;
d) Serves ex-officio as a member of all committees;
e) Executes documents on behalf of the Board;
f) Performs the usual and ordinary duties of the office.

Duties of the Vice President of the Board of Education

The Board may, in its discretion, elect one of its members Vice President who will have the power to exercise the duties of the President in case of the President's absence or disability. If the presidency becomes vacant, the Vice President will act as President until a President is elected.

Education Law §§ 1701, 1804, 2105(6), and 2502

Adopted: 6/2/05
Revised: 4/20/16
SUBJECT: APPOINTMENTS AND DESIGNATIONS BY THE BOARD OF EDUCATION

Appointments

The Board is authorized to appoint individuals to positions which will facilitate the meeting of its responsibilities to the State, the School System, and the community. These appointments usually take place at the Annual Organizational Meeting.

The following shall be appointed annually:

a) Clerk of the Board
b) District Treasurer
c) Assistant Treasurer
d) Tax Collector and Assistants
e) District Auditor (independent)
f) Extraclassroom Treasurer – High School
g) Extraclassroom Treasurer – Elementary/Middle School
h) Internal Auditor
i) Claims Auditor/Deputy Claims Auditor
j) Certifier of Payrolls
k) Purchasing Agent
l) Records Management Officer
m) Records Access Officer
n) Title IX Compliance Officer
o) 504/ADA Compliance Officer
p) School Physician/Nurse Practitioner
q) AHERA Local Educational Agency (LEA) designee
   (changed from the "need not be reappointed annually" designation)

(Continued)
SUBJECT: APPOINTMENTS AND DESIGNATIONS BY THE BOARD OF EDUCATION (Cont'd.)

r) Labor Relations Attorney
s) Legal Counsel
t) Bond Counsel
u) District Representative to Orange-Ulster School District Health Plan
v) District Representative to Orange-Ulster School District Workers Compensation Plan
w) Committee on Special Education and Committee on Preschool Special Education
x) Dignity Act Coordinators (one in each building)

The following must be appointed but need not be reappointed annually:

a) Census Enumerator and assistants
b) Attendance Officer
c) Liaison for Homeless Children and Youth
d) Chemical Hygiene Officer
e) School Pesticide Representative

Designations

The following designations shall be made by the Board of Education at the Annual Organizational Meeting in July:

a) Petty Cash Fund(s);
b) Official Bank Depositories;
c) Official Bank Signatories;
d) Designated Educational Official to receive court notification regarding a student's sentence/adjudication in certain criminal cases and juvenile delinquency proceedings;

(Continued)
SUBJECT: APPOINTMENTS AND DESIGNATIONS BY THE BOARD OF EDUCATION (Cont'd.)

Authorizations

a) Official Newspaper(s);

b) Approval of attendance at conferences, conventions, workshops, and the like;

c) Superintendent to approve budget transfers within limits prescribed by Commissioner's Regulation Section 170.2 and Board guidelines;

d) Superintendent to apply for Grants in Aid (State and Federal) as appropriate;

e) Establish mileage reimbursement rate; and

f) Other(s) as deemed appropriate/necessary.

McKinney-Vento Homeless Education Assistance Act, § 722, as reauthorized by the No Child Left Behind Act of 2001
Education Law §§ 305(31), 409-h, 1709 and 2503
29 CFR 1910.1450

Adopted: 6/2/05
Revised: 2/23/06; 4/20/16
SUBJECT: DUTIES OF THE DISTRICT CLERK

The District Clerk will be appointed by the Board at its Annual Organizational Meeting and will serve for a period of one (1) year. The Clerk’s duties include the following:

a) Attends all meetings of the Board and keeps a record of its proceedings and records, by name, those in attendance;

b) Prepares minutes of the meetings of the Board, obtains approval of the minutes by the Board at the next meeting, signs the minutes to signify their official standing and forwards copies of the minutes to each member of the Board of Education;

c) Sends notices of special meetings to members of the Board; contacts and communicates with members as required;

d) Sees that the proper legal notices and announcements are published on all specifications and items out on bid, in accordance with state law;

e) Maintains an up-to-date record of Board policies and by-laws;

f) Delivers to, and collects from, the President (or Vice President) such papers for signature as may be necessary;

g) Distributes notices to the public announcing availability of copies of the budget to be presented at the Annual District Meeting in compliance with the requirements of the State Education Law;

h) Administers oaths of office, as required by Section 10, Public Officers Law;

i) Gives written notice of appointment to persons appointed as inspectors of election;

j) Calls all meetings to order in the absence of the President and Vice President;

k) Assumes other duties customary to the office.

The above duties of the District Clerk are not intended to be complete but should serve as a comprehensive guide in undertaking the duties of this office. The District Clerk shall perform such other duties as may be assigned from time to time by the Board.

Education Law § 2121
Public Officers Law § 104

 Adopted: 6/2/05
SUBJECT: DUTIES OF THE SCHOOL DISTRICT TREASURER

The Treasurer is appointed by the Board of Education at the Annual Organizational Meeting and will be covered by a blanket bond. In addition to the routine duties of accounting, filing, posting and preparing reports and statements concerning District finances, the District Treasurer shall perform other specific tasks as follows:

a) Acts as custodian of all moneys belonging to the School District and lawfully deposits these moneys in the depositories designated by the Board;

b) Pays all authorized obligations of the District as directed;

c) Maintains proper records and files of all checks, and approved payment of bills and salaries;

d) Makes all such entries and posts all such financial ledgers, records and reports as may be properly required to afford the District an acceptable and comprehensive financial accounting of the use of its moneys and financial transactions;

e) Signs all checks drawn on District fund accounts provided that the District's Internal Claims Auditor has attested to the authority to issue the check based upon proper evidence of a charge against the District's funds;

f) Safeguards either his/her electronic signature and/or the check-signing machine and signature plate, personally overseeing all preparation of checks;

g) Assumes other duties customary to the office.

Education Law §§ 2122, 2130 and 2523
Local Finance Law §§ 163 and 165
8 NYCRR §§ 170.2(g), 170.2(o) and 170.2(p)
9 NYCRR § 540.4

Adopted: 6/2/05
Revised: 4/20/16
SUBJECT: DUTIES OF THE TAX COLLECTOR

The Tax Collector is appointed annually by the Board of Education and shall be covered by a bond. It shall be the responsibility of the District Tax Collector to perform the following duties:

a) Prepares and mails tax notices;

b) Uses suitable printed tax receipt forms as prescribed by the State Tax Commission;

c) Collects taxes in the amount of the warrant, upon the issuance of the tax warrant by the Board of Education and penalty fees in accordance with the terms of such warrant;

d) Turns over daily to the School District Treasurer all money collected by virtue of any tax list and warrant issued;

e) Submits a report, certified by him/her to the Board of Education, showing the amount of taxes and fees collected along with the unpaid listing. The combination of taxes collected and uncollected shall equal the amount of the warrant;

f) Turns over to the County Treasurer, prior to November 15, a list of unpaid taxes;

g) Carries out such other duties of the position as prescribed in Education Law, Real Property Tax Law, or as established by the Regulations of the Commissioner of Education.

Education Law §§ 2126, 2130 and 2506
Real Property Tax Law §§ 922, 924, 1322, 1330 and 1338

Adopted: 6/2/05
SUBJECT: DUTIES OF THE EXTERNAL (INDEPENDENT) AUDITOR

The Board by law shall obtain an annual audit of its records by an independent certified public accountant or an independent public accountant. The audit shall also include all extraclassroom activity funds. The independent accountant shall present the report of the annual audit to the Board or Board designated Audit Committee and provide a copy of the audit to each Board member. The Board shall adopt a resolution accepting the audit report and file a copy of the resolution with the Commissioner. The District will also file the audit report with the Commissioner for a specific school year as required by law of the following school year. In addition to the annual audit, the District shall be subject to State audits conducted by the State Comptroller.

In addition, the independence and objectivity of the auditor may be enhanced when the Board of Education and Audit Committee perform an oversight role with respect to the hiring and performance of the auditor, as required by law.

Request for Proposal Process

In accordance with law, no audit engagement shall be for a term longer than five (5) consecutive years. The District may, however, permit an independent auditor engaged under an existing contract for such services to submit a proposal for such services in response to a request for competitive proposals or be awarded a contract to provide such services under a request for proposal process.

Duties and Responsibilities

The independent auditor must conduct the audit in accordance with Generally Accepted Government Auditing Standards (GAGAS) issued by the Comptroller General of the United States. Standards of GAGAS are organized as general, fieldwork, and reporting.

Below are some important considerations the District shall expect of the auditor in preparing the audit; however, they should not be considered all-inclusive or a substitute for the auditor's professional judgment.

a) Independence: The auditor must document that he/she is independent of the District and free of personal and external impairments. The auditor must establish an internal quality control system to identify any personal and external impairment and assure compliance with GAGAS independence requirements.

b) Internal Quality Control System: The auditor must document that his/her internal quality control processes adequately demonstrate compliance with government auditing standards. He/she must establish an organizational structure, policies and procedures to provide reasonable assurance of complying with applicable standards governing audits.

(Continued)
SUBJECT: DUTIES OF THE EXTERNAL (INDEPENDENT) AUDITOR (Cont'd.)

c) Internal Controls: The auditor must obtain a sufficient understanding of the District's internal controls and document such understanding covering the five interrelated components: the control environment, risk assessment, control activities, information and communication, and monitoring.

d) Planning and Supervision: The auditor's work is to be properly planned and supervised and consider materiality in order to provide reasonable assurance of detecting misstatements resulting from direct and material illegal acts and material irregularities to financial statements. The auditor should also be aware of the possibility that indirect illegal acts may have occurred.

e) Audit documentation: In order to meet the GAGAS requirements, the audit documentation should provide a clear understanding of its purpose, the source, and the conclusions the auditor reached. It should be organized to provide a clear link to the findings, conclusions, and recommendations contained in the audit report.

f) Reporting on Internal Controls and Compliance: The auditor must report on and present the results of his/her testing of the District's compliance with laws and regulations and its internal controls over financial reports in light of irregularities, illegal acts, other material noncompliance, significant deficiencies, and material weaknesses in internal controls.

Generally Accepted Government Auditing Standards (GAGAS) §§ 3.50-3.54, 4.03, 4.19-4.24, and 5.07-5.20
Education Law §§ 1709(20-a), and 2116-a
General Municipal Law §§ 33 and 104-b
8 NYCRR §§ 170.2, 170.3 and 170.12

Adopted: 6/2/05
Revised: 11/17/11
SUBJECT: APPOINTMENT AND DUTIES OF THE CLAIMS AUDITOR

The Board will appoint a Claims Auditor to audit and approve claims, to certify that each claim listed on the claims warrant was audited and payment authorized, and to perform other such tasks consistent with law and regulation. The Claims Auditor will hold his/her position subject to the pleasure of the Board and report directly to the Board. The Board may, in its discretion, require that the Claims Auditor report to the Clerk of the District or the Board, or to the Superintendent for administrative matters such as workspace, time and attendance.

Qualifications

The Claims Auditor must have the necessary knowledge and skills to effectively audit claims, including experience with purchasing, bidding and claims. The Claims Auditor must be bonded or included in the District's blanket undertaking, prior to assuming his/her duties.

No person shall be eligible for appointment to the office of Claims Auditor who shall be:

a) A member of the Board;

b) The Clerk or Treasurer of the Board;

c) The Superintendent or official of the District responsible for business management;

d) The Purchasing Agent;

e) Clerical or professional personnel directly involved in accounting and purchasing functions of the District or under the direct supervision of the Superintendent;

f) The individual or entity responsible for the internal audit function (the Internal Auditor);

g) The External (Independent) Auditor responsible for the external audit of the financial statements;

h) A close or immediate family member of an employee, officer, or contractor providing services to the District. A "close family member" is defined as a parent, sibling or nondependent child; an "immediate family member" is a spouse, spouse equivalent, or dependent (whether or not related).

Delegation of the Claims Audit Function

Notwithstanding the foregoing, the Board may delegate the claims audit function by using inter-municipal cooperative agreements, shared services through a Board of Cooperative Educational Services, or independent contractors, provided that the individual or organization serving as independent contractor meets the following standards for independence between the Claims Auditor and the District:

(Continued)
SUBJECT: APPOINTMENT AND DUTIES OF THE CLAIMS AUDITOR (Cont'd.)

a) Has no other responsibilities related to the business operations of the School District;

b) Has no interest in any other contracts with, and does not provide any goods or services to, the School District; and

c) Is not a close or immediate family member of anyone who has responsibilities related to business operations of the School District, or has an interest in any other contracts with the District. A "close family member" is defined as a parent, sibling or nondependent child; an "immediate family member" is a spouse, spouse equivalent, or dependent (whether or not related).

If a School District delegates the claims audit function using an intermunicipal cooperative agreement, shared service or an independent contractor, the School Board remains responsible for auditing all claims for services from the entity providing the delegated Claims Auditor, either directly or through a delegation to a different independent entity.

Education Law §§ 1604(35), 1709(20-a), 2526 and 2554(2)
8 NYCRR § 170.12(c)

Adopted: 6/2/05
Revised: 4/20/16
SUBJECT: DUTIES OF THE EXTRACLASSROOM ACTIVITY FUND CENTRAL TREASURER AND FACULTY AUDITOR

Central Treasurer

The Extraclassroom Activity Fund Central Treasurer is appointed by the Board of Education and is responsible for the supervision of the extraclassroom activity fund.

The Treasurer's duties include the following:

a) Countsigns all checks disbursing funds from the Extraclassroom Activity Account;

b) Provides general supervision to ensure that all receipts are deposited and that disbursements are made by check only;

c) Maintains records of all receipts and expenditures;

d) Submits records and reports to the Board as required;

e) Assumes other duties customary to the position.

Faculty Auditor

The Extraclassroom Activity Fund Faculty Auditor is appointed by the Board of Education and is responsible for auditing of all financial transactions of the fund.

The Auditor's duties include:

a) Examine the statement of accounts from the Central Treasurer once each month;

b) Audit the ledgers kept by student treasurers at least twice per year;

c) Examine transactions and procedures to determine if correct;

d) Certify the accuracy of entries posted and available balances listed;

e) Investigate instances when Central Treasurer's report and club ledgers do not agree; and

f) Prepare year-end report summarizing the financial condition of each activity and submit to Principal and Board of Education.


8 NYCRR Part 172
Adopted: 6/2/05
Revised: 11/17/11
SUBJECT: DUTIES OF THE SCHOOL ATTORNEY

The Board of Education will appoint a school attorney to provide legal counsel to the School District. The school attorney's duties may include:

a) Providing legal representation to the District in proceedings before courts and administrative agencies;

b) Providing legal opinions as requested by the Board of Education or its agents, and consistent with any agreement between the School District and the school attorney;

c) Providing counsel in matters related to due process hearings; and/or

d) Such other duties as are consistent with law and the scope of the school attorney's representation.

Adopted: 6/2/05
Revised: 4/20/16
SUBJECT: DUTIES OF THE SCHOOL PHYSICIAN/NURSE PRACTITIONER

The school physician/nurse practitioner shall be appointed by the Board of Education. The duties of the school physician/nurse practitioner shall include, but are not limited to, the following:

a) Performs professional medical services in the examination and care of school children;
b) Performs routine examinations of school children to detect the presence of contagious diseases and physical defects;
c) Serves as an on call member on the Committee on Special Education;
d) Reports to the Board on school health services;
e) Coordinates scheduling for physical examinations to all students participating in interscholastic athletics;
f) Provides final medical clearance for a return to extra class athletic activities for all students who have or are believed to have sustained a mild traumatic brain injury (concussion);
g) Develops the program of health service in accordance with policies approved by the Board and as directed by the Superintendent of Schools;
h) Conducts physical exams for all bus drivers and substitutes prior to employment and annually thereafter;
i) Conducts physical exams for all new employees (instructional and non-instructional);
j) Conducts a medical evaluation on any employee at the request of the Board of Education.

8 NYCRR § 136.5
Education Law §§ 902, 913 and 6902

Adopted: 6/2/05
Revised: 4/20/16
SUBJECT: DUTIES OF THE INTERNAL AUDITOR

The Internal Auditor reports directly to the Board of Education.

The District may use its employees, inter-municipal cooperative agreements, shared services to the extent authorized by Education Law Section 1950, or independent contractors as the person/entity serving as Internal Auditor. The person or entity serving as Internal Auditor must follow generally accepted auditing standards, be independent of District business operations, and have the requisite knowledge and skills to complete the work.

The Internal Auditor is responsible for performing the internal audit function for the Board of Education which includes at a minimum:

a) Development of a risk assessment of District operations, including but not limited to, a review of financial policies, procedures and practices;

b) An annual review and update of such risk assessment;

c) Annual testing and evaluation of one or more areas of the District's internal controls, taking into account risk, control weakness, size, and complexity of operations;

d) Preparation of reports, at least annually or more frequently as the Board may direct, which:
   1. Analyze significant risk assessment findings;
   2. Recommend changes for strengthening controls and reducing identified risks; and
   3. Specify timeframes for implementation of such recommendations.

Education Law §§ 1950, 2116-b and 2116-c
8 NYCRR § 170.12(d)

NOTE: Refer also to Policy #5573 -- Internal Audit Function

Adopted: 4/20/16
SUBJECT: POLICY AND ADMINISTRATIVE REGULATIONS

The Board of Education shall reserve to itself the function of providing guides for the discretionary action of those to whom it delegates authority. The Superintendent shall act as an advisor to the Board in the adoption and approval of written Board policies. The Board shall seek input from the staff and community where appropriate. These guides for discretionary action shall constitute the policies governing the operation of the School System.

The formulation and adoption of these written policies shall constitute the basic method by which the Board of Education shall exercise its leadership in the operation of the School System. The study and evaluation of reports concerning the execution of its written policies shall constitute the basic method by which the Board of Education shall exercise its control over the operation of the School System.

The adoption of a written policy shall occur only after the proposal has been moved, discussed and voted on affirmatively at two (2) separate meetings of the Board of Education (i.e., the "first reading" and the "second reading"). The policy draft may be amended at the second meeting. By a majority vote, the Board may waive the "second reading" and complete the adoption of the proposed policy at its "first reading."

Board action is also necessary for revising policies that require amendment or rescinding policies that are no longer relevant or applicable to the District.

The formal adoption of written Board policy shall be recorded in the official minutes of the Board. Such written Board policy shall govern the conduct and affairs of the District and shall be binding upon the members of the educational community in the District.

It shall be the Board's responsibility to keep its written policies up-to-date so that they may be used consistently as a basis for Board action and administrative decision.

The Superintendent is given the continuing commission of calling to the Board's attention all policies that are out-of-date or for other reasons appear to need revision.

Execution of Policy: Administrative Regulations

The Board shall delegate to the Superintendent the function of specifying required actions and designing the detailed arrangements under which the schools will be operated. These rules and these detailed arrangements shall constitute the administrative regulations governing the schools. They must in every respect be consistent with the policies adopted by the Board. The Board shall be kept informed periodically of changes in administrative regulations.

Education Law §§ 1604(9), 1709(1), 1709(2) and 2503(2)

Adopted: 6/2/05
Revised: 4/20/16
SUBJECT: REGULAR BOARD MEETINGS AND RULES (QUORUM AND PARLIAMENTARY PROCEDURE)

All meetings of the Board of Education (the "Board") must be open to the public except those portions of the meetings which qualify as "executive sessions" or "exempt" meetings. In accordance with Section 102 of the Public Officers Law (a.k.a. the "Open Meetings Law"), a "meeting" is defined as an official convening of a public body for the purpose of conducting public business, including but not limited to the use of videoconferencing for attendance and participation by the members of the public body.

A "public body" is defined as an entity for which a quorum is required in order to conduct public business and which consists of two or more members performing a governmental function. This includes committees and subcommittees of Board that are comprised exclusively of Board members. The term "public body" may also include other committees and subcommittees comprised of Board members and non-Board members if such committee(s) or subcommittee(s) perform(s) a "governmental function," as for example by fulfilling a governmental function imposed by statute.

Executive Sessions

Executive sessions of the Board or of a Board committee or subcommittee shall be convened upon a majority vote of the total membership of the Board or applicable committee or subcommittee, taken in an open meeting, pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, for one or more of the following purposes:

a) Matters which will imperil the public safety if disclosed;

b) Any matter which may disclose the identity of a law enforcement agent or informer;

c) Information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;

d) Discussions regarding proposed, pending or current litigation;

e) Collective negotiations pursuant to Article Fourteen of the Civil Service Law;

f) The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;

g) The preparation, grading or administration of examinations; and

h) The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

(Continued)
Attendance at Executive Sessions

Every member of the Board and member of a Board committee or subcommittee shall have the right to attend executive sessions of the Board and/or of the applicable committee(s) and/or subcommittee(s) of which he or she is a member. Attendance at an executive session of the Board or of a Board committee or subcommittee by any person other than a member of the public body shall be authorized by the members of the Board or committee or subcommittee. Such authorization may occur through the tacit approval of the members of the applicable public body or by formal vote of the public body, if needed. However, in the case of the District's Audit Committee, attendance at executive sessions of the Audit Committee by persons other than members of that Committee must be authorized by a resolution of the Board of Education.

Exempt Meetings

The Open Meetings Law exempts completely from its coverage: 1) judicial or quasi-judicial proceedings (as for example, some types of hearings conducted by the Board under circumstances in which the Board is the final decision maker for the District); and 2) any matter made confidential by federal or state law. An example of an exempt meeting regarding a matter made confidential by federal law is a meeting to discuss student records (and/or information obtained therefrom), which are made confidential by the Family Educational Rights and Privacy Act (FERPA). An example of an exempt meeting regarding a matter made confidential by state law is a meeting between a Board and the Board's attorney(s) to obtain legal advice, which is protected by attorney-client privilege, pursuant to the New York's Civil Practice Law and Rules (CPLR).

Meeting Accessibility

The District shall make reasonable efforts to ensure that meetings are held in facilities that permit barrier-free physical access to the physically handicapped, as defined in subdivision five of section fifty of the Public Buildings Law. In addition, reasonable efforts shall be made to ensure that all meetings are held in an appropriate facility which can adequately accommodate members of the public who wish to attend.

Giving Public Notice of Meetings

Whenever a public meeting is scheduled at least one week in advance, public notice of the time and place of the meeting shall be given to the news media and shall be conspicuously posted in one or more designated public locations at least seventy-two (72) hours in advance of the meeting. Notice of other meetings shall be given to the extent practicable, to the news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior to the meeting. When the District has the ability to do so, notice of the time and place of a meeting shall also be conspicuously posted on the District's Internet website.

(Continued)
SUBJECT: REGULAR BOARD MEETINGS AND RULES (QUORUM AND PARLIAMENTARY PROCEDURE) (Cont’d.)

If videoconferencing or online technology is used to conduct a meeting, the public notice for the meeting shall: 1) inform the public that videoconferencing will be used; 2) identify the locations for the meeting; and 3) state that the public has the right to attend the meeting at any of the locations. Voting may be done through videoconferencing, provided that members can be both seen and heard voting and participating from remote locations.

Making Records that Will be Discussed at Public Meetings Available Beforehand

District records subject to disclosure under FOIL, as well as any proposed rule, regulation, policy or amendment, which in either case is scheduled to be "discussed" during open session at a public Board meeting or public meeting of a Board committee or subcommittee that is subject to the Open Meetings Law, shall be made available, prior to the meeting, to the extent practicable, by being posted on the District's Web site. In some cases, at the District's discretion, copies of records that are scheduled to be discussed during open session at a Board meeting or at the meeting of another public body, also may be made available at the meeting for a reasonable fee.

Board Meetings Schedule/Notice to Board Members

Regular meetings of the Board of Education of Enlarged City School District of Middletown, NY shall take place on the day and time designated by the Board at the Annual Organizational Meeting. Additional meetings may be called, scheduled and convened in accordance with applicable law.

Board Meeting Agendas

It is the responsibility of the Superintendent to initially prepare the agenda for each Board meeting and to review the agenda with the Board President prior to the applicable meeting. Whenever possible, the agenda for each meeting shall be prepared during the week prior to the meeting, and the agenda shall be distributed to Board members no later than the Friday before such regular meeting. Whenever one or more members of the Board wish to have a matter added to the Board's agenda at an upcoming meeting, the Board member(s) shall make a request either to the Superintendent or to the Board President to have the matter placed on the Board's agenda. Whenever persons other than the Superintendent or members of the Board wish to bring a matter to the attention of the Board, such request shall be addressed in writing to the Superintendent, Board President or Board Clerk.

The District Clerk shall notify the members of the Board in advance of each regular meeting. Such notice shall be in writing, shall specify the date, time and place of the meeting, and shall include a copy of the meeting agenda when one has been prepared and is available for distribution prior to the meeting.

The Public's Right to Record, Photograph, Broadcast and Telecast Meetings

The Board recognizes that advances in technology allow public meetings to be photographed, broadcast, webcast and/or otherwise recorded, by means of audio or video, in a non-disruptive manner.

(Continued)
SUBJECT: REGULAR BOARD MEETINGS AND RULES (QUORUM AND PARLIAMENTARY PROCEDURE)  (Cont'd.)

The Board supports the use of such technology to facilitate open communication with respect to public business. Towards this end, the Board may adopt rules, consistent with the recommendation of the New York State Committee on Open Government, addressing the location of the equipment and/or personnel used to photograph, broadcast, webcast and/or record the District's public meetings, so as to assure that such meetings are conducted in an orderly manner. Such rules shall be conspicuously posted during meetings and written copies provided, upon request, to meeting attendees.

Public Expression at Meetings

Public expression at such meetings shall be encouraged, and a specific portion of the agenda may provide for the privilege of the floor. At its discretion, the Board also may provide opportunities for members of the public who are in attendance at Board meetings to participate in the Board's discussion of selected matters on the agenda.

Quorum

Except as otherwise provided by law, the quorum for a meeting of the Board shall be five (5) members. No formal action can be taken at any meeting at which a quorum is not present. This means that when only a quorum exists, the Board can only act by a unanimous vote. Moreover, in some circumstances, as for example when the law requires the approval of two-thirds of the Board to take some specified action, approval of a simple majority of the Board (i.e., a "quorum" of the Board) will not be sufficient.

Use of Parliamentary Procedure

The Board recognizes the value of adhering to general principles of parliamentary procedure for the purpose of conducting Board meetings in an orderly and democratic fashion. Accordingly, the business of the Board shall be conducted in accordance with the authoritative principles of parliamentary procedure as found in the latest edition of Robert's Rules of Order, ("Robert's Rules" or "Rules") as a general set of guidelines for the conduct of Board meetings. In no event, however, shall the Board permit a rigid devotion to Robert's Rules and the myriad variations and applications of those Rules to be utilized or invoked by any member of the Board, or by any other person, to disrupt the expeditious and orderly conduct of Board meetings or to obstruct the will of the Board majority, as exercised or expressed by the Board majority within the limits of applicable law.

Education Law §§ 1708, 2504 and 2116-c
Public Officers Law Article 7

NOTE: Refer also to Policy #1520 -- Special Meetings of the Board of Education

Adopted: 6/2/05
Revised: 7/2/13
SUBJECT: AGENDA FORMAT

I. Opening
   A. Call to Order
   B. Pledge of Allegiance
   C. Roll Call

II. Approval of Minutes

III. Recognitions/Announcements

IV. Written Communications

V. Response to Previous Questions

VI. Presentation

VII. Board Member Reports

VIII. Opportunity to Address the Board

IX. Personnel Action Items
   A. Approval of Personnel Memorandum #
   B. Request for personnel folders for the purpose of conducting personnel business in executive session

X. New Business - Superintendent Report
   A. Information Items
   B. Action Items
      1. Approval of Special Services Memorandum #
      2. Approval of Financial Memorandum #

XI. Opportunity to Address the Board

XII. Roundtable

XIII. Executive Session, if called

XIV. Adjournment

For special and emergency meetings, the regular meeting agenda format shown above may be shortened and/or adapted to fit the purpose of the meeting.

Education Law § 1606
Public Officers Law § 104(2)

Adopted: 6/2/05
SUBJECT: SPECIAL MEETINGS OF THE BOARD OF EDUCATION

Any member of the Board may call for a special meeting. A reasonable and good-faith effort will be made by the Superintendent or the Board president, as the case may be, to give every member of the Board 24 hours' notice of the time, place, and purpose of the meeting. In an emergency, however, the members may waive the 24-hour notice requirement.

All special meetings will be held at a regular meeting place of the Board and in accordance with all applicable provisions of the Open Meetings Law. Public notice of the time and place will be given, to the extent practicable, to the news media, and it will be conspicuously posted in one or more designated public locations at a reasonable time before the meeting.

Education Law § 1606(3)
Public Officers Law §§ 103 and 104

NOTE: Refer also to Policy #1510 -- Regular Board Meetings and Rules (Quorum and Parliamentary Procedure)

Adopted: 6/2/05
Revised: 4/20/16
SUBJECT: MINUTES

The minutes are a legal record of the activities of the School Board as a public corporation having
the specified legal purpose of maintaining public schools. The minutes of all meetings shall be kept by
the Clerk or, in his/her absence, by the Superintendent or his/her designee. The minutes shall be
complete and accurate and maintained in accordance with law and posted on the District website. However, minutes of executive sessions need not include any matter which is not required to be made public by the Freedom of Information Law.

The minutes of each meeting of the Board of Education shall state:

a) The type of meeting;

b) The date, time of convening, and adjournment;

c) Board members present and absent;

d) Board members' arrival and departure time, if different from opening or adjournment times;

e) All action taken by the Board, including a record or summary of all motions, proposals,
resolutions and other matters formally voted upon, with evidence of those voting in the
affirmative and the negative, and those abstaining.

All Board minutes shall be signed by the District Clerk when approved and maintained in
accordance with law. Unless otherwise provided by law, minutes shall be available to the public within
two (2) weeks following the date of a meeting; draft copies, so marked, are acceptable, subject to
correction.

Minutes of Executive Sessions

Minutes shall be taken at executive sessions of any action that is taken by formal vote. The minutes
shall consist of a record or summary of the final determination of such action, the date and the vote.
However, such summary need not include any matter which is not required to be made public by the
Freedom of Information Law (FOIL).

If action is taken by a formal vote in executive session, minutes shall be available to the public
within one (1) week of the date of the executive session.

Education Law §§ 2121 and 3020-a
Public Officers Law §§ 103 and 106

Adopted: 6/2/05
Revised: 4/20/16
SUBJECT: EXECUTIVE SESSIONS

Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, the Board of Education may conduct an executive session for discussion of the below enumerated purposes only, provided, however, that no action by formal vote shall be taken except on an Education Law Section 3020-a probable cause finding. For all other purposes, the action by formal vote shall be taken in open meeting and properly recorded in the minutes of the meeting. Attendance at an executive session shall be permitted to any Board member and any persons authorized or requested to attend by the Board.

a) Matters that will imperil the public safety if disclosed;
b) Any matter that may disclose the identity of a law enforcement agent or informer;
c) Information relating to current or future investigation or prosecution of a criminal offense that would imperil effective law enforcement if disclosed;
d) Discussions regarding proposed, pending or current litigation;
e) Collective negotiations pursuant to Article 14 of the Civil Service Law;
f) Medical, financial, credit or employment history of any particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of any particular person or corporation;
g) Preparation, grading or administration of examinations;
h) Proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities, but only when publicity would substantially affect the value thereof.

Motions for executive sessions should state the subject or subjects to be discussed in executive session. It is insufficient to merely recite statutory language.

Matters discussed in executive sessions must be treated as confidential; that is, never discussed outside of that executive session.

Education Law § 3020-a
Public Officers Law Article 7

Adopted: 6/2/05
Revised: 4/20/16
SUBJECT: ANNUAL DISTRICT MEETING AND ELECTION/BUDGET VOTE

Pursuant to law, the Annual District Meeting and Election/Budget Vote for the School District will be held on the third Tuesday in May. At this time, the District's registered voters will elect members of the Board of Education and will also vote on the District Budget for the upcoming school year. However, in the event that the third Tuesday in May conflicts with a religious holiday, the School Board may petition the Commissioner of Education to obtain permission to hold the Annual Meeting and Election/Budget Vote on the second Tuesday in May. Such request from the Board of Education must be certified and received by the Commissioner no later than March 1.

The District Clerk shall give notice of the time and place of holding the Annual Meeting and Election/Budget Vote by publishing such notice four (4) times within seven (7) weeks preceding the meeting. The first publication of the notice must be at least forty-five (45) days prior to the meeting. Such notice must appear in two (2) newspapers, if there are two (2) newspapers which have a general circulation within the District, or one (1) newspaper, if there is one (1) newspaper with a general circulation within the District. The notice shall also contain such other information as required by law.

Copies of the proposed annual operating budget for the succeeding year to be voted upon at the Annual Meeting and Election shall be available to District residents, on request, in each District school building during certain designated hours on each day other than a Saturday, Sunday or holiday during the fourteen (14) days preceding such Annual Meeting. The availability of this budget information shall be included in a legal notice of the Annual Meeting; and such copies of the proposed budget will also be available to District residents at the time of the Annual Meeting and Election.

Education Law §§ 1608, 1716, 1804(4), 1906(1), 2003(1), 2004(1), 2017(5), 2017(6), 2022(1), 2504 and 2601-a(2)

NOTE: Refer also to Policy #1640 -- Absentee Ballots
SUBJECT: BUSINESS OF THE ANNUAL DISTRICT ELECTION

The Board of Education will appoint a qualified voter as chairperson of the Annual District Meeting and Election/Budget Vote.

The chairperson will call the Annual District Meeting to order and proceed to the following order of business:

a) Designation of District Clerk as clerk of the election and assistant clerks;
b) Designation of tellers and/or inspectors of election as previously appointed by the Board;
c) Reading of notice of call of the election by the Clerk;
d) Opening of the booths for voting;
e) Closing of the booths;
f) Receiving the report of the Clerk of the results of the elections;
g) Adjournment.

Education Law §§ 1716, 2025 and 2601-2613

 Adopted: 6/2/05
SUBJECT: ANNUAL ORGANIZATIONAL MEETING

The annual meeting of the Board of Education shall be held during the first week in July, at 4 p.m. in the afternoon or such other hour as the Board may determine, at which meeting the Board shall select a President for the ensuing year. At such meeting the Board may also select a Vice-President who shall be authorized to act for the President in case of the President's absence or inability to act during such year.

Officers

The meeting shall be called to order by the District Clerk, who shall act as a Temporary Chairperson. The Board shall proceed to the election of a President. The President shall then take the chair. The Board shall then elect a Vice President. Election shall be by a majority vote.

Oath of Office

The District Clerk shall administer the Oath of Office to the newly elected officers and new members of the Board.

Education Law §§ 1707 and 2504(1)

Adopted: 6/2/05
SUBJECT: HOURS OF VOTING FOR SCHOOL DISTRICT ELECTIONS AND REFERENDA

Unless otherwise changed for a specific District election or referendum by a resolution duly adopted by a majority of the District's Board of Education (the "Board"), it shall be the policy of the Board and District to hold the polls open for voting by the District's qualified and duly registered voters, at each of the District's designated polling places, between the hours of 7 a.m. and 9 p.m., prevailing time, for the Annual District Meeting and Election (i.e., the annual budget vote and Board election) and for all Special District Meetings and Elections, including but not limited to: budget votes, the election of Board members, bond votes, and other ballot propositions and/or referenda that are submitted to the District's voters.

Education Law §2602
Education Law Articles 41 and 51

Adopted: 4/03/14
SUBJECT: LEGAL QUALIFICATIONS OF VOTERS AT SCHOOL DISTRICT MEETINGS

A person shall be entitled to register and vote at any school meeting for election of members of the Board of Education, and upon all matters which may be brought before such meeting, who is:

a) A citizen of the United States;
b) Eighteen (18) years of age or older;
c) A resident within the District for a period of thirty (30) days preceding the next meeting at which he/she offers to vote.

Any person who would not be qualified to register or vote under the provisions of Sections 5-100 and 5-106 of the Election Law shall not have the right to register for or vote in an election.

Education Law §§ 2012, 2025 and 2603
Election Law Article 5

Adopted: 6/2/05
SUBJECT: ABSENTEE BALLOTS

The Board of Education authorizes the District Clerk or a Board designee (the latter only if the District does not provide for the personal registration of voters) to provide absentee ballots to qualified District voters. Absentee ballots shall be used for the election of School Board members, School District public library trustees, the adoption of the annual budget and School District public library budget and referenda.

A District voter must request in advance an application for an absentee ballot. The voter must complete the application and state the reason he/she will not be able to appear in person on the day of the District election/vote for which the absentee ballot is requested. The application must be received by the District Clerk or Board designee at least seven (7) days before the election/vote if the ballot is to be mailed to the voter, or the day before the election/vote if the ballot is to be delivered personally to the voter.

Pursuant to the provisions of Education Law, a qualified District voter is eligible to vote by absentee ballot if he/she is unable to appear to vote in person on the day of the School District election/vote because:

a) He/she is or will be a patient in a hospital, or is unable to appear personally at the polling place on the day of the election/vote because of illness or physical disability;

b) He/she has duties, occupation or business responsibilities, or studies which require being outside of the county or city of residence on the day of the School District election/vote;

c) He/she will be on vacation outside of the county or city of residence on the day of such District election/vote;

d) He/she will be absent from the voting residence due to detention in jail awaiting action by a grand jury or awaiting trial, or is confined in prison after conviction for an offense other than a felony; or

e) He/she will be absent from the School District on the day of the School District election/vote by reason of accompanying spouse, parent or child who is or would be, if he/she were a qualified voter, entitled to apply for the right to vote by absentee ballot.

Statements on the application for absentee ballot must be signed and dated by the voter.

An absentee ballot must reach the office of the District Clerk or Board designee not later than 5 p.m. on the day of the election/vote in order that his/her vote may be canvassed.

(Continued)
SUBJECT: ABSENTEE BALLOTS (Cont'd.)

A list of all persons to whom absentee ballots have been issued shall be maintained in the office of the District Clerk or Board designee and made available for public inspection during regular office hours until the day of the election/vote. Any qualified voter may, upon examination of such list, file a written challenge of the qualifications as a voter of any person whose name appears on such list, stating the reason for such challenge. The written challenge shall be transmitted by the District Clerk or Board designee to the election inspectors on the day of the District election/vote. In addition, any qualified voter may challenge the acceptance of the absentee voter's ballot of any person on such list by making his/her reasons known to the election inspector before the close of the polls.

Nursing Homes or Other Qualifying Adult Care Facilities

When the Board of Elections of the county or city in which the School District is located, receives 25 or more absentee ballot applications from a nursing home (or other qualifying adult care facility), the Board of Elections must send election inspectors to the nursing home between one (1) and thirteen (13) days before the election, to supervise the completion of absentee ballots by the residents of that facility. This provision of the Election Law applies to all elections conducted by the School District.

Education Law §§ 1501-c, 2014, 2018-a, 2018-b and 2613
Election Law § 8-407

Adopted: 6/2/05
SUBJECT: SUBMISSION OF QUESTIONS AND PROPOSITIONS AT THE ANNUAL MEETING AND ELECTION AND SPECIAL DISTRICT MEETINGS

Questions and Propositions at the Annual Meeting and Election

The following rules and regulations shall apply to the submission of the questions or propositions at the annual meeting and election or special district elections of this School District.

a) Questions or propositions shall be submitted by petition directed to the Clerk of the School District and shall be signed by twenty-five (25) qualified voters, or five percent (5%) of the registered voters of the District who voted in the previous annual election of Board members, whichever is greater.

b) A separate petition shall be required for each question or proposition.

c) Each petition shall be filed with the District Clerk. Petitions relating to an Annual Election must be filed not later than sixty (60) days preceding the election at which the question or proposition is to be voted upon.

d) Questions or propositions submitted in accordance with these rules and accepted will be printed on the ballot for the voting machine. The School District, however, retains the right to reject petitions as permitted by law, including but not limited to instances where such petitions are advisory in nature or beyond the power of the voters.

e) The Board of Education shall cause the rules and regulations set forth in this policy to be distributed within the District.

f) Nothing herein contained shall affect the nominations of candidates as set forth in the Annual District Election notice pursuant to Section 2018 of the Education Law.

Questions or Propositions to be Submitted at Special District Meetings

The procedure for requesting the Board of Education to call a Special District Meeting to vote on a question or proposition shall be in accordance with subdivision 2 of Section 2008 of the Education Law.

Education Law §§ 1703, 2008, 2018, 2035(2) and 2601-a
Enlarged City School District of Middletown, NY

INTERNAL OPERATIONS

1.1 Orienting and Training New Board Members ........................................................... 2110

BOARD OF EDUCATION COMMITTEES

2.1 Committees of the Board ........................................................................................... 2210

BOARD OF EDUCATION ACTIVITIES

3.1 Membership in Associations ...................................................................................... 2310
3.2 Attendance by Board Members at Conferences, Conventions and Workshops ...... 2320
3.3 Compensation and Expenses ..................................................................................... 2330
3.4 Board Self-Evaluation ............................................................................................... 2340
3.5 Board Goals for the Hiring of Personnel ................................................................. 2350
SUBJECT: ORIENTING AND TRAINING NEW BOARD MEMBERS

The Board and its staff shall assist each new member-elect to understand the Board's functions, policies, and procedures before he/she takes office, by the following methods:

a) The electee shall be given selected material of the job on being part of the Board, which material is supplied by the New York State School Boards Association, the National School Boards Association, and/or other professional organizations;

b) The electee shall be invited to attend Board meetings and to participate in its discussions;

c) The Clerk shall supply material pertinent to meetings and shall explain its use;

d) The electee shall be invited to meet with the Superintendent and other administrative personnel to discuss services they perform for the Board;

e) A copy of the Board's policies and by-laws shall be given to the electee by the Clerk;

f) The opportunity shall be provided for new Board members to attend the New York State School Boards Association orientation program.

Board Member Training

Within the first year of election or appointment, each Board member must complete a minimum of six (6) hours of training on the financial oversight, accountability and fiduciary responsibilities of a school board member and a training course acquainting him/her with the powers, functions and duties of Boards of Education, as well as the powers and duties of other governing and administrative authorities affecting public education. Re-elected Board members shall not be required to repeat this training. The curriculum and provider of this training must be approved by the Commissioner of Education.

Upon completing the required training, the Board member shall file with the District Clerk a certificate of completion issued by the provider of the training. Actual and necessary expenses incurred by a Board member in complying with these requirements are a lawful charge to the District.

Adopted: 6/2/05
Revised: 4/20/16
SUBJECT: COMMITTEES OF THE BOARD

The Board and/or the President of the Board may at its discretion establish committees for the purpose of undertaking a specific task in connection with Board activity. These committees, however, cannot make legal decisions for the entire Board.

At the request of the Board, the President shall appoint temporary committees consisting of less than a quorum of the full membership for special purposes. These committees shall be discharged on the completion of their assignment. The President of the Board shall be an ex-officio member of such committees.

The Board of Education recognizes that it may be necessary from time to time to authorize advisory committees for the purpose of enlisting opinions and counsel of the general public. Such committees shall be appointed by the Board of Education. The Board has the right to accept, reject or modify all or any part of a committee recommendation.

Visitation Committees

The Board of Education shall appoint one (1) or more committees to visit every school or department at least once annually and report on their conditions at the next regular meeting of the Board.

Education Law §§ 1708 and 4601

Adopted: 6/2/05
SUBJECT: MEMBERSHIP IN ASSOCIATIONS

The School District shall be a member of the following organizations:

a) New York State School Boards Association

b) New York State Association of Small City School Districts

c) Orange County School Boards Association

Additionally, the Board may maintain membership and participate cooperatively in other associations.

Education Law § 1618
Comptroller's Opinion 81-255

Adopted: 6/2/05
SUBJECT: ATTENDANCE BY BOARD MEMBERS AT CONFERENCES, CONVENTIONS AND WORKSHOPS

The Board believes that continuing in-service training and development are important for its members. The Board, therefore, encourages the participation of all members at appropriate school board conferences, conventions and workshops which are believed to be of benefit to the School District. However, in order to control both the investment of time and funds necessary to implement this policy, the Board establishes the following guidelines:

a) A calendar of school board conferences, conventions and workshops shall be maintained by the Board Clerk. The Board will periodically decide which meetings appear to be most likely to produce direct and indirect benefits to the School District. At least annually, the Board will identify those new ideas or procedures and/or cost benefits that can be ascribed to participation at such meetings.

b) Funds for participation at such conferences, conventions, workshops and the like will be budgeted for on an annual basis. When funds are limited, the Board will designate which members are to participate at a given meeting.

c) Reimbursement to Board members for all actual and necessary registration fees, expenses of travel, meals and lodging, and all necessary tuition fees incurred in connection with attendance at conferences and the like will be in accordance with established regulations for expense reimbursement.

d) When a conference, convention or workshop is not attended by the full Board, those who do participate will be requested to share information, recommendations and materials acquired at the meeting.

The authorization for Board members to attend a conference, convention, workshop and the like shall be by Board resolution adopted prior to such attendance. However, the Board, in its discretion, may delegate the power to authorize attendance at such conferences to the President of the Board of Education.

Where authorization has been delegated to the President of the Board, no expense or claim form shall be paid unless a travel order or similar document signed by the President is attached to such form, authorizing the claimant to attend the conference.

Education Law § 2118
General Municipal Law §§ 77-b and 77-c

Adopted: 6/2/05
SUBJECT: COMPENSATION AND EXPENSES

No member of the Board may receive any compensation for his/her services unless he/she shall also serve as District Clerk and be paid as Clerk. All members of the Board of Education may be reimbursed for actual expenses incurred in representing the District. All bills or claims for reimbursement must be itemized in reasonable detail.

Education Law § 2118
General Municipal Law § 77-b
SUBJECT: BOARD SELF-EVALUATION

The Board shall review the effectiveness of its internal operations at least once annually and will formulate a plan for improving its performance.

The Superintendent and others who work regularly with the Board may be asked to participate in this review and to suggest ways by which the Board can improve its functioning as a legislative body.

Adopted: 6/2/05
SUBJECT: BOARD GOALS FOR THE HIRING OF PERSONNEL

The Board of Education recognizes that a dynamic and efficient staff dedicated to education is necessary to maintain a constantly improving educational program. The Board is interested in its personnel as individuals, and it recognizes its responsibility for promoting the general welfare of the staff.

The Board's specific personnel goals are:

a) To develop and implement those strategies and procedures for personnel recruitment, screening and selection which will result in employing the best available candidates, i.e., those with highest capabilities, strongest commitment to quality education, and greatest probability of effectively implementing the District's learning program;

b) To provide staff compensation and benefits programs sufficient to attract and retain qualified employees;

c) To provide an in-service training program for all employees which fosters improved performance and increased rates of staff retention and promotion;

d) To conduct an employee appraisal program that will contribute to the continuous improvement of staff capabilities and the learning program;

e) To assign personnel so as to ensure they are utilized as effectively as possible; and

f) To develop the quality of human relationships necessary to obtain maximum staff performance and satisfaction.

Adopted: 6/2/05
Enlarged City School District of Middletown, NY

SCHOOL COMMUNITY RELATIONS

1.0 Community Relations ................................................................................................ 3100
1.1 Public Information/School-Sponsored Media ........................................................... 3110 (1100)
1.2 Relations with the Municipal Governments .................................................................. 3120
1.3 Senior Citizens ........................................................................................................... 3130
1.4 Flag Display ............................................................................................................... 3140 (1000)
1.5 School Volunteers ...................................................................................................... 3150 (4532)
1.6 Charter Schools .......................................................................................................... 3160

PARTICIPATION BY THE PUBLIC

2.1 Visitors to the School ................................................................................................. 3210 (1240)
2.2 Use of Service Animals ............................................................................................. 3220
2.3 Public Complaints ...................................................................................................... 3230
2.4 Student Participation ................................................................................................. 3240
2.5 Parent-Teacher Organizations .................................................................................... 3250
2.7 Solicitations
   2.7.1 Solicitation of Charitable Donations From School Children ................................. 3271
   2.7.2 Advertising in the Schools ............................................................................. 3272 (1511)
   2.7.3 Soliciting Funds From School Personnel ....................................................... 3273
2.8 Community Use of School Facilities, Materials and Equipment .............................. 3280 (1500)
2.9 Traffic and Parking Guidelines on District Property ................................................. 3290

DISTRICT RECORDS

3.1 Public Access to Records ........................................................................................... 3310 (1120)
3.2 Confidentiality of Computerized Information ........................................................... 3320

PUBLIC ORDER ON SCHOOL PROPERTY

4.1 Code of Conduct on School Property .......................................................................... 3410 (1520)
   4.1.1 Prohibition of Weapons on School Grounds ....................................................... 3411
   4.1.2 Threats of Violence in School ........................................................................... 3412
4.2 Non-Discrimination and Anti-Harassment in the School District .............................. 3420
4.3 Uniform Violent and Disruptive Incident Reporting System (VADIR) ...................... 3430
4.4 Use of Metal Detectors in Schools ............................................................................ 3440

NOTE: Numbers in parenthesis ( ) denote regulation found in District's Administrative Manual developed in 1998.
Enlarged City School District of Middletown, NY

EMERGENCY SITUATIONS

5.1 Emergency Closings ........................................................................................................................................3510 (8134)

NOTE: Numbers in parenthesis ( ) denote regulation found in District's Administrative Manual developed in 1998.
SUBJECT: COMMUNITY RELATIONS

The Board of Education believes that responsible management of the School District requires that current laws, standards, attitudes and philosophies of education be presented to the community on a continuing basis. The Board of Education strives to conduct the affairs of the School District by way of a continuing, open dialogue between the community and the schools. The Board of Education welcomes and seeks considered views on School District matters from residents and from local community groups and organizations. Given the high level of interest in education of children by residents of the District, the Board wishes to maintain its high level of sensitivity to the needs and desires of the community and to act expeditiously to meet changing needs and conditions.

Relations with Community Organizations

The Board of Education recognizes that harmonious relations with various community organizations are essential to the smooth operations of the schools. The Board and District staff will encourage and work with those organizations whose purpose is to improve educational and extracurricular opportunities in the schools of the District and will cooperate whenever possible with other groups when they express a particular interest in activities or programs in the District.

In addition, the Board may from time to time take part in activities for the general welfare of the community. Activities may include civil defense, adult evening school, Americanization classes, etc. Each activity shall have a director who will assume administrative and supervisory authority over the program. Directors will be directly responsible to the Superintendent for the successful discharge of assigned responsibilities. Funds relating to special services shall be deposited, recorded and expended in the same manner as all funds under the jurisdiction of the Board.

Adopted: 6/2/05
SUBJECT: PUBLIC INFORMATION/SCHOOL-SPONSORED MEDIA

The Board of Education believes that a main purpose of school public relations is to keep the citizens of the District informed concerning the plans and activities of the school system. Good public relations will stimulate people to participate more intelligently in the public school process and support the efforts of the system in providing a quality educational experience for its young people. A second aim - that of gearing the operation of the schools to public interests - requires a two-way current of communication.

The Principal of each building is responsible for the preparation of news releases concerning the activities within that building, and for reviewing them with the Superintendent prior to release. Copies of all final news releases will be sent to the Superintendent's Office.

In addition, a periodic newsletter may be prepared and sent to each resident of the School District or posted on the District's website. Included in the newsletter will be information regarding school activities, a monthly calendar and other items of interest to the community. The Board accepts the funding obligation for the necessary staff and production costs.

As the official spokesperson, the Superintendent or his/her designee shall issue all news releases concerning the District. All statements of the Board will be released through the Office of the Superintendent and/or the District Clerk.

Adopted: 6/2/05
Revised: 4/20/16
SUBJECT: RELATIONS WITH THE MUNICIPAL GOVERNMENTS

It is the policy of the Board to establish and maintain a positive working relationship with the governing bodies of the municipality. The Board shall also cooperate with municipal, county and state agencies whose work affects the welfare of the children of the District, including the County Social Service Department, the Board of Health, the Recreation Department, the Public Library, and all community emergency service agencies.

Adopted: 6/2/05
SUBJECT: SENIOR CITIZENS

The Board of Education will consider school related programs for senior citizens in accordance with Education Law and/or regulations of the Commissioner of Education. Such programs include special use of school buildings or school buses, school lunches and partial tax exemptions.

Education Law §§ 1502 and 1709(22)
Real Property Tax Law § 467

Adopted: 6/2/05
SUBJECT:  FLAG DISPLAY

In keeping with State Education Law and Executive Law, the Board of Education accepts its duty to display the United States flag upon or near each public school building during school hours, weather permitting, and such other times as the statutes may require or the Board may direct.

When ordered by the President, Governor, or local official, to commemorate a tragic event or the death of an outstanding individual, the flag shall be flown at half-staff. The Superintendent's approval shall be required for the flag to be flown at half-staff upon any other occasion. Regulations for seeking such approval shall be established in the Administrative Manual of the District.

The flag shall be displayed in every assembly room (i.e., the auditorium) including the room where the Board of Education meetings are conducted, as well as displayed in all rooms used for instruction.

Education Law §§ 418 and 420
Executive Law §§ 402 and 403
8 NYCRR §§ 108.1-108.3

Adopted:  6/2/05
SUBJECT: SCHOOL VOLUNTEERS

The Board recognizes the need to develop a school volunteer program to support District instructional programs and extracurricular activities. The purpose of the volunteer program will be to:

a) Assist employees in providing more individualization and enrichment of instruction;

b) Build an understanding of school programs among interested citizens, thus stimulating widespread involvement in a total educational process;

c) Strengthen school/community relations through positive participation.

Volunteers are persons who are willing to donate their time and energies to assist Principals, teachers, and other school personnel in implementing various phases of school programs. Volunteers shall serve in that capacity without compensation or employee benefits except for liability protection under the District's insurance program.

An application shall be filled out by each prospective volunteer and forwarded to the applicable Building Principal for evaluation. The Building Principal shall require, as a condition of being considered for volunteer service, every prospective volunteer who is reasonably expected to have direct contact with District students, as a District volunteer, in connection with a school-sponsored program, activity or function that will not be regularly and directly supervised by a school officer or employee, to submit his or her fingerprints for the purpose of facilitating a criminal record check and corresponding criminal clearance determination with respect to the person's service as a volunteer. The Building Principal will forward the completed volunteer application, including the prospective volunteer's fingerprints, together with the Principal's recommendation concerning selection and placement of the volunteer, to the Superintendent for final evaluation.

To the extent permitted by law and State Education Department (SED) regulations, policies and/or actual practices, the Superintendent shall use best efforts to assure that each such prospective volunteer's fingerprints are submitted to the SED for processing in the same manner and to the same extent as prospective school employees in accordance District Policy # 6170 -- Safety of Students (Fingerprinting Clearance of New Hires). The District may in its discretion either bear the expenses associated with fingerprinting and the criminal clearance process for prospective volunteers or require prospective volunteers to directly pay or reimburse the District for these expenses as a condition of being considered for volunteer service.

As an alternative to fingerprinting and criminal clearance, under circumstances in which it is impractical, unfeasible or impossible to fingerprint and criminally clear a particular prospective volunteer, the Superintendent or Superintendent's designee shall search publicly available information maintained by the New York State Division of Criminal Justice Services (DCJS) pertaining to registered sex offenders in New York State for the purpose of determining whether the prospective volunteer is a registered sex offender.

(Continued)
SUBJECT: SCHOOL VOLUNTEERS (Cont'd.)

The Superintendent or Superintendent's designee shall approve or reject volunteer applications submitted for consideration, and in doing so, shall not approve any volunteer who is rejected for service by SED following the criminal history record check and criminal clearance review process, and shall not approve any volunteer who is identified as a registered sex offender. Only prospective volunteers who are approved by the Superintendent or the Superintendent's designee shall be placed on the list of approved volunteers for service to the District.

Administrative regulations will be developed to implement the terms of this policy.

Volunteer Protection Act of 1997, 42 USC § 14501 et seq.
Education Law §§ 3023 and 3028
Public Officers Law § 18

NOTE: Refer also to Policy #6540 -- Defense and Indemnification of Board Members and Employees

Adopted: 6/2/05
Revised: 12/1/11
A charter school is a public school financed through public local, state and federal funds that is independent of local school boards. Although the New York Charter Schools Act of 1998 designates certain "charter entities," only the local school district may approve the conversion of an existing public school to a charter school. Prior to any such conversion to a charter school, the parents/guardians of the majority of the students then enrolled in the public school must have voted in favor of the conversion.

For charter schools approved by the Board of Trustees of the State University of New York or the Board of Regents, the local school district within which the charter school is located has the right to visit, examine, and inspect the charter school for compliance with all applicable laws, regulations, and charter provisions.

Charter schools may be located in part of an existing public school building, a private work site, a public building, or any other suitable location. At the request of the charter school or prospective applicant, the School District shall make available a list of vacant and unused school buildings and vacant and unused portions of school buildings, including private school buildings, within the School District which may be suitable for the operation of a charter school.

The School District's high school(s) may accept academic credit from students who transfer from the charter school as authorized and/or permitted in accordance with law, Commissioner's Regulations, and local District standards. Either the charter school or the local School Board may issue a high school diploma upon students' graduation from a charter school depending on the charter school's relationship with the School Board.

For the purposes of the Textbook Loan Program defined in Education Law Section 701, the Library Materials Loan Program defined in Education Law Section 711, and the Computer Software Loan Program defined in Education Law Section 751, and Health and Welfare Services defined in Education Law Section 912, students attending a charter school have the same access to textbooks, software and library materials loaned by the School District as if enrolled in a nonpublic school. Within available School District inventory and budgetary appropriations for purchase of such materials, the School District is required to provide such materials on an equitable basis to all public school students and to all nonpublic school and charter school students who are residents of the District (Textbook Loan Program) or who attend a nonpublic or charter school in the School District (Software and Library Materials Loan Programs). The base year enrollment of students in the charter school may be claimed by the School District for the purposes of Textbook, Software and Library Materials Aids, in the same manner as nonpublic school enrollments are claimed.

For the purpose of transportation, charter schools are considered nonpublic schools, which means that students attending charter schools who reside within a fifteen (15) mile radius of the charter school [or a greater radius if the voters of the school district of residence have approved nonpublic transportation for more than fifteen (15) miles] will receive transportation from their school district of residence on the same basis from nonpublic school students; that is, subject to the applicable minimum mileage limits for transportation in the school district of residence, and the requirement of the timely filing of the request for transportation pursuant to Education Law Section 3635(2).

(Continued)
SUBJECT: CHARTER SCHOOLS (Cont'd.)

A student cannot be dually enrolled in the charter school and District schools. However, the school district of residence of students attending a charter school may, but is not required to, allow such students to participate in athletic and extracurricular activities.

Special Education programs and services shall be provided to students with disabilities attending a charter school in accordance with the individualized education program recommended by the Committee or Subcommittee of Special Education of the student's school district of residence. The charter school may arrange to have such services provided by the school district of residence or by the charter school directly or by contract with another provider.

All employees of a public school converted to a charter school are included within the negotiating unit for the local school district, but the collective bargaining agreement of that negotiating unit may be modified by a majority vote of the members who work at the charter school, with the approval of the Board of Trustees of the charter school.

Instructional employees of a charter school which has not been converted from an existing public school and which has more than 250 students during the first year of instruction will be represented in a separate negotiating unit at the charter school by the same employee organization representing similar employees in the local school district. Employees may be included in the Teachers' Retirement System and other retirement systems open to employees of the School District. Financial contributions for such benefits are the responsibility of the charter school and the charter school's employees.

Teachers employed by the School District may apply for a leave of absence for purposes of teaching at a charter school. Approval for such leave of absence for a period of two (2) years or less shall not be unreasonably withheld. If such approval is granted to a teacher by the District, the teacher may return to teach in the School District during such period of leave without the loss of any right of certification, retirement, seniority, salary status, or any other benefit provided by law or by collective bargaining agreement. If an appropriate position is unavailable, the teacher's name shall be placed on a preferred eligible list of candidates for appointment to a vacancy that may thereafter occur in an office or position similar to the one such teacher filled in the District immediately prior to the leave of service.

Charter School Finances

Charter school financing shall be based on the number of students projected to be served by the charter school and the approved operating expenses of the district of residence of those students. The New York Charter Schools Act requires that the school district of residence forward payments to the charter school, which shall include State and Federal aid and any other pertinent aid to students with disabilities, in six (6) substantially equal installments each year beginning on the first business day of the months of July, September, November, January, March, and May. Failure by the School District to make such required payments will result in the State Comptroller deducting the required amounts from State funds due to the District and paying them to the charter school.

(Continued)
SUBJECT: CHARTER SCHOOLS (Cont'd.)

Approved operating expenses include the essential operating cost of the School District. Excluded are costs for transportation, debt services, construction, tuition payments to other school districts, some BOCES payments, cafeteria or school lunch expenditures, balances and transfers, rental income from leased property, and certain other limited categories.

Federal and State aid attributable to students with disabilities *are* required to be paid to a charter school by the *school district of residence* for those students attending such charter school *in proportion to the services the charter school provides such students.*

Amounts payable to a charter school by the School District will be determined by the Commissioner of Education.

Neither the School District, the charter entity, nor the State is liable for the debts of the charter school.

Notice and Hearing Requirements

The New York State Board of Regents is required to provide the School District information on the charter school process. If a charter school is proposed, the charter entity and the Board of Regents *have to notify the school district in which the charter school is located and public and nonpublic schools in the same geographic area* as the proposed charter school at each significant stage of the chartering process.

Before a charter is issued or renewed, the *school district in which the charter school is located* is entitled:

a) To hold a *public hearing* to receive comments from the community, and
b) To comment on the proposed charter to the charter entity.

Time limits on the charter application process will be in accordance with the Charter Schools Act.

Education Law Article 56 and §§ 3602(11) and 3635
8 NYCRR Parts 100 and 119

Adopted: 6/2/05
SUBJECT: VISITORS TO THE SCHOOL

All visitors shall be required to report to the main office upon arrival at school and state their business. Visitations to classrooms for any purpose require permission in advance from the Building Principal in order to allow teachers the opportunity to arrange their schedules to accommodate such requests.

When individual Board members visit the schools, they must abide by the regulations and procedures developed by the administration regarding school visits. When Board members visit the schools in their individual capacities, they must abide by the regulations and procedures developed by the administration regarding school visits. Board members who have been given authority by the Board to act as a representative of the Board for a particular purpose, may visit the school in furtherance of his or her duties and must abide by the same rules and regulations enacted by the administration. Board members who visit the school in their official capacity when authorized by the Board shall notify the Superintendent prior to the visit. (Appeal of Silano, 33 Ed. Dep't. Rep. 20, Decision No. 12,961 (1993)).

Education Law § 2801

Adopted: 6/2/05
Revised: 3/6/08
SUBJECT: USE OF SERVICE ANIMALS

The Board of Education allows the use of service animals on school grounds by individuals with disabilities, subject to restrictions permitted by federal and/or state law, and procedures established by the Superintendent of Schools or his/her designee.

For the purpose of this policy, a service animal is defined as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, will not be considered service animals.

The work or tasks performed by a service animal must be directly related to the individual's disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

Where reasonable, the Board of Education also allows the use of miniature horses on school grounds by individuals with disabilities. Such use will only be permitted where a miniature horse has been individually trained to do work or perform tasks to benefit an individual with a disability. The use of miniature horses by individuals with disabilities will be subject to the considerations and restrictions permitted by federal and/or state law.

The Superintendent of Schools or his/her designee may create regulations and/or building-specific rules regarding the use of service animals and miniature horses on school grounds by individuals with disabilities.

28 CFR §§ 35.104, 35.136, and 35.139

Adopted: 12/19/13
SUBJECT: PUBLIC COMPLAINTS

Complaints by citizens regarding any facet of the school operation often can be handled more satisfactorily by the administrative officer in charge of the unit closest to the source of the complaint. In most instances, therefore, complaints will be made to the Building Principal and/or his/her assistant if the matter cannot be resolved by the teacher, coach, or other school employee.

If the complaint and related concerns are not resolved at this level to the satisfaction of the complainant, the complaint may be carried to the Superintendent and/or one of his/her assistants. Unresolved complaints at the building level must be reported to the Superintendent by the Building Principal. The Superintendent may require the statement of the complainant in writing.

If the complaint and related concerns are not resolved at the Superintendent level to the satisfaction of the complainant, the complaint may be carried to the Board of Education. Unresolved complaints at the Superintendent level must be reported to the Board of Education by the Superintendent. The Board of Education reserves the right to require prior written reports from appropriate parties.

Adopted: 6/2/05
SUBJECT: STUDENT PARTICIPATION

Students provide an important channel of communication with parents and the entire community. Information concerning the schools may be properly disseminated through students. The School District's administrators shall review all messages and materials prior to authorizing their dispersal through the student body.

Adopted: 6/2/05
SUBJECT:  PARENT-TEACHER ORGANIZATIONS

The Board of Education recognizes that the goal of Parent-Teacher Organizations is to develop a united effort between educators and the general public to secure for every child the highest achievement in physical, academic and social education. Therefore, staff members and parents are encouraged to join the Parent-Teacher Organizations and to participate actively in its programs.

The following are the Parent-Teacher Organizations of the Enlarged City School District of Middletown, NY:

a)  Presidential Park PTO  
b)  Maple Hill PTO  
c)  Carter PTO  
d)  Monhagen Middle School PTO  
e)  Twin Towers Middle School PTO  
f)  Middletown High School Parents' Club

Adopted:  6/2/05  
Revised:  4/20/16
SUBJECT: SOLICITATION OF CHARITABLE DONATIONS FROM SCHOOL CHILDREN

Direct solicitation of charitable donations from children in the District schools on school property during regular school hours shall not be permitted. It will be a violation of District policy to ask District school children directly to contribute money or goods for the benefit of a charity during the hours in which District students are compelled to be on school premises.

However, this policy does not prevent the following types of fund raising activities:

a) Fund raising activities which take place off school premises, or outside of regular school hours during before-school or after-school extracurricular periods;

b) Arms-length transactions, where the purchaser receives a consideration for his/her donation. For example, the sale of goods or tickets for concerts or social events, where the proceeds go to charity, shall not be prohibited as the purchaser will receive consideration - the concert or social event - for the funds expended;

c) Indirect forms of charitable solicitation on school premises that do not involve coercion, such as placing a bin or collection box in a hallway or other common area for the donation of food, clothing, other goods or money. However, collection of charitable contributions of food, clothing, other goods or funds from students in the classroom or homeroom is prohibited.

The Board of Education shall ultimately decide which organizations, groups, etc. can solicit charitable donations and for what purposes, as long as the activities comply with the terms of this policy and the Rules of the Board of Regents.

Regulations shall be developed by the administration to implement this policy.

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

NOTE: Refer also to Policy #7450 -- Fund Raising by Students

Adopted: 6/2/05
SUBJECT: ADVERTISING IN THE SCHOOLS

Neither the facilities, the staff, nor the students of the School District shall be employed in any manner for advertising or otherwise promoting the interests of any commercial, political, or other non-school agency, individual or organization, except that:

a) Schools may cooperate in furthering the work of any non-profit, community-wide, social service agency, provided that such cooperation does not restrict or impair the educational program of the schools or conflict with Section 19.6 of the Rules of the Board of Regents;

b) The schools may use films or other educational materials bearing only simple mention of the producing firm;

c) The Superintendent of Schools may, at his/her discretion, announce or authorize to be announced, any lecture or other community activity of particular educational merit;

d) The schools may, upon approval of the Superintendent of Schools, cooperate with any agency in promoting activities in the general public interest that are non-partisan and non-controversial, and that promote the education and other best interests of the students.

No materials of a commercial nature shall be distributed through the children in attendance in the Enlarged City School District of Middletown, NY except as authorized by law or the Commissioner's Regulations.

New York State Constitution Article 8, § 1
8 NYCRR § 19.6

Adopted: 6/2/05
SUBJECT: SOLICITING FUNDS FROM SCHOOL PERSONNEL

Soliciting of funds from school personnel by persons or organizations representing public or private organizations shall be prohibited. The Superintendent of Schools shall have the authority to make exceptions to this policy in cases where such solicitation is considered to be in the District's best interest. The Board of Education shall be notified of these instances.

Distribution of information about worthwhile area charities may be made through the Office of the Superintendent of Schools as a service to School District personnel.

Adopted: 6/2/05
SUBJECT: COMMUNITY USE OF SCHOOL FACILITIES, MATERIALS AND EQUIPMENT

It is the policy of the Board to encourage the greatest possible use of the District's schoolhouses, grounds or other property, all portions thereof ("school facilities"), by community groups, for the purposes authorized by Section 414 of the New York Education Law, when school facilities are not in use for school purposes, or when in use for school purposes, if in the opinion of the Board and/or the Board's designee(s) use of school facilities will not be disruptive of normal school operations.

Groups wishing to use the school facilities must secure written permission from the Superintendent and abide by the rules and regulations established for such use, including but not limited to restrictions on alcohol, tobacco and drug use. The Superintendent, at his/her discretion, may consult with the Board of Education. Monthly reports may be made to the Board regarding community use of the school facilities.

The Assistant Superintendent for Business shall prepare for the Superintendent of Schools a schedule of "Facility Usage Fees" for action by the Board of Education when the fee schedule is revised. Personnel fees, when assessed, shall be equivalent to the actual per hour wages and fringe benefit costs of the employee(s) utilized.

The Superintendent of Schools shall develop rules and regulations dealing with access to facilities by groups including reasonable regulation of large groups.

Materials and Equipment

Except when used in connection with or rented under provisions of Education Law Section 414, school-owned materials or equipment may be used for school related purposes only. Private and/or personal use of school-owned materials and equipment is strictly prohibited.

The Board will permit school materials and equipment to be loaned to staff members when such use is directly or peripherally related to their employment, and to students when the material and equipment is to be used in connection with their studies or extracurricular activities. Community members will be allowed to use school-owned materials and equipment only for educational purposes that relate to school operations.

The District will develop administrative regulations to assure that use of school-owned materials and/or equipment complies with the letter and spirit of this policy, including a description of the respective rights and responsibilities of the School District/lender and borrower in relation to such materials and equipment.
SUBJECT: COMMUNITY USE OF SCHOOL FACILITIES, MATERIALS AND EQUIPMENT (Cont'd.)

Specific Requirements Relating to Boy Scouts and other Title 36 Patriotic Youth Groups

To the extent the District receives funds made available through the United States Department of Education and maintains a "designated open forum" or a "limited public forum," as those terms are defined by applicable federal law, the District shall not deny any group officially affiliated with the Boy Scouts of America ("Boy Scouts") and/or any other "patriotic youth group" listed in Title 36 of the United States Code, equal access or a fair opportunity to use the applicable forum. This means, among other things, that the District shall not discriminate against any such group that requests to use the applicable forum, for reasons based on the group's membership or leadership criteria or oath of allegiance to God and country.

The District shall provide groups officially affiliated with the Boy Scouts and/or other patriotic youth groups, access to school facilities, and will charge fees for such facilities use (if any), on terms that are no less favorable than the most favorable terms provided to other outside youth or community groups. In addition, the District shall provide groups officially affiliated with the Boy Scouts and/or other patriotic youth groups equal access to other "benefits" and "services" that are provided to one or more outside youth or community groups that are allowed to use the same forum. These "benefits and services" include, but are not necessarily limited to: school-related means of communication such as bulletin board notices and literature distribution, and recruitment.

The obligation to comply with the Boy Scouts Act is not obviated or alleviated by any State of local law or other requirement.

Education Law § 414  
20 USC § 7905  
34 CFR Part 108  
36 CFR, Subtitle II, Part B, Chapters 201 et seq.  
36 CFR Chapter 803, §§ 80301 et seq.

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property  
#5640 -- Smoking/Tobacco Use  
#7320 -- Comprehensive Tobacco, Alcohol/Chemical Substance Policy  
District Code of Conduct

Adopted: 6/2/05  
Revised: 1/23/14; 6/16/16
SUBJECT: TRAFFIC AND PARKING GUIDELINES ON DISTRICT PROPERTY

In accordance with New York State Vehicle and Traffic Law Section 1670, the Board of Education ("Board") establishes the following rules and regulations with respect to traffic and parking of motor vehicles on District property. The Board's primary objective in adopting these rules and regulations is to promote the safety of school children, District employees, members of the school community, and visitors to the District's schools.

Section 1. Regulation of Vehicular Traffic

The use of motor-driven vehicles, including cars, snowmobiles, mini-bikes, motorcycles, all-terrain vehicles (ATVs) and other such vehicles is prohibited on District property, except for authorized school functions or purposes.

Section 2. Student Parking

All student vehicles are to be registered with the High School Principal and parked in authorized areas only.

Section 3. Additional Parking Rules and Regulations

The Board authorizes the Superintendent of Schools ("Superintendent") and/or Superintendent's designee(s), in consultation with authorized Code Enforcement Officials, to identify and designate fire lanes.

In order to assure that persons operating vehicles on District premises are given fair and adequate notice of the District's parking and traffic safety rules and regulations, the Superintendent and/or Superintendent's designee(s) are authorized and directed to purchase and install signs that conform with the New York State Supplement to the National Manual on Uniform Traffic Safety Control Devices for Streets and Highways, as promulgated by regulations of the New York State Department of Transportation (DOT) and codified in the Official Compilation of Codes, Rules and Regulations of New York State, at 17 NYCRR Part 200.

Parking on District property shall be permitted only in designated areas, in accordance with posted signage. Parking in any other place or area is prohibited. In addition, "standing and parking" as those terms are defined by Article 32 of the New York State Vehicle and Traffic Law, are explicitly prohibited at all times in designated fire lanes.

Section 4. Ticketing Motorists

The Board invites and authorizes law enforcement agencies with appropriate jurisdiction to patrol District premises for the purpose of issuing appearance tickets and imposing fines, in accordance with applicable law, to motorists who violate the District's parking and/or traffic safety rules.

(Continued)
SUBJECT: TRAFFIC AND PARKING GUIDELINES ON DISTRICT PROPERTY (Cont'd.)

Section 5. Ticketing, Removal and Storage of Vehicles

Vehicles and/or trailers found unattended in areas where "stopping, standing and/or parking" (as defined by Article 32 of the New York State Vehicle and Traffic Law) are not authorized, or in areas where "stopping, standing and/or parking" are explicitly prohibited, are subject to ticketing, removal and storage, including applicable removal and storage charges.

The Board invites and authorizes law enforcement officials with appropriate jurisdiction, to: (1) ticket vehicles and/or trailers left unattended on District premises in unauthorized or prohibited areas; (2) arrange for removal and storage of such vehicles or trailers; and (3) provide for the payment of reasonable charges for such removal and storage by the owner or operator thereof.

The Superintendent of Schools and/or Superintendent's designees are likewise authorized to arrange for the removal and storage of any vehicle and/or trailer parked on District premises in violation of this policy, or additional rules developed in accordance with this policy, and to provide for the payment of reasonable charges for such removal and storage by the owner or operator thereof.

Section 6. Municipal Cooperation and Enforcement

The Board authorizes the City of Middletown, the Town of Wallkill, the Orange County Sheriff and the State Police to take any and all lawful actions as they deem necessary to enforce these parking and traffic safety rules and regulations.

Vehicle and Traffic Law § 1670

Adopted: 6/2/05
Revised: 2/6/14
SUBJECT: PUBLIC ACCESS TO RECORDS

Access to records of the District shall be consistent with the rules and regulations established by the State Committee on Open Government and shall comply with all the requirements of Article 6 of the New York State Public Officers Law.

Records

"Record" means any information kept, held, filed, produced or reproduced by, with or for the District, in any physical form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilm, computer tapes or discs, rules, regulations or codes.

Available/Unavailable Records

All records are presumptively available for inspection and copying except for those records, or portions thereof, which:

a) Are specifically exempted from disclosure by state or federal statute;
b) If disclosed, would constitute an "unwarranted invasion of personal privacy"* including but not limited to the following:

1. Disclosure of employment, medical or credit histories or personal references of applicants for employment;
2. Disclosure of items involving the medical or personal records of a client or patient in a medical facility;
3. Sale or release of lists of names and addresses if such lists would be used for solicitation or fund-raising purposes;
4. Disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the party and such information is not relevant to the work of the agency requesting or maintaining it;
5. Disclosure of information of a personal nature reported in confidence to an agency and not relevant to the ordinary work of such agency; and

*Note: Disclosure generally will not be construed to constitute an "unwarranted invasion of personal privacy" when:

(a) Identifying details are deleted; or

(Continued)
SUBJECT: PUBLIC ACCESS TO RECORDS (Cont'd.)

(b) The person to whom a record pertains consents in writing to disclosure; or

(c) Upon presenting reasonable proof of identity, a person seeks access to records pertaining to him or her; or

(d) A record or group of records relate to the right, title or interest in the property, or relates to the inventory, status or characteristics of real property.

c) If disclosed would impair present or imminent contract awards or collective bargaining negotiations; 

d) Are trade secrets or are submitted to the District by a commercial enterprise or derived from information obtained from a commercial enterprise and which, if disclosed, would cause substantial injury to the competitive position of the subject enterprise; 

e) Are compiled for law enforcement purposes and which, if disclosed, would interfere with law enforcement investigations or judicial proceedings; or deprive a person of a right to a fair trial or impartial adjudication; or identify a confidential source or disclose confidential information relating to a criminal investigation; or reveal criminal investigative techniques or procedures, except routine techniques and procedures; 

f) If disclosed could endanger the life or safety of any person; 

g) Are inter-agency or intra-agency materials which are not:
   1. Statistical or factual tabulations or date;
   2. Instructions to staff that affect the general public;
   3. External audits, including but not limited to audits performed by the comptroller or the federal government. 

h) Are examination questions or answers which are requested prior to the final administration of such questions; 

i) If disclosed, would jeopardize the District's capacity to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures; 

j) Are photographs, microphotographs, videotape or other recorded images prepared under authority of Section 1111-a of the Vehicle and Traffic Law.

(Continued)
SUBJECT: PUBLIC ACCESS TO RECORDS (Cont'd.)

Records Access Officer

A Records Access Officer shall be designated by the Superintendent, subject to the approval of the Board of Education, who shall have the duty of coordinating the School District's response to public requests for access to records.

Responsibilities of the District's Records Access Officer

The Records Access Officer is responsible for:

a) Maintaining a "Subject Matter List" -- which shall be sufficiently detailed to permit identification of the category of records sought and shall be updated annually (with the date of the most recent update printed on the first page).

b) Assisting Persons Making Records Requests -- in identifying the records they seek, and if necessary, indicating the manner in which records are filed, retrieved or generated to aid requestors in reasonably describing the records they seek.

c) Clarifying Nature and Scope of Request(s) -- by contacting the requestor when a request is voluminous, or when locating the records sought involves substantial effort, so the District may ascertain the nature of the records which are of primary interest to the requestor and reasonably attempt to reduce the volume of records requested.

d) Promptly Granting or Denying Requested Records. Upon locating the requested records, in accordance with the time periods set forth in the Freedom of Information Law, the Records Access Officer shall:

1. Promptly make them available for inspection; or
2. Deny access in whole or in part, explaining the reasons for the denial.

e) Explaining When Records are Not in District's Custody/Cannot be Located. If the requested records cannot be located, the Records Access Officer shall:

1. Indicate that the District is not the custodian of the requested records, or
2. That the District is a custodian of such records, but that the requested records cannot be found after a diligent search.

f) Certifying Copies/Certifying Lack of Records -- i.e., certifying, upon request, that an available record is a "true copy" of the original, or certifying, upon request, that the District is not the custodian of the requested record(s).

(Continued)
SUBJECT: PUBLIC ACCESS TO RECORDS (Cont'd.)

Location of Records/Inspection of Available Records

Records shall be available for inspection and copying at the ECSDM's District Administrative Offices, 223 Wisner Avenue, Middletown, NY 10940, or at the office or location where they are regularly maintained, including but not limited to the public school buildings where instruction is provided. Except where records are immediately available upon request at the District's Offices, appointments will be made to arrange for inspection (if applicable) of available records.

Time, Place and Method(s) of Requesting Records

Form/Delivery of the Records Requests

Requests for the opportunity to inspect or obtain copies of available records must be made in writing, and must be directed to the Records Access Officer. Requestors may use, but are not required to use, a form prescribed by the Board of Education. Copies of the form are available from the Records Access Officer. Requests that are mailed or submitted in-person must be delivered to the Records Access Officer at the District's Administrative Offices. Alternatively, requests for records may be emailed to the Records Access Officer, at: districtclerk@ecsdm.org.

Time for Making Requests

Requests to inspect or secure copies of records will be accepted by the Records Access Officer on any school business day between the hours of 8 a.m. and 4 p.m. Requests received after 4 p.m. (as for example by email) will be deemed received on the next business day.

Time and Place for Examining Available Records

If the Records Access Officer determines that the requested records are available for inspection, the Records Access Officer will direct the requestor to the place where the records may be inspected, and if applicable, will arrange for the preparation of copies upon tender of the required fee, and certification, without charge, if requested. If the records are subject to disclosure but are not available for inspection at the District's Administrative Offices, the Records Access Officer will make suitable arrangements with the supervisor at the place where the records are located for inspection by the requestor.

Fees for Copying/Preparing Records in Alternative Format

No fee shall be charged for: inspection of records; a search for records, or any records certification described in this policy.

(Continued)
SUBJECT: PUBLIC ACCESS TO RECORDS (Cont'd.)

If paper copies are requested, the available records will be provided upon the District's receipt of the required copying fee of 25 cents per copy (not in excess of 9 X 14 inches), or the actual cost of reproducing records that cannot readily be photocopied.

If records are requested in a different storage medium, as for example, a compact disk (CD), the District ordinarily will charge the requestor for the cost of the storage medium only, plus postage or other delivery or shipping costs. However, in those instances in which "substantial time" (meaning at least two hours of an employee's time) is required to prepare a copy of a record in an alternative format, the District will not only charge the requestor for the actual cost of the storage medium, but also will charge the requestor the hourly salary of the lowest paid District employee who has the skill required to reproduce the record in the format sought by the requestor.

In rare cases, where the District's own information technology equipment is incapable of preparing a copy in the alternative format requested, the District may charge the requestor the actual cost of engaging a private professional service to prepare the copy.

The District shall inform the requestor, in advance, if at least two hours of employee time or an outside professional service is required to prepare a record in an alternative format (i.e., other than a paper copy).

Any programming necessary to retrieve a record maintained in a computer storage system and to transfer that record to the storage medium requested, or to allow the transferred record to be read or printed, shall not be deemed to be the preparation of a new record.

Disclosure of Records Scheduled to be "Discussed" in Public at Board Meetings

District records subject to disclosure under FOIL, as well as any proposed rule, regulation, policy or amendment, that is scheduled to be "discussed" during open session at a public Board meeting or public meeting of a Board committee or subcommittee that is subject to the Open Meetings Law, shall be made available, prior to the meeting, to the extent practicable, by being posted on the District's website. In some cases, at the District's discretion, copies of records that are scheduled to be discussed during open session at a Board meeting or at the meeting of another public body, may be made available at the meeting for a reasonable fee.

Appeals from the Denial of Records

If a written request is denied by the Records Access Office, the requestor may file an appeal with the Superintendent of Schools within 30 days of such denial. Within 10 business days after receiving such an appeal, the Superintendent shall either make the record(s) available or provide a written statement that fully explains the denial. Upon receipt of an appeal, the Superintendent shall transmit a copy of the appeal to: Committee on Open Government; NYS Department of State, One Commerce
SUBJECT: PUBLIC ACCESS TO RECORDS (Cont'd.)

Plaza; 99 Washington Avenue, Suite 650; Albany, NY 12231. Following the determination of the appeal, the Superintendent shall inform both the appellant and the Committee on Open Government of his/her determination, in writing.

Administrative Regulations/Guidelines

The Superintendent or Superintendent's designee is authorized to prepare administrative regulations and/or guidelines that are consistent with this policy and applicable law for the purpose of implementing this policy.

Education Law § 2116
Public Officers Law Article 6
21 NYCRR Part 1400

Adopted: 6/2/05
Revised: 7/2/13
SUBJECT:  CONFIDENTIALITY OF COMPUTERIZED INFORMATION

The development of centralized computer banks of educational data gives rise to the question of the maintenance of confidentiality of such data while still conforming to the New York State Freedom of Information Law. The safeguarding of confidential data from inappropriate use is essential to the success of the District's operation. Access to confidential computerized data shall be limited only to authorized personnel of the School District.

It shall be a violation of the District's policy to release confidential computerized data to any unauthorized person or agency. Any employee who releases or otherwise makes improper use of such computerized data shall be subject to disciplinary action.

However, if the computerized information sought is available under the Freedom of Information Law and can be retrieved by means of existing computer programs, the District is required to disclose such information.

Family Educational Rights and Privacy Act of 1974
20 USC 1232(g)
34 CFR Part 99
Public Officers Law § 84 et seq.

Adopted: 6/2/05
SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY

The District has developed and will amend, as appropriate, a written Code of Conduct for the Maintenance of Order on School Property, including school functions, which shall govern the conduct of students, teachers and other school personnel, as well as visitors and/or vendors. The Board of Education shall further provide for the enforcement of such Code of Conduct.

For purposes of this policy, and the implemented Code of Conduct, school property means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of the District's elementary or secondary schools, or in or on a school bus; and a school function shall mean a school-sponsored or school authorized extracurricular event or activity regardless of where such event or activity takes place, including those that take place in another state.

The District Code of Conduct has been developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

The Code of Conduct shall include, at a minimum, the following:

a) Provisions regarding conduct, dress and language deemed appropriate and acceptable on school property and at school functions, and conduct, dress and language deemed unacceptable and inappropriate on school property and at a school function; provisions regarding acceptable civil and respectful treatment of teachers, school administrators, other school personnel, students and visitors on school property and at school functions; the appropriate range of disciplinary measures which may be imposed for violation of such Code; and the roles of teachers, administrators, other school personnel, the Board of Education and parents/persons in parental relation to the student;

b) Provisions prohibiting harassment, bullying, and/or discrimination against any student, by employees or students that creates a hostile school environment by conduct or by threats, intimidation or abuse, including cyberbullying* that:

1. Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm*; or
2. Reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his/her physical safety.

*Cyberbullying means harassment or bullying that occurs through any form of electronic communication.

*Emotional harm that takes place in the context of harassment or bullying" means harm to a student's emotional well-being through the creation of a hostile environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

(Continued)
SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY (Cont'd.)

3. Such conduct includes acts or harassment and/or bullying that occur on school property, at a school function, or off school property when such acts create or would foreseeably create a risk of substantial disruption within the school environment, or when it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

4. Such conduct shall include, but is not limited to acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender as defined in Education Law Section 11(6), or sex; provided that nothing applicable law or in this policy shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law Sections 3201-a or 2854(2) (a) and Title IX of the Education Amendments of 1972 (20 USC Section 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under 504 of the Rehabilitation Act of 1973;

c) Standards and procedures to assure security and safety of students and school personnel;

d) Provisions for the removal from the classroom and from school property, including a school function, of students and other persons who violate the Code;

e) Provisions prescribing the period for which a disruptive student may be removed from the classroom for each incident, provided that no such student shall return to the classroom until the Principal (or his/her designated School District administrator) makes a final determination pursuant to Education Law Section 3214(3-a)I or the period of removal expires, whichever is less;

f) Disciplinary measures to be taken for incidents on school property or at school functions involving the use of tobacco, the possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of another student's civil rights, and threats of violence;

g) Disciplinary measures to be taken for incidents on school property or at school functions involving harassment, bullying and/or discrimination;

h) Provisions for responding to acts of harassment, bullying and/or discrimination against students by employees or students which, with respect to such acts against students by students, incorporate a progressive model of student discipline that includes measured, balanced, age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline, and considers among other things, the nature and severity of the offending student's behavior(s), the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances, and the

(Continued)
SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY (Cont'd.)

impact the student's behaviors had on the individual(s) who was or were physically injured and/or emotionally harmed. Responses shall be reasonably calculated to end the harassment, bullying, and/or discrimination, prevent recurrence, and eliminate the hostile environment. This progressive model of student discipline shall be consistent with the other provisions of the Code of Conduct;

i) Provisions for detention, suspension and removal from the classroom of students, consistent with Education Law Section 3214 and other applicable federal, state and local laws, including provisions for school authorities to establish procedures to ensure the provision of continued educational programming and activities for students removed from the classroom, placed in detention, or suspended from school, which shall include alternative educational programs appropriate to individual student needs;

j) Procedures by which violations are reported and determined, and the disciplinary measures imposed and carried out;

k) Provisions ensuring that the Code of Conduct and its enforcement are in compliance with state and federal laws relating to students with disabilities;

l) Provisions setting forth the procedures by which local law enforcement agencies shall be notified promptly of Code violations, including but not limited to incidents of harassment, bullying, and/or discrimination which may constitute a crime;

m) Provisions setting forth the circumstances under and procedures by which parents/persons in parental relation to the student shall be notified of Code violations;

n) Provisions setting forth the circumstances under and procedures by which a complaint in criminal court, a juvenile delinquency petition or person in need of supervision ("PINS") petition as defined in Articles 3 and 7 of the Family Court Act will be filed;

o) Circumstances under and procedures by which referral to appropriate human service agencies shall be made, as needed;

p) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. For purposes of this requirement, as defined in Commissioner's Regulations, "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom" shall mean engaging in conduct which results in the removal of the student from the classroom by teacher(s) pursuant to the provisions of Education Law Section 3214(3-a) and the provisions set forth in the Code of Conduct on four (4) or more occasions during a semester, or three (3) or more occasions during a trimester, as applicable;

(Continued)
SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY (Cont'd.)

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

r) A Bill of Rights and Responsibilities of Students which focuses upon positive student behavior and a safe and supportive school climate, which shall be written in plain-language, publicized and explained in an age-appropriate manner to all students on an annual basis;

s) Guidelines and programs for in-service education programs for all District staff members to ensure effective implementation of school policy on school conduct and discipline, including but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, harassment, bullying and/or discrimination against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management; and

t) A provision prohibiting retaliation against any individual who, in good faith, reports or assists in the investigation of harassment, bullying, and/or discrimination.

The District's Code of Conduct shall be adopted by the Board of Education only after at least one (1) public hearing that provided for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties.

The Code of Conduct shall be reviewed on an annual basis, and updated as necessary in accordance with law. The District may establish a committee pursuant to Education Law Section 2801(5)(a) to facilitate review of its Code of Conduct and the District's response to Code of Conduct violations. The School Board shall reapprove any updated Code of Conduct or adopt revisions only after at least one (1) public hearing that provides for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties. The District shall file a copy of its Code of Conduct and any amendments with the commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.

The Board of Education shall ensure community awareness of its Code of Conduct by:

a) Posting the complete Code of Conduct on the Internet website, if any, including any annual updates and other amendments to the Code;

b) Providing copies of a summary of the Code of Conduct to all students in an age-appropriate version, written in plain language, at a school assembly to be held at the beginning of each school year;

(Continued)
SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY (Cont'd.)

c) Mailing a plain language summary of the Code of Conduct to all parents or persons in parental relation to students before the beginning of each school year and making the summary available thereafter upon request;

d) Providing each teacher with a copy of the complete Code of Conduct and a copy of any amendments to the Code as soon as practicable following initial adoption or amendment of the Code, and providing new teachers with a complete copy of the current Code upon their employment; and

e) Making complete copies available for review by students, parents or persons in parental relation to students, other school staff and other community members.

Searches – No Reasonable Expectation of Privacy

The District provides selected areas of District-owned property such as desks, cabinets, and lockers and also provides equipment such as computers for the use of staff and students, but the users do not have exclusive use of these areas or pieces of equipment as against the District's officers employees or agents. That is, staff and students may have the right, depending on the circumstances, to exclude coworkers or students from using such areas or pieces of equipment, but they do not have the right to exclude the District from these areas or pieces of equipment and should not expect that information, materials or other items stored therein will be private from searches and/or inspections by authorized District officers, employees or agents.

Education Law §§ 11(8), 801-a, 2801 and 3214
Family Court Act Articles 3 and 7
Vehicle and Traffic Law § 142
8 NYCRR § 100.2

NOTE: Refer also to District Code of Conduct

Adopted: 6/2/05
Revised: 7/5/12; 11/7/13
SUBJECT: PROHIBITION OF WEAPONS ON SCHOOL GROUNDS

With the exception of law enforcement officers, as permitted by law, and individuals who have the express written authorization of the Board of Education or the Superintendent or his/her designee, no person may have in his/her possession any weapon on school grounds, in any District building, on a school bus or District vehicle, or at any school-sponsored activity or setting under the control and supervision of the District. This prohibition shall include, but not be limited to: any weapon that is prohibited by the District's Code of Conduct; any of the objects or instruments referred to in Section 265.01 of the New York State Penal Law; any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston or CO2 cartridge; and any object that could be considered a reasonable facsimile of a weapon.

Possession of a weapon upon school grounds may be a violation of the New York State Penal Law, and is a violation of School District policy and the Code of Conduct.

Penal Law §§ 265.01-265.06, 265.20

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

Adopted: 6/2/05
Revised: 4/24/14
SUBJECT: THREATS OF VIOLENCE IN SCHOOL

The School District is committed to the prevention of violence against any individual or property in the schools or at school activities whether such acts and/or threats of violence are made by students, staff, or others. Threats of violence against students, school personnel and/or school property will not be tolerated whether or not such threats occur on school grounds or during the school day.

Any acts and/or threats of violence, including bomb threats, whether made orally, in writing, or by email, shall be subject to appropriate discipline in accordance with applicable law, District policies and regulations, as well as the Code of Conduct for the Maintenance of Order on School Property and collective bargaining agreements, as may be necessary.

While acknowledging an individual's constitutional rights, including applicable due process rights, the District refuses to condone acts and/or threats of violence which threaten the safety and well-being of staff, students and the school environment. Employees and students shall refrain from engaging threats or physical actions which create a safety hazard for others.

All staff who are made aware of physical acts and/or threats of violence directed to students or staff are to report such incidents to the Building Principal/designee, who shall report such occurrences to the Superintendent. Additionally, the Building Principal/designee will also report occurrences of violence, whether involving an actual confrontation or threat of potential violence, to the school psychologist and/or Director of Special Education if applicable. Local law enforcement agencies may be called as necessary upon the determination of the Superintendent/designee.

Students are to report all acts and/or threats of violence, including threats of suicide, of which they are aware by reporting such incidents to the school hotline, a faculty member, or the Building Principal.

The District reserves the right to seek restitution, in accordance with law, from the parent/guardian and/or student for any costs or damages which had been incurred by the District as a result of the threats or acts of violence in the schools.

This policy will be enforced in accordance with applicable laws and regulations, as well as collective bargaining agreements and the Code of Conduct as may be necessary. Additionally, this policy will be disseminated, as appropriate, to students, staff, and parents and will be available to the general public upon request.

Regulations will be developed to address safety concerns in the schools, and appropriate sanctions for violations of this policy by students will be addressed in the Code of Conduct.

Adopted: 6/2/05
SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE SCHOOL DISTRICT

The Board of Education is committed to providing an environment free from discrimination and harassment. Accordingly, the Board prohibits discrimination and harassment on the basis of race, color, religion, national origin, sex, sexual orientation, age, disability or other legally protected category. Such actions and occurrences are prohibited regardless of whether they take place on School District premises or at school-sponsored events, programs, or activities held at other locations.

Prohibited Conduct

Determinations as to whether conduct or occurrences constitute discrimination or harassment for the purposes of this Policy and its implementing Administrative Regulations will be made consistent with applicable law. Such determinations may depend upon a number of factors, including but not limited to: the particular conduct or occurrence at issue, the ages of the parties involved, the context in which the conduct or occurrence takes place, the relationship of the parties to one another, the category or characteristic that is alleged to have been the basis for the action or occurrence, and other considerations as are necessary and consistent with law. The characterizations and examples below are intended to serve as a general guide for individuals in determining whether to file a complaint of discrimination or harassment, and should not be construed to add or limit the rights individuals and entities possess as a matter of law.

Discrimination is, generally, the practice of conferring or denying privileges on the basis of membership in a legally protected class. Discriminatory actions may include, but are not limited to: refusing to promote or hire an individual on the basis of his/her membership in a protected class, denying an individual access to facilities or educational benefits on the basis of his/her membership in a protected class, or impermissibly instituting policies or practices that disproportionately and adversely impact members of a protected class.

Harassment generally consists of subjecting an individual, on the basis of his/her membership in a protected class, to conduct and/or communications that are sufficiently severe, pervasive, or persistent as to have the purpose or effect of: creating an intimidating, hostile, or offensive environment; substantially or unreasonably interfering with an individual's work or a student's educational performance, opportunities, benefits, or well-being; or otherwise adversely affecting an individual's employment or educational opportunities.

Harassment can include unwelcome verbal, written, or physical conduct which offends, denigrates, or belittles an individual because of his/her membership in a protected class. Such conduct includes, but is not limited to: derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting, or the display or circulation of written materials or pictures.

(Continued)
SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE SCHOOL DISTRICT (Cont’d.)

Civil Rights Compliance Officer

The District will designate one or more individuals to serve as Civil Rights Compliance Officer. The Civil Rights Compliance Officer will be responsible for coordinating the District's efforts to comply with and carry out its responsibilities regarding non-discrimination and anti-harassment, including investigations of complaints alleging discrimination, harassment, or the failure of the District to comply with its obligations under relevant non-discrimination and anti-harassment laws and regulations (e.g., the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973).

Prior to the beginning of each school year, the District shall issue an appropriate public announcement or publication which advises students, parents/guardians, employees and other relevant individuals of the District's established grievance procedures for resolving complaints of discrimination and harassment. Included in such announcement or publication will be the name, address, telephone number, and email address of the Civil Rights Compliance Officer(s). The District's website will reflect current and complete contact information for the Civil Rights Compliance Officer(s).

The Civil Rights Compliance Officer for the District is Linda Bradt, the Director for ESL/Bilingual.

Investigation of Complaints and Grievances

The School District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of discrimination and/or harassment based on any of the characteristics described above, and will promptly take appropriate action to protect individuals from further discrimination or harassment. In the event an anonymous complaint is filed, the District will respond to the extent possible.

It is essential that any individual who is aware of a possible occurrence of discrimination or harassment immediately report such occurrence. All reports will be directed or forwarded to the District's designated Civil Rights Compliance Officer(s). Such complaints are recommended to be in writing, although verbal complaints of discrimination or harassment will also be promptly investigated in accordance with applicable law and District policy and procedure. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

To the extent possible, all complaints will be treated as confidential. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials.

(Continued)
If an investigation reveals that discrimination or harassment has occurred, the District will take immediate corrective action as warranted. Such action will be taken in accordance with applicable laws and regulations, as well as any and all relevant codes of conduct, District policies and administrative regulations, collective bargaining agreements, and/or third-party contracts.

**Knowingly Makes False Accusations**

Any employee or student who *knowingly* makes false accusations against another individual as to allegations of discrimination or harassment will face appropriate disciplinary action.

**Prohibition of Retaliatory Behavior**

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination and/or harassment. Complaints of retaliation may be directed to the Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

Where appropriate, follow-up inquiries will be made to ensure that discrimination and/or harassment has not resumed and that those involved in the investigation have not suffered retaliation.

**Additional Provisions**

Regulations will be developed for reporting, investigating, and remedying allegations of discrimination and/or harassment.

In order to promote familiarity with issues pertaining to discrimination and harassment in the schools, and to help reduce incidents of prohibited conduct, the District will provide appropriate information and/or training to staff and students. As may be necessary, special training will be provided for individuals involved in the investigation of discrimination and/or harassment complaints.

A copy of this policy and its accompanying regulations will be available upon request and will be posted and/or published in appropriate locations and/or school publications.

This policy should not be read to abrogate other District policies and/or regulations or the District Code of Conduct prohibiting other forms of unlawful discrimination, harassment, and/or inappropriate behavior within this District. It is the intention of the District that all such policies and/or regulations be read consistently to provide protection from unlawful discrimination and harassment. However, different treatment of any individual which has a legitimate, legal, and non-discriminatory reason shall not be considered a violation of District policy.

(Continued)
SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE SCHOOL DISTRICT (Cont'd.)

Age Discrimination in Employment Act, 29 USC § 621
Americans with Disabilities Act, 42 USC § 12101 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 USC § 2000d et seq.
Title VII of the Civil Rights Act of 1964, 42 USC § 2000e et seq.
Title IX of the Education Amendments of 1972, 20 USC § 1681 et seq.
Education Law § 2801(1)
Executive Law § 290 et seq.
October 26, 2010 OCR Dear Colleague Letter (Harassment and Bullying)
April 4, 2011 OCR Dear Colleague Letter (Sexual Violence)
April 24, 2015 OCR Dear Colleague Letter (Title IX Guidance)

NOTE: Refer also to Policies #6120 -- Equal Employment Opportunity
      #6121 -- Sexual Harassment of District Personnel
      #6122 -- Employee Grievances
      #7550 -- Dignity For All Students
      #7551 -- Sexual Harassment of Students
District Code of Conduct

Adopted: 6/2/05
Revised: 4/20/16
SUBJECT: UNIFORM VIOLENT AND DISRUPTIVE INCIDENT REPORTING SYSTEM (VADIR)

In compliance with the Uniform Violent and Disruptive Incident Reporting System (VADIR), the District will record each violent or disruptive incident that occurs on school property or at a school function. School property shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus as defined in Vehicle and Traffic Law Section 142. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

In accordance with the manner prescribed, the District will submit an annual report of violent and disruptive incidents (on the Summary of Violent and Disruptive Incidents form) from the previous school year to the Commissioner of Education. Summary data will be used to determine the rate of violent and disruptive incidents in each school and to identify schools as persistently dangerous, as required by the No Child Left Behind Act.

The District will utilize the Individual Violent and Disruptive Incident Report form for the reporting of individual incidents by each building and/or program under its jurisdiction and for the tally count of incidents into the Summary Form. Copies of such incident reports will be retained for the time prescribed by the Commissioner in the applicable records retention schedule. These reports will be available for inspection by the State Education Department upon request.

All personally identifiable information included in a violent or disruptive incident report will be confidential and will not be disclosed to any person for any purpose other than that specified in Education Law Section 2802, except as otherwise authorized by law.

The District will include a summary of the District's annual violent or disruptive incident report in its School District Report Card in the format prescribed by the Commissioner.

Reporting Guidelines

The District will utilize the New York State Education Department's website to obtain copies of the forms, directions, glossary and additional information at website: http://www.emsc.nysed.gov/irs/

Education Law §§ 2801(1) and 2802
Vehicle and Traffic Law § 142
8 NYCRR § 100.2 (gg)

Adopted: 6/2/05
Revised: 4/20/16
SUBJECT: USE OF METAL DETECTORS IN SCHOOLS

The School District is authorized to use stationary or mobile metal detectors when the administration in any school has reasonable grounds for suspecting that weapons or dangerous instruments are in the possession of students.

School officials operating the metal detectors must comply with the procedures for the use of such devices as adopted by the Board.

a) Students shall be notified at the beginning of the school year that metal detector searches shall take place but shall not be given any specific dates in advance. On the day the metal detector search is to be conducted, signs shall be posted or public announcements shall be made to warn students they will be required to submit to a screening for metal as a condition of entering school. The screening will be conducted by school officials.

b) All students entering the school shall be subject to the search, unless school officials choose to limit the search by any random formula. For example, if the lines become too long, school officials may decide to search every second or third student. School officials are prohibited, however, from selecting a particular student to search unless there is reasonable suspicion to believe that the student is in possession of a weapon.

c) When a metal detector is being used, students shall be allowed to use only designated entrances. The official conducting the search shall approach each incoming student and explain the scanning process. Then the official shall ask the student to place any bags and parcels on a table and remove all metal objects from pockets. If a student refuses to cooperate, the official shall notify the Principal or administrator stationed near-by to monitor the search. If the student cooperates, the scanning shall take place, beginning at the toes and continuing up to the head without actually touching the body. The bags and parcels shall also be scanned.

d) If a student's bag or parcel activates the scanning device, the official shall request the student to open the container in question so that the official can look for weapons or dangerous instruments.

e) If a student's body activates the device, the official shall first repeat the request to remove metal objects. A second scan shall then be conducted and if the device is activated again, the official shall escort the student to a private area where a pat-down search shall be conducted.

f) Prior to the pat-down search, the official shall ask the student for the third time to remove any metal objects. The pat-down search shall begin at the place where the scanning device was activated. The search shall be geared to locate only the item which triggered the scanning device.

g) The pat-down search shall be conducted by a school official of the same sex as the student.

(Continued)
SUBJECT: USE OF METAL DETECTORS IN SCHOOLS (Cont'd.)

h) If the official feels an object during the pat-down, the student shall be asked to remove such object. If the student declines to remove the object, the official may then remove the object. If such an object, once removed, appears to be the one which activated the device, the pat-down search shall cease.

i) The school official shall then conduct a new scan on the student. The pat-down search shall be continued only if the new scan activates the device.

j) If the property removed from the student as a result of the above procedure may be legitimately brought onto school premises, it shall be returned to the student.

k) If the possession of the property removed from the student violates the school district policy on student conduct and discipline, such property shall be confiscated and the student shall be disciplined accordingly.

l) Students who fail to cooperate with school personnel in the performance of their duties under these procedures may be subject to discipline for insubordination.

m) Nothing in the procedures set forth above shall limit the authority of school officials to otherwise search a student when there is reasonable suspicion to believe that he/she is in possession of an article which violates the school district policy or procedures pertaining to student conduct and discipline.

Adopted: 11/17/11
SUBJECT: EMERGENCY CLOSINGS

In the event it is necessary to close school for the day, activate a delayed starting time or early dismissal (as well as information relating to cancellation of after-school activities/late bus runs), due to inclement weather, impassable roads, or other emergency reasons, announcement thereof will be made over local radio and television stations, Rapid Broadcast System and the Internet/District website.

When school is closed, all related activities, including athletic events and student activities, will be cancelled for that day and evening.

The attendance of personnel will be governed by their respective contracts.

Education Law § 3604(7)
Enlarged City School District of Middletown, NY

ADMINISTRATION

1.1 Administrative Personnel

ADMINISTRATIVE OPERATIONS

2.1 Administrative Organization and Operation
2.1.1 Line Responsibility
2.1.2 Organizational Chart
2.2 Abolishing an Administrative Position
2.3 Administrative Authority During Absence of the Superintendent of Schools
2.4 Administrative Latitude in the Absence of Board Policy
2.5 Use of Committees
2.6 Evaluation of the Superintendent and Other Administrative Staff
2.6.1 Executive Misconduct

CENTRAL OFFICE AND BUILDING ADMINISTRATION

3.1 Superintendent of Schools
3.2 Superintendent-Board of Education Relations
3.3 Administrative Staff

COMPENSATION AND RELATED BENEFITS

4.1 Professional Development Opportunities
4.2 Compensation and Related Benefits

NOTE: Number in parenthesis ( ) denote regulation found in District's Administrative Manual developed in 1998.
SUBJECT: ADMINISTRATIVE PERSONNEL

Administrative and supervisory personnel shall be considered to be those District employees officially designated by Board of Education action as responsible for the administrative and supervisory tasks required to carry out Board of Education policy, programs, decisions, and actions.

These employees shall meet all certification and/or Civil Service requirements as outlined in New York State Civil Service Law, and the Rules and Regulations promulgated by the Commissioner of Education of New York State. The administrative and supervisory staff must be eligible to meet these requirements at the time of employment.

Education Law §§ 1709 and 2503(5)

Adopted: 6/2/05
SUBJECT: ADMINISTRATIVE ORGANIZATION AND OPERATION

The basic principles of Administrative Organization and Operation are:

a) The working relationships shall involve two (2) types of officers: line and staff. Line organization involves a direct flow of authority upward and downward from Superintendent to Building Principal. A line officer has authority over subordinates. Staff officers do not stand in the direct line of authority; they serve as coordinators or consultants.

b) The Board of Education shall formulate and legislate educational policy.

c) Administrative regulations shall be developed by the Superintendent in cooperation with affected or interested staff members or lay persons.

d) The Central Office staff shall provide overall leadership and assistance in planning and research.

Adopted: 6/2/05
Revised: 1/21/10
SUBJECT: LINE RESPONSIBILITY

All employees of the District shall be under the general direction of the Superintendent. Teachers shall be immediately responsible to the Principal of the building in which they work. Other employees shall be immediately responsible to the administrative personnel under whom they work directly.

The lines of responsibility/reporting shall be as depicted on the organizational chart.

Adopted: 6/2/05
Enlarged City School District of Middletown

Adopted: 6/2/05
SUBJECT:  ABOLISHING AN ADMINISTRATIVE POSITION

Existing administrative positions shall not be abolished by the Board of Education without prior written notification of the abolition. Such written notification is to be served to the individual currently holding that position.
SUBJECT: ADMINISTRATIVE AUTHORITY DURING ABSENCE OF THE SUPERINTENDENT OF SCHOOLS

The Superintendent of Schools shall delegate to another administrator the authority and responsibility for making decisions and taking such actions as may be required during the absence of the Superintendent.

Adopted: 6/2/05
SUBJECT: ADMINISTRATIVE LATITUDE IN THE ABSENCE OF BOARD POLICY

From time to time problems and new questions arise for which no specific policy has been prepared. Members of the administrative staff shall act in a manner consistent with the existing policies of the School District and shall alert the Superintendent of Schools to the possible need for additional policy development.

Adopted: 6/2/05
SUBJECT: USE OF COMMITTEES

Standing and/or ad hoc committees may be appointed to study and to recommend courses of action in response to department, building or District needs. These committees may be appointed by the Board of Education, the Superintendent or other administrators, with the knowledge of the Superintendent, and in accordance with the range of responsibilities of the appointing body or administrator to whom the committee shall report. The composition of each committee shall reflect its purpose and each committee shall have a clear assignment.

Adopted: 6/2/05
SUBJECT: EVALUATION OF THE SUPERINTENDENT AND OTHER ADMINISTRATIVE STAFF

Superintendent

The Board of Education shall conduct annually a formal performance evaluation of the Superintendent. The formal procedures used to complete the evaluation are to be filed in the District Office, and are to be made available for review by any individual, no later than September 10 of each year. The Superintendent shall be granted the opportunity to respond to the evaluation in writing.

Evaluation of Administrative Staff

The Board shall direct the Superintendent to conduct an annual evaluation of all administrative personnel which shall be dated and signed by the Superintendent and the administrator. A copy of the evaluation shall be kept in the administrator's Personnel File.

The purposes of this evaluation are:

a) To determine the adequacy of administrative staffing;

b) To improve administrative effectiveness;

c) To encourage and promote self-evaluation by administrative personnel;

d) To provide a basis for evaluative judgments by the Superintendent and the Board;

e) To make decisions about continued employment with the District.

8 NYCRR § 100.2(o)(2)

Adopted: 6/2/05
Revised: 1/21/10
SUBJECT: EXECUTIVE MISCONDUCT

As the Superintendent of Schools is the educational and fiscal leader of the District, it is the Board's expectation that the Superintendent function as a role model for members of the community. Consistent with this expectation, the Board will take the following steps in the event that it becomes necessary to issue a letter of reprimand or admonition to the Superintendent or take other disciplinary action against the Superintendent:

a) Immediately after the Board has issued the letter to the Superintendent or imposed other disciplinary action, the President of the Board will appoint a subcommittee of the Board to monitor such compliance as the Board may deem necessary. The subcommittee will consist of two (2) trustees from the District, as well as the District Superintendent for Orange-Ulster BOCES or the District Superintendent's designee. The subcommittee may, with the approval of the Board, take steps such as consultation with or alerting appropriate staff regarding issues raised in the letter causing an investigation to be made and/or consulting with counsel, as appropriate, in an effort to monitor compliance.

b) The subcommittee shall report back to the Board on steps it has taken in fulfillment of its obligations under paragraph a) above.

c) In the event that compliance with any express or implied requirements of the letter or disciplinary action are not forthcoming, the subcommittee can recommend additional steps to the Board of Education, including, without limitation, requesting advice from the District Superintendent of Schools or Deputy District Superintendent in the nature of a letter of instruction on methods for processing a formal complaint in the event that the behavior at issue involves a complaint of a sexual or a fiscal nature.

d) In circumstances where complaints of a sexual or fiscal nature arise, where the Superintendent, Deputy Superintendent, Assistant Superintendents of Schools, or trustees of the Board of Education are suspected to have engaged in such misconduct, persons complaining of such misconduct shall be free to file their complaints directly with the District Superintendent of Schools for Orange-Ulster BOCES, in his/her capacity as representative of the Commissioner of Education of the State of New York. The District Superintendent or his/her designee shall issue an immediate letter of instruction to the Board of Education on the method in which the complaint shall be processed and such response shall ordinarily be issued by the District Superintendent within 24 working hours after the receipt of the complaint, unless the District Superintendent determines that a greater amount of time is required for his/her own consideration. The District Superintendent shall follow through on any letter of instruction he/she issues to the Board of Education within the time period he/she deems appropriate but in no event less than two (2) weeks from the date of the issuance of the letter of instruction.

The steps outlined above are in no way to be interpreted as precluding the Board from taking any investigative, administrative or disciplinary measures as it is otherwise entitled to take under law.

Adopted: 6/2/05
SUBJECT: SUPERINTENDENT OF SCHOOLS

The Superintendent of Schools is the chief executive officer of the School District. He/She is responsible for carrying out the policy of the Board and for keeping it informed of matters which should be weighed by the Board in reaching decisions. He/She is responsible to the Board in his/her stewardship of the entire school system.

The Superintendent will have the specific powers and duties discussed below and will be directly responsible to the Board for their proper exercise. As chief executive officer of the School District, he/she shall:

a) Attend all regular, special, and work meetings of the Board except that the Superintendent may be excluded when his/her employment contract or performance is discussed in executive session;

b) Administer all policies and enforce all rules and regulations of the Board;

c) Review the local school situation and recommend to the Board areas in which new policies seem to be needed;

d) Organize, administer, evaluate, and supervise the programs and personnel of all school departments, instructional and non-instructional;

e) Recommend to the Board the appointment of all instructional and support personnel;

f) Prepare and recommend to the Board the annual School District budget in accordance with the format and development plan specified by the Board;

g) Advise the public about the activities and needs of the schools through his/her written and spoken statements, and shall be responsible for all news releases emanating from the local schools;

h) Create all salary scales and administer the salary plan approved by the Board. Some of these salary scales will be developed within staff contracts negotiated under the provisions of the Taylor Law;

i) Determine the need and make plans for plant expansion and renovation;

j) Recommend for hire, evaluate, promote, and dismiss all professional and non-professional staff personnel;

k) Prepare or supervise the preparation of the teacher's handbook, staff bulletins, and all other District-wide staff materials;

(Continued)
SUBJECT: SUPERINTENDENT OF SCHOOLS (Cont'd.)

l) Plan and coordinate the recruitment of teachers and other staff to assure the District of the best available personnel;

m) Plan and conduct a program of supervision of teaching staff that will have as its goal the improvement of instruction, and, at the same time, will assure that only the teachers found to have a high degree of competence will be recommended for tenure;

n) Distinguish for all concerned between the areas of policy decisions appropriate to the Board and management decisions appropriate to the District's administrative personnel;

o) Transfer personnel when necessary and/or desirable to promote optimal effectiveness. Any such personnel transfers shall be made pursuant to appropriate guidelines established by state laws, District policies and negotiated contracts; and

p) Submit data from the School Report Card and/or other such reports of student/District performance as prescribed by and in accordance with requirements of the Commissioner of Education.

Education Law §§ 1711, 2508 and 3003
8 NYCRR § 100.2(m)
SUBJECT: SUPERINTENDENT - BOARD OF EDUCATION RELATIONS

The Board of Education is accountable for all pursuits, achievements and duties of the School District. The Board's specific role is to deliberate and to establish policies for the organization. The Board delegates the necessary authority to the Superintendent who, acting as chief executive officer, is held accountable to the Board for compliance with its policies.

a) With respect to School District goals and objectives, the Board will establish broad guidelines to be observed in the development of further policy and action. The Board reserves the right to issue either restrictive or general policy statements.

b) Generally, the Superintendent will be empowered to assign and use resources; employ, promote, discipline and deploy staff; to translate policies of the Board into action; to speak as agent of the Board; to organize and delegate administrative responsibilities; and to exercise such other powers as are customary for chief executives.

c) The Superintendent may not perform, cause, or allow to be performed any act that is unlawful, in violation of commonly accepted business and professional ethics; in violation of any contract into which the Board has entered; or, in violation of policies adopted by the Board that limit the Superintendent's authority.

d) Should the Superintendent or his/her designee consider it unwise or impractical to comply with an explicit Board policy, the Superintendent will inform the Board of that determination. The Board will decide whether such judgment was warranted.

Education Law §§ 1711, 2503 and 2508

Adopted: 6/2/05
SUBJECT: ADMINISTRATIVE STAFF

School Business Administrator

The School Business Official shall be responsible for all phases of the District's business activity, as set forth in Section 5000 of the Policy Manual, and shall report directly to the Superintendent of Schools.

Building Principals

The Building Principals are the educational executives of the school centers. They have the responsibility for executing Board of Education policies in the schools. They are directly responsible to the Superintendent of Schools.

Assistant Principals

Assistant Principals shall be employed in the middle schools and high schools. The Assistant Principal is responsible for all duties assigned to him/her by the Building Principal and shall report directly to the Principal.

Department Chairpersons

High School teaching staff members who support the content and methods in the field of assigned subject; assume authority and responsibility delegated by the Building Principal; exert leadership in the evaluation and selection of textbooks, supplies, and equipment; and assist in the inventory of materials and equipment for the department.

Cluster Leaders

Representative for a cluster of Middle School teachers who facilitate cluster meetings; provide team building activities for the team; monitor the effectiveness of the decision making process within the team; coordinate the planning of team special events; and serve on Cluster Committee with the Building Principal.

Subject Matter Leaders

Representative for teachers in a particular subject area at the Middle School level who serves as the Instructional Liaison between administration and teachers for Learning Standards, Curriculum, and Instruction; assist in the selection, ordering, and dissemination of instructional materials; attend local, regional, and state meetings regarding curriculum and assessment; facilitate in-service workshops for staff development; and participate on the building and district leadership teams and task forces.

8 NYCRR § 80.4

Adopted: 6/2/05
SUBJECT: PROFESSIONAL DEVELOPMENT OPPORTUNITIES

The Board of Education shall encourage administrators to keep informed of current educational theory and practice by study, by visiting other school systems, by attendance at educational conferences, and by such other means as are appropriate.

The approval of the Superintendent shall be required for any conference attendance or visitations requested by administrators.

Participation shall be limited by available resources and reimbursement guidelines.

General Municipal Law §§ 77-b and 77-c

Adopted: 6/2/05
SUBJECT: COMPENSATION AND RELATED BENEFITS

The salaries and related benefits of administrators shall be set annually by the Board of Education upon the recommendation of the Superintendent and/or in accordance with the applicable collective bargaining agreement of those administrators in a bargaining unit.

Education Law §§ 1711 and 2507

Adopted: 6/2/05
Revised: 1/21/10
## BUDGET

1.1 Budget Planning and Development ................................................................. 5110 (6110)
1.2 School District Budget Hearing ................................................................. 5120
1.3 Budget Adoption ..................................................................................... 5130
1.4 Administration of the Budget .................................................................. 5140
1.5 Contingency Budget ............................................................................... 5150

## INCOME

2.1 Revenues ................................................................................................. 5210
2.2 District Investments .............................................................................. 5220 (6240)
2.3 Acceptance of Gifts, Grants and Bequests to the School District .......... 5230
   2.3.1 Corporate Sponsorships ................................................................. 5231
   2.3.2 Use of School District Trademarks and Service Marks ............... 5232
2.4 School Tax Assessment and Collection/Property Tax Exemptions ...... 5240
2.5 Sale and Disposal of School District Property ...................................... 5250 (6900)

## EXPENDITURES

3.1 Bonding of Employees and School Board Members ............................ 5310
3.2 Expenditures of School District Funds .................................................... 5320
   3.2.1 Use of the District Credit Card ..................................................... 5321
   3.2.2 Use of the District Cell Phone ..................................................... 5322
   3.2.3 Reimbursement for Meal Expenses Incurred During Staff Meetings 5323
3.3 Budget Transfers .................................................................................. 5330
3.4 Borrowing of Funds ............................................................................. 5340

## PURCHASING

4.1 Purchasing: Competitive Bidding and Offering .................................... 5410 (6700i)
   (6700.1) (6700.2) (6730) (6730.1)
   4.1.1 Procurement of Goods and Services ........................................... 5411
   4.1.2 Alternative Formats for Instructional Materials ............................ 5412
4.2 Change Directives and Change Orders Approval and Delegation of Authority .... 5420

**NOTE:** Numbers in parenthesis ( ) denote regulation found in District's Administrative Manual developed in 1998.
Enlarged City School District of Middletown, NY

FISCAL ACCOUNTING AND REPORTING

5.1 Accounting of Funds ................................................................. 5510
  5.1.1 Maintenance of Fund Balance ............................................... 5511
  5.1.2 Reserve Funds ................................................................... 5512
5.2 Extraclassroom Activities Funds ............................................... 5520 (6600)
5.3 Petty Cash Funds and Cash in School Buildings ....................... 5530 (6670)
5.4 Publication of District's Annual Financial Statement .................. 5540
5.5 Maintenance of Fiscal Effort (Title I Programs) ......................... 5550
5.6 Use of Federal Funds for Political Expenditures ....................... 5560
5.7 Financial Accountability ............................................................ 5570
  5.7.1 Allegations of Fraud ......................................................... 5571
  5.7.2 Audit Committee ............................................................... 5572
  5.7.3 Internal Audit Function ..................................................... 5573
  5.7.4 Medicaid Fraud Waste and Abuse Detection and Prevention Compliance .... 5574

NON-INSTRUCTIONAL OPERATIONS

6.1 Insurance .............................................................................. 5610
6.2 Fixed Asset Inventories, Accounting, and Tracking .................... 5620
6.3 Facilities: Inspection, Operation and Maintenance ..................... 5630 (8200)
  6.3.1 Hazardous Waste and Handling of Toxic Substances by Employees ... 5631 (8120.2)
  6.3.2 Integrated Pest Management .............................................. 5632
  6.3.3 Prohibition of Indoor Mobile Fossil Fuel Burning Equipment ........... 5633
  6.3.4 Green Cleaning ............................................................... 5634
6.4 Smoking/Tobacco Use ............................................................. 5640
6.5 Energy/Water Conservation and Recycling of Solid Waste .......... 5650
6.6 School Food Service Program (Lunch and Breakfast) ................. 5660 (8520)
  6.6.1 Wellness ........................................................................... 5661
6.7 Records Management .............................................................. 5670
  6.7.1 Disposal of Consumer Report Information and Records ............... 5671
  6.7.2 Information Security Breach and Notification ......................... 5672
  6.7.3 Employee Personal Identifying Information ............................ 5673
  6.7.4 Data Networks and Security Access ..................................... 5674
6.8 Safety and Security ................................................................. 5680 (8100)
  6.8.1 School Safety Plans .......................................................... 5681 (8130)
  6.8.2 Cardiac Automated External Defibrillators (AEDs) in Public School Facilities .... 5682

NOTE: Numbers in parenthesis ( ) denote regulation found in District's Administrative Manual developed in 1998.
Non-Instructional/Business Operations

Enlarged City School District of Middletown, NY

NON-INSTRUCTIONAL OPERATIONS (Cont'd.)

6.8.3 Fire Drills, Bomb Threats and Bus Emergency Drills........................................5683 (8132)
       (8133)
6.8.5 School Building Access Control........................................................................5685
6.9 Exposure Control Program ......................................................................................5690 (8123)
       6.9.1 Communicable Diseases..............................................................................5691
       6.9.2 Human Immunodeficiency Virus (HIV) Related Illnesses..........................5692 (5191)
       (9002)

TRANSPORTATION

7.1 Transportation Program .........................................................................................5710
7.2 Transportation of Students......................................................................................5720
7.3 School Bus Safety Program ....................................................................................5730 (8414)
       7.3.1 Idling School Buses on School Grounds .....................................................5731
7.4 Qualifications of Bus Drivers ................................................................................5740 (8414.1)
       7.4.1 Drug and Alcohol Testing for School Bus Drivers and Other
       Safety-Sensitive Employees ..............................................................................5741 (8414.2)

NOTE: Numbers in parenthesis ( ) denote regulation found in District's Administrative Manual
developed in 1998.
SUBJECT: BUDGET PLANNING AND DEVELOPMENT

Budget planning and development for the District will be an integral part of program planning so that the annual operating budget may effectively express and implement programs and activities of the School System. Budget planning will be a year-round process involving participation of District-level administrators, Principals, Directors, Coordinators, teachers, and other personnel. The process of budget planning and development should allow for community input and contain numerous opportunities for public information and feedback.

The Superintendent will have overall responsibility for budget preparation, including the construction of and adherence to a budget calendar. Program managers will develop and submit budget requests for their particular areas of responsibility after seeking the advice and suggestions of staff members.

Principals will develop and submit budget requests for their particular schools in conjunction with the advice and suggestions of staff members and their own professional judgment. Each school's budget request will be the Principal's recommendation as to the most effective way to use available resources in achieving progress toward the approved educational objectives of the school. Program budgets and school budgets will reflect state and/or federal requirements, special sources of funding, and District objectives and priorities.

The Board will give consideration to budget requests, and will review allocations for appropriateness and for their consistency with the School System's educational priorities.

All budget documents for distribution to the public shall be in plain language and organized in a manner which best promotes public comprehension of the contents. Documents shall be complete and accurate and contain sufficient detail to adequately inform the public regarding such data as estimated revenues, proposed expenditures, transfers to other funds, fund balance information, and changes in such information from the prior year's submitted budget.

The budget will be presented in three (3) components which are to be voted upon as (1) proposition:

a) A program component which shall include, but need not be limited to, all program expenditures of the School District, including the salaries and benefits of teachers and any school administrators or supervisors who spend a majority of their time performing teaching duties, and all transportation operating expenses;

b) A capital component which shall include, but need not be limited to, all transportation capital, debt service, and lease expenditures; costs resulting from judgments and tax certiorari proceedings or the payment of awards from court judgments, administrative orders or settled or compromised claims; and all facilities costs of the School District, including facilities leases expenditures, the annual debt service and total debt for all facilities financed by bonds and notes of the School District, and the costs of construction, acquisition, reconstruction,
SUBJECT: BUDGET PLANNING AND DEVELOPMENT (Cont'd.)

rehabilitation or improvement of school buildings, provided that such budget shall include a rental, operations and maintenance section that includes base rent costs, total rent costs, operation and maintenance charges, cost per square foot for each facility leased by the District, and any and all expenditures associated with custodial salaries and benefits, service contracts, supplies, utilities, and maintenance and repairs of school facilities; and

c) An administrative component which shall include, but need not be limited to, office and central administrative expenses, traveling expenses and salaries and benefits of all certified school administrators and supervisors who spend a majority of their time performing administrative or supervisory duties, any and all expenditures associated with the operation of the Office of the School Board, the Office of the Superintendent of Schools, General Administration, the School Business Office, consulting costs not directly related to direct student services and programs, planning and all other administrative activities.

Each component must be separately delineated in accordance with Commissioner's Regulations.

Additionally, the Board of Education shall append to the proposed budget the following documents:

a) A detailed statement of the total compensation to be paid to the Superintendent of Schools, and any Assistant or Associate Superintendent of Schools in the ensuing school year, including a delineation of the salary, annualized cost of benefits and any in-kind or other form of remuneration;

b) A list of all other school administrators and supervisors, if any, whose annual salary for the coming school year will be at or above that designated in law for such reporting purposes, with the title of their positions and annual salary identified;

c) A School District Report Card, prepared pursuant to Commissioner's Regulations, which includes measures of the academic performance of the School District, on a school by school basis, and measures of the fiscal performance of the District (see subheading School District Report Card);

d) A Property Tax Report Card prepared in accordance with law and Commissioner's Regulations (see subheading Property Tax Report Card); and

e) A Tax Exemption Report prepared in accordance with law (see subheading Tax Exemption Report).

The Board shall ensure that unexpended surplus funds (i.e., operating funds in excess of the current school year budget, not including funds properly retained under other sections of law) have been applied in determining the amount of the school tax levy. Surplus funds shall mean any operating funds in excess of four percent (4%) of the current school year budget.

(Continued)
SUBJECT: BUDGET PLANNING AND DEVELOPMENT (Cont'd.)

The proposed budget for the ensuing school year shall be reviewed by the Board of Education and publicly disseminated, in accordance with law, prior to its submission to District voters for approval.

District funds may be expended to inform the public regarding the annual budget and to present the annual budget to District voters; however, School District funds, facilities and channels of communication shall not be utilized, directly or indirectly, to exhort voters to vote for or against the proposed budget.

School District Report Card

Each year the District shall supply data as required by the State Education Department (SED) and will receive a School District Report Card, sometimes referred to as a New York State Report Card. The Report Cards provide enrollment, demographic, attendance, suspension, dropout, teacher, assessment, accountability, graduation rate, post-graduation plan, career and technical education, and fiscal data for public and charter schools, districts and the State. The Report Cards are generated from the supplied data and are in a format dictated by SED. The School District Report Cards consist of three (3) parts:

a) Accountability and Overview Report - shows District/school profile data, accountability statuses, data on accountability measures such as ELA, Math, and Science scores, and graduation rates.

b) Comprehensive Information Report - shows non-accountability data such as annual Regents examination results and post-graduate plans of students completing high school.

c) Fiscal Accountability Supplement - shows expenditures per pupil and some information about placement and classification of students with disabilities.

School District Report Cards are also available online at the SED website.

Property Tax Report Card

Each year, the Board of Education shall prepare a Property Tax Report Card, pursuant to Commissioner's Regulations, and shall make it publicly available by transmitting it to local newspapers of general circulation, appending it to copies of the proposed budget made publicly available as required by law, making it available for distribution at the Annual Meeting, and otherwise disseminating it as required by the Commissioner.

The Property Tax Report Card shall include:

a) The amount of total spending and total estimated school tax levy that would result from adoption of the proposed budget, and the percentage increase or decrease in total spending and total school tax levy from the School District budget for the preceding school year;

(Continued)
SUBJECT: BUDGET PLANNING AND DEVELOPMENT (Cont'd.)

b) The projected enrollment growth for the school year for which the budget is prepared, and the percentage change in enrollment from the previous year;

c) The percentage increase in the average of the Consumer Price Indexes from January first of the prior school year to January first of the current school year as defined in Education Law;

d) The projected amount of the adjusted unrestricted fund balance that will be retained if the proposed budget is adopted; the projected amount of the adjusted restricted fund balance; the projected amount of the assigned appropriated fund balance; the percentage of the proposed budget that the adjusted unrestricted fund balance represents; the actual adjusted unrestricted fund balance retained in the School District budget for the preceding school year; a schedule of the reserve funds, setting forth the name of each reserve fund, a description of its purpose, the balance as of the close of the third quarter of the current school district fiscal year and a brief statement explaining any plans for the use of each such reserve fund for the ensuing fiscal year, and the percentage of the School District budget for the preceding school year that the actual adjusted unrestricted fund balance represents; and

e) The District's school tax levy limit calculation. The District will submit its school tax levy limit calculation to the Office of the State Comptroller, NYSED and the Office of Taxation and Finance by March 1 annually. If a voter override of the tax levy limit is necessary, the budget vote must be approved by sixty percent (60%) of the District's qualified voters present and voting.

A copy of the Property Tax Report Card prepared for the Annual District Meeting shall be submitted to the State Education Department in the manner prescribed by the Department by the end of the business day next following approval of the Property Tax Report Card by the Board of Education, but no later than twenty-four (24) days prior to the statewide uniform voting day (i.e., the third Tuesday in May).

The State Education Department shall compile such data for all school districts whose budgets are subject to a vote of the qualified voters, and shall make such compilation available electronically at least ten (10) days prior to the statewide uniform voting day. Links to each year's Property Tax Report Card can be found on the SED website at:


Tax Exemption Report

A Tax Exemption Report shall be annexed to any tentative or preliminary budget and shall become part of the final budget. This report shall be on the form as prescribed by the State Board of Real Property Services and shall show the following:

a) How much of the total assessed value of the final assessment roll(s) used in the budgetary process is exempt from taxation;

(Continued)
SUBJECT: BUDGET PLANNING AND DEVELOPMENT (Cont'd.)

b) Every type of exemption granted as identified by statutory authority;

c) The cumulative impact of each type of exemption expressed either as a dollar amount of assessed value or as a percentage of the total assessed value on the roll;

d) The cumulative amount expected to be received from recipients of each type of exemption as payments in lieu of taxes or other payments for municipal services; however, individual recipients are not to be named; and

e) The cumulative impact of all exemptions granted.

Notice of this report shall be included in any notice of the preparation of the budget required by law and shall be posted on any bulletin board maintained by the District for public notices as well as on any website maintained by the District.

Education Law §§ 1608(3)-(7), 1716(3)-(7), 2022(2-a), 2023-a, 2601-a(3) and 2601-a(7)
General Municipal Law § 36
Real Property Tax Law §§ 495 and 1318(l)
8 NYCRR §§ 170.8, 170.9 and 170.11
State Education Department Handbook No. 3 on Budget

Adopted: 6/2/05
Revised: 7/2/13; 4/6/17
SUBJECT: SCHOOL DISTRICT BUDGET HEARING

The Board of Education will hold an Annual Budget Hearing, in accordance with law, so as to inform and present to District residents a detailed written statement regarding the District's estimated expenditures and revenue for the upcoming school year prior to the budget vote which is taken at the Annual District Meeting and Election.

The Budget Hearing will be held not less than seven (7) nor more than fourteen (14) days prior to the Annual District Meeting and Election or Special District Meeting at which the budget vote will occur. The proposed budget will be completed at least seven (7) days prior to the budget hearing at which it is to be presented.

Notice of the date, time and place of the annual budget hearing will be included in the notice of the Annual Meeting and Election and/or Special District Meeting as required by law.

All School District budgets which are submitted for voter approval shall be presented in three (3) components: a program component, an administrative component, and a capital component; and each component will be separately delineated in accordance with law and/or regulation.

The Board of Education will also prepare and append to copies of the proposed budget a School District Report Card, pursuant to the Regulations of the Commissioner of Education, referencing measures of academic and fiscal performance. Additionally, the Board of Education shall also append to copies of the proposed budget a detailed statement of the total compensation to be paid to various administrators as enumerated in law and/or regulation, and a Property Tax Report Card prepared in accordance with law and the Commissioner's Regulations.

All budget documents for distribution to the public will be written in plain language and organized in a manner which best promotes public comprehension of the contents.

Dissemination of Budget Information

Copies of the proposed annual operating budget for the succeeding year, together with the appendages required by law, will be made available at the Budget Hearing, and during the fourteen (14) days immediately preceding the date of the Annual District Meeting and Election, also will be: 1) posted on the District's Internet website; 2) made available at each public and free association library within the District; 3) made available upon request to any District resident at: a) the District Office, and b) each active schoolhouse in the District, during normal business hours on each day other than a Saturday, Sunday or holiday. Notice of the availability of this budget information shall be included in the legal notice of the Annual and/or Special District Meeting, and copies of the proposed budget will also be available to District residents at the time of the Annual and/or Special District Meeting. Additionally, the Board will include notice of the availability of copies of the budget at least once during the school year in any District-wide mailing.

(Continued)
SUBJECT: SCHOOL DISTRICT BUDGET HEARING (Cont’d.)

Budget Notice

The School District Clerk shall mail a School Budget Notice to all qualified voters of the School District after the date of the Budget Hearing, but no later than six (6) days prior to the Annual Meeting and Election or Special District Meeting at which a school budget vote will occur. The School Budget Notice shall compare the percentage increase or decrease in total spending under the proposed budget over total spending under the School District budget adopted for the current school year, with the percentage increase or decrease in the Consumer Price Index from January first of the prior school year to January first of the current school year.

The Budget Notice shall include a description of how total spending and the tax levy resulting from the proposed budget would compare with a projected contingency budget, assuming that such contingency budget is adopted on the same day as the vote on the proposed budget. Such comparison shall be in total and by component (i.e., program, capital and administrative), and shall include a statement of the assumptions made in estimating the projected contingency budget.

The Budget Notice also shall include:

a) The school tax levy limit;

b) The proposed school year tax levy (without permissible exclusions to the school tax levy limit);

c) The total permissible exclusions; and

d) The proposed school year tax levy (including permissible exclusions to the school tax levy limit).

The Notice shall also include, in a manner and format prescribed by the Commissioner of Education, a comparison of the tax savings under the basic school tax relief (STAR) exemption and the increase or decrease in school taxes from the prior year, and the resulting net taxpayer savings for a hypothetical home within the District with a full value of one hundred thousand dollars ($100,000) under the existing School District budget as compared with such savings under the proposed budget.

The Notice shall also set forth the date, time and place of the school budget vote in the same manner as in the Notice of the Annual Meeting. The School Budget Notice shall be in a form prescribed by the Commissioner of Education.

(Continued)
SUBJECT: SCHOOL DISTRICT BUDGET HEARING (Cont'd.)

Notice of Budget Hearing/Availability of Budget Statement:
Education Law §§ 1608(2), 1716(2), 2003(1), 2004(1), 2023-a and 2601-a(2)

Election and Budget Vote:
Education Law §§ 1804(4), 1906(1), 2002(1), 2017(5), 2017(6), 2022(1), 2023-a and 2601-a(2)

Budget Development and Attachments:
Education Law §§ 1608(3), 1608(4), 1608(5), 1608(6), 1608(7), 1716(3), 1716(4), 1716(5), 1716(6),
1716(7), 2022(2-a), 2023-a and 2601-a(3)
8 NYCRR §§ 100.2(bb), 170.8 and 170.9

Adopted: 6/2/05
Revised: 7/2/13
SUBJECT: BUDGET ADOPTION

The Board of Education shall review the recommended budget of the Superintendent of Schools and shall seek public input and feedback regarding the recommended budget including, but not limited to, holding a public budget hearing not less than seven (7) nor more than fourteen (14) days prior to the Annual District Meeting and Election at which the budget vote is to occur. The Board may modify the recommended budget of the Superintendent prior to its submission to District voters. Final authorization of the proposed budget is dependent upon voter approval unless a contingency budget is adopted by the Board.

The School District budget for any school year, or any part of such budget, or any proposition(s) involving the expenditure of money for that school year, shall not be submitted for a vote of the qualified District voters more than twice.

In the event the original proposed budget is not approved at the Annual District Meeting and Election, the Board may: a) adopt a contingency budget, or b) resubmit the original proposed budget or submit a revised budget for voter approval at a Special District Meeting to be held on the third Tuesday in June. In addition, the Board may submit supplemental budget propositions to the voters in accordance with the same rules that apply to submission of the budget, namely, that no supplemental budget proposition may be submitted to the voters more than twice, and any supplemental budget proposition that alone, or in combination with the primary budget proposition would require the District to levy a tax in excess of the tax levy cap, will be subject to approval of 60% of the qualified voters present and voting. If the voters fail to approve the second budget submittal, or budget proposition(s), the Board must adopt a contingency budget in accordance with law.

The School District budget, once adopted, becomes the basis for establishing the tax levy on real property within the District.

8 NYCRR §§ 100.2(bb), 170.8 and 170.9

Adopted: 6/2/05
Revised: 7/2/13
SUBJECT: ADMINISTRATION OF THE BUDGET

The Superintendent of Schools, working in conjunction with the administrative staff, is responsible to the Board for the administration of the budget.

a) He/she shall acquaint District employees with the final provisions of the program budget and guide them in planning to operate efficiently and economically within these provisions.

b) Under his/her direction the District shall maintain such records of accounting control as are required by the New York State Uniform System of Accounts for School Districts, the Board of Education, and such other procedures as are deemed necessary and shall keep the various operational units informed through periodic reports as to the status of their individual budgets.

c) Board approval is required prior to the expenditure of District funds.

Adopted: 6/2/05
SUBJECT: CONTINGENCY BUDGET

The School District budget for any school year or any part of such budget, or any proposition involving the expenditure of money for such school year, shall not be submitted for a vote of the qualified voters of the District more than twice in any school year.

If the original proposed budget is not approved by District voters at the Annual District Meeting and Election, the Board has the option of either resubmitting the original or revised budget for voter approval at a Special District Meeting to be held on the third Tuesday in June; or the Board may, at that point, adopt a contingency budget. If the Board decides to submit either the original or a revised budget to the voters for a second time, and the voters do not approve the second budget submittal, the Board must adopt a contingency budget, and the tax levy cannot exceed the total tax levy of the prior year (i.e., 0% levy growth).

The contingency budget may include the sum necessary for teachers' salaries (i.e., professional educator positions certificated by the State Education Department which include teachers, administrators, teaching assistants, and professional specialists in the various areas of pupil personnel services) and ordinary contingent expenses as determined by the Board in accordance with law including, but not limited to, the purchase of library books and other instructional materials associated with the school library; and expenses incurred for interscholastic athletics, field trips and other extracurricular activities. Ordinary contingent expenses include, but are not limited to, legal expenses incurred by the District; expenditures specifically authorized by statute; and other items necessary to maintain the educational program, preserve property, and assure the health and safety of students and staff.

In accordance with law, the administrative component of the contingency budget shall not comprise a greater percentage of the contingency budget than the lesser of:

a) The percentage the administrative component had comprised in the prior year budget, exclusive of the capital component; or

b) The percentage the administrative component had comprised in the last proposed defeated budget, exclusive of the capital component.

Should the Board of Education adopt a contingency budget, it will formally adopt a resolution reflecting such action.

Education Law §§ 2002, 2023, 2023-a, 2024 and 2601-a

Adopted: 6/2/05
Revised: 7/2/13
SUBJECT: REVENUES

The School District Treasurer will have custody of all District funds in accordance with the provisions of state law. The Treasurer will be authorized and directed by the Board to invest the balances available in various District funds in accordance with regulations set forth in state law.

Education Law §§ 1604(a) and 1723(a)

Adopted: 6/2/05
SUBJECT: DISTRICT INVESTMENTS

Whenever the District has funds (including operating funds, reserve funds and proceeds of obligations) that exceed those necessary to meet current expenses, the Board of Education shall authorize the School Business Official to invest such funds in accordance with all applicable laws and regulations and in conformity with the guidelines established by this policy.

Objectives

The objectives of this investment policy are four-fold:

a) Investments shall be made in a manner so as to safeguard the funds of the School District; and

b) Bank deposits shall be made in a manner so as to safeguard the funds of the School District.

c) Investments shall be sufficiently liquid so as to allow funds to be available as needed to meet the obligations of the School District.

d) Funds shall be invested in such a way as to earn the maximum yield possible given the first three (3) investment objectives.

Authorization

The authority to deposit and invest funds is delegated to the School Business Official. These functions shall be performed in accordance with the applicable sections of the General Municipal Law and the Local Finance Law of the State of New York.

The School Business Official may invest funds in the following eligible investments:

a) Obligations of the State of New York.

b) Obligations of the United States Government, or any obligations for which principal and interest are fully guaranteed by the United States Government.

c) Time Deposit Accounts placed in a commercial bank authorized to do business in the State of New York, providing the account is collateralized as required by law. (Banking Law Section 237(2) prohibits a savings bank from accepting a deposit from a local government. This also applies to savings and loan associations.)

d) Transaction accounts (demand deposits) both interest bearing and non-interest bearing that do not require notice of withdrawal placed in a commercial bank authorized to do business in the State of New York, providing the account is collateralized as required by law.

(Continued)
SUBJECT: DISTRICT INVESTMENTS (Cont'd.)

e) Certificates of Deposits placed in a commercial bank authorized to do business in the State of New York providing the Certificates are collateralized as required by law.

   1. Deposits in excess of the amount insured by the Federal Deposit Insurance Corporation will be secured in accordance with subdivision 3 of the General Municipal Law Section 10.

   2. The District may, in its discretion, authorize the bank designated for the deposit of District funds to arrange for the redeposit of such funds in one (1) or more banking institutions, for the account of the District, through a deposit placement that meets the conditions set forth in General Municipal Law Section 10(2)(a)(ii).

f) Securities purchased pursuant to a Repurchase Agreement whereby one party purchases securities from a second party and the second party agrees to repurchase those same securities on a specific future date at an agreed rate of return (the interest rate).

Implementation

Using the policy as a framework, regulations and procedures shall be developed which reflect:

a) A list of authorized investments;

b) Procedures including a signed agreement to insure the School District's financial interest in investments;

c) Standards for written agreements consistent with legal requirements;

d) Procedures for the monitoring, control, deposit and retention of investments and collateral which shall be done at least once a month;

e) Standards for security agreements and custodial agreements consistent with legal requirements;

f) Standards for diversification of investments including diversification as to type of investments, and firms and banks with whom the School District transacts business; and

g) Standards for qualification of investment agents which transact business with the School District including, at minimum, the Annual Report of the Trading Partner.

This policy shall be reviewed and re-adopted at least annually or whenever new investment legislation becomes law, as staff capabilities change, or whenever external or internal issues warrant modification.

(Continued)
SUBJECT: DISTRICT INVESTMENTS (Cont'd.)

Education Law §§ 1604-a, 1723(a), 2503(1) and 3652
General Municipal Law §§ 10 and 39
Local Finance Law § 165

Adopted: 6/2/05
Revised: 4/20/16
SUBJECT: ACCEPTANCE OF GIFTS, GRANTS AND BEQUESTS TO THE SCHOOL DISTRICT

The Board may accept gifts, donations, grants and/or bequests of money, real or personal property, as well as other merchandise which, in the view of the Board, add to the overall welfare of the School District, provided that such acceptance is in accordance with existing laws and regulations. Donations to the School District may be fully tax deductible so long as the gift is used exclusively for public purposes in accordance with USC Section 170(c). However, the Board is not required to accept any gift, grant or bequest and does so at its discretion, basing its judgment on the best interests of the District. Furthermore, the Board will not accept any gift, grant or bequest which constitutes a conflict of interest and/or gives an appearance of impropriety. At the same time, the Board will safeguard the District, the staff and students from commercial exploitation, from special interest groups, and the like.

The Board will not accept any gifts or grants which will place encumbrances on future Boards, or result in unreasonable additional or hidden costs to the District. The Board may, if it deems it necessary, request that gifts of equipment, facilities or any item that requires upkeep and maintenance include funds to carry out such maintenance for the foreseeable life of the donation.

The Board of Education will not formally consider the acceptance of gifts or grants until and unless it receives the offer in writing from the donor/grantor or their attorney/financial advisor. Any such gifts or grants donated to the Board and accepted on behalf of the School District must be by official action and resolution passed by Board majority. The Board would prefer the gift or grant to be a general offer rather than a specific one. Consequently, the Board would suggest that the donor/grantor work first with the school administrators in determining the nature of the gift or grant prior to formal consideration for acceptance by the Board. However, the Board, in its discretion, may direct the Superintendent of Schools to apply such gift or grant for the benefit of a specific school or school program.

The Board is prohibited, in accordance with the New York State Constitution, from making gifts/charitable contributions with School District funds.

Gifts and/or grants of money to the District shall be annually accounted for under the trust and agency account in the bank designated by the Board of Education.

All gifts, grants and/or bequests shall become School District property. A letter of appreciation, signed by the President of the Board and the Superintendent will be sent to a donor/grantor in recognition of his/her contribution to the School District. Letters will be sent in a timely manner and will acknowledge the possible tax deduction available to donors whose gifts qualify under IRS regulations.

Gift Giving

The Board of Education recognizes that gift giving, especially during the holiday season, may be a common practice for many District employees. While the giving or exchanging of gifts may be acceptable among staff members, the Board strongly encourages District employees and students to show appreciation through written notes or greeting cards.

(Continued)
SUBJECT: ACCEPTANCE OF GIFTS, GRANTS AND BEQUESTS TO THE SCHOOL DISTRICT (Cont'd.)

Additionally, all business contacts will be informed that gifts of seventy-five dollars ($75) or more to District employees will be returned.

New York State Constitution Article 8, § 1
Education Law §§ 1709(12), 1709(12-a) and 1718(2)
General Municipal Law § 805-a(1)

Adopted: 6/2/05
Revised: 1/19/12
SUBJECT: CORPORATE SPONSORSHIPS

Regents' Rule 23.1 as, "the sponsorship or the underwriting of an activity on school premises which does not involve the commercial promotion of a particular product or service."

Corporate sponsorships may be recommended by the Superintendent of Schools subject to approval by the Board of Education. Corporate sponsorships shall be evaluated on a case by case basis in accordance with the principles established by the Board of Education.

The Board of Education will carefully consider whether the commercial aspects of a corporate sponsorship are an acceptable influence on students. The School Board recognizes and understands its fiduciary responsibility to weigh all considerations and decide whether such arrangements are in the best interests of the children they are obligated to educate, nurture and protect.

Any agreement entered into by the District and a corporate sponsor should be in accordance with the following principles:

a) Consistency with district academic standards and goals.

b) Consistency with district non-discrimination policies and age-appropriateness.

c) No corporate support or activity will be permitted in the District that:

1. Promotes gambling, illicit drugs, alcohol, tobacco, or firearms;

2. Promotes hostility, disorder, or violence;

3. Attacks or demeans any ethnic, racial, religious group or sexual orientation, or that attacks or demeans persons based on any other legally protected status or characteristic;

4. Is libelous;

5. Contains adult content, including nudity, sexual terms and/or images of people in positions or activities that are excessively suggestive or sexual, or provocative images in violation of community standards;

6. Promotes any specific religion;

7. Promotes or opposes any political candidate or ballot proposition;

8. Inhibits the functioning of any school; or

9. Any other item deemed to be inappropriate for students.

(Continued)
SUBJECT: CORPORATE SPONSORSHIPS (Cont'd.)

d) Students shall not be subjected to "commercial promotional activity" at school during the instructional day, and the District shall not enter into contracts, agreements or arrangements, oral or written, for which the consideration consists in whole or in part of the promise to permit commercial promotional activity on school premises. For purposes of this Policy, the term "commercial promotional activity shall mean, "any activity, designed to induce the purchase of a particular product or service by students, or to extol the benefits of such product or service to students for the purpose of making its purchase more attractive, that is conveyed to students electronically through such media as, but not limited to, television and radio."

e) The disclosure of personally identifiable information about students and their families to corporate sponsors is prohibited, except for disclosure of "directory information" in accordance with District Policy and the Family Educational Rights and Privacy Act (FERPA), and except as otherwise authorized by FERPA, as for example, with parental consent or the consent of "eligible students" (i.e., students age 18 and older). In addition, no corporate sponsor shall be permitted to collect information directly from students, except with approval of the Superintendent or Superintendent's designee, and with parental consent.

f) Sponsorship permitted pursuant to this policy shall not be considered as an endorsement or approval by the Board of any particular group, organization or company, nor of any purposes, programs, activities, products or services of any such group.

g) To ensure equal opportunity to participate among commercial competitors, solicitations for corporate sponsors should be done in accordance with the District procurement policy.

8 NYCRR Part 23

NOTE: Refer also to Policies #5410 -- Purchasing: Competitive Bidding and Offering
     #7250 -- Student Privacy, Parental Access to Information, and Administration of Certain Physical Examinations to Minors

Adopted: 12/1/11
SUBJECT: USE OF SCHOOL DISTRICT TRADEMARKS AND SERVICE MARKS

The names, logos, symbols, and mottos of the Enlarged City School District of Middletown are trademarks or service marks of the Enlarged City School District of Middletown. Such marks may only be used in conformance with state and federal law and the provisions of this policy.

Faculty, staff, and students of the District may use the above-mentioned names, logos, symbols, or mottos on internal documents or materials for internal business or educational purposes only. Any such use will be in accordance with applicable Board policies, administrative regulations, handbooks, and Codes of Conduct.

Use of the District's trademarks and/or service marks for any retail or commercial purpose, for endorsements, promotions, or similar endeavors requires the express written permission of the Enlarged City School District of Middletown. Requests for such use will be made through submission of the District's trademark and service mark consent form to the Board of Education or its designee. If granted, use of the District's trademarks and/or service marks will be in accordance with any terms agreed upon by the Board of Education or its designee and the individual or entity authorized to use such marks.

Use of the above-mentioned names, logos, symbols, or mottos does not constitute permission to act as the District's agent, official, or representative.

Adopted: 5/21/14
SUBJECT: SCHOOL TAX ASSESSMENT AND COLLECTION/PROPERTY TAX EXEMPTIONS

A tax collection plan giving dates of warrant and other pertinent data shall be prepared annually and submitted for review and consideration by the School Business Official to the Board of Education. Tax collection shall occur by mail or by direct payment to the place designated by the Board of Education.

Senior Citizens

Unless specifically exempted by law, real property used exclusively for residential purposes and owned by one (1) or more persons, each of whom is sixty-five (65) years of age or over, or real property owned by husband and wife or by siblings, one of whom is sixty-five (65) years of age or over, shall be exempt from taxation to the extent of per centum of the assessed valuation determined by the Board if the owners meet the criteria established annually by the Board.

The real property tax exemption of real property owned by husband and wife, when one of them is sixty-five (65) years of age or over, once granted, shall not be rescinded solely because of the death of the older spouse so long as the surviving spouse is at least sixty-two (62) years of age.

Alternative Veterans' Exemption

The Board of Education, having held a public hearing and passed a resolution, pursuant to the Real Property Tax Law provides a property tax exemption available to any veteran of the U.S. Armed Forces who served on active duty during a period of war, or received an expeditionary medal. The District will grant such exemption in a manner consistent with the Real Property Tax Law and at levels set forth by the Board of Education. Should the District wish to reduce or increase the ceilings on the exemptions, it must hold a separate hearing and pass a separate resolution.

Education Law § 2130
Public Health Law § 2801
Real Property Tax Law §§ 458-a, 459-c, 466-c, 466-f, 466-g, 466-l, 467, and 1300-1342

Adopted: 6/2/05
Revised: 6/16/16
SUBJECT: SALE AND DISPOSAL OF SCHOOL DISTRICT PROPERTY

Sale of School Property

No school property shall be sold without prior approval of the Board of Education. However, the responsibility for such sales may be delegated. The net proceeds from the sale of school property shall be deposited in the General Fund.

Disposal of District Personal Property

Equipment

School District equipment that is obsolete, surplus, or unusable by the District shall be disposed of in such a manner that is advantageous to the District.

The Superintendent will be responsible for selling the equipment in such a way so as to maximize the net proceeds of sale which may include a bona fide public sale preceded by adequate public notice. If it is determined that reasonable attempts to dispose of the equipment have been made and such attempts have not produced an adequate return, or that selling such equipment would not be in the best interests of the District, the Superintendent or his/her designee may dispose of the equipment in any manner which he/she deems appropriate.

Textbooks

Textbooks may lose their value to the educational program because of changes in the curriculum or they contain outdated material and/or are in poor condition.

If textbooks are no longer useful or usable, the procedures for disposal shall adhere to the following order of preference:

a) Sale of textbooks. If reasonable attempts to dispose of surplus textbooks fail to produce monetary return to the School District; then

b) Donation to charitable organizations; or

c) Disposal as trash.

Education Law §§ 1604(4), 1604(30), 1604(36), 1709(9), 1709(11), 2503, 2511 and 2512
General Municipal Law §§ 51 and 800 et seq.

Adopted: 6/2/05
Revised: 11/20/08
SUBJECT: BONDING OF EMPLOYEES AND SCHOOL BOARD MEMBERS

In accordance with New York State Education Law and the Commissioner's Regulations, the Board of Education directs that the Treasurer of the Board of Education, the Tax Collector and the Internal Auditor be bonded prior to assuming their duties. Such bonds shall be in the amounts as determined and approved by the Board of Education.

Other school personnel and members of the Board of Education authorized or required to handle School District revenues may be covered by a blanket undertaking provided by the District in such amounts as approved by the Board of Education based upon the recommendations of the Superintendent or his/her designee.

Education Law §§ 1709(20-a), 1720, 2130(5), 2526 and 2527
Public Officers Law § 11(2)
8 NYCRR § 170.2(d)

Adopted: 6/2/05
SUBJECT:  EXPENDITURES OF SCHOOL DISTRICT FUNDS

The Board of Education authorizes the Purchasing Agent to expend school funds as appropriated by approved operational and capital budgets, and by the adoption of special resolutions. He/she will make expenditures in accordance with applicable law and in a manner that will achieve the maximum benefit from each dollar expended.

All claims shall be properly audited before payment by the Internal Claims Auditor who shall attest to the existence of evidence of indebtedness to support the claim.

Complete records of all expenditures shall be maintained for future analysis and reporting within the time frame required by the Records Disposition Law or regulation.

Education Law §§ 1720 and 2523

Adopted:  6/2/05
SUBJECT: USE OF THE DISTRICT CREDIT CARD

The District will issue a credit card in its name to the Purchasing Agent and/or Director of Personnel for the explicit purpose of ordering and receiving fingerprint supported criminal history background checks on prospective employees and volunteers as required by District policy and/or New York State regulation/laws.

Adopted: 12/15/05
Revised: 8/3/17
SUBJECT: USE OF THE DISTRICT CELL PHONE

A School District-owned cell phone will be issued to a District employee when required by that employee's job duties, as determined by the Superintendent or Superintendent's designee.

A District-owned cell phone may not be used by anyone other than the School District employee to whom it is issued, and shall only be used by the designated employee for school or emergency purposes.

Adopted: 4/6/17
SUBJECT: REIMBURSEMENT FOR MEAL EXPENSES INCURRED DURING STAFF MEETINGS

Any expenditure for meal expenses incurred during staff meetings must be pre-approved by the appropriate building administrator. Such requests may be approved when:

a) The District is faced with business of an immediate nature and meetings of District employees are essential at mealtime;

b) Officers and/or staff are prevented from taking time off for food consumption due to a pressing need to complete the business at hand.

All meal expenses must be appropriately documented, including the date, time, purpose of the meeting, names of persons in attendance, and reason why the meeting was required to have been held during a mealtime. The documentation shall be forwarded to the Business Office for reimbursement and auditing purposes.

Adopted: 12/15/05
SUBJECT: BUDGET TRANSFERS

Within monetary limits as established by the Board, the Superintendent is authorized to transfer funds within the budget. Whenever changes are made, they are to be incorporated in the next Board agenda for information only.

Education Law § 1718
8 NYCRR § 170.2(l)

Adopted: 6/2/05
SUBJECT: BORROWING OF FUNDS

The School District may borrow money only by means of serial bonds, bond anticipation notes, capital notes, tax anticipation notes, revenue anticipation notes and budget notes.

Local Finance Law Article 2

Adopted: 6/2/05
SUBJECT: PURCHASING: COMPETITIVE BIDDING AND OFFERING

Except as otherwise provided by law, all contracts for public work involving an expenditure of more than thirty-five thousand dollars ($35,000) and all purchase contracts involving an expenditure of more than twenty thousand dollars ($20,000) shall be awarded by the District to the lowest responsible bidder furnishing the required security after advertisement for sealed bids. As provided by law, the Board authorizes the District's Purchasing Agent, in his or her discretion, to award purchase contracts on the basis of "best value" to a responsive and responsible bidder or offerer, pursuant to this policy and in accordance with applicable law.

No bid or offer shall be accepted that does not conform to specifications furnished unless such specifications are waived (where permitted by law) by Board action. The District may, in its discretion, reject all bids or offers and re-advertise for new bids or offers in a manner consistent with New York State law.

All contracts requiring public advertising and competitive bidding or offering will be awarded by resolution of the Board.

Except as authorized by law, no Board member or employee of the School District shall have an interest in any contract entered into by the School District.

Process for Determining Whether Competitive Bidding Applies

a) The Purchasing Agent will first determine if the need for particular goods and/or services constitutes a purchase contract or a contract for public work. If the goods and/or services to be purchased can be quantified unambiguously as either a purchase contract or a contract for public work, then the Purchasing Agent shall determine whether the amount of the contract exceeds the applicable monetary threshold(s), as set forth above, beyond which competitive bidding is required by law.

b) In the event that a contract combines elements of a public work contract with a purchase contract, then the Purchasing Agent shall determine the applicable monetary threshold for competitive bidding by examining the total character of the transaction(s) and evaluating whether the public work or the purchase of goods is the central or predominant purpose of the contract.

c) The Purchasing Agent shall also be responsible for determining whether any exceptions to the competitive bidding requirements exist.

d) In all cases, the Purchasing Agent shall be responsible for maintaining written documentation setting forth the method(s) pursuant to which it was determined whether a particular purchase of goods and/or services is a public work contract or purchase contract, that is, or is not, subject to competitive bidding.

(Continued)
SUBJECT: PURCHASING: COMPETITIVE BIDDING AND OFFERING (Cont'd.)

Exceptions to Competitive Bidding Requirements

District purchases shall not be subject to competitive bidding by the District when the Purchasing Agent determines, in accordance with applicable law that one of the following situations exists:

a) **Bidding Thresholds Not Met** -- Purchases of goods and/or services that are not reasonably expected, alone or in the aggregate, during the fiscal year, to exceed, and do not in fact exceed, the monetary thresholds after which competitive bidding is required (as set forth above).

b) "Best Value" contracting.

c) **Qualified Purchases Pursuant to Federal, State and County Contracts.**

d) **Preferred Source Providers (e.g., the Department of Correctional Services)** -- When available from a preferred source provider, goods must be purchased from the preferred source provider, without soliciting bids from other sources.

e) **Professional Services Contracts.**

f) **Sole Source Provider** -- Only applicable, under very limited circumstances, when particular goods or services that uniquely serve the public's interest are known to only be available from a single source and when no substantial equivalent to those particular goods or services is available.

g) **Public Emergency** -- When competitive bidding is otherwise required by law, only the Superintendent or Board may authorize purchases within the approved budget, without bidding, if required by emergencies:

1. Arising out of an accident or unforeseen occurrence or condition; and

2. Where a District building, property, or the life, health, or safety of any inhabitant of the District community is affected; and

3. Requires immediate action which cannot await competitive bidding.

Standardization

Upon the adoption of a standardization resolution by a vote of at least three-fifths (3/5) of all Board members, *purchase contracts* for a particular type or kind of equipment, materials or supplies of more than twenty thousand dollars ($20,000) may be awarded by the Board to the lowest responsible bidder or offerer furnishing the required security after advertisement for sealed bids in the manner provided in (Continued)
SUBJECT: PURCHASING: COMPETITIVE BIDDING AND OFFERING (Cont'd.)

law. Such resolution must state that, for reasons of efficiency or economy, there is a need for standardization and must contain a full explanation of those reasons. Upon the adoption of a valid standardization resolution, the District may provide in its specifications for a particular make or brand to the exclusion of others.

"Piggybacking" Exception to Direct Competitive Bidding

The District may, in its discretion, purchase certain goods (apparatus, materials, equipment or supplies) and services (related to the installation, maintenance or repair of apparatus, materials, equipment and supplies) at costs beyond the above-referenced thresholds through the use of contracts let by the United States or any agency thereof, any state, and any county, political subdivision or district of any state.

This method of procurement is permitted on contracts issued by other governmental entities, provided that the original contract:

a) Has been let by the United States or any agency thereof, any state (including New York State) or any other political subdivision or district therein;

b) Was made available for use by other governmental entities and agreeable with the contract holder; and

c) Was let in a manner that constitutes competitive bidding consistent with New York State law, or was awarded on the basis of best value, and is not in conflict with other New York State laws.

Annual Review

Comments concerning the District's bidding and purchasing policies and procedures will be solicited from time to time from those District employees involved in the procurement process.

The Board of Education will annually review its bidding and purchasing policies and procedures. The School Business Official will be responsible for conducting an annual review of such policies and for an evaluation of the internal control structure established to ensure compliance with the procurement policy.

General Municipal Law Articles 5-A and 18
State Finance Law §§ 162, 163 and 163-b

NOTE: Refer also to Policies #5411 -- Procurement of Goods and Services
#5412 -- Alternative Formats for Instructional Materials

Adopted: 6/2/05
Revised: 11/17/11; 4/6/17
SUBJECT: PROCUREMENT OF GOODS AND SERVICES

Purchasing Authority

The District's purchasing activities will be part of the responsibilities of the Business Office, under the general supervision of the Purchasing Agent designated by the Board of Education. The Purchasing Agent is authorized to enter into cooperative bidding and cooperative purchasing arrangements to meet the various needs of the District. No contracts for goods and services shall be made by individuals or organizations in the school that involve expenditures without first securing approval for such contract from the Purchasing Agent.

Except as authorized by law, no Board member or employee of the School District shall have an interest in any contract entered into by the School District.

Procurement of Goods and Services that are Not Subject to Competitive Bidding

The Board recognizes its responsibility to ensure the development of procedures for the procurement of goods and services that are not required by law to be procured pursuant to competitive bidding. Even when competitive bidding is not required, goods and services must be procured in a manner so as to:

a) Assure the prudent and economical use of public moneys in the best interest of the District's taxpayers;

b) Facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and

c) Guard against favoritism, improvidence, extravagance, fraud and corruption.

In addition, the District's Purchasing Agent is charged with responsibility for assuring that the District's procurements by means other than competitive bidding, when legally permissible, meet the following objectives:

a) To obtain materials, supplies and contracted services at the lowest prices possible consistent with the quality and standards needed by the District as determined by the Purchasing Agent in conformity with applicable law;

b) To ensure that all procurements fall within budgetary limitations and that they are consistent with the goals and programs of the District;

c) To maintain an accurate and comprehensive accounting and reporting system to record and document all procurement transactions.

(Continued)
SUBJECT: PROCUREMENT OF GOODS AND SERVICES (Cont'd.)

When it has been determined that one or more of the exceptions to the competitive bidding law apply, the District's Purchasing Agent shall cause goods and services to be procured in accordance with the following:

a) For purchase of goods or services under $2,500 -- No quotations shall be required

b) For the purchase contracts between $2,500 and $19,999 and for the purchase of public work between $2,500 and $34,999 -- a minimum of three telephone, fax or written quotations must be solicited, unless it can be documented that there are less than three sources of supply available. The results must be recorded and attached to the purchase order.

All purchase orders shall include/specify:

a) Name, address and telephone number of the vendor;

b) Name of the contact person at the vendor's company;

c) Item(s) to be purchased, specifying quantity, brand name and model number if available; and

d) Unit price of each item, the extended price, and the total price of the order including shipping costs.

The Purchasing Agent shall have the discretion of not procuring goods and/or services (that are not subject to competitive bidding) from the person or entity offering to provide such goods and/or services at the lowest price, based on one or more of the following:

a) Failure of the vendor to deliver in a timely manner previously;

b) Failure of the vendor to deliver the specified product or products previously;

c) Failure of the product previously provided by the vendor to perform in a manner comparable with products previously used;

d) Other reasons not in conflict with the intent of General Municipal Law 104-b.

Under any such circumstance, the Purchasing Agent shall maintain a written record documenting the reason(s) for not accepting the lowest offer.

(Continued)
SUBJECT: PROCUREMENT OF GOODS AND SERVICES  (Cont'd.)

Professional Services Contracts

Proposals shall be solicited by the Purchasing Agent for contracts for *professional services* requiring special skills or training, including but not limited to: legal services; medical services; technical services; property appraisals, engineers and architects; and auditing. However, all professional services contracts shall be awarded by Board resolution, based on the following factors:

a) The suitability of the individual, firm or other professional service provider for the District's needs;

b) The special knowledge or expertise of the individual, firm or other professional service provider;

c) The credentials, including but not limited to applicable licensure, of the professional service provider and/or the provider's agents and employees;

d) The quality of the service provided by the individual, firm or other professional service provider; and

e) Cost.

Request for Proposals for Services of Independent Auditor.

In accordance with law, no audit engagement shall be for a term longer than five (5) consecutive years. The Board may, however, at its discretion, permit an independent auditor currently engaged under an existing contract to submit a proposal to continue providing such services in response to a request for proposals (RFP), and the Board may award a new contract continuing the engagement of the same auditor for new period of up to five (5) years.

Except when an RFP process is required by law to solicit proposals for the services of an independent auditor, as set forth above, the Board reserves the right, in its sole discretion, to dispense with the solicitation of requests for proposals for *professional services* in a particular situation if the Board determines that this is in the best interest of the District.

Policy Review and Amendment

The Board shall solicit comments concerning the District's procurement policies and procedures from those employees involved in the procurement process prior to amending this policy. All policies and procedures regarding the procurement of goods and services shall be reviewed annually by the Board.

(Continued)
SUBJECT: PROCUREMENT OF GOODS AND SERVICES (Cont'd.)

Education Law §§ 1604, 1709, 1950, 2503, 2554 and 3602
General Municipal Law Articles 5-A and 18
General Municipal Law § 119-o

NOTE: Refer also to Policies #5410 -- Purchasing: Competitive Bidding and Offering
#5412 -- Alternative Formats for Instructional Materials

Adopted: 4/6/17
SUBJECT: ALTERNATIVE FORMATS FOR INSTRUCTIONAL MATERIALS

Preference in the purchase of instructional materials will be given to vendors who agree to provide materials in a usable alternative format (i.e., any medium or format, other than a traditional print textbook, for presentation of instructional materials that is needed as an accommodation for each student with a disability, including students requiring Section 504 Accommodation Plans, enrolled in the School District). Alternative formats include, but are not limited to, Braille, large print, open and closed captioned, audio, or an electronic file in an approved format as defined in Commissioner's Regulations.

The District has adopted the National Instructional Materials Accessibility Standard (NIMAS) to ensure that curriculum materials are available in a usable alternative format for students with disabilities. The District will be responsible to ensure that each student who requires instructional materials in an alternate format will receive it in a timely manner and in a format that meets NIMAS standards.

The District will establish a plan to ensure that instructional materials in a usable alternative format for each student with a disability (including students requiring Section 504 Accommodation Plans) are based upon the student's educational needs and course selections, and will be available at the same time as such instructional materials are available to non-disabled students.

Such Plan will:

a) Ensure that the District gives a preference in the purchase of instructional materials it has selected for its students to those vendors who agree to provide such instructional materials in alternative formats;

b) Specify when an electronic file is provided, how the format will be accessed by students and/or how the District will convert to an accessible format;

c) Specify the process to be used when ordering materials to identify the needs of students with disabilities residing in the District for alternative format materials;

d) Specify ordering timelines to ensure that alternative format materials are available at the same time as regular format materials are available; and

e) Include procedures so that when students with disabilities move into the School District during the school year, the process to obtain needed materials in alternative formats for such students is initiated without delay.

20 USC § 1474(e)(3)(B)
8 NYCRR §§ 200.2(b)(10), 200.2(c)(2) and 200.2(i)

Adopted: 6/1/17
SUBJECT: CHANGE DIRECTIVES AND CHANGE ORDERS APPROVAL AND
DELEGATION OF AUTHORITY

The Board of Education ("Board") recognizes that its residents, staff members and students are best served with capital projects that are completed on schedule and within budget. The Board is also cognizant that circumstances frequently arise during the course of implementing a capital project that require the issuance of construction change directives and authorization of ensuing change orders submitted by the contractor for the District's approval. In balancing these factors, the Board adopts the following procedure to ensure that when change orders are determined to be necessary, the project's completion is not delayed.

The Board hereby delegates to the Superintendent of Schools ("Superintendent") authority and responsibility for issuance of construction change directives, in consultation with the project architect, the District's Superintendent of Buildings and Grounds, and any other professional consultant of the Board with whom the Superintendent deems it appropriate to confer. The Superintendent's authority to issue change directives shall be limited to those change directives which the Superintendent reasonably and in good faith believes will not result in the submission of a corresponding change order increasing or decreasing the contract sum by more than $50,000. The Superintendent shall cause a written report to be made to the Board at its next regularly scheduled meeting with respect to each change directive approved by the Superintendent since the Board's last, most recent, regularly scheduled meeting. The Superintendent's report to the Board shall consist of a brief narrative explanation of the rationale for the issuance of each change directive, together with a summary of the architect's recommendation or the architect's actual written recommendation (if available), as well as summaries of any other consultants' recommendations or actual copies of such recommendations (if available) that influenced the Superintendent's decision to issue each such change directive.

The Board hereby further delegates to the Superintendent authority and responsibility for approving individual change orders increasing or reducing the contract sum by an amount not to exceed $50,000 provided that the Superintendent shall cause a report to be made to the Board regarding all such change orders authorized by the Superintendent since the Board's last, most recent, regularly scheduled meeting. Upon receipt of the Superintendent's change order report, the Board shall adopt a resolution acknowledging receipt of the report.

All other change directives must be approved by the Board before any work within the scope of a proposed change directive is performed. The Board shall approve any corresponding change order arising from the Board's authorized change directives, prior to the completion of such work if the Board's regular meeting schedule permits such Board action. If the Board's regular meeting schedule does not permit the Board to approve a particular change order arising from a Board authorized change directive prior to the completion of the authorized work, the Board shall either vote to approve the change order at its next regularly scheduled meeting or commence negotiations with the contractor regarding the cost of the change order.

The Superintendent is hereby authorized to develop and implement administrative guidelines and/or regulations pertaining to the implementation of this Policy.

Adopted: 9/17/09
Revised: 9/02/10
SUBJECT: ACCOUNTING OF FUNDS

Accounting and reporting procedures shall be developed to facilitate analysis and evaluation of the District's financial status and fixed assets. The District will use the Uniform System of Accounts for School Districts.

Books and records of the District shall be maintained in accordance with statutory requirements.

Provision shall be made for the adequate storage, security, and disposition of all financial and inventory records.

Online Banking

The Board has entered into a written agreement with designated banks and trust companies for online banking and electronic or wire transfers, which includes the implementation of a security procedure for all transactions. Online transactions must be authorized by the District's Business Official. The District Treasurer, with a separate established user name and password, will have the authority to process online banking transactions. The Business Office Clerk or Deputy Treasurer, with a separate established user name and password, will be responsible for online banking transactions in the event the District Treasurer is not available, or as a job responsibility delegated to him/her by the District Treasurer. A monthly report of all online banking activity will be reviewed by staff independent of the online banking process and reconciled with the bank statement. Online banking will only take place on secure District computers located inside the Treasurer's or Business Office.

Electronic Transactions and Wire Transfers

Procedures will be implemented specifying who is authorized to initiate, approve, transmit, record, review and reconcile electronic transactions. At least two (2) individuals will be involved in each transaction. Authorization and transmitting functions will be segregated and whenever possible the recording function will be delegated to a third individual.

The District will enter into written wire transfer security agreements for District bank accounts which will include established procedures for authenticating wire transfer orders.

All wire transfers must be authorized by the District Treasurer or his/her designee. Dual approval controls will be established for non-routine wire transfer orders.

The Internal Auditor will periodically confirm that wire transfers have appropriate signatures, verification and authorization of proper personnel.

Education Law § 2116-a
General Municipal Law Article 2 §§ 5, 5-a, 5-b, 99-b
N.Y. UCC § 4-A-201

Adopted: 6/2/05
Revised: 11/17/11; 4/6/17
SUBJECT: MAINTENANCE OF FUND BALANCE

General Provisions

The Board of Education recognizes that the maintenance of a fund balance is essential to the financial integrity of the District insofar as it helps mitigate current and future risks and assists in ensuring stable tax rates. Consistent with this understanding, the Board adopts the following standards and practices.

Classification of Funds

The District will ensure that funds are classified consistent with Governmental Accounting Standards Board (GASB) Statement Number 54, Fund Balance Reporting and Governmental Fund Type Definitions. Consequently, fund balance amounts will be categorized as non-spendable, restricted, committed, assigned, or unassigned.

Unassigned Fund Balance

Minimum Unassigned Fund Balance

In order to maintain financial stability and protect against cash flow shortfalls, the Board of Education will strive to maintain an unassigned fund balance of at least 2% of the current year's budgeted expenses. In the event such balance falls below the 2% floor, the District will seek to replenish deficiencies through reducing expenses and/or increasing revenue.

Maximum Unassigned Fund Balance

In order to support normal operating costs and provide fiscal stability for the District, the Board of Education will also strive to ensure that the unassigned fund balance does not exceed 4% of the current year's budgeted expenditures. If it is anticipated that such balance will exceed the 4% ceiling, the Board of Education will evaluate current commitments and assignments in order to determine the final distribution of fund balance in any fiscal year. The District will ensure unexpended surplus funds are used to reduce taxpayer liability in conformance with Real Property Tax Law Section 1318.

Fund Balance and Budget Development

The District's ability to maintain its unassigned fund balance within the limits articulated above is contingent upon the development of a reasonable budget. Consequently, the District will develop and adopt budgets that, to the extent possible, reflect the anticipated revenues and expenditures.

Likewise, the District will ensure that appropriate reserve funds are established and utilized, consistent with applicable law and District policy, to ensure the fund balance is sufficient to meet District needs.

(Continued)
SUBJECT: MAINTENANCE OF FUND BALANCE (Cont'd.)

Compliance

The District will adhere to the reporting requirements of Article 3 of the General Municipal Law of the State of New York, and the practices set forth in GASB Statement Number 54.

NOTE: Refer also to Policies #5110 -- Budget Planning and Development
     #5512 -- Reserve Funds
SUBJECT: RESERVE FUNDS

Reserve funds (essentially a legally authorized savings account designated for a specific purpose) are an important component in the District's financial planning for future projects, acquisitions and other lawful purposes. To this end, the District may establish and maintain reserve funds in accordance with New York State Laws, Commissioner's Regulations and the rules and/or opinions issued by the Office of the New York State Comptroller, as applicable. The District shall comply with the reporting requirements of Article 3 of the General Municipal Law of the State of New York and the Governmental Accounting Standards Board (GASB) issued GASB Statement Number 54, Fund Balance Reporting and Governmental Fund Type Definitions.

Any and all District reserve funds shall be properly established and maintained to promote the goals of creating an open, transparent and accountable use of public funds. The District may engage independent experts and professionals, including but not limited to, auditors, accountants and other financial and legal counsel, as necessary, to monitor all reserve fund activity and prepare any and all reports that the Board may require.

Periodic Review and Annual Report

The Board of Education will periodically review all reserve funds. The District's Assistant Superintendent for Administration or Superintendent's designee will also prepare and submit an annual report of all reserve funds to the Board of Education. The annual report shall include the following information for each reserve fund:

a) The type and description of the reserve fund;
b) The date the reserve fund was established and the amount of each sum paid into the fund;
c) The interest earned by the reserve fund;
d) Capital gains or losses resulting from the sale of investments of the reserve fund;
e) The total amount and date of each withdrawal from the reserve fund;
f) The total assets of the reserve fund showing cash balance and a schedule of investments; and
g) An analysis of the projected needs for the reserve fund in the upcoming fiscal year and a recommendation regarding funding those projected needs.

The Board shall utilize the information in the annual report to make necessary decisions to adequately maintain and manage the District's reserve fund balances while mindful of its role and responsibility as a fiduciary of public funds.

The Superintendent shall develop any necessary and/or appropriate regulations to implement the terms of the Board's policy.

Adopted: 11/17/11
SUBJECT: EXTRACLASSROOM ACTIVITIES FUNDS

An extraclassroom activity fund shall be established for activities conducted by students whose financial support is raised other than by taxation or through charges of the Board of Education.

All extraclassroom activities shall be approved by the Board of Education. The Building Principal shall maintain an up to date register of all extraclassroom activities that are approved or discontinued. Each extraclassroom activity shall have a faculty advisor appointed by the Building Principal. A Central Treasurer and a Faculty Auditor shall oversee all financial aspects of extraclassroom activities. The annual District audit will include all extraclassroom activity funds.

All extraclassroom activity funds shall be handled in accordance with the financial procedures illustrated by Finance Pamphlet No. 2, the Safeguarding, Accounting and Auditing of Extraclassroom Activity Funds, 2008, published by the New York State Education Department. All commitments and contracts shall be the sole responsibility of the extraclassroom activity club giving rise to the transaction, regardless of a change in advisors, membership or officers.

Proper books will be kept and all moneys deposited in appropriate accounts as set up by the Board of Education. These accounts shall be subject to audit. All transactions involving extraclassroom funds shall be on a cash basis and no accounts shall remain unpaid at the end of the school year. Funds shall be invested in accordance with the Board of Education's Fiscal Management Policy on the "Investment of District Funds".

The extraclassroom activities of the District are not included in the exemption granted to the School District from New York State sales tax. Without exception, clubs and activities are prohibited from using the school's tax exemption. The Central Treasurer shall be responsible for filing the periodic sales tax returns for the extraclassroom activity funds.

Funds of discontinued extraclassroom activities, those inactive for one (1) year and of graduating classes shall revert to the account of the general student organization or student council and shall be expended in accordance with the organization's constitution.

The Building Principals, with approval of the Superintendent of Schools, shall set up procedures for receipt and payment from the extraclassroom activity fund in their respective schools.

8 NYCRR Part 172

NOTE: Refer also to Policy #5620 -- Fixed Asset Inventories, Accounting, and Tracking

Adopted: 6/2/05
Revised: 11/17/11
SUBJECT: PETTY CASH FUNDS AND CASH IN SCHOOL BUILDINGS

Petty Cash Funds

A petty cash fund of not more than one hundred dollars ($100) shall be maintained in the District Office and in each school building in a secure location. Payments from petty cash funds may be made for materials, supplies or services only when payment is required upon delivery. At the time of reimbursement, an itemized statement of expenditures, together with substantiating receipts, shall be submitted. Such accounts shall be authorized by Board resolution at their annual meeting.

Appropriate regulations shall be developed for implementation of this policy.

Cash in School Buildings

Not more than two hundred fifty dollars ($250), whether District or extraclassroom funds, shall be held in the vault in the Main Office of each District school building. Under no circumstances shall cash be left in classroom areas or desks. The District will not be responsible for funds left unprotected.

All funds, whether District or extraclassroom funds, shall be deposited prior to close of school each week. Only authorized personnel designated by the building administrator shall be allowed in the Main Office vault.

Education Law §§ 1604(26), 1709(29) and 2503(1)
8 NYCRR § 170.4

Adopted: 6/2/05
SUBJECT: PUBLICATION OF THE DISTRICT'S ANNUAL FINANCIAL STATEMENT

In compliance with Education Law, as a Small City School District, the Board of Education is required to annually publish a financial statement within three months of the close of the fiscal year. This statement must include a full and complete statement of any bonds issued the preceding year for school purposes and the disposition made or to be made of the proceeds of such bonds.

The law requires that this statement be published in one newspaper, or two if available, having general circulation in the School District, or in pamphlet form for general distribution, as prescribed by the Commissioner. However, if the report is published in pamphlet form, then the Board is required to publish notice in a newspaper or newspapers having general circulation in the District, indicating when and where the pamphlets will be made available.

Education Law §§ 1610, 1721, 2117, 2528 and 2577
8 NYCRR § 170.2

Adopted: 6/2/05
SUBJECT: MAINTENANCE OF FISCAL EFFORT (TITLE I PROGRAMS)

A Local Educational Agency (LEA) may receive its full allocation of Title I funds if the combined fiscal effort per student or the aggregate expenditures of state and local funds with respect to the provision of free public education in the (LEA) for the preceding fiscal year was not less than ninety percent (90%) of the combined fiscal effort per student or the aggregate expenditures for the second preceding fiscal year.

In determining an LEA's compliance with the maintenance of effort requirement, the State Educational Agency (SEA) shall consider the LEA's expenditures from state and local funds for free public education. These include expenditures for administration, instruction, attendance, health services, student transportation services, plant operation and maintenance, fixed charges, and net expenditures to cover deficits for food services and student body activities.

The SEA shall not consider the following expenditures in determining an LEA's compliance with the maintenance of effort requirements:

a) Any expenditures for community services, capital outlay, and debt service;

b) Any expenditures made from funds provided by the federal government for which the LEA is required to account to the federal government directly or through the SEA.

The Board of Education assigns the School Business Official the responsibility of reviewing, as part of the budgeting process, combined fiscal effort so that expenditures of state and local funds with respect to the provision of free public education per student and in the aggregate for any fiscal year are not budgeted at less than ninety percent (90%) of the combined fiscal effort per student or the aggregate of expenditures for the preceding fiscal year.

Title I of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001
34 CFR Part 200

Adopted: 6/2/05
SUBJECT: USE OF FEDERAL FUNDS FOR POLITICAL EXPENDITURES

The Board of Education prohibits the use of any federal funds for partisan political purposes or expenditures of any kind by any person or organization involved in the administration of federally-assisted programs.

This policy refers generally, but is not limited to, lobbying activities, publications, or other materials intended for influencing legislation or other partisan political activities.

In recognition of this stricture, the Board of Education assigns the Purchasing Agent the responsibility of monitoring expenditures of federal funds so that said funds are not used for partisan political purposes by any person or organization involved in the administration of any federally-assisted programs.

NOTE: Refer also to Policy #6430 -- Employee Activities

Adopted: 6/2/05
SUBJECT:  FINANCIAL ACCOUNTABILITY

If any of the above is reviewed by the Board designated audit committee, the committee must report its review to the Board of Education.

a) The District has a long-term (three to five years) financial plan for both capital projects and operating expenses.

b) The District requires attendance at training programs for Board members, business officials, treasurers, claims auditors, and others to ensure they understand their duties and responsibilities and the data provided to them.

c) The Board has an audit committee to assist in carrying out its fiscal oversight responsibilities.

d) The District's information systems are economical, efficient, current, and up-to-date.

e) All computer files are secured with passwords or other controls, backed up on a regular basis, and stored at an off-site or in a secure fireproof location.

f) The District periodically verifies that its controls are working efficiently.

g) The District requires all staff to take leave time during which time another staff member performs the duties of the staff on leave. Staff may also schedule transactions and other responsibilities to occur electronically before taking a leave.

Audit Response

Periodically, the District receives audit reports from the External (Independent) Auditor and/or the Office of the New York State Comptroller. The Board will review all audit recommendations in consultation with the Audit Committee and respond appropriately. Independent and Comptroller audit reports and the accompanying management letters will be made available for public inspection. Notice of the availability of independent and Comptroller audit reports will be published in the District's official newspaper or one having general circulation in the District. If there is no newspaper, notice must be placed in ten public places within the District. Additionally, final audit reports from the Office of the NYS Comptroller should be posted on the District website, if one is available, for a period of five years.

8 NYCRR §§ 170.2 and 170.12
General Municipal Law §§ 33(2)(e) and 35((2)

Adopted: 4/6/17
SUBJECT: ALLEGATIONS OF FRAUD

Reporting and Investigations of Allegations of Fraud

All Board members and officers, District employees and third party consultants are required to abide by the District's policies, administrative regulations and procedures in the conduct of their duties. Further, all applicable federal and/or state laws and regulations must be adhered to in the course of District operations and practices. Any individual who has reason to believe that financial improprieties or wrongful conduct is occurring within the School System is to disclose such information according to the reporting procedures established by the District. The reporting procedures will follow the chain of command as established within the department or school building or as enumerated in the District's Organizational Chart. In the event that the allegations of financial improprieties/fraud and/or wrongful conduct concern the investigating official, the report shall be made to the next level of supervisory authority. If the chain of supervisory command is not sufficient to ensure impartial, independent investigation, allegations of financial improprieties/fraud and/or wrongful conduct will be reported as applicable, to the Internal Auditor (if available), or the Independent (External) Auditor, or the School Attorney, or the Board of Education. The District's prohibition of wrongful conduct, including fraud, will be publicized within the District as deemed appropriate; and written notification will be provided to all employees with fiscal accounting/oversight and/or financial duties including the handling of money.

Upon receipt of an allegation of financial improprieties/fraud and/or wrongful conduct, the Board or designated employee(s) will conduct a thorough investigation of the charges. However, even in the absence of a report of suspected wrongful conduct, if the District has knowledge of, or reason to know of, any occurrence of financial improprieties/fraud and/or wrongful conduct, the District will investigate such conduct promptly and thoroughly. To the extent possible, within legal constraints, all reports will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials as warranted, and any disclosure will be provided on a "need to know" basis. Written records of the allegation, and resulting investigation and outcome will be maintained in accordance with law.

Based upon the results of this investigation, if the District determines that a school employee, school official, or school officer has engaged in financial improprieties/fraudulent and/or wrongful actions, appropriate disciplinary measures will be applied, up to and including termination of employment, in accordance with legal guidelines, District policy and regulation, and any applicable collective bargaining agreement. Third parties who are found to have engaged in financial improprieties/fraud and/or wrongful conduct will be subject to appropriate sanctions as warranted and in compliance with law. The application of such disciplinary measures by the District does not preclude the filing of civil and/or criminal charges as may be warranted. Rather, when school officials receive a complaint or report of alleged financial improprieties/fraud and/or wrongful conduct that may be criminal in nature, law authorities should be immediately notified.

(Continued)
SUBJECT: ALLEGATIONS OF FRAUD (Cont'd.)

An appeal procedure will also be provided, as applicable, to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable investigating officer(s).

Protection of School Employees who Report Information Regarding Illegal or Inappropriate Financial Practices

Any employee of the School District who has reasonable cause to believe that the fiscal practices or actions of an employee or officer of the District violates any local, state, federal law or rule and regulation relating to the financial practices of the District, and who in good faith reports such information to an official of the District, or to the Office of the State Comptroller, the Commissioner of Education, or to law enforcement authorities, shall have immunity from any civil liability that may arise from the making of such report. Further, neither the School District, nor employee or officer thereof, shall take, request, or cause a retaliatory action against any such employee who makes such a report.

The Board also prohibits any retaliatory behavior directed against any witnesses and/or any other individuals who participate in the investigation of an allegation of illegal or inappropriate fiscal practices or actions. Follow-up inquiries shall be made to ensure that no reprisals or retaliatory behavior has occurred to those involved in the investigation. Any act of retaliation is prohibited and subject to appropriate disciplinary action by the District.

Knowingly Makes False Accusations

Any individual who knowingly makes false accusations against another individual as to allegations of financial improprieties/fraud may also face appropriate disciplinary action.

Education Law § 3028-d
SUBJECT: AUDIT COMMITTEE

No later than January 1, 2006, an Audit Committee shall be established by Board resolution. The Audit Committee may consist of:

a) The Board of Education as a whole;

b) A subcommittee of the Board of Education; or

c) An Advisory Committee that may include, or be composed entirely of persons other than Board members if, in the opinion of the Board, such membership is advisable to provide accounting and auditing expertise.

The Audit Committee shall consist of at least three (3) members who shall serve without compensation, but shall be reimbursed for any actual and necessary expenditure incurred in relation to attendance at meetings. Employees of the District are prohibited from serving on the Audit Committee. Members of the Audit Committee shall be deemed School District Officers, but shall not be required to be residents of the School District.

The role of the Audit Committee shall be advisory unless the Audit Committee consists of at least a quorum of Board members, and any recommendations it provides to the Board shall not substitute for any required review and acceptance by the Board of Education.

The responsibilities of the Audit Committee include the following:

a) Provide recommendations regarding the appointment of the External (Independent) Auditor for the District;

b) Meet with the External (Independent) Auditor prior to commencement of the audit;

c) Review and discuss with the External (Independent) Auditor any risk assessment of the District's fiscal operations developed as part of the Auditor's responsibilities under governmental auditing standards for a financial statement audit and federal single audit standards if applicable;

d) Receive and review the draft annual audit report and accompanying draft management letter and, working directly with the External (Independent) Auditor, assist the Board of Education in interpreting such documents;

e) Make a recommendation to the Board on accepting the annual audit report; and

f) Review every corrective action plan developed by the School District and assist the Board in its implementation.

(Continued)
SUBJECT:  AUDIT COMMITTEE (Cont'd.)

Additional responsibilities of the Audit Committee include: assisting in the oversight of the Internal Audit Function including, but not limited to, providing recommendations regarding the appointment of the Internal Auditor; reviewing significant findings and recommendations of the Internal Auditor; monitoring the School District's implementation of such recommendations; and evaluating the performance of the Internal Audit Function.

The Audit Committee may conduct an Executive Session pursuant to Public Officers Law Section 105 pertaining to only the following matters:

a)  To meet with the External (Independent) Auditor prior to commencement of the audit;

b)  To review and discuss with the External (Independent) Auditor any risk assessment of the District's fiscal operations developed as part of the Auditor's responsibilities under governmental auditing standards for a financial statement audit and federal single audit standards if applicable; and

c)  To receive and review the draft annual audit report and accompanying draft management letter and, working directly with the External (Independent) Auditor, assist the Board of Education in interpreting such documents.

Any Board member who is not a member of the Audit Committee may be allowed to attend an Audit Committee meeting if authorized by a Board resolution. However, if such Board member's attendance results in a meeting of a quorum of the full Board, any action taken by formal vote may constitute official Board action.

Education Law §§ 2116-c, and 3811-3813
Public Officers Law §§ 105(b), 105(c) and 105(d)
8 NYCRR § 170.12(d)

Adopted: 2/23/06
SUBJECT: INTERNAL AUDIT FUNCTION

The District has established an Internal Audit Function which includes:

a) Development of a risk assessment of District operations including, but not limited to, a review of financial policies, procedures and practices;

b) An annual review and update of such risk assessment;

c) Annual testing and evaluation of one or more of the District's internal controls, taking into account risk, control weaknesses, size, and complexity of operations;

d) Preparation of reports, at least annually or more frequently as the Board may direct, which analyze significant risk assessment findings, recommend changes for strengthening controls and reducing identified risks, and specify timeframes for implementation of such recommendations.

The District is permitted to utilize existing District personnel to fulfill the Internal Audit Function, but such persons shall not have any responsibility for other business operations of the District while performing Internal Audit Functions. The District shall also be permitted to use inter-municipal cooperative agreements, shared services to the extent authorized by Education Law Section 1950 or independent contractors to fulfill the Internal Audit Function as long as the personnel or entities performing this function comply with any Regulations issued by the Commissioner of Education and meet professional auditing standards for independence between the auditor and the District.

Personnel or entities serving as the Internal Auditor and performing the Internal Audit Function shall report directly to the Board of Education. The Audit Committee shall assist in the oversight of the Internal Audit Function on behalf of the Board.

Education Law §§ 1950, 2116-b and 2116-c
8 NYCRR § 170.12(d)

NOTE: Refer also to Policy #1339 -- Duties of the Internal Auditor

Adopted: 4/20/16
SUBJECT: MEDICAID FRAUD WASTE AND ABUSE DETECTION AND PREVENTION COMPLIANCE

As New York State has legislated requirements for certain school districts receiving reimbursement or submitting Medicaid claims regarding the detection and prevention of fraud, waste and abuse, the Board of Education of the Enlarged City School District of Middletown hereby enacts the following policy:

Introduction

The Enlarged City School District of Middletown has developed this Fraud, Waste and Abuse ("FWA") Compliance Policy as a comprehensive statement of the responsibilities and obligations of all employees and contractors regarding submissions of information on which payment is made or submitted to Medicaid. This policy is intended to apply to business arrangements with physicians, vendors, subcontractors, hospitals, related service providers, agents, and other persons who may be subject to federal or state laws relating to FWA.

Detecting and preventing FWA is the responsibility of everyone, including employees, members, providers and sub-contractors. The District also provides compliance training.

Definitions of FWA

Fraud - An intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself/herself or some other person. It includes any act that constitutes fraud under applicable federal or state law.

Waste and Abuse - Incidents or practices that are inconsistent with legal, ethical, accepted and sound business, fiscal or medical practices that result in unnecessary cost to health programs, or in reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards for health care. It also includes Medicaid, School Supportive Health Services Program ("SSHSP"), and commercial plan member practices that result in unnecessary costs to a health program.

Listed below are some examples of potential FWA:

a) Falsifying Claims/Encounters
b) Alteration of Claim
c) Incorrect Coding
d) Double Billing
e) Billing for services not provided
f) Misrepresentation of services/supplies
g) Substitution of services

(Continued)
SUBJECT: MEDICAID FRAUD WASTE AND ABUSE DETECTION AND PREVENTION COMPLIANCE (Cont'd.)

Code of Ethics

Any employee who in good faith believes s/he has knowledge of a potential violation of this policy, must report this information to the District directly to the Compliance Officer. Alternatively, an employee may report the violation to the District's Legal Counsel. Violations of this policy or failure to report a known violation of the policy is considered to be a serious infraction of District procedures, and may result in the imposition of disciplinary action up to and including termination. No employee shall be subjected to intimidation or retaliation solely for the good faith reporting of a suspected violation.

Employee Participation and Reporting

It is the responsibility of every District employee to abide by applicable laws and regulations and support the District's compliance efforts by:

a) Being alert to potential compliance issues relevant to their activities;

b) Seeking advice from the Compliance Officer or the District's Legal Counsel regarding compliance issues as appropriate;

c) Reporting their good faith belief of any suspected, actual or potential compliance violations including FWA;

d) Cooperating in the investigation of compliance reports; and

e) Being completely honest in all dealings with federal and state agencies and representatives.

The District shall maintain confidentiality and provide anonymity to the employee(s) to the extent possible under the circumstances, and consistent (in the judgment of the District) with its obligations to investigate employee concerns and take necessary corrective action. Any retaliation or intimidation against an employee as a result of such good faith reporting or as a result of an employee's cooperation in the investigation of such a report shall be strictly prohibited.

Compliance Officer

The Compliance Officer is the individual within the District responsible for the day to day operation of the compliance program. The Compliance Officer shall be the coordinator for special seminars and education on compliance issues, expectations, and the compliance program operation to ensure that:

a) All employees, including new employees, are receiving adequate education and training and that such education and training is documented;

(Continued)
SUBJECT: MEDICAID FRAUD WASTE AND ABUSE DETECTION AND PREVENTION COMPLIANCE (Cont'd.)

b) All employee complaints and other concerns regarding compliance are promptly investigated; and

c) Adequate steps are taken to correct any identified problems and prevent the reoccurrence of such problems.

Reporting Suspected Violations

Employees shall report their good faith belief of suspected, actual, or potential violations of the compliance program, including FWA or applicable laws, either orally or in writing to the Compliance Officer. Alternatively, the employee may report the violation to the District's Legal Counsel. The District shall maintain confidentiality and provide anonymity to the employee(s) making such report to the extent possible under the circumstances.

Disciplinary Policies

Should an employee intentionally fail to report suspected problems with FWA, participate in FWA under this policy, or encourage, direct, facilitate or permit active or passive non-compliant FWA behavior, such action or inaction may lead to disciplinary action in accordance with provisions of applicable collective bargaining agreements and state and federal law.

Monitoring And Auditing

Procedures for Internal Monitoring and Auditing of FWA

As an integral part of its commitment to prevent FWA, the District has developed, and shall continue to develop and refine procedures for effective internal monitoring and auditing for FWA and shall conduct Risk Assessments to detect and prevent FWA.

a) Internal Auditing and Monitoring

In order to detect non-compliance with the Compliance Program and to detect FWA, the District shall periodically monitor, internally audit, and as appropriate, externally audit the business activities of the District including, but not limited to, the auditing of the health and pharmacy claims and other compliance audits. Audits may also consist of evaluation of potential or actual non-compliance as a result of such self-evaluations, credentialing of providers and persons associated with providers, mandatory reporting, governance, and quality of care of medical assistance program beneficiaries.

(Continued)
SUBJECT: MEDICAID FRAUD WASTE AND ABUSE DETECTION AND PREVENTION COMPLIANCE (Cont'd.)

Auditing and monitoring of FWA may be performed utilizing any of the following:

1. Unannounced internal audits or "spot checks;"

2. Review of areas previously found non-compliant to determine if the corrective actions taken have fully addressed the underlying problem;

3. Use of objective, independent auditors that are knowledgeable of the Medicare, Medicaid program requirements and who are not employed in the area under review; and

4. Access to existing audit resources, relevant personnel, and relevant areas of operation by both internal and independent auditors.

b) Informal Audits and Monitoring

Monitoring activities refer to reviews that are repeated on a regular basis during the normal course of operations. Monitoring may occur to ensure corrective actions are undertaken or when no specific problems have been identified to confirm ongoing compliance.

c) Risk Assessment

The District shall have a risk assessment system that determines where the District is at risk for FWA, and shall prioritize the risks. The Compliance Officer shall participate in or contribute to the risk assessment process. The District shall have a system of ongoing monitoring and auditing that is coordinated or executed by the Compliance Officer to assess performance in, at a minimum, areas identified as being at risk.

Responding to Compliance Issues

General

The District is committed to investigating any incident of noncompliance with the District's Compliance policy, significant failures to comply with applicable federal or state law, and other types of misconduct which threatens or calls into question the District's status as a reliable, honest, and trustworthy entity. Fraudulent or erroneous conduct that has been detected, but not corrected, can seriously endanger the reputation and legal status of the District. In this regard, the District has developed internal and external audit procedures and encourages employees to report FWA on their own initiative.

(Continued)
SUBJECT: MEDICAID FRAUD WASTE AND ABUSE DETECTION AND PREVENTION COMPLIANCE (Cont’d.)

Investigation of and Correcting Potential Violations

Upon receipt of reports or reasonable indications of suspected noncompliance or FWA, the Compliance Officer, or his/her designee, will investigate the allegation(s) to determine whether a material violation of applicable law or requirements of the District's Compliance Program has occurred. Generally, investigation of a violation will be conducted by the Compliance Officer or his/her designee, and will normally include conferring with the parties involved, any named or apparent witnesses, review of all relevant records and documentation, and analysis of applicable laws and regulations.

In the event any material violation of this Compliance Program, or if any incident of fraud is determined by the Compliance Officer, the Compliance Officer shall immediately take appropriate actions, including:

a) Refer any abusive or potentially fraudulent conduct or inappropriate utilization activities, once identified via proactive data analysis or other processes, for further investigation to the Center for Medicare and Medicaid Services ("CMS"), the Office of Inspector General ("OIG"), the New York State Attorney General, or other state or federal agency as appropriate;

b) Immediately report potential violations of Federal law to the CMS, OIG, or, alternatively, to appropriate law enforcement authorities;

c) Cooperate with the above mentioned agencies;

d) Identify and repay any overpayments to the appropriate party; and

e) Discipline any employees or plan members who engage in fraud or abusive practices in accordance with applicable collective bargaining agreements, up to and including termination.

The results of any investigations shall be thoroughly documented. Investigation records shall include a description of the investigative process, copies of interview notes and key documents, a log of individuals interviewed and documents reviewed, the results of the investigation, and any disciplinary or corrective actions taken. Precautions shall be taken to ensure that critical documents are not destroyed without permission of the Compliance Officer and approval of Legal Counsel, and are retained in accordance with statutory guidelines regarding retention.

(Continued)
SUBJECT: MEDICAID FRAUD WASTE AND ABUSE DETECTION AND PREVENTION COMPLIANCE (Cont'd.)

Corrective Action

Corrective Action should be taken promptly following completion of the investigation. If an audit or investigation reveals a material violation of this policy, the Compliance Officer shall draft a corrective plan of action, and establish deadlines by which corrective action must take place. Possible corrective actions include, but are not limited to, refunds of any overpayment received, employee disciplinary action up to and including termination, and reporting to federal or state authorities.

All corrective actions shall be documented, and include progress reports with respect to each error identified. Any decision whether to disclose the results of investigations or audits to federal or state authorities shall be made in consultation with Legal Counsel.

Adopted: 10/22/09
SUBJECT: INSURANCE

The objective of the Board of Education is to obtain the best possible insurance at the lowest possible cost, and to seek advice from an Insurance Appraisal Service to determine that adequate coverage is being provided regarding fire, boiler, general liability, bus and student accident insurance.

The Board shall carry insurance to protect the District's real and personal property against loss or damage. This property shall include school buildings, the contents of such buildings, school grounds and vehicles.

The Board may also purchase liability insurance to pay damages assessed against Board members and District employees acting in the discharge of their respective duties, within the scope of their employment and/or under the direction of the Board.

All insurance policies, along with an inventory of the contents of the building, should be kept in a fireproof depository or with the appropriate insurance agent for safekeeping and referral purposes. The Superintendent shall review the District's insurance program annually and make recommendations to the Board if more suitable coverage is required.

Education Law §§ 1709(8), 1709(26), 1709(34-b), 2503(10), 2503(10-a), 2503(10-b), 3023, 3028 and 3811
General Municipal Law §§ 6-n and 52
Public Officers Law § 18

Adopted: 6/2/05
SUBJECT: FIXED ASSET INVENTORIES, ACCOUNTING, AND TRACKING

The Superintendent or his/her designee will maintain a continuous and accurate inventory of fixed assets owned by the District in accordance with applicable rules, standards, procedures, and best practices. Fixed assets are, generally, long-term, tangible resources intended to be continuously held or used, and may include land, buildings, improvements, machinery, and equipment.

All fixed assets purchased and received by the District will be checked, logged, and stored through an established procedure.

The School Business Official will account for assets on an annual basis according to applicable rules, standards, procedures, and best practices. These accounts will serve to:

a) Maintain an inventory of assets;

b) Establish accountability;

c) Determine replacement costs; and

d) Determine and provide appropriate insurance coverage.

The Board will establish a dollar threshold as a basis for considering which fixed assets are to be depreciated. This threshold will ensure that at least 80% of the value of these assets is reported. The threshold will not be greater than $5,000. Standard methods and averaging conventions will be used in assessing, capitalizing, and depreciating fixed assets.

Fixed assets will be recorded at initial cost or, if not available, at estimated initial cost; gifts of fixed assets will be recorded at estimated fair value at the time of the gift. A property record will be maintained for each fixed asset and will contain, where possible, the following information:

a) Date of acquisition;

b) Description;

c) Serial or other identification number;

d) Any funding source and percentage contributed by the source;

e) Vendor;

f) Cost or value;

g) Location and use;

(Continued)
SUBJECT: FIXED ASSET INVENTORIES, ACCOUNTING, AND TRACKING (Cont'd.)

h) Asset type;

i) Condition and estimated useful life;

j) Replacement cost;

k) Current value;

l) Salvage value;

m) Sale price and date and method of disposition; and

n) Responsible official.

All fixed assets will be labeled. Any discrepancies between an inventory and the District's property records should be traced, explained, and documented.

Management of Assets Acquired Under a Federal Government Grant or Subgrant

Inventories will be maintained for assets acquired with funds obtained through federal grant programs. A separate inventory will be maintained for each program. Each inventory will record assets in the same manner as the District's fixed asset inventory. Assets will be labeled to specify the source of funds used to purchase the item. All Title I assets will include "Title I" on the label. These inventories will track assets for at least five years from the date of receipt.

When original or replacement assets acquired under a federal grant or subgrant are no longer needed for the original project or for other activities currently or previously supported by a federal agency, the District will dispose of the assets as follows:

a) Assets with a current per-unit fair market value of less than $5,000 may be retained, sold, or otherwise disposed of with no further obligation to the awarding agency.

b) Assets with a current per-unit fair market value of greater than $5,000 may be retained or sold and the awarding agency will have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the assets.

c) No federal approval is necessary to dispose of an asset costing over $5,000 but approval from the New York State Education Department (SED) is necessary. Once SED has determined that it has no other need for the use of the asset, the District may proceed with selling it.

(Continued)
SUBJECT: FIXED ASSET INVENTORIES, ACCOUNTING, AND TRACKING (Cont'd.)

School District will comply with the U.S. Department of Education regulations governing the use, management, and disposition of all equipment acquired through a federal government grant.

Equipment Purchased with Extraclassroom Funds

Title to all equipment acquired with extraclassroom activity funds will reside with the District and be carried as an insurable asset on its list of insurable values. This equipment will be tagged as District property but is available for exclusive use by the extraclassroom activity club acquiring it.

34 CFR Parts 74-99, 200
SED Finance Pamphlet, The Safeguarding, Accounting, and Auditing of Extraclassroom Activity Funds, 2015
Uniform System of Accounts for School Districts (Fiscal Section)

Adopted: 6/2/05
Revised: 6/1/17
SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE

Operation and Maintenance

The Board, through the Superintendent and his/her staff, has the responsibility of protecting the District's facilities through a systematic maintenance program. The program shall include periodic preventive maintenance activities, long-range maintenance schedules, and emergency repair procedures. The District will make reasonable attempts to ensure that all maintenance work will be carried out in the least intrusive manner.

Construction and Remodeling of School Facilities

The District will ensure all capital projects and maintenance comply with the requirements of the New York State Uniform Fire Prevention and Building Code, the Manual of Planning Standards, and the Commissioner's regulations. Relevant documentation regarding all new buildings must be formally submitted to the State Education Department no matter the size or cost. The New York State Education Department Office of Facilities Planning has provided an Instruction Guide on their official website.

Plans and specifications for the erection, enlargement, repair, or remodeling of facilities of the District shall be submitted to the Commissioner consistent with applicable law.

Plans and specifications submitted to the Commissioner shall bear the signature and seal of an architect or engineer licensed to practice in the State of New York. The architect or engineer who sealed the plans and specifications shall also certify that the plans and specifications conform to the standards set forth in the State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code.

For remodeling or construction projects, the District will ensure compliance with the requirements of the State Uniform Fire Prevention and Building Code and Commissioner's regulations. The District will also retain the services of an architect or engineer licensed to practice in New York State as required by law or regulation, or as necessary given the scope and cost of the project.

Naming Facilities

The Board of Education is responsible for naming any new facility. The Board, in its discretion, may establish procedures for the naming of any building or other District facility. In selecting a name for any facility, the Board may take into account those persons who have been involved in the planning, construction, or renovation of the facility, or any other relevant considerations. Suitable building plaques or other memorials may be authorized by the Board.

(Continued)
SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE (Cont'd.)

Inspections

The District is mindful of the health and safety of its students, staff, and visitors and, as such, the District administration will cooperate with appropriate officials conducting health, fire, asbestos, bus, and boiler inspections. In addition, the administration shall keep the Board of Education informed of the results of such inspections in a timely fashion.

In accordance with the Asbestos Hazard Emergency Response Act (AHERA), the District will inform all employees and building occupants (or their legal guardians) at least once each school year about all asbestos inspections, response actions, post-response action activities, as well as triennial re-inspection activities and surveillance activities that are either planned or in progress. The District will provide yearly notification to parent, teacher, and employee organizations on the availability of the District's asbestos management plan and any asbestos-related actions taken or planned in the school.

Comprehensive Public School Building Safety Program (RESCUE)

To ensure that all District facilities are properly maintained and preserved and provide suitable educational settings, the Board of Education requires that all occupied school facilities which are owned, operated or leased by the District comply with the provisions of the Comprehensive Public School Building Safety Program, the Uniform Code of Public School Building Inspections, and the Safety Rating and Monitoring as prescribed in Commissioner's regulations. For this reason, the District shall develop a Comprehensive Public School Building Safety Program in accordance with Commissioner's regulations.

The program shall be reevaluated and made current at least annually, and shall include, at a minimum, the following:

a) A five (5) year capital facilities plan which will include an appraisal of the following: the educational philosophy of the District, with resulting administrative organization and program requirements; present and projected student enrollments; space use and State-rated student capacity of existing facilities; the allocation of instructional space to meet the current and future education program and service needs, and to serve students with disabilities in settings with nondisabled peers; priority of need of maintenance, repair or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and the provision of additional facilities.

b) A District-wide building inventory, which will include information pertaining to each building including, but not limited to:

1. Type of building, age of building, size of building;
2. Rated capacity, current enrollment;

(Continued)
SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE (Cont'd.)

3. List of energy sources and major systems (lighting, plumbing, electrical, heating); and

4. Summary of triennial Asbestos Inspection reports.

c) A building condition survey shall be conducted for all occupied school buildings once every five (5) years by a team that includes at least one (1) licensed architect or engineer.

d) A District-wide monitoring system which includes:
   1. Establishing a Health and Safety Committee;
   2. Development of detailed plans and a review process of all inspections;
   3. Procedures for a response in writing to all inquiries about building health and safety concerns, a copy of which will be sent to the District's Health and Safety Committee for oversight, and a copy kept on permanent file.

e) Procedures to ensure the safety of the building occupants while a construction/renovation project is taking place. These procedures will include:
   1. Notification to parents, staff and the community at least two (2) months in advance of a construction project of ten thousand dollars ($10,000) or more to be conducted in a school building while the building is occupied; provided, however, that in the case of emergency construction projects, such notice shall be provided as far in advance of the start of construction as is practicable;
   2. A plan to ensure that all contractors comply with all health and safety issues and regulations, and wear photo identification badges;
   3. An opportunity for the District's Health and Safety Committee to conduct a walk-through inspection of newly renovated or constructed areas to confirm that the area is ready to be reopened for use; and
   4. An emergency plan which will address potential concerns with the capital project including, but not limited to, evacuation procedures, fire drills, and structural failures.

(Continued)
SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE (Cont'd.)

Asbestos Inspection: 40 CFR Part 763, Subpart E
15 USC §§ 2641-2656
Fire Inspection: Education Law § 807-a
  8 NYCRR § 155.4
Health and Safety Committee: 8 NYCRR § 155.4(d)(1)
Plans and Specifications: Education Law §§ 408, 408-a and 409
  8 NYCRR §§ 155.1 and 155.2
  19 NYCRR §§ 1221-1240
Structural Safety Inspections: Education Law §§ 409-d, 409-e, 3602 and 3641(4)
  8 NYCRR §§ 155.1, 155.3, and 155.4(b)(1)

Adopted: 6/2/05
Revised: 4/20/16
SUBJECT:  HAZARDOUS WASTE AND HANDLING OF TOXIC SUBSTANCES BY EMPLOYEES

The Board of Education recognizes the need to protect human health and the environment from damage resulting from the improper handling of hazardous wastes.

The management of hazardous waste from its point of generation to the ultimate disposal is regulated through specific Federal and State laws.

The Board directs the Superintendent to adopt rules to ensure District implementation of applicable Federal and State laws pertaining to the identification, transportation, treatment, storage, and disposal of hazardous wastes.

The district and vendors/service providers shall purchase and/or use non-toxic or the least toxic form of materials and supplies available. This shall include, but not be limited to cleaning products, maintenance products, low mercury lighting and art supplies.

Hazard Communication Standard

All personnel shall be provided with applicable training to comply with the New York State "Right-to-Know" Law and the Hazard Communication Standard. Both the "Right to Know" poster and the "Labor Law Information Relating to Public Employees" poster must be posted in common areas informing workers of relevant work hazards and associated rights.

The Superintendent/designee shall maintain a current record of the name, address and social security number of every employee who handles or uses toxic substances and which substance(s) were handled or used by the employee.

Rules and regulations will be developed to ensure District implementation of this policy which shall include awareness information, employee training and record keeping.

Environmental Protection Agency, 40 CFR 261 and 262
6 NYCRR Part 371

Adopted: 6/2/05
Revised: 9/19/13; 6/1/17
SUBJECT: INTEGRATED PEST MANAGEMENT

The Board of Education is committed to maintaining the integrity of school buildings and grounds while protecting the health and safety of students and staff and maintaining a productive learning environment.

Structural and landscape pests can pose significant problems for people and property. Weeds and infestations can destroy playing fields and playgrounds and more importantly, cause severe allergic reactions. Pesticides can pose risks to people, property, and the environment. It is therefore the policy of the School District to incorporate Integrated Pest Management (IPM) procedures for control of weeds, structural and landscape pests. The objective of this program is to provide necessary pest control while using the least toxic approach to all pests, weeds and infestations.

Pest/Pesticide Management Plan

The District will manage weeds and pests to:

a) Reduce any potential human health hazard or threat to public safety.

b) Prevent loss or damage to school structures or property.

c) Prevent pests from spreading into the community, or to plant and animal populations beyond the site.

d) Enhance the quality of life for students, staff, and others.

Integrated Pest Management (IPM) Coordinator

An IPM Coordinator will be appointed by the Superintendent of Schools. The Coordinator will be responsible for implementing the IPM policy and plan. The Coordinator's responsibilities will include, but are not limited to, the following:

a) Recording all pest sightings by school staff and students.

b) Recording all pesticide use and utilizing the least toxic approach.

c) Meeting with a local pest control expert, such as a pesticide contractor to share information on what pest problems are present in the school.

d) Assuring that all of the expert's recommendations on maintenance and sanitation are carried out where feasible.

(Continued)
SUBJECT: INTEGRATED PEST MANAGEMENT (Cont'd.)

e) Assuring that pesticide use is done when school is not in session or when the area can be completely secured against access by school staff and students for a standard seventy-two (72) hours, or as required by the pesticide being used.

f) Evaluating the school's progress in the IPM plan.

g) Notifying parents, staff and neighbors of any applications of pesticides forty-eight (48) hours before they occur. The IPM Coordinator will serve as the District's Pesticide Representative.

Pesticide Use on Common Areas

Pesticides will not be used on playgrounds, turf, athletic or playing fields, in effect, all lawn areas of the school. In these common areas where children gather and play, pesticide alternatives will be used whenever possible and effective. The prohibition does not apply to indoor use or the application to building structures.

An exception may be made for emergency applications of pesticide only when approved in advance by the School Board. The Board may consult with the local Health Department on public health related emergency determinations. They may also consult with the Department of Environmental Conservation (DEC) for environmental emergency determinations. Emergency determinations should only be sought for one-time pesticide application in a specific situation, which presents a true emergency. The guidance document from DEC provides clarification on emergency determinations. It can be found at:

http://www.dec.ny.gov/docs/materials_minerals_pdf/guidancech85.pdf

Some types of pesticides and alternatives, those deemed safe in federal regulation, may be allowable on playing fields and playgrounds in certain circumstances. The District will develop regulations governing the use of pesticides and their alternatives on school grounds.

Fertilizer Use

Phosphorous fertilizers will only be used on school grounds in compliance with the requirements of Environmental Conservation Law Section 17-2103, which provides:

a) Fertilizer use is prohibited between December 1 and April 1 annually.

b) The use of fertilizers is prohibited within twenty (20) feet of any surface water except:

1. Where a continuous natural vegetation buffer, at least ten (10) feet wide, separates lawn and water.

2. Where a spreader guard, deflector shield or drop spreader is used, then the application may not occur within three feet of any surface water.

(Continued)
SUBJECT: INTEGRATED PEST MANAGEMENT (Cont'd.)

c) The use of phosphorus fertilizers is prohibited on lawns or other non-agricultural turf with
the following exceptions:

1. The use of phosphorus fertilizers is needed to establish a new lawn; or
2. A soil test shows that phosphorus fertilizers are needed for growth.

d) Fertilizer cannot be used on any impervious surfaces and if such an application occurs, it
must be cleaned immediately and legally applied or placed in an appropriate container.

Notification

The District's IPM Coordinator or designated Pesticide Representative will give prior written
notice of all pesticide applications to anyone who has asked to receive such notice. The District will also
notify parents, students and staff of periodic pesticide applications. The District will maintain a list of
those people who wish to receive forty-eight (48) hour notice before pesticide applications and will
ensure that a system is developed to deliver such notice in a timely fashion to all affected. The
notification system may be by mail or email, and will ensure that a back-up method is available to notify
those for whom the regular system is unworkable. The name and contact information for the District
Pesticide Representative will be made available to all requesting it.

Sample forms for forty-eight (48) hour prior notification can be obtained at:
http://www.emsc.nysed.gov/facplan/documents/PesticideNeighborNotificationGuidelinefor
Schools_091001.pdf

The District must also provide additional written notification to all parents and staff three (3) times
per year to inform them of any pesticide applications that have occurred: within ten (10) days of the end
of the school year, within two (2) school days of the end of winter recess and within two (2) days of the
end of spring recess.

Recordkeeping

Records of pesticide use will be maintained on site for three (3) years. Records will be completed
on the day of pesticide use. In addition, pest surveillance records will be maintained to help verify the
need for pesticide treatments. Annual reports of any applications must be sent to DEC.

Education Law §§ 409-k and 409-h
Environmental Conservation Law §§ 17-2103 and 33-0303
40 CFR Part 152.25
7 USC § 136(mm), 136q(h)(2) (FIFRA)
8 NYCRR Part 155.4(d)(2)

Adopted: 6/2/05
Revised: 10/7/10; 6/1/17
SUBJECT: PROHIBITION OF INDOOR MOBIL FOSSIL FUEL BURNING EQUIPMENT

The Board of Education recognizes the importance of maintaining indoor air quality and the safety of school building occupants. The use of any mobile fossil fuel burning equipment in any School District building is strictly prohibited. This shall include but not be limited to the following:

a) Custodial equipment including floor burnishers

b) Temporary heating equipment including direct fired construction heaters in occupied buildings.

Adopted: 9/19/13
SUBJECT: GREEN CLEANING

The Board of Education recognizes the importance of maintaining indoor air quality and the safety of school building occupants. The District shall implement and maintain Green Cleaning Program in accordance with New York State Education Law 409-1 and New York State Finance law 163-b.

a) All Custodial products shall conform to the Green Cleaning Plan

b) Custodial Equipment, where applicable shall enable Green Cleaning procedures including high Efficiency/HEPA vacuums

c) The District shall prohibit the introduction and use of any residential/commercial cleaning products other than District purchased and supplied cleaning products in all District buildings.

Adopted: 9/19/13
SUBJECT: SMOKING/TOBACCO USE

School Grounds

Tobacco use shall not be permitted and no person shall use tobacco at any time on school grounds or within one hundred (100) feet of the entrances, exits, or outdoor areas of any public elementary or secondary school. However, this shall not apply to smoking in a nearby residence or within the real property boundary lines of a nearby residence. For purposes of this policy, "school grounds" means any building, structure, and surrounding outdoor grounds, including entrances and exits, contained within the District's preschool, nursery school, elementary or secondary school's legally defined property boundaries as registered in the County Clerk's Office; as well as all District vehicles, including vehicles used to transport children or school personnel.

For purposes of this policy, tobacco is defined to include any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove cigarette, and any other smoking product, and spit tobacco (smokeless, dip, chew and/or snuff) in any form.

The use of e-cigarettes and other products containing nicotine, except for current FDA approved smoking cessation products with appropriate medical authorization (when required), is also prohibited.

Posting/Notification of Policy

In compliance with the New York State Clean Indoor Air Act, the District will prominently post its Smoking/Tobacco Use policy and signs prohibiting all forms of tobacco products in District buildings and other applicable locations; and will supply a copy upon request to any current or prospective employee. The District will also designate a school official to tell individuals who smoke in a non-smoking area that they are in violation of the New York State Public Health Law, Education Law, the federal Pro-Children Act of 1994 and District policy.

The District shall also ensure that this policy is communicated to staff, students, parents/guardians, volunteers, and visitors as deemed appropriate in order to orient all persons to the District's "No Smoking" Policy and environment.

Prohibition of Tobacco Promotional Items/Tobacco Advertising

Tobacco promotional items (e.g., brand names, logos and other identifiers) are prohibited:

a) On school grounds;

b) In school vehicles;

c) At any school-sponsored event or school-authorized extra-curricular event or activity regardless of where such event or activity takes place, including any event or activity that takes place in another state;

(Continued)
SUBJECT: SMOKING/TOBACCO USE (Cont'd.)

d) In school publications;

e) On clothing, shoes, accessories, gear, and school supplies, in accordance with the District Code of Conduct and applicable collective bargaining agreements.

This prohibition of tobacco promotional items shall be implemented in accordance with the Code of Conduct and applicable collective bargaining agreements.

In addition, tobacco advertising is also prohibited in all school-sponsored publications and at all school-sponsored events. The District will request, whenever possible, tobacco free editions of periodical publications for school libraries and classroom use.

Safe and Drug-Free Schools and Communities Act, 20 USC § 7101 et seq.
Pro-Children Act of 2001, as amended by the No Child Left Behind Act of 2001, 20 USC §§ 7181-7184
Education Law §§ 409, 2801(1) and 3020-a
Public Health Law Article 13-E

NOTE: Refer also to Policies #3280 -- Community Use of School Facilities, Materials and Equipment
#3410 -- Code of Conduct on School Property
#7320 -- Comprehensive Tobacco, Alcohol/Chemical Substance Policy
#8211 -- Prevention Instruction
District Code of Conduct

Adopted: 6/2/05
Revised: 7/2/13
SUBJECT: ENERGY/WATER CONSERVATION AND RECYCLING OF SOLID WASTE

The Board of Education recognizes the importance of energy and water conservation and is committed to the analysis, development, and initiation of conservation measures throughout the District for the purpose of reducing energy consumption.

Recycling

The Superintendent will develop a program for the source separation and segregation of recyclable or reusable materials in the District. This District-wide recycling plan shall include:

a) A conservation education program to teach students about their social responsibility for preserving our resources, and involvement of all students and personnel in a comprehensive effort to reduce, reuse and recycle waste materials;

b) A concerted effort to purchase recycled items and biodegradable rather than non-biodegradable products;

c) Separation of waste into appropriate categories for the purpose of recycling, including mercury-added consumer products; and

d) A cooperative effort with community recycling programs.

Energy

The Superintendent shall direct that the District implement the following initiatives:

a) An Energy Plan shall be developed for all District facilities. The District Wide Building Automation System (BAS) or equal shall be used to monitor energy consumption, facility occupancy, and audit all energy use and cost. A yearly report shall be provided to the district by the BAS consultant.

b) The District shall make every effort to purchase Energy Star Rated equipment and appliances.

c) The District shall prohibit the use of personal electrical devices such as coffee makers, refrigerators, microwaves and toasters/ovens in classrooms, offices and support spaces. Use of the above noted appliances shall be limited to staff lounges/lunchrooms with the approval of the Building Administrator.

Environmental Conservation Law §§ 27-2101-27-2115
General Municipal Law § 120-aa

Adopted: 6/2/05
Revised: 9/9/13
SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)

School Food Service Program (Lunch and Breakfast)

The Board has entered into an agreement with the New York State Education Department to participate in the National School Lunch Program, School Breakfast Program and/or Special Milk Program to receive commodities donated by the Department of Agriculture and to accept responsibility for providing free and reduced price meals to elementary and secondary students in the schools of the District.

The Superintendent or his/her designee shall have the responsibility to carry out the rules of the School Lunch and Breakfast Programs. The determination of which students are eligible is the responsibility of the Reviewing Official and Verification Official or the Office of Temporary and Disability Assistance of the Department of Social Services. Appeals regarding eligibility should be submitted to the Hearing Official of the District.

Free or reduced price meals may be allowed for qualifying students attending District schools upon receipt of a written application from the student's parent or guardian or a "Direct Certification" letter from the New York State Office of Temporary and Disability Assistance (OTDA). Applications will be provided by the School District to all families.

School officials must also determine eligibility for free/reduced meals and milk by using the Direct Certification Matching Process, a dataset supplied by the Office of Temporary and Disability Assistance, and made available by the State Education Department. Any student receiving federal assistance through Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance to Needy Families (TANF) is automatically eligible for free meals and milk. There is no need for families to complete further applications. School Districts shall notify parents or guardians of such eligibility, giving them the opportunity to decline free meals and milk if they so choose.

Procedures for the administration of the free and reduced price meal program of this School District will be the same as those prescribed in current state and federal laws and regulations.

Child Nutrition Program/Charging Meals

Although not required by law, because of the District's participation in the Child Nutrition Program, the Board of Education approves the establishment of a system to allow a student to charge a meal. The Board authorizes the Superintendent to develop rules which address:

a) What can be charged;

b) The limit on the number of charges per student;

c) The system used for identifying and recording charged meals;

(Continued)
SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST) (Cont'd.)

d) The system used for collection of repayments; and
e) Ongoing communication of the policy to parents and students.

Restriction of Sweetened Foods in School

The sale of sweetened foods will be prohibited from the beginning of the school day until the end of the last scheduled meal period.

Sweetened foods consist of sweetened soda water, chewing gum, candy, including hard candy, jellies, gum, marshmallow candies, fondant, licorice, spun candy, candy coated popcorn, and water ices except those which contain fruit or fruit juices.

Restrictions on Sale of Milk Prohibited

Schools that participate in the National School Lunch Program may not directly or indirectly restrict the sale or marketing of fluid milk products at any time or in any place on school premises or at school-sponsored events.

Food Substitutions for Children with Disabilities

Federal regulations governing the operation of Child Nutrition Programs, Part B of the Individuals with Disabilities Education Act, and Section 504 of the Rehabilitation Act of 1973 require that children with disabilities be offered the opportunity to participate in all academic and nonacademic activities including the school nutrition programs. The District will provide reasonable accommodations to children with disabilities. Such accommodations will be provided at no extra charge. Whenever possible, a request for accommodations in the District's food service for a student with a disability should be accompanied by a statement, signed by a licensed physician or other licensed health care provider (issued within the scope of the provider's licensure), that describes the nature of the student's disability and the accommodation, if any, recommended by the physician or provider.

The District may also allow substitutions for fluid milk with a non-dairy beverage that is nutritionally equivalent (as established by the Secretary of Agriculture) to fluid milk and meets nutritional standards for students who are unable to consume fluid milk because of medical or other special dietary needs if the request is supported by a statement signed by a recognized medical authority or by the student's parent/legal guardian.

Prohibition Against Adults Charging Meals

Adults should pay for their meals at the time of service or set up pre-paid accounts.
SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST) (Cont'd.)

HACCP-Based Food Safety Program

Schools participating in the National School Lunch and/or School Breakfast programs are required to implement a food safety program based on Hazard Analysis and Critical Control Point (HACCP) principles. The District must develop a written food safety program for each of its food preparation and service facilities that is based on either traditional HACCP principles or the "Process Approach" to HACCP. (The "Process Approach" simplifies traditional HACCP by grouping foods according to preparation process and applying the same control measures to all menu items within the group, rather than developing an HACCP plan for each item.) Regardless of the implementation option that is selected, the District's written food safety program must also include:

a) Critical control points and critical limits;
b) Monitoring procedures;
c) Corrective actions;
d) Verification procedures;
e) Recordkeeping requirements; and
f) Periodic review and food safety program revision.

Child Nutrition and WIC Reauthorization Act of 2004, PL 108-265
Child Nutrition Act 1966, 42 USC § 1771 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.
Individuals with Disabilities Education Act (IDEA), 20 USC §§ 1400-1485
7 CFR Parts 15B, 210 and 220
Education Law §§ 902(b), 915, 918, 1604(28), 1709(22), 1709(23) and 2503(9)(a)
8 NYCRR §§ 200.2(b)(1) and 200.2(b)(2)
Social Services Law § 95

Adopted: 6/2/05
Revised: 6/1/17
SUBJECT: WELLNESS

The Enlarged City School District of Middletown is committed to providing a school environment that promotes and protects children's health, well-being, and the ability to learn by fostering healthy eating and physical activity.

The District has established a wellness committee to develop the District's proposed local wellness policy, making such policy recommendations for review and adoption by the Board of Education. The District Wellness Committee includes, but is not limited to, representatives from each of the following groups:

a) Parents;
b) Students;
c) Physical Education teachers;
d) School health professionals;
e) The District's food service program;
f) The Board of Education;
g) School administrators; and
h) Members of the public.

The District Wellness Committee will also be responsible for assessing current activities, programs, and policies available in the District, and providing mechanisms for implementation, evaluation, and revision of the policy. In so doing, the Wellness Committee will evaluate and make recommendations which reflect the specific needs of the District and its students.

 Goals to Promote Student Wellness

The District seeks to ensure all of its students obtain the knowledge and skills necessary to make nutritious food selections and enjoy life-long physical activity. To this end, the District sets forth the following goals relating to nutrition promotion and education, physical activity, and other school-based activities.

Nutrition Promotion and Education

a) Classroom Teaching: Nutrition topics will be integrated within the comprehensive health education curriculum and other instructional areas, as appropriate, and taught at every grade level, K through 12. Nutrition instruction will follow applicable New York State Standards and be designed to help students acquire:

1. Nutrition knowledge, including, but not limited to: the benefits of healthy eating; essential nutrients; nutritional deficiencies; principles of healthy weight management; the use and misuse of dietary supplements; and safe food storage, handling, and preparation.

(Continued)
SUBJECT: WELLNESS (Cont'd.)

2. Nutrition-related skills, including, but not limited to: planning healthy meals; understanding and using food labels; critically evaluating nutrition information, misinformation, and commercial food advertising; assessing personal eating habits; and setting and achieving goals related to these concepts.

b) Education, marketing, and promotion

1. As appropriate, the District will promote nutrition education activities that involve parents, students, and the community.

2. The District will promote school and community awareness of this policy through various means, such as a publication on the District website.

3. The District will encourage and promote wellness through social media, newsletters, and an annual family wellness event.

4. Marketing and advertising on school campuses during the school day will be consistent with nutrition education and health promotion. As such, schools will restrict food and beverage marketing to the promotion of those foods and beverages that meet the nutrition standards set forth by the Healthy, Hunger-Free Kids Act's "Smart Snacks in Schools" Rule.

5. The District is cognizant of the fact that certain scoreboards, signs, and other durable equipment it employs may market foods and beverages in a way that is inconsistent with the aims of this policy. While the immediate replacement of such equipment may be impossible due to existing contracts or prohibitive costs, the District will consider replacing or updating such equipment over time to ensure the message it delivers to students regarding nutrition, health, and well-being is consistent.

c) Additional provisions

1. Parents will be encouraged to send in healthy treats for classroom celebrations.

2. School personnel are strongly discouraged from using food as a reward or withholding food as punishment under any circumstance.

Physical Activity

a) The District will provide opportunities for every student to participate in physical education and to be involved in physical activities. In doing so, the District aims to promote among students the development of knowledge and skills for specific physical activities, the maintenance of physical fitness, regular participation in physical activity, and an understanding of the short-term and long-term benefits from a physically active and healthy lifestyle.

(Continued)
b) The District will ensure that the following standards are met to achieve its goals relative to physical education and physical activity:

1. The District will have a Board-approved Physical Education Plan on file with the New York State Education Department that meets or exceeds the requirements set forth in Section 135.4 of the Commissioner's regulations.

2. The District recognizes the importance of physical education classes in providing students with meaningful opportunities for physical exercise and development. Consequently, the District will ensure:

   (a) All physical education classes are taught or supervised by a certified physical education teacher;

   (b) All physical education staff receive professional development on a yearly basis;

   (c) Interscholastic sports, intramural sports, and recess do not serve as substitutes for a quality physical education program;

   (d) Students are afforded the opportunity to participate in moderate to vigorous activity for at least 60% of physical education class;

   (e) It provides adequate space and equipment for physical education and conforms to all applicable safety standards;

   (f) A sequential physical education course of study consistent with national standards for physical education is implemented, with a focus on students' development of motor skills, movement forms, and health-related fitness;

   (g) A physical and social environment is provided that encourages safe and enjoyable activity for all students, including those who are not athletically gifted.

   (h) Activities are adapted to meet the needs of students who are temporarily or permanently unable to participate in the regular program of physical education. In doing so, the District will abide by specific provisions in 504 Plans and/or individualized education programs (IEP).

   (i) All students, including students in need of adaptive physical education, will be encouraged to participate in physical fitness programs and competitions.

3. All students will be required to fulfill the physical education requirements set forth in the Commissioner's regulations as a condition of graduating from the District's schools.

   (Continued)
SUBJECT: WELLNESS (Cont'd.)

c) All classroom teachers, and particularly those engaged in the instruction of K through 5 students, are strongly encouraged to incorporate into the school day short breaks for students that include physical activity, especially after long periods of inactivity. Additionally, all elementary students will be offered one daily period of recess for a minimum of twenty (20) minutes. This requirement will not apply on days where students arrive late, leave early, or are otherwise on campus for less than a full day. Where weather and/or facilities allow, recess will be offered in a place that accommodates moderate to vigorous physical activity.

d) Physical activity will not be withheld for disciplinary action unless the student is a danger to him/herself or others. Recess or other physical activity time will not be cancelled for instructional make up time.

Other School-Based Activities

The District is committed to establishing a school environment that is conducive to healthy eating and physical activity for all. The District will, therefore, adopt the following standards:

a) Federal School Meal Programs

   1. The District will participate to the maximum extent practicable in available federal school meal programs (including the School Breakfast Program, National School Lunch Program, and Summer Food Service Program). Food served through these programs will meet all applicable federal and state standards.

   2. The District will ensure that food service directors, managers, and staff are provided with annual professional development in the areas of food and nutrition consistent with USDA Professional Standards for State and Local Nutrition Programs. District food service staff will meet with students in grades 4 through 12 twice annually to solicit feedback on the school breakfast and/or school lunch program(s).

b) Access to School Nutrition Programs

   The District will utilize a system of student payment that ensures all eligible students have access to free/reduced meals in a non-stigmatizing manner.

c) Meal Environment

   The District will ensure:

   1. School dining areas have sufficient space for students to sit and consume meals;

   2. School dining areas are clean, safe, and pleasant environments that reflect the social value of eating;

   (Continued)
SUBJECT: WELLNESS (Cont'd.)

3. Enough serving areas are provided to ensure student access to school meals with a minimum of wait time;

4. All students have a scheduled lunch period;

5. Lunch times are scheduled near the middle of the school day;

6. Students are given adequate time to eat healthy meals;

7. Students and staff have access to free, safe, and fresh drinking water throughout the school day and where school meals are served.

d) Community Access to District Facilities for Physical Activities

School grounds and facilities will be available to students, staff, community members and organizations, and agencies offering physical activity and nutrition programs consistent with District policy, including provisions regarding conduct on school grounds and administrative approval of use by outside organizations.

e) Community Partnerships

The District will continue relationships with community partners in support of this wellness policy's implementation. Existing and new community partnerships will be evaluated to ensure they are consistent with this policy and its goals.

Nutrition Guidelines

In an effort to encourage healthy life-long eating habits by providing foods that are high in nutrients, low in fat and added sugars, and of moderate portion size, the District Wellness Committee will recommend nutrition standards to be set for all foods and beverages available on school campus. For purposes of this section, the school day is defined as the period from the midnight before, to thirty (30) minutes after the end of the official school day.

School Meals

School meals will, at a minimum, meet the program requirements and nutrition standards of the School Breakfast and National School Lunch Programs.

Fundraising

a) All food and beverages sold as a fundraiser during the school day will meet the nutritional requirements listed in the USDA Healthy, Hunger-Free Kids Act "Smart Snacks in Schools" Rule. (Continued)
SUBJECT: WELLNESS (Cont'd.)

b) School-sponsored fundraisers conducted outside of the school day will be encouraged to support the goals of this policy by promoting the sale of healthy food items (fresh fruit and produce) and/or non-food items, such as water bottles, plants, etc., and by promoting events involving physical activity.

c) School administrators, with the assistance of the District Wellness Committee, will create and promote a list of approved fundraising activities. All fundraisers taking place during the school day must be approved by the appropriate building principal prior to their being conducted.

Competitive Foods

a) Competitive foods—which include all foods and beverages sold outside the school meal programs, on the school campus in student accessible areas, and at any time during the school day—will follow, at a minimum, the nutrition standards specified by the Healthy, Hunger-Free Kids Act. These standards will apply to all foods and beverages sold individually and outside of the reimbursable school meal, including vending machines, school stores, and cafeteria a la carte lines.

b) Additionally, the District will not sell foods of minimal nutritional value in the student store, from a machine, or anywhere in the building from the beginning of the school day until the end of the last lunch period. Prohibited foods include: soda water, water ices (excluding ices containing fruit or fruit juices), chewing gum, hard candy, jellies, gums, marshmallow candies, licorice, fondants (soft mints, candy corn), cotton candy, and candy-coated popcorn.

Foods and Beverages Sold or Served at Events Outside of the School Day

a) All foods and beverages sold or served at school-sponsored events will be a single serving.

b) At events where food and beverages are sold, 50% of items sold must meet the USDA Healthy, Hunger-Free Kids Act "Smart Snacks in Schools" Standards.

Implementation and Evaluation of the Wellness Policy

a) The District will establish an implementation and evaluation plan for this policy in order to monitor its effectiveness and the possible need for modification over time. To this end, the District designates the following individual to have operational responsibility for ensuring that the District meets the goals and mandates of this policy:

   Zigmund Nowicki, Director of Personnel.

b) This designated staff member will also serve as the liaison with community agencies in providing outside resources to help in the development of nutritional education programs and promotion of physical activities.

(Continued)
SUBJECT: WELLNESS (Cont'd.)

c) The District will annually report on the progress each of its schools has made toward meeting the goals of this policy. Such report will include:

1. The website address for the wellness policy and/or information on how the public can access a copy;
2. A description of each school's progress in meeting the wellness policy goals;
3. A summary of each school's local school wellness events or activities;
4. Contact information for the leader(s) of the Wellness Committee; and
5. Information on how individuals can get involved in the Wellness Committee's work.

Such report will be provided to the Board of Education and also distributed to the Wellness Committee, parent-teacher organizations, building principals, and school health services personnel within the District. The report will be available to community residents upon request.

d) Evaluation and feedback from interested parties, including an assessment of student, parent, teacher, and administration satisfaction with the wellness policy, are welcomed as an essential part of the District's evaluation program.

e) The District will document the financial impact, if any, to the school food service program, school stores, and vending machine revenues based on the implementation of the wellness policy.

f) Assessments of the District's wellness policy and implementation efforts will be repeated on a triennial basis. The assessment will include:

1. Compliance with the wellness policy;
2. How the wellness policy compares to model wellness policies; and
3. Progress made in attaining the goals of the wellness policy.

g) The District will, as necessary, revise this wellness policy and develop work plans to facilitate its implementation.

42 USC § 1758(b)
7 CFR § 210.11
79 FR 10693
Education Law § 915
8 NYCRR § 135.4

Adopted: 6/1/17
SUBJECT: RECORDS MANAGEMENT

A Records Management Officer shall be designated by the Superintendent, subject to the approval of the Board of Education. Such Records Management Officer shall develop and coordinate an orderly and efficient records management program. This program includes the legal disposition or destruction of obsolete records and the storage and management of inactive records. The Records Management Officer shall further be given the authority and responsibility to work with other local officials at all levels in the development and maintenance of the records management program.

In addition, a Records Advisory Board may be created to assist in establishing and supporting the records management program. The District's legal counsel, the fiscal officer, and the Superintendent/designee may comprise the Advisory Board.

Retention and Disposition of Records

The Superintendent shall retain records for such a period and dispose of them in the manner described in Records Retention and Disposition Schedule ED-1.

Special Approvals for Disposition of Records

Records not listed on a records retention and disposition schedule shall not be disposed of without the approval of the Commissioner of Education. Similarly, records that have been damaged by natural or manmade disasters, such that the information contained in those records is substantially destroyed, or the records constitute a human health or safety risk also require the Commissioner's approval before disposition.

Replacing Original Records with Microforms or Electronic Images

Digital images of public records may be stored on electronic media, and such electronic records may replace paper originals or micrographic copies of these records. To ensure accessibility and intelligibility for the life of these records, the District shall follow the procedures prescribed by the Commissioner of Education.

Retention and Preservation of Electronic Records

The District shall ensure that records retention requirements are incorporated into any plan and process for design, redesign, or substantial enhancement of an information system that stores electronic records. The District shall also ensure that electronic records are not rendered unusable because of changing technology before their retention and preservation requirements are met.

Arts and Cultural Affairs Law § 57.19
8 NYCRR Part 185

Adopted: 6/2/05
Revised: 4/20/16
SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS

In accordance with the Federal Trade Commission's (FTC) "Disposal Rule," and in an effort to protect the privacy of consumer information, reduce the risk of fraud and identity theft, and guard against unauthorized access to or use of the information, the School District will take appropriate measures to properly dispose of sensitive information (i.e., personal identifiers) contained in or derived from consumer reports and records. Any employer who uses or possesses consumer information for a business purpose is subject to the Disposal Rule. According to the FTC, the standard for proper disposal of information derived from a consumer report is flexible, and allows the District to determine what measures are reasonable based on the sensitivity of the information, the costs and benefits of different disposal methods, and changes in technology.

The term "consumer report" shall include information obtained from a consumer reporting company that is used - or expected to be used - in establishing a consumer's eligibility for employment or insurance, among other purposes. The term "employment purposes" when used in connection with a consumer report means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment or retention as an employee.

The FTC Disposal Rule defines "consumer information" as "any record about an individual, whether in paper, electronic, or other form, that is a consumer report or is derived from a consumer report. Consumer information also means a compilation of such records. Consumer information does not include information that does not identify individuals, such as aggregate information or blind data."

Information Covered by the Disposal Rule

The FTC has not included a rigid definition of the kinds of information that would be considered to identify particular individuals. In accordance with FTC guidance, there are a variety of personal identifiers beyond simply a person's name that would bring information within the scope of the Disposal Rule, including, but not limited to, a social security number, driver's license number, phone number, physical address, and email address. Depending upon the circumstances, data elements that are not inherently identifying can, in combination, identify particular individuals.

"Proper" Disposal

The FTC Disposal Rule defines "dispose," "disposing," or "disposal," as:

a) "The discarding or abandonment of consumer information," or

b) "The sale, donation, or transfer of any medium, including computer equipment, upon which consumer information is stored."

(Continued)
SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS
(Cont'd.)

The District will utilize disposal practices that are reasonable and appropriate to prevent the unauthorized access to - or use of - information contained in or derived from consumer reports and records. Reasonable measures to protect against unauthorized access to or use of consumer information in connection with District disposal include the following examples. These examples are not exclusive or exhaustive methods for complying with the Disposal Rule.

a) Burning, pulverizing, or shredding of papers containing consumer information so that the information cannot practicably be read or reconstructed.

b) Destroying or erasing electronic media containing consumer information so that the information cannot practicably be read or reconstructed.

c) After due diligence, entering into and monitoring compliance with a contract with another party engaged in the business of record destruction to dispose of material, specifically identified as consumer information, in a manner consistent with the Disposal Rule. In this context, due diligence could include:

1. Reviewing an independent audit of the disposal company's operations and/or its compliance with the Disposal Rule;

2. Obtaining information about the disposal company from several references or other reliable sources;

3. Requiring that the disposal company be certified by a recognized trade association or similar third party;

4. Reviewing and evaluating the disposal company's information security policies or procedures;

5. Taking other appropriate measures to determine the competency and integrity of the potential disposal company; or

6. Requiring that the disposal company have a certificate of registration from the New York Department of State issued on or after October 1, 2008.

d) For persons (as defined in accordance with the Fair Credit Reporting Act) or entities who maintain or otherwise possess consumer information through their provision of services directly to a person subject to the Disposal Rule, monitoring compliance with policies and procedures that protect against unauthorized or unintentional disposal of consumer information, and disposing of such information in accordance with examples a) and b) above.

(Continued)
SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS (Cont'd.)

Implementation of Practices and Procedures

The Board delegates to the Superintendent/designee(s) the authority and responsibility to review current practices regarding the disposal of consumer information; and to implement such further reasonable and appropriate procedures, including staff training as necessary, to ensure compliance with the FTC's Disposal Rule.

The Fair Credit Reporting Act, 15 USC § 1681 et seq.
The Fair and Accurate Credit Transactions Act of 2003, Public Law 108-159
General Business Law Article 39-G
19 NYCRR § 199

Adopted: 6/1/17
SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION

The School District values the protection of private information of individuals in accordance with applicable laws and regulations. Further, the District is required to notify affected individuals when there has been or is reasonably believed to have been a compromise of the individual's private information in compliance with the Information Security Breach and Notification Act and Board policy.

a) "Private information" shall mean **personal information in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

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

"Private information" does not include publicly available information that is lawfully made available to the general public from federal, state or local government records.

**"Personal information" shall mean any information concerning a person which, because of name, number, symbol, mark or other identifier, can be used to identify that person.

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

Determining if a Breach Has Occurred

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or person without valid authorization, the District may consider the following factors, among others:

a) Indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or

b) Indications that the information has been downloaded or copied; or

(Continued)
SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)

c) Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported; or
d) System failures.

Notification Requirements

a) For any computerized data owned or licensed by the School District that includes private information, the District shall disclose any breach of the security of the system following discovery or notification of the breach to any New York State resident whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure to affected individuals shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. The District shall consult with the State Office of Information Technology Services (ITS) to determine the scope of the breach and restoration measures.

b) For any computerized data maintained by the District that includes private information which the District does not own, the District shall notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The notification requirement may be delayed if a law enforcement agency determines that such notification impedes a criminal investigation. The required notification shall be made after the law enforcement agency determines that such notification does not compromise the investigation.

Methods of Notification

The required notice shall be directly provided to the affected persons by one of the following methods:

a) Written notice;

b) Electronic notice, provided that the person to whom notice is required has expressly consented to receiving the notice in electronic form; and a log of each such notification is kept by the District when notifying affected persons in electronic form. However, in no case shall the District require a person to consent to accepting such notice in electronic form as a condition of establishing any business relationship or engaging in any transaction;

c) Telephone notification, provided that a log of each such notification is kept by the District when notifying affected persons by phone; or

(Continued)
SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)

d) Substitute notice, if the District demonstrates to the State Attorney General that the cost of providing notice would exceed $250,000, or that the affected class of subject persons to be notified exceeds 500,000, or that the District does not have sufficient contact information. Substitute notice shall consist of all of the following:

1. Email notice when the District has an email address for the subject persons;
2. Conspicuous posting of the notice on the District's website page; and
3. Notification to major statewide media.

Regardless of the method by which notice is provided, the notice shall include contact information for the notifying District and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired.

In the event that any New York State residents are to be notified, the District shall notify the New York State Attorney General (AG), the New York State Department of State (DOS), and the New York State Office of Information Technology Services (ITS) as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York State residents.

In the event that more than five thousand (5,000) New York State residents are to be notified at one time, the District shall also notify consumer reporting agencies, as defined pursuant to State Technology Law Section 208, as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York State residents. A list of consumer reporting agencies shall be compiled by the State Attorney General and furnished upon request to school districts required to make a notification in accordance with State Technology Law Section 208(2), regarding notification of breach of security of the system for any computerized data owned or licensed by the District that includes private information.

State Technology Law §§ 202 and 208

Adopted: 7/2/13
SUBJECT: EMPLOYEE PERSONAL IDENTIFYING INFORMATION

In accordance with Section 203-d of the New York State Labor Law, the District shall restrict the use and access to employee personal identifying information. As enumerated in law, "personal identifying information" shall include social security number, home address or telephone number, personal electronic mail address, Internet identification name or password, parent's surname prior to marriage, or driver's license number.

The District shall not unless otherwise required by law:

a) Publicly post or display an employee's social security number;

b) Visibly print a social security number on any identification badge or card, including any time card;

c) Place a social security number in files with unrestricted access; or

d) Communicate an employee's personal identifying information to the general public.

A social security number shall not be used as an identification number for purposes of any occupational licensing.

District staff shall have access to this policy, informing them of their rights and responsibilities in accordance with Labor Law Section 203-d. District procedures for safeguarding employee "personal identifying information" shall be evaluated; and employees who have access to such information as part of their job responsibilities shall be advised as to the restrictions on release of such information in accordance with law.

Labor Law § 203-d

Adopted: 9/17/09
SUBJECT: DATA NETWORKS AND SECURITY ACCESS

The District values the protection of private information of individuals in accordance with applicable law, regulations, and best practice. Accordingly, District officials and Information Technology (IT) staff will plan, implement, and monitor IT security mechanisms, procedures, and technologies necessary to prevent improper or illegal disclosure, modification, or denial of sensitive information in the District Computer System (DCS). Similarly, such IT mechanisms and procedures will also be implemented in order to safeguard District technology resources, including computer hardware and software. District network administrators may review District computers to maintain system integrity and to ensure that individuals are using the system responsibly. Users should not expect that anything stored on school computers or networks will be private.

In order to achieve the objectives of this policy, the Board of Education entrusts the Superintendent, or his/her designee, to:

a) Inventory and classify personal, private, and sensitive Information on the DCS to protect the confidentiality, integrity, and availability of information;

b) Develop password standards for all users including, but not limited to, how to create passwords and how often such passwords should be changed by users to ensure security of the DCS;

c) Ensure that the "audit trail" function is enabled within the District's network operating system, which will allow the District to determine on a constant basis who is accessing the DCS, and establish procedures for periodically reviewing such audit trails;

d) Develop procedures to control physical access to computer facilities, data rooms, systems, networks, and data to only authorized individuals; such procedures may include ensuring that server rooms remain locked at all times and the recording of arrival and departure dates and times of employees and visitors to and from the server room;

e) Establish procedures for tagging new purchases as they occur, relocating assets, updating the inventory list, performing periodic physical inventories, and investigating any differences in an effort to prevent unauthorized and/or malicious access to these assets;

f) Periodically grant, change, and terminate user access rights to the overall networked computer system and to specific software applications and ensure that users are given access based on, and necessary for, their job duties;

g) Limit user access to the vendor master file, which contains a list of vendors from which District employees are permitted to purchase goods and services, to only the individual who is responsible for making changes to such list, and ensure that all former employees' access rights to the vendor master list are promptly removed;

(Continued)
SUBJECT: DATA NETWORKS AND SECURITY ACCESS (Cont'd.)

h) Determine how, and to whom, remote access should be granted, obtain written agreements with remote access users to establish the District's needs and expectations, as appropriate, and monitor and control such remote access;

i) Deploy software to servers and workstations to identify and eradicate malicious software attacks such as viruses and malware;

j) Develop a disaster recovery plan appropriate for the size and complexity of District IT operations to ensure continuous critical IT services in the event of any sudden, catastrophic event, including, but not limited to fire, computer virus or deliberate or inadvertent employee action.

Adopted: 5/20/15
SUBJECT: SAFETY AND SECURITY

The Board of Education of the Enlarged City School District of Middletown, NY hereby declares that it is the policy of this School District to provide a safe and secure environment to all those persons, students, staff and visitors, who lawfully enter upon District property or who travel in District vehicles for the purposes of the District.

It shall be the responsibility of the Superintendent to establish and carry out written regulations that will:

a) Identify those staff members who will be responsible for the effective administration of the regulations;

b) Provide staff time and other necessary resources for the effective administration of the regulations;

c) Establish periodic written review of the activities of the staff to ensure compliance with applicable laws and regulations;

d) Provide an on-going mechanism for the effective review of safety and security concerns of the staff, students and affected public;

e) Provide for reports to the Board of Education regarding the significant aspects of safety and security of the District.

Labor Law § 27-a
12 NYCRR Part 820, Article 28

NOTE: Refer also to Policy #5681 -- School Safety Plans

Adopted: 6/2/05
Revised: 6/1/17
SUBJECT: SCHOOL SAFETY PLANS

The District has developed, and will update by July 1 of each succeeding year, as necessary, a comprehensive District-wide school safety plan and building-level school safety plans, as enumerated in Education Law and Commissioner's Regulations, and in a form as prescribed by the Commissioner of Education. These plans will be designed to prevent or minimize the effects of serious violent incidents and emergencies and to facilitate the coordination of schools and the School District with local and county resources in the event of such incidents or emergencies.

Each plan shall be reviewed by the appropriate school safety team on at least an annual basis, updated as needed and recommended to the Board of Education for approval. However, District-wide and building-level school safety plans shall be adopted by the School Board only after at least one (1) public hearing that provides for the participation of school personnel, parents, students, and any other interested parties. Further, the Board shall make the District-wide and building-level school safety plans available for public comment at least thirty (30) days prior to its adoption, provided that only a summary of each building-level emergency response plan (i.e., building-level school safety plan) shall be made available for public comment.

District-Wide School Safety Plan

*District-wide school safety plan* means a comprehensive, multi-hazard school safety plan that covers all school buildings of the School District, that addresses prevention and intervention strategies, emergency response and management at the District level and has the contents as prescribed in Education Law and Commissioner's Regulations.

The District-wide school safety plan shall be developed by the District-wide school safety team appointed by the Board of Education. The District-wide team shall include, but not be limited to, representatives of the School Board, student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

Building-Level School Safety Plans

*Building-level school safety plan* means a building-specific school emergency response plan that addresses prevention and intervention strategies, emergency response and management at the building level and has the contents as prescribed in Education Law and Commissioner's Regulations.

The building-level plan shall be developed by the building-level school safety team. The building-level school safety team means a building-specific team appointed by the Building Principal, in accordance with regulations or guidelines prescribed by the Board of Education. The building-level team shall include, but not be limited to, representatives of teacher, administrator, and parent organizations, school safety personnel, other school personnel, community members, local law enforcement officials, local ambulance or other emergency response agencies, and any other representatives the School Board deems appropriate.

(Continued)
SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

Filing/Disclosure Requirements

The District shall file a copy of its comprehensive District-wide school safety plan and any amendments thereto with the Commissioner of Education no later than thirty (30) days after their adoption. A copy of each building-level school safety plan and any amendments thereto shall be filed with the appropriate local law enforcement agency and with the state police within thirty (30) days of its adoption. Building-level emergency response plans shall be confidential and shall not be subject to disclosure under the Freedom of Information Law or any other provision of law.

Education Law § 2801-a
Public Officers Law Article 6
8 NYCRR § 155.17

Adopted: 6/2/05
SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN PUBLIC SCHOOL FACILITIES

The School District shall provide and maintain on-site in each instructional school facility functional cardiac automated external defibrillator (AED) equipment as defined in Public Health Law Section 3000-b for use during emergencies. Each such facility shall have sufficient automated external defibrillator equipment available to ensure ready and appropriate access for use during emergencies in quantities and types as deemed by the Commissioner of Education, in consultation with the Commissioner of Health. Determination of the quantity and placement of AEDs must be made with consideration of at least the factors enumerated in Commissioner's Regulations. An instructional school facility means a building or other facility maintained by the School District where instruction is provided to students pursuant to its curriculum.

Whenever an instructional School District facility is used for a school-sponsored or school-approved curricular or extracurricular event or activity and whenever a school-sponsored athletic contest is held at any location, the public school officials and administrators responsible for such school facility or athletic contest shall ensure that AED equipment is provided on-site and that there is present during such event, activity or contest at least one staff person who is trained in accordance with Public Health Law in the operation and use of an AED. School-sponsored or school-approved curricular or extracurricular events or activities means events or activities of the School District that are, respectively, associated with its instructional curriculum or otherwise offered to its students. A school-sponsored athletic contest means an extraclass intramural athletic activity of instruction, practice and competition for students in grades 4 through 12 consistent with Commissioner's Regulations Section 135.4.

Where a school-sponsored competitive athletic event is held at a site other than a School District facility, School District officials shall assure that AED equipment is provided on-site by the sponsoring or host district and that at least one staff person who is trained, in accordance with Public Health Law, in the operation and use of the AED is present during such athletic event. A school-sponsored competitive athletic event means an extraclass interscholastic athletic activity of instruction, practice and competition for students in grades 7 through 12 consistent with Commissioner's Regulations Section 135.4.

School District facilities and District staff responsible for carrying out the duties enumerated in Education Law Section 917 are deemed a "public access defibrillation provider" as defined pursuant to Public Health Law Section 3000-b and subject to the Public Health Law requirements and limitations.

Therefore, it is the policy of our School District to provide proper training requirements for District AED users, to ensure the immediate calling of 911 and/or the community equivalent ambulance dispatch entity whenever the AED is used, to ensure ready identification of the location of the AED units as enumerated in the District's Public Access Defibrillation Collaborative Agreement.

(Continued)
SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN PUBLIC SCHOOL FACILITIES (Cont'd.)

The District will provide for regular maintenance and checkout procedures of the AED unit(s) which meet or exceed manufacturer's recommendations. Appropriate documentation will be maintained in accordance with law and/or regulation. Further, the District will participate in the required Quality Improvement Program as determined by the Regional Emergency Medical Services Council.

The District shall post a sign or notice at the main entrance to the facility or building in which the AED unit(s) is stored, indicating the exact location where the unit(s) is stored or maintained on a regular basis.

Pursuant to Public Health Law Sections 3000-a and 3000-b, the School District (as a public access defibrillation provider), or any employee or other agent of the School District who, in accordance with the provisions of law, voluntarily and without expectation of monetary compensation renders emergency medical or first aid treatment using an AED to a person who is unconscious, ill or injured, shall not be liable for damages for injury or death unless caused by gross negligence.

Education Law § 917
Public Health Law §§ 3000-a and 3000-b
8 NYCRR §§ 135.4 and 136.4

Adopted: 6/2/05
Revised: 6/1/17
SUBJECT: FIRE DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS

Fire Drills

The administration of each school building shall provide instruction for and training of students, through fire drills, in procedures for leaving the building in the shortest possible time and without confusion or panic.

Fire drills shall be held at least twelve (12) times in each school year; eight (8) of these shall be held between September 1 and December 1. At least one (1) of the twelve (12) drills shall be held during each of the regular lunch periods, or shall include special instruction on the procedures to be followed if a fire occurs during a student's lunch period.

At least two (2) additional drills shall be held during summer school in buildings where summer school is conducted and one (1) of these drills shall be held during the first week of summer school.

After-School Programs

The Building Principal or his/her designee shall require those in charge of after-school programs, attended by any individuals unfamiliar with the school building, to announce at the beginning of such programs the procedures to be followed in the event of an emergency.

Bomb Threats

School Bomb Threats

A bomb threat, even if later determined to be a hoax, is a criminal action. No bomb threat should be treated as a hoax when it is first received. The school has an obligation and responsibility to ensure the safety and protection of the students and other occupants upon the receipt of any bomb threat. This obligation must take precedence over a search for a suspect object. Prudent action is dependent upon known information about the bomb threat - location, if any; time of detonation; etc. If the bomb threat is targeted at the school parking lot or the front of the school, building evacuation may not be an appropriate response. If the bomb threat indicates that a bomb is in the school, then building evacuation is necessary unless the building has been previously inspected and secured in accordance with State Education Department Guidelines. Specific procedures can be found in the building level school plan, as required by Project SAVE.

The decision to evacuate a building or to take shelter is dependent upon information about where the bomb is placed and how much time there is to reach a place of safety. Prudent action dictates that students and other occupants be moved from a place of danger to a place of safety. Routes of egress and evacuation or sheltering areas must be thoroughly searched for suspicious objects before ordering an evacuation. Failure to properly search evacuation routes before an evacuation takes place can expose students and staff to more danger than remaining in place until the search has taken place. Assistance is available from local police agencies and the New York State Police to train staff to check evacuation routes.

(Continued)
SUBJECT: FIRE DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS (Cont'd.)

Police Notification and Investigation

A bomb threat to a school is a criminal act, which is within the domain and responsibility of law enforcement officials. Appropriate State, county, and/or local law enforcement agencies must be notified of any bomb threat as soon as possible after the receipt of the threat. Law enforcement officials will contact, as the situation requires, fire and/or county emergency coordinators according to the county emergency plan.

Therefore, the building administrator or designee is to notify local law enforcement officials and follow established procedures to move all occupants out of harm's way.

Implementation

The Board of Education directs the Superintendent or his/her designee to develop administrative regulations to implement the terms of this policy. Additionally, such regulations are to be incorporated in the District-wide School Safety Plan and the building level school safety plan, with provisions to provide written information to all staff and students regarding emergency procedures by October 1 of each school year, an annual drill to test the emergency response procedures under each of its building level school safety plans; and the annual updating of the District-wide and building level school safety plans, by July 1, as mandated pursuant to law and/or regulation.

Bus Emergency Drills

The Board of Education directs the administration to conduct a minimum of three (3) emergency drills to be held on each school bus during the school year. The first drill is to be conducted during the first seven days of school, the second drill between November 1 and December 31, and the third drill between March 1 and April 30.

Each drill shall include instruction in all topics mandated by the Education Law and the Commissioner's Regulations and shall include, but will not be limited to, the following:

a) Safe boarding and exiting procedures;
b) The location, use and operation of the emergency door, fire extinguishers, first aid equipment and windows as a means of escape in case of fire or accident;
c) Orderly conduct as bus passengers.

Students who ordinarily walk to school shall also be included in the drills.

Education Law §§ 807, 2801-a and 3623
Penal Law §§ 240.55, 240.60 and 240.62
8 NYCRR §§ 155.17 and 156.3(h)(2)

 Adopted: 6/2/05
SUBJECT: SCHOOL BUILDING ACCESS CONTROL

Schools cannot always control the crises/safety issues that may impact them. However, through the development and implementation of school safety plans, the District Code of Conduct, and various policies that address school security issues, the District is continually taking steps to improve the safety and culture of the school community.

All school safety plans shall be implemented, reviewed and/or revised as necessary in accordance with applicable law and Commissioner's Regulations. Appropriate school safety training for staff and students, the conduct of drills and other exercises to test components of the emergency response plan, as well as procedures for review, will be provided as mandated by law and regulation.

Additionally, school officials will encourage all staff and students to be more aware of their school surroundings by conducting awareness training relating to the school environment that includes awareness of signs of terrorism. Any suspicious activity is to be reported to the building principal/designee who will contact law enforcement authorities. Such suspicious activity may include, but is not limited to, unexplained presence of unauthorized persons in places where they should not be; discreet use of still cameras or video recorders; note-taking or the use of binoculars or maps near school locations; observation of security reaction drills or procedures; mobile surveillance from unauthorized vehicles on or around school grounds; the parking of a suspicious vehicle in the school's parking lot or in proximity to the school building, particularly for an extended period of time; and the discovery of an unattended package or object inside or around the premises of the school.

Visitors shall be directed to the Main Office for specific instructions regarding that building's procedures for visitors to the school.

Possession and Use of Cell Phones/Camera Phones

The Board recognizes that while carrying cell phones can be a safety measure for staff and students alike, problems arise when the inappropriate use of cell phones and/or camera phones interfere with the school's ability to maintain control in the school environment, giving rise to security as well as educational concerns. For example, the use of camera phones poses a danger to school security; risks educational integrity, particularly during testing/examinations; and creates the potential for violations of privacy. The use of camera phones by visitors to the schools can also present a potential security concern.

Inappropriate or unauthorized use of cell phones can undermine (if not render inoperable due to system overload) the communication system in place per the school safety plans, impede evacuation plans if parents or other individuals are summoned to the school by non-designated persons, and potentially restrict the access of community emergency service providers to the site.

(Continued)
SUBJECT: SCHOOL BUILDING ACCESS CONTROL (Cont'd.)

Therefore, the use and/or restriction of cell phones/camera phones shall be reviewed by designated personnel, including those individuals who are members of the school safety team(s) and team members involved in the annual review of the District Code of Conduct. As deemed necessary, school safety plans and the District Code of Conduct shall be modified to address the use of and/or restriction of cell phones/camera phones during designated times or events, particularly by students and visitors to the schools.

Policy Implementation

The Board directs that administration implement and review on a periodic basis building access control procedures, and provide IDs for staff, students and visitors as appropriate. Parents and students shall be informed of the school's access procedures; and visitors shall be required to follow the specific visitor procedures prescribed by that particular building.

This policy is intended to highlight our commitment to and planning for heightened security access to our schools. The policy shall be considered an adjunct to, not a replacement of, our school safety plans and the District Code of Conduct.

Adopted: 6/2/05
SUBJECT: EXPOSURE CONTROL PROGRAM

The District shall establish an exposure control program designed to prevent and control exposure to bloodborne pathogens. According to the New York State Department of Labor's Division of Safety and Health and Occupational Safety and Health Administration (OSHA) standards, the program shall consist of:

a) Guidelines for maintaining a safe, healthy school environment to be followed by staff and students alike.
b) Written standard operating procedures for blood/body fluid clean-up.
c) Appropriate staff education/training.
d) Evaluation of training objectives.
e) Documentation of training and any incident of exposure to blood/body fluids.
f) A program of medical management to prevent or reduce the risk of pathogens, specifically hepatitis B and HIV.
g) Written procedures for the disposal of medical waste.
h) Provision of protective materials and equipment for all employees who perform job-related tasks involving exposure or potential exposure to blood, body fluids or tissues.

29 CFR 1910.10:30

Adopted:  6/2/05
SUBJECT: COMMUNICABLE DISEASES

Regulations and procedures will be developed for dealing with communicable diseases in ways that protect the health of both students and staff while minimizing the disruption of the education process.

Adopted: 6/2/05
SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES

The Board of Education contends that a student shall not be denied the right to attend school or continue his/her education nor shall an employee be denied the right to continue his/her employment who has been diagnosed or identified as having a positive blood test for the antibodies to the Human Immunodeficiency Virus (HIV). The Board further contends that under current law and regulations, the disclosure of confidential HIV-related information shall be strictly limited.

Administrative regulations and procedures shall be developed and implemented by the administration based on recommendations from the New York State Education Department and from consultation with appropriate professional and medical staff in the District.

The Superintendent shall also establish protocols for routine sanitary procedures for dealing with the cleaning and handling of body fluids in school, with special emphasis placed on staff awareness.

Confidentiality:
Public Health Law Article 27-F

Adopted: 6/2/05
SUBJECT: TRANSPORTATION PROGRAM

It is the intent of the Board of Education to comply with the letter and spirit of the New York State Education Law; with the regulations of the Department of Motor Vehicles and of the Department of Transportation and with the Commissioner of Education's regulations and decisions pertinent to student transportation, and these shall govern any questions not covered by specific declaration of policy herein.

The purposes of the transportation program are to transport students to and from school, to transport them for extracurricular activities, to transport them on field trips, and to transport those requiring special services.

The Board of Education recognizes and assumes the responsibility for all aspects of the transportation of children wherein the health and safety of students are involved, for the Board of Education has a legal obligation to safeguard the welfare of bus-riding children.

Scheduling and Routing

Bus routes are authorized by the Board of Education and any requests for a change must be submitted to the Superintendent or his/her designee.

Transportation services shall be provided to meet the needs of the students of the District within specified limits and areas established by the Board of Education.

School Bus Schedules

The District may either mail schedules directly to parents or have parents pick up schedules at school. Should the District wish to post school bus schedules online, access to the schedules will be password protected.

Education Law §§ 1501-b, 3602(7), 3620-3628, 3635 and 3636

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

Adopted: 6/2/05
Revised: 4/20/16
SUBJECT: TRANSPORTATION OF STUDENTS

Requests for Transportation to and from Nonpublic Schools

The parent or person in parental relation of a parochial or private school child residing in the School District who desires that the child be transported to a parochial or private school outside of the School District during the next school year should submit a written request to the Board of Education no later than April 1 of the preceding year, or within thirty (30) days of moving into the District. No late request of a parent or person in parental relation shall be denied where a reasonable explanation is provided for the delay.

Transportation to Nonpublic Schools on Holidays

When a holiday falls on a Saturday or Sunday, the Board of Education may choose to close on Friday or Monday in observance of the holiday. Schools that close may provide pupil transportation. However, if the District has not shared its calendar and informed nonpublic schools that it will not transport on the optional holiday, the District is required to provide pupil transportation services on that day to nonpublic schools that are open.

Transportation for Nonpublic School Students with Disabilities who are Parentally Placed

For students with disabilities (ages 5 through 21) who are parentally placed in nonpublic schools outside their district of residency, if special education services are to be provided to a student at a site other than the nonpublic school, the school district of location is responsible for providing the special education services, including, as applicable, arranging and providing transportation necessary for the student to receive special education services. The proportionate share of IDEA Part B dollars could be used for such purpose.

The school district of residence remains responsible to provide transportation to parentally placed nonpublic school students from the student's home to the nonpublic school.

Transportation of Students with Disabilities

Students with disabilities in the District shall be transported up to fifty (50) miles (one way) from their home to the appropriate special service or program, unless the Commissioner certifies that no appropriate nonresidential special service or program is available within fifty (50) miles. The Commissioner may then establish transportation arrangements.

Student Information

Any mode of transportation used on a regular basis to transport students with a disability on a regularly scheduled route shall, upon written consent of the parent or person in parental relation, have maintained on such mode of transportation the following information about each student being transported:

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

a) Student's name;

b) Nature of the student's disability;

c) Name of the student's parent, guardian or person in a position of loco parentis (person in parental relation) and one or more telephone numbers where such person can be reached in an emergency; and/or

d) Name and telephone number of any other person designated by such parent, guardian or person in a position of loco parentis as a person who can be contacted in an emergency.

Such information shall be used solely for the purpose of contacting such student's parent, guardian, person in a position of loco parentis, or designee in the event of an emergency involving the student, shall be kept in a manner which retains the privacy of the student, and shall not be accessible to any person other than the driver or a teacher acting in a supervisory capacity. In the event that the driver or teacher is incapacitated, such information may be accessed by any emergency service provider for such purpose.

Such information shall be updated as needed, but at least once each school year and shall be destroyed if parental consent is revoked, the student no longer attends such school, or the disability no longer exists.

Herein the term "disability" shall mean a physical or mental impairment that substantially limits one or more of the major life activities of the student, whether of a temporary or permanent nature.

Fire Extinguishers

School buses manufactured on or after January 1, 1990 fueled with other than diesel fuel and used to transport three (3) or more students who use wheelchairs or other assistive mobility devices or with a total capacity of more than eight (8) passengers and used to transport such students shall be equipped with an automatic engine fire extinguishing system.

School buses manufactured on or after September 1, 2007 fueled with diesel fuel and used to transport three (3) or more students who use wheelchairs or other assistive mobility devices or with a total capacity of more than eight (8) passengers used to transport such students shall be equipped with an automatic engine fire extinguishing system.

The purchase of automatic engine fire extinguishing systems for school buses used to transport such students shall be deemed a proper school district expense.

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

Transportation of Non-Resident Students

Non-resident families must provide their own transportation.

Transportation to School-Sponsored Events

Where the District has provided transportation to students enrolled in the District to a school-sponsored field trip, extracurricular activity or any other similar event, it shall provide transportation back to either the point of departure or to the appropriate school in the District unless the parent or legal guardian of a student participating in such event has provided the District with written notice, consistent with District policy, authorizing an alternative form of return transportation for such student or unless intervening circumstances make such transportation impractical. In cases where intervening circumstances make transportation of a student back to the point of departure or to the appropriate school in the District impractical, a representative of the School District shall remain with the student until such student's parent or legal guardian has been contacted and informed of the intervening circumstances which make such transportation impractical; and the student has been delivered to his/her parent or legal guardian.

Transportation in Personal Vehicles

Personal cars of teachers and staff shall not be used to transport students except in the event of extenuating circumstances and authorized by the administration.

Education Law §§ 1604, 1709, 1804, 1903, 1950, 2503, 2554, 2590-e, 3242, 3602-c, 3621(15), 3623-a(2c), 3635, 4401-a, 4401(4), 4402, 4404, 4405, and 4410-6
Vehicle and Traffic Law §§ 375(20)(1) and 375(21-i)

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

Adopted: 6/2/05
Revised: 4/20/16
SUBJECT: SCHOOL BUS SAFETY PROGRAM

The safe transportation of students to and from school is of primary concern in the administration of the school bus program. All state laws and regulations pertaining to the safe use of school buses shall be observed by drivers, students and school personnel.

Use of Portable Electronic Devices by Bus Drivers, Aides, Attendants and Monitors is Prohibited

For purposes of this policy, and in accordance with applicable law, the terms below will be defined as follows:

a) "Portable electronic device" means any mobile telephone (hand held or "hands free"), personal digital assistant (PDA), portable device with mobile data access, laptop computer, pager, broadband personal communication device, two-way messaging device, electronic game, portable computing device, or any other electronic device when used to input, write, send, receive or read text for present or future communication.

b) "Using" means holding a portable electronic device while viewing, taking or transmitting images, playing games, or for the purpose of present or future communication: performing a command or request to access a world wide web page, composing, sending, reading, viewing, accessing, browsing, transmitting, saving, or retrieving email, text messages, instant messages or other electronic data.

c) "In operation" means that the bus engine is running, whether in motion or not.

The use of portable electronic devices by a school bus driver, aide, attendant or monitor at times the vehicle is in operation on the roadway poses a potential safety risk. All school bus drivers are prohibited from using portable electronic devices while the bus is in operation.

All school bus drivers' aides', attendants' and monitors' personal portable electronic devices are to be placed in the "off" position while the bus is in operation. Portable electronic devices, including cell phones, may be used in case of emergency.

The Transportation Supervisor, in cooperation with the principals, has the responsibility of developing and publishing safety rules to be followed by drivers and passengers, including rules of student conduct. In order to ensure maximum safety to those riding school buses, it is necessary that students and drivers cooperate in this effort. There is no substitute for training to develop safe habits in pedestrian and vehicular traffic.

All buses and other vehicles owned by vendors/contract bus companies with whom the District contracts will have frequent safety inspections and be serviced regularly. The Transportation Supervisor will maintain a comprehensive record of all maintenance performed on each vehicle.

(Continued)
SUBJECT: SCHOOL BUS SAFETY PROGRAM (Cont'd.)

Every bus driver is required to report promptly to the Transportation Supervisor any school bus accident, regardless of the severity, involving death, injury, or property damage.

Education Law § 3623
Vehicle and Traffic Law §§ 509-a(7), 1225-c, and 1225-d
8 NYCRR § 156.3

NOTE: Refer also to Policies #5683 -- Fire Drills, Bomb Threats and Bus Emergency Drills
#5741 -- Drug and Alcohol Testing for School Bus Drivers and Other Safety-Sensitive Employees

Adopted: 6/2/05
Revised: 6/1/17
SUBJECT: IDLING SCHOOL BUSES ON SCHOOL GROUNDS

The Board of Education recognizes the need to promote the health and safety of District students and staff and to protect the environment from harmful emissions found in bus and vehicle exhaust. In accordance with Education Law and Commissioner's Regulations, the District will minimize, to the extent practicable, the idling of all school buses and other vehicles owned or leased by the District while such bus or vehicle is parked or standing on school grounds or in the front of any school. This policy also applies to contractor owned and operated school buses and other vehicles under contract with the District.

The District shall ensure that each driver of a school bus or other vehicle owned, leased or contracted for by the District turn off the engine of the bus or vehicle while waiting for passengers to load or off load on school grounds, or while such vehicle is parked or standing on school grounds or in front of or adjacent to any school.

Exceptions

Unless otherwise required by State or local law, the idling of a school bus or vehicle engine may be permitted to the extent necessary to achieve the following purposes:

a) For mechanical work; or
b) To maintain an appropriate temperature for passenger comfort; or
c) In emergency evacuations where necessary to operate wheelchair lifts.

Private Vendor Transportation Contracts

All contracts for pupil transportation services between the School District and a private vendor that are entered into on or after August 21, 2008, shall include a provision requiring such vendor's compliance with the provisions of reducing idling in accordance with Commissioner's Regulations Section 156.3(h).

Bus Driver Responsibilities

Each driver of a school bus shall:

a) Instruct pupils on the necessity of boarding the school bus promptly in the afternoon to reduce loading time;

b) Whenever possible, park the school bus diagonally in school bus loading areas to minimize exhaust from adjacent buses that may enter the school bus and school buildings; and

c) Turn off the engine during sporting or other events.

(Continued)
SUBJECT:  IDLING SCHOOL BUSES ON SCHOOL GROUNDS  (Cont'd.)

Annual Notification to School Personnel

The District shall annually provide notice of these requirements to school personnel no later than five (5) days after the start of school.

Monitoring

The District's Superintendent for Buildings and Grounds shall be responsible for periodically monitoring compliance by school bus drivers and drivers of vehicles owned, leased or contracted for by the District with the legal requirements summarized in this policy.

Education Law § 3637
Vehicle and Traffic Law § 142
8 NYCRR § 156.3(h)

Adopted:  9/19/13
SUBJECT: QUALIFICATIONS OF BUS DRIVERS

A person shall be qualified to operate a bus only if such person:

a) Is at least twenty-one (21) years of age;

b) Has been issued a currently valid driver's license or permit which is valid for the operation of a bus in New York State;

c) Has passed the annual bus driver physical examination administered pursuant to Regulations of the Commissioner of Education and the Commissioner of Motor Vehicles. In no case shall the interval between physical examinations exceed a thirteen-month period;

d) Is not disqualified to drive a motor vehicle under Sections 509-c and 509-cc and any other provisions of Article 19-A of the Vehicle and Traffic Law;

e) Has on file at least three (3) statements from three (3) different persons who are not related to the driver/applicant pertaining to the moral character and to the reliability of such driver/applicant;

f) Has completed, or is scheduled to complete, State Education Department safety programs as required by law;

g) Is in compliance with federal law and regulations, as well as District policy and/or regulations, as it pertains to meeting the standards governing alcohol and controlled substance testing of bus drivers if and when applicable.

h) Has taken and passed a physical performance test at least once every two (2) years and/or following an absence from service of sixty (60) or more consecutive days from his/her scheduled work duties;

i) Is in compliance with all other laws and regulations for operating a school bus, including licensing and training requirements.

Special Requirements For New Bus Drivers

Before a vendor/contract bus company employs a new bus driver, the Superintendent or his/her designee shall be entitled to:

a) Require such person to pass a physical examination within four (4) weeks prior to the beginning of service;

(Continued)
SUBJECT: QUALIFICATIONS OF BUS DRIVERS (Cont'd.)

b) Obtain a driving record from the appropriate agency in every state in which the person resided, worked, and/or held a driver's license or learner's permit during the preceding three (3) years;

c) Investigate the person's employment record during the preceding three (3) years;

d) Require such person to submit to the mandated fingerprinting procedures;

e) Request the Department of Motor Vehicles to initiate a criminal history check;

f) Require that newly hired bus drivers take and pass the physical performance test, as mandated by Commissioner's Regulations, before they transport students.

Occasional Drivers

Under Commissioner's Regulations, an occasional driver is defined as a certified teacher employed by a school district or Board of Cooperative Educational Services (BOCES) who is not primarily employed as a school bus driver or substitute bus driver on either a full-time or part-time basis. Occasional drivers used for other than regular routes are not required to fulfill the training required for regular school bus drivers.

Omnibus Transportation Employee Testing Act of 1991, (Public Law 102-143)
49 USC § 521(b)
49 CFR Parts 40, 382, 391, 392 and 395
Education Law § 3624
Vehicle and Traffic Law §§ 509-c, 509-cc and Article 19-A
8 NYCRR § 156.3
15 NYCRR Part 6

NOTE: Refer also to Policy #5741 -- Drug and Alcohol Testing For School Bus Drivers and Other Safety-Sensitive Employees

Adopted: 6/2/05
Revised: 4/20/16
SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES

In accordance with federal regulations, employees in safety-sensitive positions as defined in regulations, who are required to have and use a commercial driver's license (CDL), are subject to random testing for alcohol, marijuana, cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP). The District shall adhere to federal law and regulations requiring the implementation of a drug and alcohol testing program for such employees in safety-sensitive positions.

The District shall ensure that vendors/contract bus companies establish and manage their own program, by contract, or through a consortium for the provision of alcohol and drug testing of employees in safety-sensitive positions. Safety-sensitive employees (SSE), including school bus drivers and other employees, who drive a vehicle which is designed to transport sixteen (16) or more passengers (including the driver), shall be subject to this requirement.

Federal regulations require that the District test school bus drivers and other SSEs for alcohol and drugs at the following times:

a) Pre-Employment Testing. Drug testing will be conducted after an offer to hire, but before actually performing safety-sensitive functions for the first time. Such pre-employment testing will also be required when employees transfer to a safety-sensitive position. The District's vendors/contract bus companies shall have the discretion to forego pre-duty testing where the exceptions promulgated by U.S. Department of Transportation (USDOT) regulations at 49 CFR 382.301(b) & (c), or any successor version of these regulations, are satisfied with respect to drug testing of covered drivers by their previous employers.

b) Random Testing. Safety-sensitive employees are also subject to a random drug and/or alcohol test on an unannounced basis just before, during or just after performance of safety-sensitive functions. A driver who is notified of selection for random alcohol and/or controlled substances testing shall proceed to the test site immediately; provided, however, that if the driver performing a safety-sensitive function, other than driving a commercial motor vehicle, at the time of notification, the employer shall instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible.

c) Reasonable Suspicion Testing. In addition, testing will be ordered if a trained supervisor has a "reasonable suspicion" that an employee has engaged in prohibited use of drugs and/or alcohol. Drivers are subject to reasonable suspicion alcohol testing immediately prior to performing safety-sensitive functions, while performing safety-sensitive functions, or immediately following the performance of safety-sensitive functions. The determination that reasonable suspicion exists to require a school bus driver to undergo an alcohol test or a controlled substances test must be based on specific, contemporaneous, articulable observations concerning the appearance, behaviors, speech or body odors of the driver. Where a driver is suspected of being under the influence of a controlled substance, the reasonable suspicion determination may include indications of the chronic withdrawal
SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)

effects of controlled substances. The require observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor or company official who is trained in accordance with 49 CFR 382.603, meaning that the designated supervisor or company official must receive at least 60 minutes of training on alcohol misuse, plus an additional 60 minutes of training on controlled substance use. The training must include physical, behavioral, speech and performance indicators of probable alcohol misuse and used of controlled substances. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the driver. If the alcohol test is not administered within two hours following a reasonable suspicion determination, the District shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If the alcohol test is not administered within eight hours following the reasonable suspicion determination, the District shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test. Notwithstanding the absence of a reasonable suspicion alcohol test, the District will not permit any driver to report for duty or remain on duty requiring the performance of a safety-sensitive functions while the driver is under the influence of, or impaired by, alcohol as show in by the behavioral, speech, and performance indicators of alcohol misuse, until: an alcohol test is administered and the driver's alcohol concentration measures less than .02 OR twenty-four hours have elapsed following a determination that reasonable suspicion exists to believe that the alcohol prohibitions of this Policy have been violated.

A written record shall be made of the observations leading to an alcohol or controlled substances reasonable suspicion test, and signed by the supervisor or company official who made the observations, within 24 hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier.

d) Post-Accident Testing. There will also be post-accident testing as soon as practicable after an occurrence involving a commercial motor vehicle operation on a public road in commerce as follows:

1. Alcohol Testing -- The surviving driver shall be tested for alcohol if the accident involved a loss of human life; or

If the driver is cited for a moving traffic violation arising from the accident within eight hours after the accident, of the accident involved:

(a) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(b) One or more motor vehicles incur disabling damage as a result of the accident requiring that a motor vehicle be towed away from the scene.

(Continued)
SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)

If a required alcohol test is not administered within two hours following the accident, the employer shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a required alcohol test is not administered within eight hours following the accident, the employer shall cease attempts to administer an alcohol test and shall prepare and maintain the same record.

2. Controlled Substance Testing -- The surviving driver shall be tested for controlled substances if the accident involved a loss of human life; or

The driver is cited for a moving traffic violation arising from the accident within 32 hours after the accident, if the accident involved:

(a) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(b) One or more motor vehicles incur disabling damage as a result of the accident requiring that a motor vehicle be towed away from the scene.

If a required controlled substance test is not administered within 32 hours following the accident, the employer shall cease attempts to administer a controlled substances test, and shall prepare and maintain on file a record stating the reasons the test was not promptly administered.

A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the employer to have refused to submit to testing. Nothing herein shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

e) Return to Duty/Follow-Up Testing. Finally, return-to-duty and follow-up testing will be conducted when an individual who has violated the prohibited alcohol and/or drug conduct standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six tests must be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return-to-duty.

All employee drug and alcohol testing will be kept confidential and shall only be revealed without the driver's consent to the employer, a substance abuse professional, drug testing laboratory, medical review officer and any other individual designated by law.

(Continued)
SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)

The following alcohol and controlled substance-related activities are prohibited by the US DOT regulations and Federal Motor Carrier Safety Administration's regulations pertaining to drug use and alcohol misuse for drivers of commercial motor vehicles and other SSEs:

a) Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If testing shows an alcohol concentration of 0.02 or greater but less than 0.04, (i.e., from 0.02-0.039) the employee must be temporarily removed from performing safety-sensitive functions, until the start of the driver's next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the test. Other than such temporary removal, the employer shall not take any action pursuant to the Federal Motor Carrier Safety Administration's regulations. (This does not prevent an employer with authority independent from the Federal Motor Carrier Safety Regulations from taking action that is otherwise consistent with the law.)

b) Being on duty or operating a commercial motor vehicle (CMV) while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.

c) Using alcohol while performing safety-sensitive functions.

d) Consuming a controlled substance or alcohol, or being under the influence of a controlled substance or alcohol within six (6) hours before going on duty or operating or having physical control of a bus.

e) When required to take a post-accident alcohol test, using alcohol within eight (8) hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.

f) Refusing to submit to a required pre-employment controlled substance test or an alcohol or controlled substance test required by post-accident, random, reasonable suspicion or return to duty testing requirements.

g) Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the SSE uses any controlled substance. This prohibition does not apply when instructed by a physician who has advised the SSE that the substance does not adversely affect the SSE's ability to safely operate a CMV.

h) Reporting for duty, remaining on duty or performing a safety-sensitive function, if the SSE tests positive for controlled substances.

(Continued)
SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)

Drivers and other SSEs who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substances are subject to disciplinary action and penalties pursuant to the vendors'/contract bus companies' policies and collective bargaining agreements, as well as the sanctions provided for in federal law. SSEs who have engaged in such prohibited behavior shall not be allowed to return to the performance of safety-sensitive functions, if at all, until they are:

a) Evaluated by a substance abuse professional (SAP).

b) Complete any requirements for rehabilitation as set by the District and the SAP.

c) Pass a return-to-duty test with the result below 0.02 if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved controlled substance use.

d) The SSE shall also be subject to unannounced follow-up alcohol and controlled substance testing. The number and frequency of such follow-up testing shall be as directed by the SAP, and consist of at least six (6) tests in the first twelve (12) months.

The Superintendent of Schools shall ensure that each vendor/contract bus company receives a copy of District policy, educational materials that explain the requirements of the alcohol and drug testing regulations, and any regulations and/or procedures developed by the District with respect to meeting those requirements. The Superintendent or his/her designee shall ensure that a copy of these materials is distributed to each vendor/contract bus company, and the vendor/bus company shall sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of alcohol and controlled substance testing as well as at the beginning of each school year or at the time of hire for any safety-sensitive employees.

The Superintendent or his/her designee can assist vendors/contract bus companies with arrangements for training of all supervisors who may be utilized to determine whether "reasonable suspicion" exists to test a driver for prohibited conduct involving alcohol or controlled substance use/abuse.

The Superintendent or his/her designee is authorized to establish regulations necessary to implement this policy. Any significant violations of District policy and/or regulations by vendors/contract bus companies and other employees shall result in revocation of their contract for the transportation of students.

Omnibus Transportation Employee Testing Act of 1991 (Public Law 102-143) 49 USC §§ 31136 and 31306
49 CFR Parts 40, 172, 382, 383, 391, 392 and 395
Vehicle and Traffic Law § 509-L

Adopted: 6/2/05
Revised: 6/1/17
Enlarged City School District of Middletown, NY

PERSONNEL

1.1 Code of Ethics for Board Members and All District Personnel ........................................6110
   1.1.1 Testing Misconduct and Mandatory Reporting Requirements ..........................6111
1.2 Equal Employment Opportunity.................................................................................6120
   1.2.1 Sexual Harassment of District Personnel.......................................................6121 (9010)
   1.2.2 Employee Grievances.....................................................................................6122
1.3 Evaluation of Personnel............................................................................................6130 (0330)
   1.3.1 APPR -- Parental Rights to Annual Professional Performance Review
   Composite Scores and Quality Ratings Under Education Law
   Section 3012-c ........................................................................................................6131
   1.3.2 APPR -- Notice of the Right of Parents and Legal Guardians to
   Receive Annual Professional Performance Review Final Quality Ratings
   and Composite Effectiveness Scores Pursuant to Education
   Law § 3012-c ........................................................................................................6132
1.4 Health Examinations.................................................................................................6140
1.5 Drug-Free Workplace.................................................................................................6150 (9125)
   1.5.1 Comprehensive Alcohol/Chemical Substance Policy ....................................6151 (4317)
   (9125.1.1)
1.6 Professional Growth/Staff Development .................................................................6160 (9280)
   1.6.1 Conference/Travel Expense Reimbursement .................................................6161
1.7 Safety of Students (Fingerprinting Clearance of New Hires).................................6170
1.8 Nepotism..................................................................................................................6180

CERTIFIED PERSONNEL

2.1 Certified Personnel ..................................................................................................6210
   2.1.1 Recruitment.................................................................................................6211 (9000)
   2.1.2 Certification and Qualifications..................................................................6212
   2.1.3 Incidental Teaching....................................................................................6213
   2.1.4 Probation and Tenure...............................................................................6214 (9001)
   2.1.5 Disciplining of a Tenured Teacher or Certified Personnel ..........................6215
   2.1.6 Professional Staff: Separation.................................................................6216
   2.1.7 Employment of Relatives of Board of Education Members ..........................6217
2.2 Temporary Personnel..............................................................................................6220 (9400)

SUPPORT STAFF

3.1 Appointment - Support Staff ..................................................................................6310
3.2 Supplementary School Personnel............................................................................6320

NOTE: Numbers in parenthesis ( ) denote regulation found in District's Administrative Manual
developed in 1998.
Enlarged City School District of Middletown, NY

ACTIVITIES

4.1 Maintaining Discipline and Conduct ................................................................. 6410
4.2 Employee Personnel Records and Release of Information ............................... 6420 (9510)
4.3 Employee Activities ............................................................................................ 6430
4.4 Negotiations ........................................................................................................ 6440
4.5 Theft of Services or Property ............................................................................. 6450
4.6 Jury Duty ............................................................................................................. 6460
4.7 Staff Use of Computerized Information Resources .......................................... 6470 (9003)
   4.7.1 Use of Email in the School District ............................................................. 6471
4.8 Staff-Student Relations (Fraternization) ............................................................ 6480
4.9 Telecommunications Equipment Use by Staff ............................................... 6490
   4.9.1 Possession and Use of Personal Cell Phones in School ............................ 6491

COMPENSATION AND RELATED BENEFITS

5.1 Health Insurance ................................................................................................. 6510
5.2 Workers' Compensation .................................................................................... 6520
5.3 Payroll Deductions ............................................................................................ 6530
5.4 Defense and Indemnification of Board Members and Employees ..................... 6540
5.5 Leaves of Absence .............................................................................................. 6550
   5.5.1 Family and Medical Leave Act .................................................................. 6551 (9004)
   5.5.2 Uniformed Services Employment and Reemployment Rights Act (USERRA)/Military Leave of Absence .................................................... 6552 (9004.1)
5.6 Employee Assistance Program (EAP) .............................................................. 6556
5.7 Determination of Employment Status: Employee or Independent Contractor .... 6570
   5.7.1 Professional Services Providers .................................................................. 6571
   5.7.2 Employment of Retired Persons ................................................................. 6572

NOTE: Numbers in parenthesis ( ) denote regulation found in District's Administrative Manual developed in 1998.
SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL

General Provisions

Pursuant to the provisions of Section 806 of the General Municipal Law, the Board of Education of the Enlarged City School District of Middletown, NY recognizes that there are rules of ethical conduct for members of the Board and employees of the District that must be observed if a high degree of moral conduct is to be obtained in our unit of local government. It is the purpose of this resolution to promulgate these rules of ethical conduct for the Board members and employees of the District. These rules shall serve as a guide for official conduct of the Board members and employees of the District. The rules of ethical conduct of this resolution, as adopted, shall not conflict with, but shall be in addition to any prohibition of Article Eighteen of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of Board members and employees.

Standards of Conduct

Every Board member or employee of the Enlarged City School District of Middletown, NY shall be subject to and abide by the following standards of conduct:

Gifts

Pursuant to Section 805-a of the General Municipal Law, he/she shall not, directly or indirectly, solicit any gift or accept or receive any gift having a value of seventy-five dollars ($75) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended or expected to influence him/her in the performance of official duties or was intended as a reward for any official action on his/her part.

Confidential Information

He/she shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interest.

Disclosure of Interest in Contracts (Conflict of Interest)

Any District officer or employee, as well as his/her spouse, who has, will have, or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the District shall publicly disclose the nature and extent of such interest in writing to his/her immediate supervisor and to the Board of Education as soon as he/she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the Board minutes.

(Continued)
SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL (Cont’d.)

Representation before one’s own agency.

He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he/she is an officer, member or employee or of any municipal agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer or employee.

Representation before any agency for a contingent fee

He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his/her municipality, whereby his/her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of services rendered.

Disclosure of interest in resolution

To the extent that he/she knows thereof, a member of the Board of Education or employee of the Enlarged City School District of Middletown, NY, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Education on any resolution before the Board of Education shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she has in such resolution.

Investments in conflict with official duties

He/she shall not invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction, that creates a conflict with his/her official duties.

Private employment

He/she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.

Future employment

He/she shall not, after the termination of service or employment with the School District, appear before any board or agency of the Enlarged City School District of Middletown, NY in relation to any case, proceeding, or application in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration.

(Continued)
SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL (Cont'd.)

Legal Remedies

District Officers

In accordance with the Penal Law Section 60.27(5), if a District officer is convicted of a violation against the District under Penal Law Article 155 relating to larceny, the courts may require an amount of restitution up to the full amount of the offense or reparation up to the full amount of the actual out-of-pocket loss suffered by the District.

Board Members and Employees

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former Board member or employee of any claim, account, demand or suit against the Enlarged City School District of Middletown, NY, or any agency thereof on behalf of himself/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Distribution/Posting of Code of Ethics

The Superintendent of the Enlarged City School District of Middletown, NY shall cause a copy of this code of ethics to be distributed to every Board member and employee of the School District within thirty (30) days after the effective date of this policy. Each Board member and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office or employment. The Superintendent shall also cause a copy of Article 18 of the General Municipal Law to be kept posted in each building in the District in a place conspicuous to its Board members and employees. Failure to distribute any such copy of this code of ethics or failure of any Board member or employee to receive such copy, as well as failure to post any such copy of General Municipal Law, Article 18, shall have no effect on the duty of compliance with such code or Article 18, nor with the enforcement of provisions thereof.

Penalties

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Effective Date

This policy shall take effect immediately.

(Continued)
SUBJECT:  CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL (Cont'd.)

Education Law § 410
General Municipal Law Article 18 and §§ 800-809
Labor Law § 201-d
Penal Law Article 155 and § 60.27(5)

Adopted:  6/2/05
Revised:  6/1/17
SUBJECT: TESTING MISCONDUCT AND MANDATORY REPORTING REQUIREMENTS

School District employees are expressly prohibited from:

a) Engaging in testing misconduct;
b) Assisting in the engagement of, or soliciting another to engage in testing misconduct; and/or
c) The knowing failure to report testing misconduct.

"Testing misconduct" includes, but is not limited to, the following acts or omissions:

a) Accessing secure test booklets and/or answer sheets prior to the time allowed by New York State testing rules;
b) Duplicating, reproducing, or keeping any part of any secure examination materials without obtaining prior written authorization from the State Education Department;
c) Reviewing test booklets prior to test administration in order to:
   1. Determine and record correct responses for use during testing;
   2. Create pre-test lessons or discussions with students about concepts being tested; and/or
   3. Create a "cheat sheet" for students to use during any State assessment, including but not limited to, sharing formulas, concepts, or definitions, necessary for the test;
d) Providing students clues or answers during test administration, including, but not limited to, one or more of the following actions:
   1. Coaching students about correct answers;
   2. Defining terms and concepts contained in the test;
   3. Pointing out wrong answers to a student and suggesting that the student reconsider or change the recorded response;
   4. Reminding students during testing of concepts they learned in class; and/or
   5. Making facial or other non-verbal suggestions regarding answers.
e) Allowing any student more time to take an examination than is allowed for that student;
f) Leaving any materials displayed in the room containing topics being tested;

(Continued)
SUBJECT: TESTING MISCONDUCT AND MANDATORY REPORTING REQUIREMENTS (Cont'd).

  g) Writing test specific formulas, concepts, or definitions on the board prior to and while a State assessment is administered;
  h) Reviewing a student answer sheet for wrong answers and returning it to a student with instructions to change or reconsider wrong responses;
  i) Altering, erasing, or in any other way changing a student's recorded responses after the student has handed in his/her test materials; or
  j) Rescoring portions of the test solely to add or find points so a student will pass the test or earn a higher score on the test, other than legitimate rescoring activities authorized by the Superintendent or by the State Education Department; and/or
  k) Encouraging or assisting an individual to engage in the conduct described in paragraphs (a) through (j) above.

When testing misconduct is committed by an employee of the School District in a position for which a teaching or school leader certificate is required, such actions or omissions will be deemed to raise a reasonable question of moral character under Part 83 of the Commissioner's Regulations. A School District employee in a position for which a teaching or school leader certificate is not required who commits an unlawful act in respect to examination and records that is prohibited by Education Law §225 will be subject to disciplinary action by the Board of Education in accordance with subdivision 11 of Education Law §225.

School District employees will report to the State Education Department any known incident of testing misconduct by a certified educator, or any known conduct by a non-certified individual involved in the handling, administration or scoring of state assessments that may reasonably be considered to be in violation of Section 225 of the Education Law. Such reports will be made in accordance with directions and procedures established by the Commissioner for the purpose of maintaining the security and confidential integrity of State assessments.

The School District will not dismiss or take other disciplinary or adverse action against an employee because he/she submitted a report regarding testing misconduct to the State Education Department. Any such adverse action by an individual holding a teaching or school leader certificate will be deemed to raise a reasonable question of moral character under Part 83 of the Commissioner's Regulations and may be referred to the Office of School Personnel Review and Accountability at the State Education Department.

8 NYCRR § 102.4
Adopted: 6/19/14
SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY

The Enlarged City School District of Middletown, NY is an equal opportunity employer and does not discriminate against any employee or applicant for employment in its programs and activities on the basis of race, color, national origin, sex, disability, or age. Further, the District does not discriminate on the basis of religion or creed, sexual orientation, gender identity/expression, military status, genetic status, marital or familial status, domestic violence victim status, criminal arrest or conviction record, or any other basis prohibited by state or federal non-discrimination laws.

Investigation of Complaints and Grievances

The School District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of discrimination, and will promptly take appropriate action to protect individuals from further discrimination. All such complaints will be handled in a manner consistent with the District's policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints, including Policy #3420 -- Non-Discrimination and Anti-Harassment in the School District; Policy #6121 -- Sexual Harassment of District Personnel; and Policy #6122 -- Employee Grievances.

Additional information regarding the District's discrimination and harassment complaint and grievance procedures, including but not limited to the designation of the Civil Rights Compliance Officer, knowingly making false accusations, and possible corrective actions, can be found in Policy #3420 -- Non-Discrimination and Anti-Harassment in the School District.

Prohibition of Retaliatory Behavior

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination. Complaints of retaliation may be directed to the Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

Where appropriate, follow-up inquiries will be made to ensure that discrimination has not resumed and that all those involved in the investigation of the discrimination have not suffered retaliation.

Age Discrimination in Employment Act, 29 USC § 621
Americans with Disabilities Act, 42 USC § 12101 et seq.
Genetic Information Non-Discrimination Act of 2008 (GINA) Public Law 110-233
Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 USC § 2000d et seq.
Title VII of the Civil Rights Act of 1964, 42 USC § 2000e et seq.

(Continued)
SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)

Title IX of the Education Amendments of 1972, 20 USC § 1681 et seq.
Civil Rights Law § 40-c
Civil Service Law § 75-B
Executive Law § 290 et seq.
Military Law §§ 242 and 243

Adopted: 6/2/05
Revised: 6/20/17
SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL

The Board of Education affirms its commitment to provide an environment free from sex-based discrimination and sexual harassment, including sexual violence and intimidation. The Board, therefore, prohibits all forms of sexual harassment against District personnel by employees, school volunteers, students, and non-employees, such as contractors and vendors, which occurs on school grounds or at school-sponsored events, programs, or activities, including those that take place at locations off school premises.

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute harassment on the basis of sex when:

a) Submission of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;

b) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individuals; or

c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment includes, but is not limited to, sexual violence. For the purpose of this policy, sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes rape, sexual assault, sexual battery, and sexual coercion.

Sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from students, supervisors, co-workers, or third parties such as visitors and school volunteers.

Prohibited Conduct

Sexual harassment can be verbal, non-verbal, or physical. Examples of such conduct may include, but are not limited to, the following:

a) Verbal abuse or ridicule, including innuendoes, stories, and jokes that are sexual in nature and/or gender-related. This might include inappropriate sex-oriented comments on appearance, including dress or physical features.

b) Direct or indirect threats or bribes for unwanted sexual activity.

c) Asking or commenting about a person's sexual activities.

(Continued)
SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)

d) Unwelcome and unwanted physical contact of a sexual nature including, but not limited to, physical acts such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement.

e) Displaying or distributing pornographic or other sexually explicit materials such as magazines, pictures, internet material, cartoons, etc.

f) The use of profanity and/or other obscenities that are sexually suggestive or degrading in nature.

g) Unwelcome staring, leering, or gesturing which is sexually suggestive in nature.

h) Unwelcome and/or offensive public displays of sexual/physical affection.

i) Clothing that reflects sexually obscene and/or sexually explicit messages, slogans, or pictures.

j) Engaging in sexual conduct with an individual who is unable to consent due to his/her age, use of drugs or alcohol, intellectual disability, or other disability.

k) Any other unwelcome and unwanted sexually oriented and/or gender-based behavior which is sexually demeaning, belittling, intimidating, or perpetrates sexual stereotypes and attitudes.

Investigation of Complaints and Grievances

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any employee who believes he/she has been a victim of sexual harassment in the work environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, immediately report such alleged harassment to the District's designated Civil Rights Compliance Officer. In the event that the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated an additional individual to serve in such capacity, or to the Superintendent.

The School District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of sexual harassment, and will promptly take appropriate action to protect individuals from further harassment. All such complaints will be handled in a manner consistent with the District's policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints, including Policy #3420 -- Non-Discrimination and Anti-Harassment in the School District.

(Continued)
SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)

Additional information regarding the District's discrimination and harassment complaint and grievance procedures, including but not limited to the designation of the Civil Rights Compliance Officer, knowingly making false accusations, and possible corrective actions, can be found in Policy #3420 -- Non-Discrimination and Anti-Harassment in the School District.

Prohibition of Retaliatory Behavior

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of sexual harassment. Complaints of retaliation may be directed to the Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

Where appropriate, follow-up inquiries will be made to ensure that sexual harassment has not resumed and that all those involved in the investigation of sexual harassment have not suffered retaliation.

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

Adopted: 6/2/05
Revised: 6/1/17
SUBJECT: EMPLOYEE GRIEVANCES

In accordance with Article 15-C of the General Municipal Law, all District employees shall have the opportunity to present grievances free from interference, coercion, restraint, discrimination or reprisal. The District shall provide at least two (2) procedural stages and an appellate stage for the settlement of any such grievance.

General Municipal Law §§ 681-685

Adopted: 6/2/05
Revised: 6/1/17
SUBJECT: EVALUATION OF PERSONNEL

All Staff Members

The administration shall undertake a continuous program of supervision and evaluation of all personnel, including support staff, in the School District. The primary purposes of the evaluations shall be to encourage and promote improved performance and to make decisions about the occupancy of positions.

Teachers and Administrators

The Enlarged City School District of Middletown, NY is committed to supporting the development of effective teachers and administrators. To this end, the District shall provide procedures for the evaluation of all professional staff. District plans for Annual Professional Performance Review (APPR) of teachers and Principals shall be developed in accordance with applicable laws, Commissioner's Regulations, and Rules of the Board of Regents.

The primary purposes of these evaluations are:

a) To encourage and promote improved performance;

b) To guide professional development efforts; and

c) To provide a basis for evaluative judgments by applicable school officials.

APPR Ratings

For those teachers and Principals subject to Education Law 3012-c, the Annual Professional Performance Review (APPR) will result in a single composite effectiveness score and a rating of "highly effective," "effective," "developing," or "ineffective."

The School District will ensure that all evaluators are appropriately trained consistent with standards prescribed by the Commissioner and that an appeals procedure is locally developed.

Disclosure of APPR Data

Consistent with Chapter 68 of the Laws of 2012, which amends Education Law 3012-c, the Commissioner is required to disclose professional performance review data for teachers and Principals on the New York State Education Department (NYSED) website and in any other manner to make such data widely available to the public. However, the release of such aggregate data may not include personally identifiable information for any teacher or Principal. Such public disclosure of final quality ratings and composite effectiveness scores will be suitable for research, analysis and comparison of APPR data for teachers and Principals across the state.

(Continued)
SUBJECT: EVALUATION OF PERSONNEL (Cont'd.)

Upon request, the District will release to parents/legal guardians the final quality ratings and composite effectiveness scores for teachers and Principals to which their student is currently assigned. The District's obligation to disclose this information is limited to those teachers and Building Principals subject to Education Law 3012-c. The District will provide conspicuous notice to parents/legal guardians of their right to obtain such information and the methods by which the data can be obtained. Upon request, parents will receive an oral or written explanation of the composite effectiveness scoring ranges for final quality ratings and be offered the opportunity to understand such scores in the context of teacher evaluation and student performance. When a request for this information is received, reasonable efforts will be made to verify that it is a bona fide request by a parent/legal guardian entitled to review the data.

Annual professional performance reviews of individual teachers and Principals shall not be subject to disclosure under the Freedom of Information Law (FOIL).

Education Law § 3012-c
Public Officers Law §§ 87 and 89
8 NYCRR §§ 80-1.1 and 100.2(o)
SUBJECT: APPR - PARENTAL RIGHTS TO ANNUAL PROFESSIONAL PERFORMANCE REVIEW COMPOSITE SCORES AND QUALITY RATINGS UNDER EDUCATION LAW SECTION 3012-c

In accordance with the provisions of Education Law Section 3012-c (10)(b), the Board of Education shall facilitate the disclosure of the Annual Professional Performance Review final quality ratings and numerical composite effectiveness scores of the classroom teachers and building principals to the parents/legal guardians of students under their supervision for the current school year.

In the interest of protecting the privacy rights of the professional educators while facilitating parental access, the District shall require reasonable verification of identity prior to releasing information to parents/legal guardians.

The Superintendent of Schools shall develop a parental notice and information access form that shall be exhibits to this policy and an integral part hereof. The parental notice shall be posted in conspicuous locations within the District and the notice and form shall be made available on the District website.

Education Law § 3012-c(10)
State Education Department Guidance Document, Section "P"

Adopted: 10/03/13
SUBJECT: APPR - NOTICE OF THE RIGHT OF PARENTS AND LEGAL GUARDIANS TO RECEIVE ANNUAL PROFESSIONAL PERFORMANCE REVIEW FINAL QUALITY RATINGS AND COMPOSITE EFFECTIVENESS SCORES PURSUANT TO EDUCATION LAW § 3012-c

Education Law Section 3012-c prohibits the disclosure of annual professional performance reviews of individual teachers and principals under the Freedom of Information Law (Article 6 of the Public Officers Law).

While this information is not subject to disclosure to the general public, parents and legal guardians of students in the District have rights, upon request, to review and receive the final quality rating (i.e. Highly Effective, Effective, Developing or Ineffective) and composite APPR effectiveness score (0 through 100) of individual teachers and principals to which their children have been assigned for the current school year.

Parents and legal guardians may review and receive this information by mail, by telephone or in person.

Upon request a parent or legal guardian shall be entitled to receive an oral or written explanation of the composite effectiveness scoring ranges for final quality ratings; and be offered opportunities to understand such scores in the context of teacher evaluation and student performance.

The District has a legal obligation to make reasonable efforts to verify that any such request is a bona fide request by a parent or guardian entitled to review and receive such data pursuant to this paragraph. Consequently, we have created a form to be utilized when a parent or legal guardian requests information regarding their child's current teacher(s) and building principal.

This Form is available on the District's website at: middletowncityschools.org

In addition, this Form is available at the following building(s):
Middletown Board Of Education
223 Wisner Avenue
Middletown, NY 10940

If you have any questions regarding this notice, please contact:
District Clerk – Middletown School District
223 Wisner Avenue
Middletown, NY 10940 (845)326-1196
districtclerk@ecsdm.org

Adopted: 10/03/13
SUBJECT: HEALTH EXAMINATIONS

All teachers initially appointed to probationary positions shall obtain a physical examination. When such examination is made by the school physician/nurse practitioner the cost of such examination shall be borne by the District. A teacher, however, may elect to have a health examination at his/her own expense by a physician of his/her own choice.

The Board reserves the right to request a health examination at any time during employment, at School District expense, in order to determine whether the employee can perform the essential functions of the position with or without reasonable accommodation.

Support staff initially appointed to positions may be requested to obtain physical examinations at the expense of the School District. The physical examination is to be obtained from the school physician/nurse practitioner.

Each vendor/contract bus company shall ensure that its bus drivers and substitute bus drivers shall have yearly physical examinations. Each bus driver initially employed by the vendor/contract bus company shall have a physical examination within the four (4) weeks prior to the beginning of service. In no case shall the interval between physical examinations exceed a thirteen-month period.

Annual or more frequent examinations of any employee may be required, when, in the judgment of the school physician/nurse practitioner and the Superintendent, such procedure is deemed necessary.

The final acceptance or rejection of a medical report with reference to the health of an employee lies within the discretion of the Board. The decision of the physician designated by the Board as the determining physician shall take precedence over all other medical advice.

Pre-employment Medical Examinations

In accordance with the Americans with Disabilities Act, the District shall not require applicants for positions to undergo a medical examination prior to an offer of employment. Further, the District shall not make inquiries of a job applicant as to whether the applicant is an individual with a disability or as to the nature or severity of a disability.

However, the District may make pre-employment inquiries into the ability of an applicant to perform job-related function to the extent permitted by law.

Americans with Disabilities Act Amendments Act (ADAAA) of 2008, Public Law 110-325
Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191
45 CFR Parts 160 and 164
Education Law §§ 913 and 3624
8 NYCRR § 156.3(2)
10 NYCRR Part 14
15 NYCRR Part 6

Adopted: 6/2/05
Revised: 1/21/10
SUBJECT: DRUG-FREE WORKPLACE

It shall be the general policy of the Board of Education to affirm that all programs in the District that receive Federal funds shall guarantee that their workplaces are free of controlled substances. "Controlled substance" means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) and as further defined in regulation at 21 Code of Federal Regulations (CFR) 1308.11-1308.15. An acknowledgment form shall be signed by the Superintendent indicating that the District is in full compliance with the Drug-Free Workplace Act. This policy shall guarantee that not only Federally funded programs, but the entire District is free of controlled substances.

"Workplace" is defined as a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the School District.

Notification Requirements

Pursuant to the Drug-Free Workplace Act, an employee is required, as a condition of employment of working on any program involving a direct federal grant, to notify the Superintendent in writing of his or her conviction of any criminal drug statute for a violation occurring on or in the workplace as defined above. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any state or federal court. The employee must notify the Superintendent no later than 5 days after such conviction.

The Superintendent will report the conviction, within ten days of the date on which notice of the conviction is received, to any federal agency from which the district has received funds through a federal grant.

The Board of Education directs the administration to develop regulations to comply with this policy, and further supports such actions and activities of the administration as shall be required to maintain a drug-free workplace.

Drug-Free Workplace Act, 20 USC § 7101 et seq.
21 USC § 812
21 CFR 1308.11-1308.15
34 CFR Part 85

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#6151 -- Comprehensive Alcohol/Chemical Substance Policy
#6560 -- Employee Assistance Program (EAP)
#7320 -- Comprehensive Tobacco, Alcohol/Chemical Substance Policy
District Code of Conduct

Adopted: 6/2/05
Revised: 1/21/10
SUBJECT: COMPREHENSIVE ALCOHOL/CHEMICAL SUBSTANCE POLICY

The Enlarged City School District of Middletown, New York is committed to the prevention of alcohol and chemical substance abuse.

Possession, use, distribution, manufacturing, dispensation and/or selling of chemical substances and alcoholic beverages on District owned or operated property or during District off-campus activity is wrong and harmful and therefore strictly prohibited. Drugs prescribed by a physician are an exception. Appropriate sanctions up to and including the dismissal of employees and referral for prosecution will be imposed on those individuals who violate this standard.

The Superintendent of Schools shall provide prevention education, appropriate intervention and in-service training for staff.

Implementation Dissemination and Monitoring

The Board of Education charges the Superintendent of Schools with developing specific programs and strategies necessary to implementing this policy, collaborating where appropriate with District staff, community members, organizations and agencies. Upon adoption, copies of this policy will be distributed to and reviewed with the District staff annually.

The Superintendent of Schools is responsible for providing the Board of Education with an annual review of this policy, the programs and strategies implementing it and his/her recommendations for revisions in the policy.

Alcohol and Chemical Substance Procedures

Philosophy

The Enlarged City School District of Middletown, New York will use the following principles as guides for the development of its substance abuse prevention efforts and for any disciplinary measures related to alcohol and chemical substances.

a) Alcohol and chemical substance abuse is preventable and treatable.

b) Alcohol and chemical substance abuse inhibits the Board of Education from carrying out its central mission of educating students.

c) The entire District staff should model the behavior asked of students.

d) While the District can and must assume the leadership role in alcohol and chemical substance abuse prevention, this goal will be accomplished through coordination and collaborated efforts with staff and the community as a whole.

(Continued)
SUBJECT: COMPREHENSIVE ALCOHOL/CHEMICAL SUBSTANCE POLICY (Cont'd.)

Employee Program

The District maintains an Employee Assistance Program which may be used by employees who have alcohol and chemical dependency problems.

Disciplinary Measures for Staff

Disciplinary measures for staff found to have violated this policy will be taken according to the established disciplinary policy of the Enlarged City School District of Middletown, New York and the applicable Federal, State and local laws and applicable collective bargaining agreements.

Staff may also be referred to their appropriate Program Director where a resource list of service providers in the fields of alcohol and chemical dependency will be provided.

Staff Development

The Board of Education recognizes that the staff responsible for implementing this policy must be trained in the components of an effective alcohol and chemical substance prevention program. Staff training will include the following:

a) The staff will be made aware of the personal risk factors for alcohol and chemical use/abuse so that they may identify personal use/abuse problems and seek assistance. They will also be made aware of their role in implementing this policy including how to identify individuals who exhibit high risk behaviors or who are using/abusing alcohol and chemical substances and how to refer these individuals to the appropriate service established by this policy.

b) Teachers who are responsible for K-12 alcohol and chemical substance curriculum will be trained in the skills necessary to teach and implement that curriculum.

c) Staff responsible for direct intervention will receive training to enable them to carry out the intervention function and to assure that their assessment, individual, group, family counseling and referral skills support that which is needed to effectively provide intervention services.

Adopted: 6/2/05
Revised: 1/21/10
SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT

It is the policy of the District that attention be given to in-service, pre-service, and other staff development programs which are believed to be of benefit to the School District and its students. The Superintendent, in consultation with the appropriate administrative staff and/or teacher committees, is directed to arrange in-service programs and other staff development opportunities which will provide for the selection of subjects pertinent to the curriculum in the schools, to build from these subjects those topics or courses for in-service or staff development which will help employees acquire new methods of performing their job responsibilities or help staff improve on those techniques which are already being used in the schools, with the objective of improving professional competencies.

It is recommended that administration develop meaningful in-service and/or staff development programs which will achieve the following:

a) Contribute to the instructional program of the schools;
b) Contribute to improved education for students;
c) Achieve state mandates;
d) Enhance the professional competencies and/or instructional abilities of staff members.

The Board of Education, therefore, encourages all employees to improve their competencies beyond that which they may obtain through the regular performance of their assigned duties. Opportunities should be provided for:

a) Planned in-service programs, courses, seminars, and workshops offered both within the School System and outside the District.
b) Visits to other classrooms and schools, as well as attendance at professional meetings, for the purpose of improving instruction and/or educational services.
c) Orientation/re-orientation of staff members to program and/or organizational changes as well as District expectations.

Attendance at such professional development programs must be directly linked to the duties and responsibilities comprising the job description of the employee. Consequently, employees are encouraged to participate in the planning of staff development programs designed to meet their specific needs.

Members of the staff are also encouraged to continue their formal education as well as to attend their respective work-related workshops, conferences and meetings.

(Continued)
SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT (Cont'd.)

Funds for participating at such conferences, conventions, and other similar professional development programs will be budgeted for by the Board of Education on an annual basis. Reimbursement to District staff for all actual and necessary registration fees, expenses of travel, meals and lodging, and all necessary tuition fees incurred in connection with attendance at conferences will be in accordance with established regulations and all applicable collective bargaining agreements, for conference attendance and expense reimbursement.

The Superintendent of Schools or his/her designee, in accordance with an applicable collective bargaining agreement, has authority to approve release time for staff members' attendance at professional training conferences, study councils, in-service courses, workshops, summer study grants, school visitations, professional organizations and the like within budgetary constraints.

A conference request form/course approval form must be submitted by the employee and approved by the designated administrator prior to the employee's attendance at such conference or other professional development program.

Mentoring Programs for First Year Teachers

All first year teachers must participate in a mentoring program as a component of the School District's Professional Development Plan. The purpose of the mentoring program is to ease the transition from teacher preparation to practice, thereby increasing the retention of new teachers and improve their ability to assist students in attaining State learning standards. The mentor's role is to provide guidance and support to a new teacher. However, additional mentor responsibilities may be negotiated and reflected in a collective bargaining agreement.

Education Law §§ 1604(27), 3004 and 3006
General Municipal Law §§ 77-b and 77-c
8 NYCRR §§ 52.21(b)(3)(xvi), 52.21(b)(3)(xvii), 80-3.4(b)(2), 80-5.13, 80-5.14 and 100.2(dd)

Adopted: 6/2/05
Revised: 1/21/10
SUBJECT: CONFERENCE/TRAVEL EXPENSE REIMBURSEMENT

Conference travel will be for official business and will be made utilizing a cost-effective and reasonable method of travel.

All conference travel must have a completed Travel Conference Request Form on file which has been approved by the appropriate supervisor. The Superintendent/designee approves those Travel Conference Requests which have reimbursable employee expenses greater than $1. Travel Conference Request Forms are only to be used by District employees and BOE members.

All conference reimbursement requests must be submitted using a Travel Conference Reimbursement Form.

Expenses for overnight-approved travel will be reimbursed when accompanied by original receipts for lodging and other reimbursable expenses. Meal expenses for overnight travel will only be reimbursed based on the Board approved per diem rates which are modeled after the United States General Services Administration per diem rate of $74 ($17 breakfast, $18 lunch, $34 dinner, $5 incidentals). Additionally, if travelers cannot find rooms at the per diem rate, then the Superintendent or Board of Education can authorize actual reimbursement up to 300% (see Federal Travel Regulation GSA Per Diem Bulletin FTR-17-0 of the applicable maximum per diem rate).

New York State sales tax cannot generally be reimbursed. Sales tax may, however, be reimbursed when such costs constitute an actual and necessary expense. A Sales Tax-Exempt Form can be obtained prior to travel for hotel accommodations.

Original receipts are required when submitting for parking and tolls, however "E-ZPass" statements may be substituted with the appropriate charges highlighted.

General Municipal Law § 77-b(2)

NOTE: Refer also to Policy #5323 -- Reimbursement for Meals/Refreshments

Adopted: 4/6/17
SUBJECT: SAFETY OF STUDENTS (FINGERPRINTING CLEARANCE OF NEW HIRES)

Unless otherwise authorized in accordance with law and regulation, the District shall not employ or utilize a prospective school employee, as defined below, unless such prospective school employee has been granted a "full" clearance for employment by the State Education Department (SED). The School District shall require a prospective school employee who is not in the SED criminal history file to be fingerprinted for purposes of a criminal history record check by authorized personnel of the designated fingerprinting entity. For purposes of this provision of law, the term "criminal history record" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI). The District shall, however, obtain the applicant's consent to the criminal history records search.

The District shall utilize SED's Web-based application known as TEACH for instantaneous access to important information about certification and fingerprinting. Through TEACH, SED provides an individual with the ability to apply for fingerprint clearance for certification and/or employment and view the status of his/her fingerprint clearance request. Through TEACH, the School District is able, among other applications, to submit an online request for fingerprint clearance for a prospective employee, view the status of a fingerprint clearance request, and determine whether a subsequent arrest letter has been issued.

Safety of Students

The District will develop internal building and/or program procedures to help ensure the safety of students who have contact with an employee holding conditional appointment or emergency conditional appointment. Such procedures will address the safety of students in the classroom, students attending off-campus activities under the supervision of the School District, and students participating in extracurricular and/or co-curricular activities (including sports and athletic activities).

Safety procedures to be addressed include, but are not limited to, the following: supervision of the employee holding conditional appointment/emergency conditional appointment as determined appropriate by the applicable building/program administrator; and periodic visitations by the building/program administrator to the classroom, program and/or activity assigned to the employee holding conditional appointment/emergency conditional appointment.

Access to TEACH

Information regarding fingerprinting of new hires, including relevant laws and regulations, frequently asked questions (FAQs), an up-to-date chart for "Who Must be Fingerprinted", and instructions on the fingerprinting process are found on the SED website.

(Continued)
SUBJECT:  SAFETY OF STUDENTS (FINGERPRINTING CLEARANCE OF NEW HIRES) (Cont'd.)

Correction Law Article 23-A  
Education Law §§ 305(30), 305(33), 1604, 1709, 1804, 1950, 2503, 2554, 2590-h, 2854, 3004-b, 3004-c and 3035  
Executive Law § 296(16)  
Social Services Law Article 5, Title 9-B  
8 NYCRR §§ 80-1.11 and Part 87

Adopted: 6/2/05  
Revised: 6/15/17
SUBJECT: NEPOTISM

Without specific exception by the Board of Education, or unless otherwise required by law, no person will, after the date on which this policy is adopted, be appointed or promoted into any position in which the person will supervise, or receive direct or ultimate supervision from, a member of his/her immediate family. An exception may be made, for example, in a situation in which the normal chain of command pursuant to which supervision would be provided has been amended to eliminate the family member from effectively providing or receiving the supervision. In addition, where permitted by the applicable collective bargaining and/or law, future assignments and transfers of District staff will be made in such a manner as to attempt to avoid a situation in which the person to be assigned or transferred will then effectively supervise or receive direct or ultimate supervision from a member of his/her immediate family.

The provisions of this policy apply to all employees, including full-time, part-time, summer help, etc. No person who is related by blood or by marriage to any member of the Board of Education shall be employed as a teacher, except upon the consent of two-thirds of the full Board's membership by resolution at a public Board meeting.

For the purpose of this policy, supervise means: the authority to effectively recommend or approve the immediate family member's appointment, promotion, salary, evaluation, termination, or other similar personnel actions.

The Superintendent of Schools or his/her designee may investigate complaints of undue influence, favoritism, or other conflicts of interest involving School District employees who are immediate family members but who are not involved in any supervisory relationship. The Superintendent of Schools or his/her designee may also investigate complaints of undue influence, favoritism, or other conflicts of interest due to the interpersonal, non-familial relationship of School District employees.

Except as required by law, the provisions of this policy shall immediately take effect but will be applied prospectively.

NOTE: Refer also to Policy #6217 -- Employment of Relatives of the Board of Education Members

Adopted: 12/15/05
Revised: 6/1/17
SUBJECT: CERTIFIED PERSONNEL

The Board of Education shall, upon the recommendation of the Superintendent, create, abolish, maintain and/or consolidate positions involving certified persons as necessary for the proper and efficient achievement of its goals.

All assignments and transfers shall be made in accordance with the provisions of law, Board of Education policies, and the employee's negotiated agreement.

Education Law §§ 2510 and 3013
8 NYCRR Part 30

Adopted: 6/2/05
SUBJECT: RECRUITMENT

The District will attempt to employ the best qualified personnel for any position.

Professional personnel shall be recruited and selected by, or at the direction of, the Superintendent of Schools, who shall recommend appointment to the Board of Education.

The District shall provide equal opportunity in employment for all qualified persons in accordance with Federal and State legislation.

Age Discrimination in Employment Act, 29 USC § 621
Americans With Disabilities Act, 42 USC § 12101 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 USC § 2000-d et seq.
Title VII of the Civil Rights Act of 1964, 42 USC § 2000-e et seq.
Title IX of the Education Amendments of 1972, 20 USC § 1681 et seq.
Civil Rights Law § 40-c
Education Law § 3012
Executive Law § 290 et seq.
Military Law §§ 242 and 243

Adopted: 6/2/05
SUBJECT: CERTIFICATION AND QUALIFICATIONS

The following provisions shall govern certification and qualifications of District personnel:

a) In accordance with applicable statutes, Rules of the Board of Regents, and the Commissioner's regulations, each employee whose employment requires certification or other licensure shall inform the Superintendent of Schools immediately of any change in the status of his/her certification or licensure. The changes shall include, but not be limited to, the granting, revocation, upgrading, expiration, conversion, and/or extension of these documents as to their periods of validity or their titles.

b) Commissioner's regulations extend the expiration dates for various certificate holders engaged in active military service for the period of active service and an additional 12 months from the end of such service. The regulations also reduce the professional development requirements for certification holders called to active duty for the time of such active service.

c) The original certificates and/or licenses must be presented for examination and copying in the Office of the Superintendent of Schools as soon as they are available to the employee. The copies will be maintained in the employee's personnel file in support of the legitimate employment of each affected employee. The failure of any such employee to possess the required certification or other licensure may result in the discharge of that employee.

d) Whether or not the District verifies an individual's certification or licensure does not waive the responsibility of the employee to maintain what is required for his/her assignment.

Qualifications of Teachers

a) The District must ensure that all newly hired teachers in Title I programs who teach core academic subjects are highly qualified per the Commissioner's regulations. The term "core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography. A "highly qualified" teacher is one who has obtained full state certification as a teacher, or has passed the state teacher licensing examination, holds a license to teach in the state and has at least a bachelor's degree, and also must show subject matter competency in the subjects they teach.

b) The District is also required to provide to teachers who are not new to the profession the opportunity to meet the requirement to be highly qualified, in part, through passing a High Objective Uniform State Standard of Evaluation (HOUSSE). The HOUSSE shall be an evaluation, prescribed by the New York State Education Department and conducted locally either during a pre-employment review or at the time of an Annual Professional Performance Review (APPR), that enables a teacher who is beyond the first year of teaching to demonstrate subject matter competency in all core academic subjects that the teacher teaches. The evaluation shall be based upon objective, coherent information as prescribed by the department, and shall include, but not be limited to, information on the teacher's education, credentials, professional experience, and professional development.
SUBJECT: CERTIFICATION AND QUALIFICATIONS (Cont'd.)

c) The District must ensure that a candidate for a teaching certificate or license as a special education teacher shall, in addition to all other certification or licensing requirements, have completed enhanced course work or training in the area of children with autism.

d) Enhanced training in the needs of autistic children shall also be completed by each certified school administrator or supervisor assigned to serve as a special education administrator. Such training shall be provided prior to, or as soon as practicable following, assignment as a special education administrator. The enhanced course work or training shall be obtained from an institution or provider approved by the department except that a school district or a Board of Cooperative Educational Services (BOCES) may provide such training as part of its professional development program.

Parent Notification

The District is required to provide parents, upon request, with specific information about the professional qualifications of their children's classroom teachers. The following shall be provided by the District upon such requests:

   a) If the teacher has met New York State qualifications and licensing criteria for the grade levels and subject areas he/she teaches;

   b) Whether the teacher is teaching under emergency or other provisional status through which the state qualification or licensing criteria have been waived;

   c) The teacher's college major; whether the teacher has any advanced degrees and, if so, the subject of the degrees; and

   d) If the child is provided services by any instructional aides or similar paraprofessionals and, if so, their qualifications.

All requests shall be honored in a timely manner.

20 USC § 7801(23)
34 CFR §§ 200.55 and 200.56
Education Law §§ 210, 305, 3001, 3001-a, 3004, 3006 and 3008
8 NYCRR Subparts 57-3, 80-1, 80-2, 80-3, 80.4, and 80.5
8 NYCRR §§ 100.2(dd) and 100.2(o)

Adopted: 6/2/05
Revised: 6/1/17
SUBJECT: INCIDENTAL TEACHING

The Superintendent may assign a teacher to teach a subject not covered by such teacher's certificate or license for a period not to exceed five (5) classroom hours a week, when no certified or qualified teacher is available after extensive and documented recruitment efforts, and provided that approval of the Commissioner of Education is obtained in accordance with the requirements as enumerated in Commissioner's Regulations.

Not later than twenty (20) business days after such an assignment, the Superintendent shall submit for approval an application, in a form satisfactory to the Commissioner, containing the following information:

a) Evidence of extensive recruitment of a teacher certified in the appropriate area;
b) The name and certification status of the teacher given such assignment;
c) The subject which the teacher is being assigned to teach on an incidental basis and the total number of classes in the subject being taught on an incidental basis;
d) The qualifications of the teacher to teach such subject on an incidental basis;
e) The specific reasons why an incidental assignment is necessary;
f) The anticipated duration of the incidental teaching assignment; and

g) The number of applications, approved or pending, for authorization to make incidental teaching assignments in the same certification area for which the current authorization is being sought.

To be approved, the application shall demonstrate to the satisfaction of the Commissioner that an incidental teaching assignment is necessary, that the teacher assigned is the best qualified to teach the subject on an incidental basis, and that the requirements of Commissioner's Regulations have been met.

The Commissioner will issue a determination within twenty (20) business days of receipt of the District's application.

In the event that the application is disapproved, the Superintendent, within seven (7) business days of receipt of the notice of disapproval, shall terminate the incidental assignment. In the event that the application is approved, such approval shall be deemed to have commenced on the date of the incidental teaching assignment and shall terminate on the last day of the school year for which it is granted.

(Continued)
SUBJECT:  INCIDENTAL TEACHING (Cont'd.)

The Superintendent may renew an incidental teaching assignment, in accordance with the requirements of Commissioner's Regulations, for any subsequent school year. In addition to submitting to the Commissioner the information noted above for initial approval of an incidental teaching assignment, a renewal application must provide a number of assurances, including that the teacher assigned a course on an incidental basis has completed, or has agreed to complete, within the prescribed time period, at least three (3) semester hours of credit or the equivalent leading to certification in the subject area of the incidental assignment.

8 NYCRR § 80-5.3
SUBJECT: PROBATION AND TENURE

Probation

Certified staff members will be appointed to a probationary period by a majority vote of the Board upon recommendation of the Superintendent.

Teachers, all other members of the teaching staff, administrators, directors, supervisors, principals, and all other members of the supervisory staff, except associate, assistant, and other superintendents, will be appointed to a probationary period of four years. The probationary period will not exceed three years for teachers previously appointed to tenure in this or another school district or BOCES within the state, provided that the teacher was not dismissed from the prior district or BOCES and met the required annual professional performance review (APPR) rating in his/her final year of service there. Additionally, up to two years of service as a regular substitute teacher may be applied toward probationary service. (This is sometimes referred to as Jarema Credit.)

During the probationary period, a staff member will be given assistance in adjusting to the new position, but the essential qualifications for acceptable performance will be assumed because the staff member attained the required certification or license.

A staff member's appointment may be discontinued at any time during his/her probationary period upon the recommendation of the Superintendent and by majority vote of the Board. Any person not recommended for tenure appointment will be notified in writing by the Superintendent no later than 60 days before his/her probationary period expires.

Tenure

The Board will follow all applicable laws and regulations regarding tenure.

At the expiration of the probationary period or within six months prior, the Superintendent will make a written report to the Board recommending for appointment to tenure 1) those non-teaching certified staff members who successfully completed their probationary period in the District, and 2) teachers and principals who have been found competent, efficient, and satisfactory, and who have received the APPR rating of effective or highly effective in at least three of the preceding four years. If a teacher or principal receive an APPR rating of ineffective in their final probationary year, the Board may not award tenure, but may extend that teacher's or principal's probationary time by an additional year. The teacher or principal may be eligible for immediate tenure if he/she successfully appeals the ineffective rating. The Board may then—by a majority vote—appoint to tenure any or all of the persons recommended by the Superintendent.

When their initial probationary period expires, a teacher or principal will remain on probationary status until the end of the school year in which he/she received APPR ratings of effective or highly effective. The Board may also grant tenure contingent upon a teacher's or principal's receipt of a minimum APPR rating in the final year of the probationary period.

(Continued)
SUBJECT: PROBATION AND TENURE (Cont’d.)

Resolutions Making Appointments

Each Board resolution making a probationary appointment or an appointment on tenure will specify:

a) The name of the appointee;

b) The tenure area or areas in which the professional will devote a substantial portion of his/her time;

c) The date probationary service or service on tenure commences in each area;

d) The expiration date of the appointment, if made on a probationary basis. For appointments of classroom teachers and principals, the resolution must state that:

1. to receive tenure, the individual must receive composite or overall APPR ratings of effective or highly effective in at least three of the four preceding years; and

2. if the teacher or principal receives an ineffective composite or overall APPR rating in his/her final year of probation, he/she will not be eligible for tenure at that time; and

e) The certification status of the appointee in reference to the position to which the individual is appointed.

Education Law §§ 2509, 2573, 3012, 3012-c, 3012-d, 3014, and 3031
8 NYCRR §§ 30-1.3, 80-3.6, 80-3.9, and 80-3.10

Adopted: 6/25/05
Revised: 6/1/17
SUBJECT: DISCIPLINING OF A TENURED TEACHER OR CERTIFIED PERSONNEL

The District may discipline tenured teachers and certain certified personnel in accordance with applicable law, including, without limitation, Education Law Sections 3012, 3020-a, and 3020-b; Commissioner's regulations; or applicable contract provisions.

Ineffective Personnel

The District or Board may bring incompetence charges against a teacher or building principal who receives two or more consecutive ineffective ratings under the APPR; the District or Board must bring incompetence charges against anyone who receives three consecutive ineffective APPR ratings. A single hearing officer from the American Arbitration Association's labor arbitration panel will govern the competency hearing. The hearing may be public or private, at the employee's discretion. The employee will have a reasonable opportunity to defend himself/herself, but will not be required to testify. Each party has the right to be represented by counsel, to subpoena witnesses, to cross-examine witnesses, and to make motions or applications. There will be a full and fair disclosure of witnesses and evidence to be offered by both the District and the employee. A record of the proceeding will be kept.

Allegations of Abuse

The Board may suspend, without pay, an employee charged with physically or sexually abusing a student pending an expedited probable-cause hearing. A single hearing officer will conduct the probable-cause hearing.

Child Witnesses

A child under 14 may be allowed to testify through live, two-way, closed-circuit television if the hearing officer determines by clear and convincing evidence that the child would suffer serious mental or emotional harm that would substantially impair his/her ability to communicate if required to testify live, and that using closed-circuit television would diminish the likelihood or extent of the child suffering serious mental or emotional harm. In making this decision, the hearing officer will consider applicable factors listed in Criminal Procedure Law Section 65.20, including: whether the offense was particularly heinous, the child's age and vulnerability, the child's susceptibility to psychological harm due to an underlying physical or mental condition, whether the accused occupied a position of authority over the child, if the offense charged was part of an ongoing course of conduct committed by the accused against the child over an extended period of time, use of a dangerous or deadly weapon, whether the child suffered serious physical injury, threats made against the child, the accused's access to the child, and expert testimony that the child would be particularly susceptible to psychological harm if required to testify in open court or to be in the physical presence of the accused.
SUBJECT: DISCIPLINING OF A TENURED TEACHER OR CERTIFIED PERSONNEL (Cont'd.)

Automatic Revocation of Teacher and Administrative Certificates by the Commissioner of Education

The Commissioner will revoke and annul the certificate of a teacher, teaching assistant, pupil personnel services professional, school administrator or supervisor, or superintendent convicted of:

a) A sex offense for which registration as a sex offender is required under the Sex Offender Registration Act; or

b) Any other violent felony offense committed against a child when the child was the intended victim of the offense.

These offenses include, but are not limited to, sexual misconduct, sexual abuse, rape, statutory rape, assault, various other criminal sexual acts, and certain kidnapping offenses. Annulment and revocation will be conducted in accordance with Education Law Section 305(7-a).

In addition, the Commissioner will revoke and annul the certificate of a school district administrator, school administrator or supervisor, or school business administrator convicted of fraud under Penal Law Section 195.20 which makes it a Class E felony to obtain government property, services, or other resources in excess of $1,000:

a) Through a systemic ongoing course of conduct with the intent to defraud; or

b) By false or fraudulent pretenses, representations, or promises; or

c) To make use of the property, services, or other resources for private business or other compensable nongovernment purposes.

Annulment and revocation will be conducted in accordance with Education Law Section 305(7-b).

Criminal Procedure Law §§ 65.00, 65.20, 65.30, and 380.95
Education Law §§ 305(7-a), 305(7-b), 2573(8), 2590-j(7), 3012, 3020-a, and 3020-b
Penal Law § 195.20
8 NYCRR Subpart 82-3
Correction Law Article 6-C

Adopted: 6/2/05
Revised: 6/1/17
SUBJECT: PROFESSIONAL STAFF: SEPARATION

If the Superintendent will be submitting to the Board a recommendation to deny tenure or a recommendation to discontinue the services of a probationary professional staff member, the Superintendent must give the probationary employee thirty (30) days notice prior to the Board meeting at which such recommendation will be considered. If a majority of the Board accepts the recommendation and votes to dismiss, the professional staff member must then be provided written notice at least thirty (30) days prior to the effective date of termination of services. The District will adhere to all other statutory timeframes.

Professional staff members desiring to terminate his/her services shall provide the Board with a minimum of thirty (30) days written notice prior to the effective termination date.

When possible, a professional staff member shall make every effort to terminate employment at the end of the school year. Resignations must be in writing and include the effective date.

Education Law §§ 2509, 3012, 3019-a and 3031

Adopted: 6/2/05
Revised: 1/21/10
SUBJECT: EMPLOYMENT OF RELATIVES OF BOARD OF EDUCATION MEMBERS

The District will not employ any teacher who is related by blood or marriage to any Board member unless two-thirds of the Board members consent at a Board meeting. The vote will be recorded in the Board's meeting minutes.

Education Law § 3016
General Municipal Law §§ 800-809

Adopted: 6/2/05
Revised: 6/16/16
SUBJECT: TEMPORARY PERSONNEL

The District's needs may sometimes require temporary appointments. The terms of these appointments will be defined by the Board on a case-by-case basis.

Student Teachers

The District will cooperate with teacher training institutions in the placement of student teachers to provide beginning teachers with the best possible student teaching experience.

Schools are required to allow student teachers to videotape themselves providing instruction in a classroom to meet part of their performance assessment requirements for teaching certification. The video must remain confidential, is a confidential record of NYSED, and is not subject to viewing or disclosure to an individual or entity other than the student teacher applicant and relevant NYSED personnel.

Student teachers will be protected from liability for negligence or other acts resulting in accidental injury to any person by the District, as provided by law.

Substitute Teachers

A fully qualified substitute teacher will be employed, whenever possible, by the Superintendent in the absence of a regular teacher. It is recognized that fully certified persons will not always be available for employment as substitute teachers.

Eligibility for Service

Per Commissioner's regulations Section 80-5.4, there will be three categories of substitutes:

a) Substitutes with valid teaching certificates or certificates of qualification. Service may be rendered in any capacity, for any number of days. If employed on more than an "itinerant" basis, these substitutes will be employed in an area for which they are certified.

b) Substitutes without a valid certificate, but who are completing collegiate study towards certification at the rate of not less than six semester hours per year. Service may be rendered in any capacity, for any number of days, in any number of school districts. If employed on more than an "itinerant" basis, these substitutes will be employed in the area for which they are seeking certification.

c) Substitutes without a valid certificate and who are not working towards certification. Service may be rendered for no more than 40 days per school year.

The Board of Education shall annually establish the ordinary rate for per diem substitute teachers.

(Continued)
SUBJECT: TEMPORARY PERSONNEL (Cont'd.)

Education Law § 3023
8 NYCRR §§ 80-1.5 and 80-5.4

NOTE: Refer also to Policy #7240 -- Student Records: Access and Challenge

Adopted: 6/2/05
Revised: 6/1/17
SUBJECT: APPOINTMENT - SUPPORT STAFF

The probationary period for all new civil service employees shall be for the maximum period established by the local Civil Service Commission.

The time, place, conditions of employment, and transfer of support staff shall be vested in the Superintendent of Schools who shall conduct such actions in compliance with all applicable collective bargaining agreements. The duties for each Civil Service employee shall be in accordance with Civil Service job duties.

Civil Service Law § 63

Adopted: 6/2/05
Revised: 1/21/10
SUBJECT: SUPPLEMENTARY SCHOOL PERSONNEL

Teacher Aides

In accordance with the Regulations of the Commissioner, the Board of Education may employ teacher aides to assist in the daily operation of the school through non-teaching duties.

The duties and responsibilities to be assumed by teacher aides shall be outlined by the Superintendent. Teacher aides shall be responsible to the Building Principal/designee.

A teacher aide may be assigned to assist teachers in such non-teaching duties as:

a) Managing records, materials and equipment;

b) Attending to the physical needs of children; and

c) Supervising students and performing such other services as support teaching duties when such services are determined and supervised by a teacher.

Teaching Assistants

In accordance with the Regulations of the Commissioner, the Board of Education may employ teaching assistants to provide, under the general supervision of a licensed or certified teacher, direct instructional service to students.

Teaching assistants assist teachers by performing duties such as:

a) Working with individual students or groups of students on special instructional projects;

b) Providing the teacher with information about students that will assist the teacher in the development of appropriate learning aspects;

c) Assisting students in the use of available instructional resources and assisting in the development of instructional materials;

d) Utilizing their own special skills and abilities by assisting in instructional programs in such areas as foreign language, arts, crafts, music, and similar subjects; and

e) Assisting in related instructional work as required.

Teaching assistants who hold a pre-professional teaching assistant certificate shall have the same scope of duties as enumerated above for other teaching assistants. Within that scope of duties, teaching assistants holding a pre-professional teaching assistant certificate may, at the discretion of the District, and while under the general supervision of a teacher, perform such duties as:

(Continued)
SUBJECT: SUPPLEMENTARY SCHOOL PERSONNEL (Cont'd.)

a) Working with small groups of students so that the teacher can work with a large group or individual students;

b) Helping a teacher to construct a lesson plan;

c) Presenting segments of lesson plans, as directed by the teacher;

d) Communicating with parents of students at a school site or as otherwise directed by a teacher; and

e) Helping a teacher to train other teaching assistants.

Licensure and certification requirements shall be as mandated pursuant to Commissioner's Regulations.

8 NYCRR § 80-5.6
SUBJECT: MAINTAINING DISCIPLINE AND CONDUCT

All personnel employed by the District are responsible for maintaining student discipline and appropriate conduct during school hours and extracurricular events.
SUBJECT:  EMPLOYEE PERSONNEL RECORDS AND RELEASE OF INFORMATION

Personnel Records

Administrative regulations will be developed to implement the terms of this policy to maintain a personnel file for each teacher, administrator and support staff member employed by the District.

Regulations and procedures will be developed addressing the inspection by District employees of their personnel files.

Release of Personnel Information

All steps should be taken to protect the privacy of the employees of the Board of Education. To ensure the individual's privacy, directory or confidential information should not be shared with a third party except in the following situations:

a) When members of the Board of Education need information from the employee's personnel record to aid them in performing their legal responsibilities in such matters as appointments, assignments, promotions, demotions, remuneration, discipline, dismissal or to aid in the development and implementation of personnel policies.

b) When the employee grants permission.

Procedures for obtaining consent for release of records to third parties shall be developed by the administration.

Release of Information Concerning Former Employees

The District shall not release information concerning the employment records, personnel file or past performance of a former employee, unless such information is required to be disclosed by law. Only the initial and final dates of employment and the position held shall be provided through a written response to a written request. The former employee may authorize the release of any additional information.

Public Officers Law § 87
8 NYCRR Part 84

Adopted: 6/2/05
SUBJECT: EMPLOYEE ACTIVITIES

Political Activities

The Board of Education recognizes the right of its employees, as citizens, to engage in political activities and to exercise their constitutionally-protected rights to address matters of public concern.

However, a District employee's constitutional rights to raise matters of public concern are limited when the speech or action occurs on school grounds and/or during school times. When such speech or action occurs on school grounds and/or during school time, the Board of Education can impose reasonable restrictions on the time, place and manner of the speech or action, and can further regulate the content of such speech when it materially imperils the efficient operation of the school.

Teachers may not use their classrooms or school surroundings as a means to promote their personal political views and beliefs. However, teachers are encouraged to address issues of current events for their instructional and informational value to students, to invite public and/or political figures to visit the classroom as a community resource, and to motivate students to participate in the political process.

Solicitations by Staff

Staff members shall not be engaged in advertising or commercial solicitations on school time, except as authorized by the Superintendent and/or designee.

NOTE: Refer also to Policy #5560 -- Use of Federal Funds for Political Expenditures

Adopted: 6/2/05
SUBJECT: NEGOTIATIONS

Legal Status

The Public Employees' Fair Employment Law (Taylor Law), Article 14 of the Civil Service Law is the applicable law governing collective bargaining.

Organizations recognized for the purposes of collective bargaining include:

a) Middletown Teachers Association (MTA)
b) Middletown Teaching Assistants Organization (MTAO)
c) Middletown Home-School Liaisons, Aides, and Monitors (LAMs)
d) Middletown Food Service Workers' Unit
e) Middletown Part-Time Clerical Staff
f) Middletown School Administrators Association (MAA)
g) Middletown Educational Clerical Association (MECA)
h) Civil Service Employees Association, Inc. Local 1000, American Federation of State County and Municipal Employees, Orange County Local 836, Middletown School Unit, AFL-CIO (CSEA)
i) Middletown School Nurses Association

Adopted: 6/2/05
Revised: 1/21/10
SUBJECT: THEFT OF SERVICES OR PROPERTY

The theft of services or property from the District by an employee will result in immediate disciplinary action that can lead to dismissal or other penalty, and shall not preclude the filing of criminal or civil charges by the District.

Adopted: 6/2/05
SUBJECT: JURY DUTY

As provided by law, any employee who is summoned to serve as a juror and who notifies the District to that effect prior to his/her term of service will not, on account of absence by reason of jury service, be subject to discharge or penalty. The District will ensure that all such absences are granted in accordance with law and the terms of any applicable collective bargaining agreement.

Judiciary Law §§ 519 and 521

Adopted: 6/2/05
Revised: 6/1/17
SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES

The Board of Education will provide staff with access to various computerized information resources through the District's computer system (DCS hereafter) consisting of software, hardware, computer networks, wireless networks/access and electronic communication systems. This may include access to electronic mail, so-called "on-line services" and the "Internet." It may also include the opportunity for staff to have independent access to the DCS from their home or other remote locations, and/or to access the DCS from their personal devices. All use of the DCS and the wireless network, including independent use off school premises and use on personal devices, shall be subject to this policy and accompanying regulations.

The Board encourages staff to make use of the DCS to explore educational topics, conduct research and contact others in the educational world. The Board anticipates that staff access to various computerized information resources will both expedite and enhance the performance of tasks associated with their positions and assignments. Toward that end, the Board directs the Superintendent or his/her designee(s) to provide staff with training in the proper and effective use of the DCS.

Staff use of the DCS is conditioned upon written agreement by the staff member that use of the DCS will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the DCS. All such agreements shall be kept on file in the District office.

Generally, the same standards of acceptable staff conduct which apply to any aspect of job performance shall apply to use of the DCS. Employees are expected to communicate in a professional manner consistent with applicable District policies and regulations governing the behavior of school staff. Electronic mail and telecommunications are not to be utilized to share confidential information about students or other employees.

Access to confidential data is a privilege afforded to District employees in the performance of their duties. Safeguarding this data is a District responsibility that the Board of Education takes very seriously. Consequently, District employment does not automatically guarantee the initial or ongoing ability to use mobile/personal devices to access the DCS and the information it may contain.

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 staff conduct and use as well as proscribed behavior.

District staff 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 rights of privacy protected by federal and state law.

Staff members who engage in unacceptable use may lose access to the DCS and may be subject to further discipline under the law and in accordance with applicable collective bargaining agreements. Legal action may be initiated against a staff member who willfully, maliciously or unlawfully damages or destroys property of the District.

(Continued)
SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (Cont’d.)

Social Media Use by Employees

The School District recognizes the value of teacher and professional staff inquiry, investigation and communication using new technology tools to enhance student learning experiences. The School District also realizes its obligations to teach and ensure responsible and safe use of these new technologies. Social media, including social networking sites, have great potential to connect people around the globe and enhance communication. Therefore, the Board of Education encourages the use of District approved social media tools and the exploration of new and emerging technologies to supplement the range of communication and educational services.

For purposes of this Policy, the definition of public social media networks or Social Networking Sites (SNS) are defined to include: websites, Web logs (blogs), wikis, social networks, online forums, virtual worlds, video sites and any other social media generally available to the School District community which do not fall within the District's electronic technology network (e.g., Facebook, MySpace, Twitter, LinkedIn, Flickr, Vine, Instagram, SnapChat, blog sites, etc.). The definition of District approved password-protected social media tools are those that fall within the District's electronic technology network or which the District has approved for educational use. Within these internal forums, the District has greater authority and ability to protect minors from inappropriate content and can limit public access.

The use of social media (whether public or internal) can generally be defined as Official District Use, Professional/Instructional Use and Personal Use. The definitions, uses and responsibilities will be further defined and differentiated in the Administrative Regulation. The School District takes no position on an employee's decision to participate in the use of social media or SNS for personal use on personal time. However, personal use of these media during District time or on District-owned equipment is prohibited. In addition, employees are encouraged to maintain the highest levels of professionalism when communicating, whether using District devices or their own personal devices, in their professional capacity as educators. They have a responsibility to address inappropriate behavior or activity on these networks, including requirements for mandated reporting and compliance with all applicable District Policies and Regulations.

Confidentiality, Private Information and Privacy Rights

Confidential and/or private data, including but not limited to, protected student records, employee personal identifying information, and District assessment data, shall only be loaded, stored or transferred to District-owned devices which have encryption and/or password protection. This restriction, designed to ensure data security, encompasses all computers and devices within the DCS, any mobile devices, including flash or key drives, and any devices that access the DCS from remote locations. Staff will not use email to transmit confidential files in order to work at home or another location. Staff will not use cloud-based storage services (such as Dropbox, GoogleDrive, SkyDrive, etc.) for confidential files.

(Continued)
SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (Cont'd.)

Staff will not leave any devices unattended with confidential information visible. All devices are required to be locked down while the staff member steps away from the device, and settings enabled to freeze and lock after a set period of inactivity.

Staff data files and electronic storage areas shall remain District property, subject to District control and inspection. The Director of Technology may access all such files and communications without prior notice to ensure system integrity and that users are complying with requirements of this policy and accompanying regulations. Staff should NOT expect that information stored on the DCS will be private.

Implementation

Administrative regulations will be developed to implement the terms of this policy, addressing general parameters of acceptable staff conduct as well as prohibited activities so as to provide appropriate guidelines for employee use of the DCS.

NOTE: Refer also to Policies #5672 -- Information Security Breach and Notification
      #6471 -- Use of Email in the School District
      #7244 -- Student Data Breaches
      #7316 -- Student Use of Personal Technology
      #8271 -- Internet Safety/Internet Content Filtering
SUBJECT: USE OF EMAIL IN THE SCHOOL DISTRICT

Electronic mail or email is a valuable business communication tool, however, users must use this tool in a responsible and lawful manner. Every employee and authorized user has a responsibility to be knowledgeable about the inherent risks associated with email usage and to avoid placing the District at risk. The same laws and business records requirements apply to email as to other forms of written communication. District employees and authorized users shall use the District's designated email system, such as Lotus Notes or Microsoft Exchange, for all business-related email, including emails in which students or student issues are involved. Personal accounts and instant messaging shall not be used to conduct official business.

Employee Acknowledgement

All employees and authorized users will be required to review a copy of the District's policies on staff use of computerized information resources and the regulations established in connection with those policies. Each user must annually acknowledge this employee and authorized user agreement before establishing an account or continuing in his/her use of email.

Classified and Confidential

District employees and authorized users may not:

a) Provide lists or information about District employees or students to others and/or classified information without approval. Questions regarding usage and requests for such lists or information should be directed to a principal/supervisor;

b) Forward emails with confidential, sensitive, or secure information without principal/supervisor authorization. Additional precautions, such as encryption, should be taken when sending documents of a confidential nature;

c) Use file names that may disclose confidential information. Confidential files should be password protected and encrypted. File protection passwords shall not be transmitted via email correspondence;

d) Use email to transmit any individual's personal, private and sensitive information (PPSI). PPSI includes social security number, driver's license number or non-driver ID number, account number, credit/debit card number and security code, or any access code/password that permits access to financial accounts or protected student records;

e) Send or forward emails with comments or statements about the District that may negatively impact it; or

f) Send or forward email that contains confidential information subject to Health Insurance Portability and Accountability Act (HIPAA), Family Educational Rights and Privacy Act (FERPA), and other applicable laws.

(Continued)
SUBJECT: USE OF EMAIL IN THE SCHOOL DISTRICT (Cont’d.)

Personal Use

Employees and authorized users may use the District's email system for limited personal use. However, employees and authorized users have no expectation of privacy in email use. Personal use does not include chain letters, junk mail, and jokes. Employees and authorized users shall not access any other email account or system (Yahoo, Hotmail, AOL, etc.) via the District's network or use the District's email programs to conduct job searches, post personal information to bulletin boards, blogs, chat groups, and list services, etc. without specific permission from the principal/supervisor. The District's email system also shall not be used for personal gain or profit.

Receiving Unacceptable Mail

Employees and authorized users who receive offensive, unpleasant, harassing, or intimidating messages via District email or instant messaging should inform their principal/supervisor immediately.

Records Management and Retention

Email shall be maintained and archived in accordance with the NYS Records Retention and Disposition Schedule ED-1 and as outlined in the Records Management Policy. Email records may consequently be deleted, purged, or destroyed after they have been retained for the requisite time period established in the ED-1 schedule.

Training

Employees/authorized users should receive regular training on the following topics:

a) The appropriate use of email with students, parents and other staff to avoid issues regarding harassment and/or charges of fraternization;

b) Confidentiality of emails;

c) Permanence of email: email is never truly deleted, as the data can reside in many different places and in many different forms; and

d) No expectation of privacy: email use on District property is NOT to be construed as private.

Sanctions

The Computer Coordinator may report inappropriate use of email by an employee/authorized user to the employee/authorized user's principal/supervisor who may take appropriate disciplinary action. Violations may result in a loss of email use, access to the technology network, and/or other disciplinary action. When applicable, law enforcement agencies may be contacted.

(Continued)
SUBJECT: USE OF EMAIL IN THE SCHOOL DISTRICT (Cont’d.)

Confidentiality Notice

A standard confidentiality notice will automatically be added to each email as determined by the District.

NOTE: Refer also to Policies #3320 -- Confidentiality of Computerized Information
#3420 -- Non-Discrimination and Anti-Harassment in the School District
#5670 -- Records Management
#6410 -- Staff Use of Computerized Information Resources
#8271 -- Internet Safety/Internet Content Filtering

Adopted: 6/1/17
SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION)

The Board of Education requires that all School District employees maintain a professional, ethical relationship with District students that is conducive to an effective, safe learning environment; and that staff members act as role models for students at all times, whether on or off school property and both during and outside of school hours. Staff must establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety.

Staff members are prohibited, under any circumstances, to date or engage in any improper fraternization or undue familiarity with students, regardless of the student's age and/or regardless of whether the student may have "consented" to such conduct. Further, employees shall not entertain students or socialize with students in such a manner as to create the perception that a dating relationship exists. Similarly, any action or comment by a staff member which invites romantic or sexual involvement with a student is considered highly unethical, in violation of District policy, and may result in the notification of law enforcement officials and the filing of criminal charges and/or disciplinary action by the District up to and including termination of employment.

Inappropriate employee behavior includes, but is not limited to, flirting; making suggestive comments; dating; requests for sexual activity; physical displays of affection; giving inappropriate personal gifts; frequent personal communication with a student unrelated to course work or official school matters; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact and/or sexual relations. ("Frequent personal communication with a student unrelated to course work or official school matters" means any form in which that personal communication may occur including, but not limited to, voice or text-based communication via phone, email, instant messaging, text messaging or through social networking websites.)

Even if the student participated "willingly" in the activity (regardless of the student's age), inappropriate fraternization of staff with students is against District policy and may be in violation of professional standards of conduct and New York State Law. However, inappropriate employee conduct 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 student who believes that he/she has been subjected to inappropriate staff behavior as enumerated in this policy, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of inappropriate staff-student relations, shall report the incident to any staff member or either the employee's supervisor, the student's Principal or the District's designated Compliance Officer. In all events such reports shall be forwarded to the designated Compliance Officer for further investigation. Anonymous complaints of inappropriate fraternization of staff members with students shall also be investigated by the District. Investigations of allegations of inappropriate staff-student relations shall follow the procedures utilized for complaints of harassment within the School District. Allegations of inappropriate staff-student behavior shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

(Continued)
SUBJECT:  STAFF-STUDENT RELATIONS (FRATERNIZATION)  (Cont'd.)

Any employee having knowledge of or reasonable suspicion that another employee may have engaged in inappropriate conduct with a student that may constitute child abuse (specifically, child abuse in an educational setting) must also follow the District's reporting procedures for such allegations; and such information will be reported by the designated administrator as required by state law to law enforcement officials, the State Education Department and/or Child Protective Services as may be applicable.

If a student initiates inappropriate behavior toward a staff member, that employee shall document the incident and report it to his/her Building Principal or Supervisor.

The District shall promptly investigate all complaints of inappropriate staff-student relations, and take prompt corrective action to stop such conduct if it occurs.

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 inappropriate staff-student relations. Follow-up inquiries and/or appropriate monitoring shall be made to ensure that the alleged conduct has not resumed and that all those involved in the investigation have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

District Responsibility/Training

The Principal of each school and/or program supervisor shall be responsible for informing students, staff and volunteers of the requirements of this policy, including the duty to report and the procedures established for investigation and resolution of complaints. Further, staff training shall be provided to facilitate staff identification of possible behavior that may constitute inappropriate staff-student relationships. Students shall be provided such training in an age appropriate manner.

The District's policy (or a summary thereof) shall be disseminated as appropriate to staff, students and parents. Further, this topic shall be addressed in the District Code of Conduct.

Disciplinary Sanctions

Any staff member who engages in inappropriate conduct with a student, prohibited by the terms of this policy, shall be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement. A violation of this policy may also subject the employee to criminal and/or civil sanctions as well as disciplinary action by the State Education Department.

(Continued)
SUBJECT:  STAFF-STUDENT RELATIONS (FRATERNIZATION) (Cont'd.)

Mentoring

Staff members, teachers or administrators shall not engage in mentoring of students for any purpose whatsoever without parental notification, both orally and in writing by written notification to the Building Principal. At any time, should a parent/guardian wish to end the mentoring relationship, the Building Principal shall be notified in writing.

While the District shall not obstruct mentoring in legitimate circumstances, it shall require that all mentoring be registered with the District, as set forth in the preceding paragraph. Persons engaged in mentoring who do so without parental and administrative approval shall be subject to disciplinary action.

Title IX of the Education Amendments of 1972, 20 USC § 1681 et seq.
Education Law Article 23-B
Social Services Law §§ 411-428
8 NYCRR Part 83

Adopted:  6/2/05
Revised:  6/1/17
SUBJECT: TELECOMMUNICATIONS EQUIPMENT USE BY STAFF

School-owned material or equipment may be used by District employees for school-related purposes only, unless exempted under applicable law or in cases of emergency.

The District provides a variety of communication equipment for the purpose of conducting its business including fax machines, cellular telephones, telephones, modems, etc. The District recognizes that from time to time employees may have a need to use, in relation to their work responsibilities, such telephones and other telecommunications equipment during work hours. Such use of District equipment is permitted so long as, in the judgment of the District, it is for school-related purposes only.

Telephones, Fax Machines, Modems

Employees are prohibited from using telecommunications equipment for personal use except in cases of emergency. Employees should take measures to forward all charges from such use directly to his/her own account. All personal telecommunications equipment use which results in a charge to the District must be logged and reimbursed. The Business Office will bill the employee.

Cellular Telephones

A District issued cellular phone may only be used by the employee to whom the phone is issued, and may only be used for District business purposes, except for incidental emergency personal use. In the event the employee uses the District issued cellular phone for any use other than District business, s/he shall reimburse the District for the additional cost of such use.

A list of all employees to whom District-issued cellular phones have been issued shall be maintained at the District Administration Office.

Penalties

A violation of this policy may result in discipline, up to and including discharge, in accordance with applicable law and collective bargaining agreements.

Adopted: 12/15/05
SUBJECT: POSSESSION AND USE OF PERSONAL CELL PHONES IN SCHOOL

The Board recognizes that while carrying cell phones can be a safety measure for staff and students alike, problems arise when the inappropriate use of cell phones interferes with the schools' ability to maintain control in the school environment, giving rise to security as well as educational concerns.

Inappropriate or unauthorized use of cell phones can undermine the communication system in place per the school safety plans, impede evacuation plans if parents or other individuals are summoned to the school by non-designated persons, and potentially restrict the access of community emergency service providers to the site.

As deemed necessary, school safety plans and the District Code of Conduct shall be modified to address the use of and/or restriction of cell phones during designated times or events, particularly by students and visitors to the schools.

Electronic Devices with Photographic or Text Messaging Capability

The use of electronic devices with photographic, audio, video and/or text messaging capability including, but not limited to, cell phones, cameras, personal data assistants and other devices, creates the potential for violations of privacy as well as threats to testing/examination security.

In order to ensure examination security and the privacy of individuals, the Board of Education prohibits the use of such devices as follows:

a) During any test, examination, or in any situation with the potential for plagiarism or cheating;

b) In any bathroom, locker room or other areas (both private and public) where individuals have an expectation of privacy;

c) During the instructional day by students;

d) During instructional periods by staff.

The policy will be referenced in the District Code of Conduct as well as student handbooks.

Adopted: 12/15/05
SUBJECT: HEALTH INSURANCE

Health insurance for certified and support staff shall be in accordance with their respective negotiated agreements and applicable law.

Continuation of Medical Insurance Coverage at Termination of Employment

Under the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), employees and their dependents are eligible to continue their insurance coverage for up to 18 months when termination of their insurance is due to a reduction in their hours worked, or upon termination of their employment.

Under COBRA, employees generally may continue their group health insurance coverage for up to 18 months. In addition, with the exception of those in self-funded or self-insured plans, employees who have exhausted their federal COBRA coverage may extend their coverage for up to an additional 18 months, for a total period of 36 months, under New York Insurance law.

Dependents of employees are eligible to continue their insurance for up to 36 months upon occurrence of one of the following events:

a) Death of the covered employee; or
b) Divorce or legal separation from the covered employee; or
c) An employee becomes eligible for Medicare and ceases to participate in the employer-sponsored plan; or
d) The dependents of a covered employee reach the maximum age for dependent coverage.

Those who are eligible to continue coverage have up to 60 days to complete the Continuation of Coverage Election Form. Premiums and administrative costs will be paid in accordance with law.

Consolidated Omnibus Budget Reconciliation Act of 1985
Insurance Law § 3221(m)(4)(5) and (6)
Patient Protection and Affordable Care Act (ACA), Public Law 111-148

Adopted: 6/2/05
Revised: 6/1/17
SUBJECT: WORKERS’ COMPENSATION

Employees injured in the performance of their duties are covered by Workers' Compensation Insurance. Employees shall report work-related injuries immediately to their immediate supervisor. Delay in reporting, if necessary, must be justified to the satisfaction of the Board of Education and/or the insurance agency.

Reimbursement for Workers' Compensation Insurance benefits shall be in accordance with their respective negotiated agreements.

Education Law §§ 1604(31), 1709(34) and 2503(10)

Adopted: 6/2/05
SUBJECT: PAYROLL DEDUCTIONS

Payroll deductions may be made when authorized by employees or when required by law or negotiated agreements.

Education Law §§ 1604 and 1709

Adopted: 6/2/05
SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES

Liability Protection Pursuant to Education Law

The Board of Education recognizes its statutory obligation to indemnify School District employees (and in certain circumstances, Board of Education members and volunteers) pursuant to the provisions of Sections 3023, 3028 and 3811 of the Education Law. For the purposes of this policy, the term "employee" shall be as defined in the applicable statute(s).

The District shall not be subject to the duty to defend unless the employee, within the time prescribed by statute, delivers appropriate notice of the claim to the Board of Education.

a) For purposes of Education Law Section 3811, the employee must give written notice within five (5) days after service of process upon him/her. The statute mandates only written notice of the claim to the Board of Education; however, submission of relevant legal documents by the employee to the Board is also encouraged.

b) For purposes of Education Law Sections 3023 and 3028, the employee must deliver the original or a copy of the relevant legal documents to the Board within ten (10) days after service of process upon him/her.

The District will provide legal defense and/or indemnification for all damages, costs, and reasonable expenses incurred in the defense of an action or proceeding if authorized pursuant to statute and provided that the alleged action or omission which occurred or allegedly occurred is covered by the appropriate statute(s). Furthermore, the District will not be required to provide indemnification protection and/or legal defense unless the employee was, at the time of the alleged incident, acting in the discharge of his/her duties within the scope of his/her employment or authorized volunteer duties and/or under the direction of the Board of Education.

Public Officers Law Section 18

The Board of Education hereby also confers the benefits of Section 18 of the New York State Public Officers Law upon the "employees" of the District, as defined in Section 18 of the Public Officers Law; and the District assumes the liability for the costs incurred in accordance with the provisions of Section 18. The benefits accorded to District employees under Section 18 of the Public Officers Law shall supplement and be available in addition to defense or indemnification protection conferred by other enactment or provisions of law.

The term "employees" shall include members of the Board of Education; the Superintendent; District officers; District employees; volunteers expressly authorized to participate in a District sponsored volunteer program; or any other person holding a position by election, appointment or employment in the service of the District, whether or not compensated. The term "employee" shall also include a former employee, his/her estate or judicially appointed representative.

(Continued)
SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND
EMPLOYEES (Cont'd.)

Pursuant to the provisions of Section 18 of the Public Officers Law, and upon compliance by the employee with the requirements of this statute, the District shall provide for the defense of the employee in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the employee was acting within the scope of his/her public employment or duties. Furthermore, the District shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in a state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or claim arose occurred while the employee was acting within the scope of his/her public employment or duties. However, in the case of a settlement, the duty to indemnify and save harmless shall be conditioned upon the approval of the amount of the settlement by the Board of Education.

The duty to defend and/or indemnify and save harmless, in accordance with Section 18 of the Public Officers Law, shall be conditioned upon the delivery by the employee to the School Attorney or to the Superintendent a written request to provide for his/her defense, together with the original or a copy of any summons, complaint, process, notice, demand or pleading within ten (10) days after he/she is served with such document. Pursuant to Section 18, the full cooperation of the employee in the defense of such action or proceeding and in the defense of any action or proceeding against the District based upon the same act or omission, and in the prosecution of any appeal, shall also be required as a condition for the District's duty to defend and/or indemnify and save harmless to exist.

Exceptions to Liability Coverage

Indemnification coverage and/or provision of legal defense by the District will not apply unless the actionable claim is of the type covered by the statute(s) and/or is not otherwise exempt from coverage pursuant to law. Additionally, indemnification coverage and/or the duty to provide a defense shall not arise where such action or proceeding is brought by or on behalf of the School District.

Paul D. Coverdell Teacher Protection Act of 2001, as authorized by the No Child Left Behind Act of 2001, 20 USC § 6731 et seq.
Education Law §§ 1604(25), 1604(31-b), 1709(26), 1709(34-b), 2560, 3023, 3028 and 3811
General Municipal Law §§ 6-n and 52
Public Officers Law § 18

Adopted: 6/2/05
SUBJECT: LEAVES OF ABSENCE

a) In general, leaves of absence:

1. Shall be administered by the Superintendent.

2. The Board reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in the policy statement.

3. Under laws and rules governing such action, the Board may undertake appropriate disciplinary action where a leave of absence is falsely requested or improperly used.

4. Except by permission of the Superintendent, as expressed in writing, the purpose or conditions of a leave of absence may not be altered.

b) Leaves of absence, contractual, et al:

1. Employees who are members of a negotiating unit:

   Authorization is granted to approve requests for leaves of absence submitted pursuant to provisions of contracts in effect between the District and each bargaining unit.

2. Employees who are not members of a negotiating unit:

   Authorization is granted to approve requests for leaves of absence submitted by such employees where such requests are consistent with provisions of contracts in effect between the District and the bargaining unit most compatible with the employment status of the employee.

3. Employees who are under contract to the District:

   Authorization is granted to implement provisions for leaves of absence contained in each such contract.

c) Leaves of absence, unpaid, not covered in b) 1. above:

1. Subject to limitations enumerated in this policy statement, authorization is granted for the following unpaid leaves of absence.

   (a) For a period of time not to exceed one (1) school year for approved graduate study, such leave to include any required internship experience.
SUBJECT: LEAVES OF ABSENCE (Cont'd.)

(b) At the expiration of a paid sick leave of absence, such leave may be extended for a period of time not longer than the end of the school year after the school year in which the paid leave of absence began.

2. Unpaid leaves of absence shall not be used to extend vacation periods, to take vacations, to engage in other occupations, or to provide additional personal leaves, except that the Superintendent shall have discretion, where circumstances warrant, to approve leaves of absence for such purposes.

3. Unpaid leaves of absence shall not be granted unless the services of a substitute employee, satisfactory in the discretion of the Superintendent, can be secured.

4. Except where it interferes with an employee's legal or contractual rights, the timing of unpaid leaves of absence will be granted at the convenience of the District.

d) Other leaves of absence:

1. Emergency Service Volunteer Leave

Upon presentation of a written request from the American Red Cross and with the approval of the Superintendent, employees certified by the American Red Cross as disaster volunteers shall be granted leave from work with pay for up to twenty (20) days in any calendar year to participate in specialized disaster relief operations. This leave shall be provided without loss of seniority, compensation, sick leave, vacation leave, or other overtime compensation to which the volunteer is otherwise entitled.

2. Screenings for Breast Cancer and Prostate Cancer

Employees shall be granted up to four (4) hours of paid leave on an annual basis to undertake a screening for breast cancer; employees shall be granted up to four (4) hours of paid leave on an annual basis to undertake a screening for prostate cancer (i.e., male employees are entitled to a total of eight (8) hours for both screenings). This leave shall be excused leave and shall not be charged against any other leave to which the employee is entitled.

3. Blood Donation

The School District must either, at its option:

(a) Grant three (3) hours of leave of absence in any twelve (12) month period to an employee who seeks to donate blood. According to Commissioner's Guidelines, leave granted to employees for off-premises blood donation is not required to be paid leave.

(Continued)
SUBJECT: LEAVES OF ABSENCE (Cont'd.)

The leave may not exceed three (3) hours unless agreed to by the Superintendent/designee; or

(b) Allow its employees without use of accumulated leave time to donate blood during work hours at least two (2) times per year at a convenient time and place set by the Superintendent/designee, including allowing an employee to participate in a blood drive at the District.

Leave taken by employees at a District-designated donation alternative (such as a District-sponsored blood drive at the workplace) must be paid leave that is provided without requiring the employee to use accumulated vacation, personal, sick, or other leave time.

The District shall not retaliate against an employee for requesting or obtaining a leave of absence under this section. Additional leaves for the purpose of blood donation under any other provision of law shall not be prevented.

4. Bone Marrow Donation

Employees seeking to undergo a medical procedure to donate bone marrow shall be granted leaves to do so, the combined length of the leaves to be determined by the physician, but may not exceed twenty-four (24) work hours unless agreed to by the Superintendent/designee. The District shall require verification for the purpose and length of each leave requested by the employee for this purpose.

5. Nursing Mothers

The District shall provide reasonable unpaid break time or permit the use of paid break time or meal time each day to allow an employee to express breast milk for her nursing child for up to three (3) years following child birth. The District shall make reasonable efforts to provide a room or other location in close proximity to the work area where the nursing mother can express milk in privacy. The District shall not discriminate against an employee who chooses to express breast milk in the workplace.

Reasonable unpaid break time is generally no less than twenty (20) minutes and no more than thirty (30) minutes dependent upon the proximity of the designated location for expressing breast milk. In most situations, the District is required to provide unpaid break time at least once every (3) hours if requested by the employee. At the employee's option, the District shall allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid break time(s) so long as such additional time requested falls within the District's normal work hours.

(Continued)
SUBJECT: LEAVES OF ABSENCE (Cont'd.)

The District shall provide written notice to employees who are returning to work following the birth of a child of their right to take unpaid leave for the purpose of expressing breast milk. Such notice may either be provided individually to affected employees or to all employees generally through publication of such notice in the employee handbook or posting of the notice in a central location.

Any employee wishing to avail herself of this benefit is required to give the District advance notice, preferably prior to her return to work, to allow the District an opportunity to establish a location and schedule leave time to accommodate employees as needed.

6. Victims of Domestic Abuse

Employers are required to provide employees with an unpaid leave to appear as a witness, consult with the district attorney, or exercise the employee's statutory rights as the victim of, or witness to a crime of domestic violence. In addition, a victim of domestic violence may need one or more of these types of leave.

To use this leave, the employee shall provide notice of the need for leave at any time prior to the actual day of leave. Employers are permitted to ask the employee who sought the attendance or testimony of the employee to provide verification of the employee's service. Penalizing or discharging an employee for absences by reason of a required appearance as a witness in a criminal proceeding, or consultation with the district attorney, or exercising his/her rights as provided under the law constitutes a Class B misdemeanor by the employer.

7. Military Leave

The District will comply with state and federal laws regarding military leave and re-employment.

Leaves of absence for military spouses are granted in accordance with law and regulation.

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 USC §§ 4301-4333
Civil Service Law §§ 71-73, 159-b and 159-c
Education Law §§ 1709(16), 3005, 3005-a and 3005-b
General Municipal Law § 92-c
Labor Law §§ 202-a, 202-c, 202-I, 202-j and 206-c
Military Law §§ 242 and 243
Penal Law § 215.14

Adopted: 6/2/05
Revised: 6/15/17
SUBJECT: FAMILY AND MEDICAL LEAVE ACT

The Board of Education, in accordance with the Family and Medical Leave Act of 1993 (as amended) (FMLA), gives "eligible" employees of the District the right to take unpaid leave for a period of up to twelve (12) workweeks in a twelve-month period as determined by the District.

The District uses a "rolling" twelve (12) month period measured backward from the date of any FMLA leave usage as its method for calculating the leave year period for the commencement of the FMLA leave period. In certain cases, FMLA leave may be taken on an intermittent basis rather than all at once, or the employee may work a part-time schedule.

The entitlement to leave for the birth or placement of a child shall expire at the end of the twelve (12) month period beginning on the date of such birth or placement.

Employees are "eligible" if they have been employed by the District for at least twelve (12) months and for at least 1,250 hours of service during the previous twelve-month period. Full-time teachers are deemed to meet the 1,250 hour test. However, a break in employment for military service (i.e., call to active duty) should not interrupt the twelve (12) month/1,250 hours of employment requirement and should be counted toward fulfilling this prerequisite. The law covers both full-time and part-time employees.

Qualified employees may be granted leave for one (1) or more of the following reasons:

a) The birth of a child and care for the child;
b) Adoption of a child and care for the child;
c) The placement of a child with the employee from foster care;
d) To care for a spouse, minor child or parent who has a "serious health condition" as defined by the FMLA;
e) To care for an adult child who is also incapable of self-care due to a disability (regardless of date of the onset of disability) and has a "serious health condition" as defined by the FMLA; and/or
f) A "serious health condition" of the employee, as defined by the FMLA, that prevents the employee from performing his/her job.

A "serious health condition" is defined as an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider that renders the person incapacitated for more than three (3) consecutive calendar days. Furthermore, the first visit to a health care provider for an employee claiming a "serious health condition" under FMLA must occur within seven (7) days of the aforementioned incapacity with the second required visit occurring within (Continued)
SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

thirty (30) days of the incapacitating event. In order for an employee to claim the need for continuous treatment under FMLA for a chronic serious health condition, the condition must require a minimum of two (2) visits per year to a healthcare provider, continue over an extended period of time, and may cause episodic rather than a continuing period of incapacity. A "serious health condition" is also defined as any period of incapacity related to pregnancy or for prenatal care.

Military Family Leave Entitlements

Military Caregiver Leave

An eligible employee who is the spouse, son, daughter, parent, or next of kin (defined as the nearest blood relative) is entitled to up to twenty-six (26) weeks of leave in a single twelve (12) month period to care for a "military member" who is:

a) Recovering from a service-connected serious illness or injury sustained while on active duty; or

b) Recovering from a serious illness or injury that existed prior to the service member's active duty and was aggravated while on active duty; or

c) A veteran who has a qualifying injury or illness from service within the last five (5) years and aggravates that illness or injury.

This military caregiver leave is available during a single twelve (12) month period during which an eligible employee is entitled to a combined total of twenty-six (26) weeks of all types of FMLA leave. Military Caregiver Leave may be combined with other forms of FMLA-related leave providing a combined total of twenty-six (26) weeks of possible leave for any single twelve (12) month period; however, the other form of FMLA leave when combined cannot exceed twelve (12) of the twenty-six (26) weeks of combined leave. Military Caregiver Leave has a set "clock" for calculating the twelve (12) month period for when FMLA leave begins and tolling starts at the first day of leave taken.

The term "military member" means:

a) A member of the Regular Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

b) A veteran (discharged or released under any condition other than dishonorable) who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

(Continued)
SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

"Qualifying Exigency" Leave/Call to Active Duty

An "eligible" employee is entitled to FMLA leave because of "a qualifying exigency" arising out of circumstances where the spouse, son, daughter, or parent of the employee is serving in the regular Armed Forces or either the National Guard or the Reserves and is on active duty during a war or national emergency called for by the President of the United States or Congress, or has been notified of an impending call to active duty status, in support of a contingency operation. There is no "qualifying exigency" unless the military member is or is about to be deployed to a foreign country.

A "qualifying exigency" related to families of the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve and Coast Guard Reserve personnel on (or called to) active duty to take FMLA protected leave to manage their affairs is defined as any one of the following reasons:

a) Short-notice deployment;
b) Military events and related activities;
c) Childcare and school activities;
d) Parental care leave;
e) Financial and legal arrangements;
f) Counseling;
g) Rest and recuperation (for up to fifteen [15] calendar days);
h) Post-deployment activities; and
i) Any additional activities where the employer and employee agree to the leave.

In any case in which the necessity for leave due to a qualifying exigency is foreseeable, the employee shall provide such notice to the employer as is reasonable and practicable. This military-related leave is for up to twelve (12) weeks during a single twelve (12) month period. Leave may be taken intermittently or on a reduced leave schedule.

Implementation/Benefits/Medical Certification

At the Board of Education's or employee's option, certain types of paid leave may be substituted for unpaid leave.

(Continued)
SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

An employee on FMLA leave is also entitled to have health benefits maintained while on leave. If an employee was paying all or part of the premium payments prior to leave, the employee will continue to pay his/her share during the leave period.

In most instances, an employee has a right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave.

The Board of Education has a right to thirty (30) days advance notice from the employee where practicable. In addition, the Board may require an employee to submit certification from a health care provider to substantiate that the leave is due to the "serious health condition" of the employee or the employee's immediate family member. Under no circumstance should the employee's direct supervisor contact any health care provider regarding the employee's condition; all contact in this manner must be made by a health care provider (employed by the employer), a human resource professional, a leave administrator or a management official. If the medical certification requested by the employer is found to be deficient, the employer must indicate where the errors are, in writing, and give the employee seven (7) days to provide corrected materials to cure any deficiency prior to any action being taken.

Special Provisions for School District Employees

An instructional employee is an employee whose principal function is to teach and instruct students in a class, a small group, or an individual setting (e.g., teachers, coaches, driving instructors, special education assistants, etc.). Teaching assistants and aides who do not have instruction as the principal function of their job are not considered an "instructional employee."

Intermittent Leave Taken By Instructional Employees

FMLA leave that is taken at the end of the school year and resumes at the beginning of the next school year is not regarded as intermittent leave but rather continuous leave. The period in the interim (i.e., summer vacation) is not counted against an employee and the employee must continue to receive any benefits that are customarily given over the summer break.

Intermittent leave may be taken but must meet certain criteria. If the instructional employee requesting intermittent leave will be on that leave for more than twenty percent (20%) of the number of working days during the period for which the leave would extend, the following criteria may be required by the employer:

a) Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

b) Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

(Continued)
SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

Appropriate notice for foreseeable FMLA leave still applies and all employees must be returned to an equivalent position within the school district. Additional work-related certifications, requirements and/or training may not be required of the employee as a contingent of their return to work.

Leave Taken by Instructional Employees Near the End of the Instructional Year

There are also special requirements for instructional employees taking leave and the leave's relation to the end of the term. If the instructional employee is taking leave more than five (5) weeks prior to the end of the term, the District may require that the employee take the leave until the end of the term if the leave lasts more than three (3) weeks and the employee was scheduled to return prior to three (3) weeks before the end of the term.

If the instructional employee is taking leave less than five (5) weeks prior to the end of the term for any of the following FMLA-related reasons except qualifying exigency, the District may require that the employee remain out for the rest of the term if the leave lasts more than two (2) weeks and the employee would return to work during that two (2) week period at the end of the instructional term.

If the instructional employee begins taking leave during the three (3) weeks prior to the end of the term for any reason except qualifying exigency, the District may require that the employee continue leave until the end of the term if the leave is scheduled to last more than five (5) working days.

Any additional time that is required by the employer due to the timing of the end of the school year, will not be charged against the employee as FMLA leave because it was the employer who requested that the leave extend until the end of the term.

FMLA Notice

A notice which explains the FMLA's provisions and provides information concerning the procedures for filing complaints of violations of the FMLA shall be posted in each school building and a notice of an employee's FMLA rights and responsibilities shall be either placed in the employee handbook of the employer or furnished to each new employee upon hire. The employer has five (5) days to supply such notice from the date of hire.

Administration is directed to develop regulations to implement this policy, informing employees of their rights and responsibilities under the FMLA.

Family and Medical Leave Act of 1993 (as amended), Public Law 103-3
10 USC 101(a) (13)

Continued)
SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

29 USC 1630.1 and 2611-2654
29 CFR Part 825 and Part 1630
42 USC 12102
Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191
45 CFR Parts 160 and 164

NOTE: Refer also to Policy #6552 -- Uniformed Services Employment and Reemployment Rights Act (USERRA)/Military Leaves of Absence

Adopted: 6/2/05
Revised: 6/1/17
SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE

In accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and State Law, the School District, upon advance notice by the employee, shall grant leaves of absence for service in the uniformed services and/or military duty (hereinafter referred to as "military service" or "military duty") to its employees who are ordered to duty or volunteer for qualifying military service. The employee's notice may be either verbal or written. No advance notice is required if military necessity prevents the giving of notice, or the giving of notice is otherwise impossible or unreasonable under all the circumstances.

Employment Rights

Time during which an employee is absent pursuant to military leave shall not constitute an interruption of continuous employment in the School District and no such employee shall be subjected, directly or indirectly, to any loss or diminution of time service, increment, vacation or holiday privileges, or any other right or privilege, by reason of such absence; nor shall any employee be prejudiced by reason of such absence with reference to continuance in employment, reemployment, reinstatement, transfer or promotion.

Salary/Compensation

Every employee shall be paid his/her salary or other compensation for any and all periods of absence while engaged in the performance of ordered military duty, and while going to and returning from such duty. This payment of salary/compensation shall not exceed a total of 30 days or 22 working days, whichever is greater, in any one calendar year; and shall not exceed 30 days or 22 working days, whichever is greater, in any one continuous period of such absence.

The employee must be permitted, upon request, to use any accrued vacation, annual, or similar leave with pay during the period of military service in order to continue his/her civilian pay. The School District may not require the employee to use accrued leave.

The employee is not entitled to use accrued sick leave during the period of military service, unless the District allows employees to use sick leave for any reason or allows other similarly situated employees on comparable furlough or leave of absence to use accrued paid sick leave.

Employee Benefits

Health Plan Coverage

If the employee has coverage under a health plan in connection with his/her employment with the District, the employee must be permitted to elect to continue the coverage for a certain period of time as designated in law.

(Continued)
SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)

When the employee is performing military service, he/she is entitled to continuing coverage for himself/herself (and dependents if the plan offers dependent coverage) under a health plan in connection with the employment. The plan must allow the employee an opportunity to continue coverage for a period of time that is the lesser of:

a) The 24-month period beginning on the date on which the employee's absence for the purpose of performing military service begins; or

b) The period beginning on the date on which the employee's absence for the purpose of performing military service begins, and ending on the date on which the employee fails to return from service or apply for a position of reemployment.

Health plan administrators may develop reasonable requirements addressing how continuing coverage may be elected, consistent with the terms of the plan and USERRA's exceptions to the requirement that the employee give advance notice of military service. Further, health plan administrators may develop reasonable procedures for employee payment to continue coverage, consistent with USERRA and the terms of the plan.

Pension/Retirement Plans

While on military duty, any School District employee who is a member of any pension or retirement system may elect to contribute to such pension or retirement system the amount which he/she would have contributed had such employment been continuous. Upon making such contribution, the employee shall have the same rights in respect to membership in the retirement system as he/she would have had if the employee had been present and continuously engaged in the performance of his/her position. To the extent that such contributions are paid, absence while engaged in the performance of military duty shall be counted in determining the length of total service under such pension or retirement system.

Alternatively, employees will have an opportunity to make up contributions to the pension or retirement system upon return to employment in the District in accordance with law and the individual employee's pension/retirement system.

Time during which an employee is absent on military duty shall not constitute an interruption of continuous employment, but such time shall not be counted or included in determining the length of total service in the pension or retirement system unless the employee contributes to the pension or retirement system the amount he/she would have been required to contribute if the employee had been continuously employed during the period of military duty.
Reemployment/Restoration Rights ("Escalator Principle")

Per USERRA, as a general rule, the employee is entitled to reemployment in the job position that he/she would have attained with reasonable certainty if not for the absence due to military service. The position to which the returning service member should be restored has become known as the "escalator principle." The escalator principle requires that the employee be reemployed in a position that reflects with reasonable certainty the pay, benefits, seniority, and other job benefits that he/she would have attained if not for the period of military service.

Depending on the circumstances/intervening events, the escalator principle may cause an employee to be reemployed in a higher or lower position, transferred, laid off, or even terminated.

The employee must be qualified for the reemployment position. The District shall make reasonable efforts to help the employee become qualified to perform the duties of this position. The District is not required to reemploy the employee on his/her return from military service if the employee cannot, after reasonable efforts by the District, qualify for the appropriate reemployment position.

Per State law, an employee restored to his/her position after the termination of military duty shall be entitled to the rate of compensation he/she would have received had the employee remained in his/her position continuously during the period of military duty; and the employee shall be deemed to have rendered satisfactory and efficient service in the job position during the period of military leave of absence. Further, the employee shall not be subjected directly or indirectly to any loss of time service, increment, or any other right or privilege; nor shall an employee be prejudiced in any way with reference to promotion, transfer, reinstatement or continuance in employment.

All other rights, benefits, and responsibilities of a District employee serving in the military shall be in accordance with law, regulations, and/or the applicable contract/collective bargaining agreement.

Probationary Service

Public Employees in General

If a public employee (with the exception of the probationary service of "teachers" as described below) enters military duty before the expiration of the probationary period in any position to which he/she may have been appointed, or to which he/she may thereafter be appointed or promoted, the time such employee is absent on military duty shall be credited as satisfactory service during this probationary period.
SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)

Teachers/Supervisory Staff

In any case where a "teacher" (as defined in State Education Law Section 3101, the term "teacher" encompasses a broad category of full-time members of the teaching and supervisory staff of the District, and is not limited to "instructional" employees) enters military duty before the expiration of the probationary period to which he/she may have been appointed, the time the "teacher" is absent on military duty shall be credited as satisfactory service during this probationary period. If the end of such probationary service occurs while the "teacher" is on military duty or within one year following the termination of military duty, the period of the probationary service may be extended by the Board of Education for a period not to exceed one year from the date of termination of military duty. However, in no event shall the period of probationary service in the actual performance of teaching services extend beyond that required by the School District at the time of the "teacher's" entry into military service.

Collective Bargaining Agreements/Contracts/Plans/Practices

In accordance with USERRA, any State or local law, contract, agreement, policy, plan, or practice that establishes an employment right or benefit that is more beneficial than, or is in addition to, a right or benefit under USERRA, such greater employment right or benefit will supersede this Federal Law.

Notice of Rights and Duties

The District shall provide a notice of the rights, benefits and obligations of employees and the District under USERRA. The District may provide the notice by posting it where employee notices are customarily placed. The District may also provide such notice to its employees in other ways that will minimize costs while ensuring that the full text of the notice is provided (e.g., by handing or mailing out the notice, or distributing the notice via electronic mail).

The U.S. Department of Labor has developed and made available on its web site http://www.dol.gov/vets/programs/userra/poster.htm a poster for use by private and State employers (including school districts) that can be posted in order to comply with the notification mandate.

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), Public Law 108-454 38 USC §§ 4301-4333
20 CFR Part 1002
Military Law §§ 242 and 243
Education Law § 3101

Adopted: 5/3/07
SUBJECT: EMPLOYEE ASSISTANCE PROGRAM (EAP)

The District will provide an Employee Assistance Program for employees who are experiencing personal difficulties. The purpose of the program is to assist employees in obtaining help to resolve such problems in an effective and confidential manner. This program recognizes that the primary obligation to seek assistance and to resolve the problem rests with the employee.

The Board recognizes that a wide range of problems that are not directly associated with an employee's job function may have an effect on an employee's job performance. The problems may involve physical illness, mental or emotional illness, alcohol abuse or alcoholism, drug abuse or dependency, tobacco abuse or personal problems such as those of a marital, family, or financial nature.

A joint District/employee organization committee will be established to assist in the implementation of this policy.

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#6150 -- Comprehensive Alcohol/Chemical Substance Policy
#6151 -- Drug-Free Workplace

Adopted: 6/2/05
SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR

Regulations promulgated by the Office of the State Comptroller provide guidance to school districts to help them determine whether an individual is an employee, and therefore eligible for membership in the New York State and Local Retirement System (NYSLRS) and for service credit, or an independent contractor who is not eligible for membership.

A certification of the determination that an individual is an employee will now be required when the District initially reports to the NYSLRS certain covered professionals -- those persons providing services as an attorney, physician, engineer, architect, accountant or auditor.

Employee shall mean an individual performing services for the District for which the District has the right to control the means and methods of what work will be done and how the work will be done. Independent contractor shall mean a consultant or other individual engaged to achieve a certain result who is not subject to the direction of the employer as to the means and methods of accomplishing the result. (Guidance from the New York State Education Department emphasizes that Districts and BOCES do not have the authority to enter into agreements with independent contractors for instructional services.)

Employees to be Reported to NYSLRS

Only persons who are active members of NYSLRS and who have been assigned a registration number shall be included in the reporting requirements. In the case of employees who are in the process of being registered to membership, all service, salary and deductions data and mandatory contributions shall be accumulated by the District and such accumulation shall be included with the first monthly report which is due after the employee's registration number has been assigned.

An individual serving the District as an independent contractor or consultant is not an employee and should not be reported to the retirement system.

The District has the primary responsibility for determining whether an individual is rendering services as an employee or as an independent contractor. When making such a determination the District must consider the factors enumerated in State Regulations.

The District shall also complete, as necessary, a Certification Form for Individuals Engaged in Certain Professions (Form RS2414) as promulgated by the Office of the New York State Comptroller. As noted on the Certification Form instructions, when making a determination as to an individual's status as an employee or independent contractor, no single factor should be considered to be conclusive of the issue. All factors should be considered in making an assessment of an individual's status when engaged to perform services.

(Continued)
SUBJECT:  DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR  (Cont'd.)

Written Explanation by District: Certain Professions

In the case of an individual whose service has been engaged by the School District in the capacity of attorney, physician, engineer, architect, accountant or auditor and the District has determined that the individual is rendering service as an employee and, therefore, may be eligible for credit with a retirement system, the District shall submit to the retirement system, in a form prescribed by the Comptroller and certified by the Chief Fiscal Officer of the District, an explanation of the factors that led to the conclusion that the individual is an employee and not an independent contractor or consultant.

Retirement and Social Security Law §§ 11, 34, 311, and 334
2 NYCRR §§ 315.2 and 315.3

Adopted:  6/1/17
SUBJECT: PROFESSIONAL SERVICES PROVIDERS

Determination by Employer

The District has the primary responsibility for determining whether an individual is rendering services as an employee or as an independent contractor. When making such a determination the District must consider the factors stated in the Comptroller's regulations. An individual serving the District as an independent contractor or consultant is not an employee and should not be reported to the New York State and Local Retirement System (NYSLRS).

Charging for Professional Services

A lawyer will not simultaneously be an independent contractor and an employee of the District for the purpose of providing legal services to the District.

A lawyer who is not an employee of the District will not seek to be or be considered, treated or otherwise reported by the District as an employee thereof for purposes of compensation, remuneration, health insurance, pension, and all associated employment-related benefits and emoluments.

Enforcement

Any person who knowingly:

a) Violates the provisions of Education Law Section 2051(2);

b) Makes a false statement of material fact; or

c) Falsifies or permits to be falsified any record or records of the retirement system in an attempt to defraud the retirement system, as a result of such act for the purpose of obtaining a credit towards pension benefits, or a benefit or payment in excess of $1000 from such retirement system for a professional services provider to which such professional services provider would not be entitled, will be guilty of a Class E felony.

Reports Regarding Lawyers

The District will, on or before the 45th day after the commencement of its fiscal year, file with the State Education Department, the State Comptroller, and the Attorney General a report specifying:

a) All lawyers who provide legal services to the District or Board;

b) Whether the District or Board hired those lawyers as employees; and

c) All remuneration and compensation paid for legal services.

(Continued)
SUBJECT: PROFESSIONAL SERVICES PROVIDERS (Cont'd.)

Protection Against Fraud

Any person who knowingly makes any false statement, or falsifies or permits to be falsified any record or records of the retirement system in any attempt to defraud the system as a result of such act, will be guilty of a misdemeanor, and will be punished under the laws of New York State.

Any violation of Education Law Section 525(1) that results in a member or beneficiary of the retirement system receiving a benefit or payment in excess of $1000 more than he/she would have been entitled to will be a class E felony. Any violation of applicable law that results in a member or beneficiary of the retirement system receiving a benefit or payment in excess of $3000 more than he/she would have been entitled to will be a class D felony.

Education Law §§ 525, 2050-2054
Retirement and Social Security Law § 111
2 NYCRR §§ 315.2 and 315.3

NOTE: Refer also to Policy #6570 -- Determination of Employment Status: Employee or Independent Contractor

Adopted: 6/1/17
SUBJECT: EMPLOYMENT OF RETIRED PERSONS

A retired person may be employed and earn compensation in a position in the School District, without any effect on his/her status as retired and without suspension or diminution of his/her retirement allowance subject to the conditions enumerated in Retirement and Social Security Law Section 211(1). However, there shall be no earning limitations on or after the calendar year in which any retired person attains age sixty-five (65).

No retired person may be employed in the District except upon approval of the Civil Service Commission or the Commissioner of Education unless otherwise authorized in accordance with law, as discussed below.

Two sections of the Retirement and Social Security Law (RSSL Section 211 and 212) affect a retiree's return to public employment in New York State. If a retiree returns to public employment, he/she may still be able to collect his/her pension depending upon:

a) How much is earned after returning to work; and

b) The retiree's age.

If a retiree is under age 65, he/she can return to public employment without approval or reduction in retirement benefits as long as his/her calendar year earnings do not exceed $30,000 (the RSSL Section 212 limit). If a retiree's earnings will be more than the Section 212 limits, the employer must request and receive prior approval from the appropriate agency to hire the retiree under Section 211. This may help avoid a reduction or suspension of the retiree's pension. (Refer to subheading below for more information regarding RSSL Section 211 and the approval process.)

Section 211 waivers are provided for "unclassified service" positions. Retired police officers employed by a school district as a School Resource Officer fall under the "classified service" but may have the earnings limitation waived at the discretion of the Commissioner of Education, as long as all of the requirements for waivers in the unclassified service are fulfilled.

There is generally no restriction on a retiree's earnings beginning in the calendar year he/she turns 65, unless returning to public office.

RSSL Section 211 Approval Process

Approval for post-retirement employment of a person under the age of 65 or a retired police officer employed as a School Resource Officer whose calendar year earnings exceed $30,000 may be granted only on the written request of the District giving detailed reasons related to the standards set forth in Section 211; and on a finding of satisfactory evidence by the Civil Service Commission or the Commissioner of Education that the retired person is duly qualified, competent and physically fit for the performance of the duties of the position in which he/she is to be employed and is properly certified where such certification is required.

(Continued)
SUBJECT: EMPLOYMENT OF RETIRED PERSONS (Cont'd.)

The District will prepare a detailed recruitment plan to fill such vacancy on a permanent basis when the need arises and will undertake extensive recruitment efforts to fill the vacancy prior to making a determination that there are no available non-retired persons qualified to perform the duties of such position.

Approvals to hire retired individuals may be granted for periods not exceeding two (2) years each, provided that a person may not return to work in the same or similar position for a period of one (1) year following retirement. However, in accordance with RSSL Section 212, a retiree may return to work in the same or similar position within the same year following retirement if his/her earnings are under $30,000 or if he/she receives a Section 212 waiver, or other conditions exist as enumerated in law.

Reporting Requirements and Disclosure

a) The School District shall report all money earned by a retired person in its employ in excess of the earnings limitation outlined in Retirement and Social Security Law Section 212 to the retirement system administered by the State or any of its political subdivisions from which the retired person is collecting his/her retirement allowance.

b) The School District, when employing a retired person who is eligible to collect or is already collecting a retirement allowance from a retirement system administered by the State or any of its political subdivisions, shall report on an annual basis to the retirement system paying such retirement allowance and to the State Comptroller. This report shall consist of the re-employed retiree's name, date of birth, place of employment, current position, and all earnings.

Public Record

Any request for approval of the employment of a retired person, including the reasons stated, and the findings and determination of such request shall be a public record open for inspection in the Office of the Civil Service Commission, the Commissioner of Education, or the Board of Education making such findings and determination as specified in Retirement and Social Security Law Section 211.

Education Law § 525
Retirement and Social Security Law §§ 111, 211, 212, 217, and 411
8 NYCRR § 80-5.5(b)

Adopted: 6/1/17
ATTENDANCE

1.1 Comprehensive Student Attendance Policy ............................................................... 7110 (5105)
   1.1.1 Pre-Kindergarten Attendance Policy ............................................................. 7111
   1.1.2 Released Time of Students ............................................................................ 7112
   1.1.3 Employment of Students of Minor Age ......................................................... 7113
1.2 Age of Entrance ......................................................................................................... 7120
   1.2.1 Diagnostic Screening of Students ................................................................. 7121 (5110.2)
1.3 Entitlement to Attend -- Age and Residency ............................................................. 7130 (5110)
   1.3.1 Education of Homeless Children and Youth ................................................. 7131
   1.3.2 Non-Resident Students .................................................................................. 7132 (5152)
1.4 Involuntary Transfer of Students ............................................................................. 7140
1.5 Educational Services for Married/Pregnant Students ............................................. 7150 (5620)
1.6 School Census ............................................................................................................ 7160

STUDENT PROGRESS

2.1 Student Evaluation, Promotion and Placement .......................................................... 7210 (4712)
   2.1.1 Provision of Interpreter Services to Parents Who Are Hearing Impaired .... 7211
   2.1.2 Response to Intervention (RTI) Process ......................................................... 7212
2.2 Graduation Requirements/Early Graduation/Accelerated Programs ......................... 7220
   2.2.2 Diploma and/or Credential Options for Students with Disabilities ............... 7222
2.3 Dual Credit for College Courses ............................................................................... 7230
2.4 Student Records: Access and Challenge .................................................................. 7240 (5500)
   2.4.1 Release of Information to the Noncustodial Parent ....................................... 7241
   2.4.2 Student Directory Information ....................................................................... 7242
   2.4.3 Military Recruiters' Access to Secondary School Students and Information on Students .......................................................... 7243
   2.4.4 Student Data Breaches ................................................................................... 7244
2.5 Student Privacy, Parental Access to Information, and Administration of Certain Physical Examinations to Minors ....................................................... 7250

STUDENT CONDUCT

3.1 School Conduct and Discipline
   3.1.1 Loss or Destruction of District Property or Resources ...................................... 7311
   3.1.2 Student Dress Code ....................................................................................... 7312

NOTE: Numbers in parenthesis ( ) denote regulation found in District's Administrative Manual developed in 1998.
Students

Enlarged City School District of Middletown, NY

STUDENT CONDUCT (Cont'd.)

3.1.3 Suspension of Students ................................................................. 7313 (5310.1)
3.1.4 Students Presumed to Have a Disability for Discipline Purposes .... 7314
3.1.5 Student Use of Computerized Information Resources .................. 7315 (4510.1)
3.1.6 Student Use of Personal Technology ............................................. 7316
3.2 Comprehensive Tobacco, Alcohol/Chemical Substance Policy ............ 7320 (5312.1)
3.3 Searches and Interrogations of Students ............................................. 7330
3.4 Bus Rules and Regulations ............................................................... 7340
3.5 Corporal Punishment/Emergency Interventions .................................. 7350 (5314)
3.6 Weapons in School and the Gun-Free Schools Act .............................. 7360 (5312.2)

STUDENT ACTIVITIES

4.1 Extracurricular Activities ................................................................. 7410 (5200)
  4.1.1 Censorship of School-Sponsored Student Publications and Activities .... 7411
4.2 Sports and the Athletic Program ..................................................... 7420
4.3 Contests for Students, Student Awards and Scholarships ................... 7430 (5200.1)
4.4 Musical Instruments ......................................................................... 7440
4.5 Fund Raising by Students ............................................................... 7450 (5251)
4.6 Constitutionally Protected Prayer in the Public Schools ...................... 7460
4.7 Student Government ......................................................................... 7470

STUDENT WELFARE

5.1 Student Health Services ................................................................. 7510
  5.1.1 Immunization of Students ............................................................ 7511
  5.1.2 Student Physicals ......................................................................... 7512
  5.1.3 Administration of Medication ....................................................... 7513 (5420)
  5.1.4 Student Health Records .............................................................. 7514
  5.1.5 Pediculosis (Head Lice) ............................................................... 7515
5.2 Accidents and Medical Emergencies ............................................... 7520 (8122)
  5.2.1 Students with Life-Threatening Health Conditions ......................... 7521
  5.2.2 Concussion Management ............................................................ 7522
5.3 Child Abuse and Maltreatment ....................................................... 7530 (5460)
5.4 Suicide ............................................................................................ 7540

NOTE: Numbers in parenthesis ( ) denote regulation found in District's Administrative Manual developed in 1998.
Students

Enlarged City School District of Middletown, NY

STUDENT WELFARE (Cont'd.)

5.5 Dignity for All Students ................................................................. 7550 (5311.3)
  5.5.1 Sexual Harassment of Students ............................................ 7551
  5.5.3 Hazing of Students ............................................................... 7553
5.6 Notification of Sex Offenders ...................................................... 7560
5.7 Supervision of Students .............................................................. 7570
5.8 Safe Public School Choice Option to Students who are Victims of a Violent
  Criminal Offense .......................................................................... 7580

STUDENTS WITH DISABILITIES

6.1 Special Education: District Plan ...................................................... 7610
  6.1.1 Children with Disabilities .................................................. 7611
  6.1.2 Grouping by Similarity of Needs .......................................... 7612
  6.1.3 The Role of the Board in Implementing a Student's
    Individualized Education Program ........................................... 7613 (4321.1)
  6.1.4 Preschool Special Education Program ................................... 7614 (4321.2)
  6.1.5 Least Restrictive Environment ............................................. 7615
  6.1.6 Prereferral Intervention Strategies in General Education
    (Prior to a Referral for Special Education) ............................... 7616
  6.1.7 Declassification of Students with Disabilities ..................... 7617
  6.1.8 Use of Time Out Rooms ...................................................... 7618
6.2 Students with Disabilities Participating in School District Programs ............ 7620 (4321)
  6.2.1 Section 504 of the Rehabilitation Act of 1973 ...................... 7621 (4321)
6.3 Appointment and Training of CSE and CPSE Members
  6.3.1 Appointment and Training of Committee on Special Education (CSE)/
    Subcommittee on Special Education Members ......................... 7631
  6.3.2 Appointment and Training of Committee on Preschool
    Special Education (CPSE) Members ...................................... 7632
6.4 Student Individualized Education Program (IEP): Development and Provision.... 7640
  6.4.1 Transition Services .......................................................... 7641
  6.4.2 Extended School Year (July/August) Services and/or Programs .... 7642
6.5 Identification and Register of Children with Disabilities (Child Find) ............ 7650
6.6 Parent Involvement for Children with Disabilities .......................... 7660
6.7 Due Process Complaints: Selection and Board Appointment of Impartial
  Hearing Officers ........................................................................ 7670
6.8 Independent Educational Evaluations ........................................ 7680
6.9 Special Education Mediation ...................................................... 7690

NOTE: Numbers in parenthesis ( ) denote regulation found in District's Administrative Manual
developed in 1998.
SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY

Mission Statement and Objectives:

It is a goal of the Enlarged City School District of Middletown to ensure that each student attends school the maximum number of days possible in order to afford each student the opportunity to meet his/her potential.

Philosophy

Good attendance and class participation are essential ingredients for academic success. Any absence from class is detrimental to the learning process. Classroom lessons foster and require social interaction, development of effective communication skills, critical thinking, and subject mastery.

To achieve educational goals and to maintain a true academic environment, students must attend their classes at least the required number of times. Students who fail to meet the minimum attendance and course work requirements are at serious risk for failing the course and receiving no credit.

The Board of Education, in accordance with New York State Education Law, requires that each minor from age six to the end of the school year in which the student turns 16 years of age shall regularly attend school full time, unless he/she has completed a four-year high school course of study. He/She may attend a school other than a public school or receive home instruction, provided the instruction is equivalent to that offered in the public schools.

Strategies to Meet Objectives

The District will:

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

b) Utilize data analysis systems for tracking individual student attendance and individual and group trends in student attendance problems.

c) Develop early intervention strategies to improve school attendance for all students.

d) Parents must be contacted for all student absences, even one-day absences. A call is not necessary if the parent contacts the school. A reasonable attempt must be made to reach the child's parent/guardian.

Definitions

Absence: The failure of a student to be physically present in school/class or at a school approved activity.

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

Excused Absence: An absence for any portion of the day that meets the conditions specified under "Excused Absence;" also known as "Legal Absence" or "Lawful Absence."

Unexcused Absence: An absence for any portion of the day that does not meet the conditions specified under "Excused Absence."

Early Departure: Departure from the school building more than one hour, or one class period, before the scheduled end of the school day.

Tardiness: The failure of a student to be physically present in the building at the designated start of the school day, or the designated start of a class period at the middle and secondary levels.

**Excused Absence**

- Illness of student (1)
- Serious illness, quarantine, or death in family (1)
- Observance of a religious holiday (1)
- Court appearance (2)
- Doctor's appointment (1)
- School approved activity (2)
- Family emergency (1)
- Out of School Suspension (OSS)
- In School Suspension (ISS)
- Absence due to Code of Conduct violation

1. Requires written parent notification
2. Requires pre-approval of school principal

**Unexcused Absence**

Absence for any reason other than listed above will be deemed unexcused.

**Record Keeping**

Each teacher shall keep a record of each student's presence, absence, tardiness, and early departure. Each building will produce a daily list of absentees, students who were tardy, and early departures. Each building will also maintain a record for each student indicating all absences, reasons for absence, and incidents of tardiness and early departure.

At the elementary level, grades pre-K through 5, each teacher will submit to the office names of students absent from his/her class each day.

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

At the secondary level, grades 6-12, each teacher will submit to the office names of students absent from each class, every day.

At the secondary level, grades 6-12, each teacher will maintain a daily record of attendance, in accordance with district attendance requirements as outlined above, for each class or group for which he/she is responsible.

Record Keeping Code

1 - Unexcused absence
2 - Tardy
3 - Religious observance
4 - In school suspension
5 - Out of school suspension
6 - Early departure
7 - Excused absence
8 - Home instruction

Attendance Requirements

All registered students are expected to attend all classes as scheduled. Students who miss school or class more than ten percent (10%) risk credit denial and/or retention per the District's promotion/retention policy.

Students are generally not entitled to make up work if their absence is considered unexcused, absent extraordinary circumstances warranting otherwise, as may be determined by the building principal. At the secondary level, any student who exceeds the maximum number of unexcused absences (20 days for a full-year course, and 10 days for a one-semester course) AND does not make up assigned class work (if permitted to do so) will not be eligible to receive credit for that course. Parents of students who are denied credit for these reasons will be notified in writing and by telephone. High School students who are denied credit due to poor attendance may go to summer school only if they get a fifty percent (50%) on the regular course final, as this is considered the entrance exam for summer school for those who are otherwise denied credit.

At the secondary level, lateness or early departure in excess of fifteen minutes to any class will be deemed an absence (determination of excused/unexcused to be based on conditions listed above).

Students who have been absent from either a class or from school must present written documentation from either the parent or a school official that provides the reason(s) for the absence. Failure to provide such documentation within 24 hours of the student's return to class or school may be deemed by the School Principal as an unexcused absence.

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

Students who are attending school-sponsored field trips, assemblies, rotating music lessons, or who are involved in mandatory testing or counseling, will not be considered absent as part of this attendance policy since they are participating in activities that are an extension of the District's academic program. This paragraph is not intended to preclude the need for timely communication between and among the student and the staff members consistent with the parameters of the previous paragraph of this policy.

Students who are absent from class due to in-school suspension, or out-of-school suspension, will not be penalized by the attendance parameters of this policy.

Eligible students whose absences are due to illness or accident may be placed on home tutoring. Students who are on home tutoring are credited with attendance for their participation. Normally, eligibility is established in writing by a physician for students who must be absent twenty or more consecutive days from school. Cases involving unusual or extraordinary circumstances may be referred to the building principal or director of pupil personnel services for consideration.

Students who are classified as disabled by the District's CSE, or under Section 504 of the Rehabilitation Act of 1973, and who are in jeopardy of being denied academic credit based on this attendance policy, will have the building principal or designee determine if the disability precludes compliance with this attendance policy. If such is the case, the child will be referred back to the CSE or 504 Committee to determine appropriate attendance procedures. If the determination is such that the disability does not preclude compliance with this attendance policy, the student will be held accountable to this policy as written.

**Make-up Policy**

Upon returning to school following an absence, tardiness or early departure, it shall be the responsibility of the student to arrange make-up work with his or her teacher. The teacher shall provide the student sufficient time in which to make up missed assignments or examinations. Students are generally not entitled to make up work if their absence was considered unexcused, absent extraordinary circumstances warranting otherwise, as determined by the building principal.

**Intervention Strategies**

Copies of the District's Student Attendance Policy will be provided to parents/persons in parental relation and to students at the beginning of each school year or at the time of enrollment in the District, and will be available in each building as well.

School newsletters and publications will include periodic reminders of the components of the District's Comprehensive Student Attendance Policy. Copies of the Attendance Policy will also be included in parent/student handbooks.

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

Parents of students who have excessive and/or unexcused absences, tardiness or early departures will be notified by telephone and by mail. In addition, appropriate student support service personnel within the District will be identified to the student or the parent for purposes of remediation.

At the secondary level, staff members will review the District's Attendance Policy with students who have excessive and/or unexcused absences, tardiness or early departures.

Attendance Incentives

In order to encourage student attendance, schools may develop and implement grade-appropriate/building-level strategies and programs which may include but not be limited to: attendance honor rolls, prizes, rewards, special events, contests, classroom acknowledgement, etc.

Disciplinary Consequences

Unexcused absences, tardiness and early departures may result in disciplinary sanctions as described in the District's Code of Conduct.

Parent Notification

Where required, written notification of potential attendance policy violation will include the number of days school has been in session and the number of absences the student has had to date. Additional information may include incidents of tardiness and early departure, request for a parent conference and contact person, and prior attempts to notify the parent by phone.

Development of Intervention Strategies

Each building and program will establish appropriate intervention strategies that will seek to improve and reinforce school and class attendance.

Building Review of Attendance Records

The building principal or designee will work in conjunction with the building attendance clerk and other designated staff in reviewing attendance records monthly or more frequently as needed. This review will be conducted to identify individual and group attendance patterns and to initiate appropriate action to address problems of unexcused absences, tardiness, and early departures.

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

Adopted: 6/2/05
Revised: 7/10/08
SUBJECT:  PRE-KINDERGARTEN ATTENDANCE POLICY

a)  Students will maintain a minimum of 85% attendance rate throughout the school year.

b)  After three (3) consecutive absences, a phone call is made to the child's home to inquire about his/her health, status, etc.

c)  When a student's attendance begins to be inconsistent, the parent/guardian will receive a phone call from the school social worker or home school liaison to discuss the situation.

d)  At any time during the school year, if a student's attendance rate falls below 85%, the parents/guardians will be contacted to discuss:
   1.  Reasons for absences;
   2.  Does the family need assistance that the program can either provide or make recommendations for outside contacts/agencies;
   3.  Possible displacement from the Pre-Kindergarten Program if attendance does not improve (to meet the minimum 85% attendance requirement);
   4.  Whether a home visit is needed by the school social worker, home school liaison, teacher and/or teaching assistant.

e)  After a period of two (2) weeks following contact with the parent/guardian (see #b), if the student's attendance has not improved, he/she will be formally removed from the program to open a slot for a student on the waiting list. The parent/guardian will be sent a certified letter notifying them of their child's removal from the program.

f)  The above policy will be written in the "Pre-Kindergarten Handbook for Parents" with a sign-off section for parents/guardians.

Adopted:  8/25/05
SUBJECT: RELEASED TIME OF STUDENTS

Written requests from the parent/guardian for the release of students generally will be honored. The appropriate time and reason for absence shall be recorded on the attendance record, using the procedures mandated by the state.

The Building Principal shall assume this responsibility or shall designate an individual to review and approve all requests.

Release Time for Religious Instruction

A student will be released for religious instruction for a maximum of one (1) hour each week upon the presentation to his/her Building Principal of a parental request in writing.

8 NYCRR § 109.2

Adopted: 6/2/05
SUBJECT: EMPLOYMENT OF STUDENTS OF MINOR AGE

A minor's work hours shall be in accordance with all applicable federal and state laws and regulations as well as requirements established by the School District.

Pursuant to Education Law, minors may be employed when attendance upon instruction is not required, provided they obtain a valid employment certificate or permit (if applicable); and provided such employment is not prohibited by and/or in violation of the Labor Law or other law.

Minors may not work during the hours they are required to attend school unless otherwise authorized pursuant to law and/or regulation.

However, students at least 14 years of age may be employed during the school lunch period in their school's cafeteria if the minor presents a valid employment certificate issued in accordance with Education Law.

Students 16 and 17 years of age may work when school is in session until 10 p.m. on any day preceding a school day. However, students 16 and 17 years of age may work between 10 p.m. and midnight on any day preceding a school day provided the employer receives and maintains both the written consent of the student's parent/guardian and a certificate from the student's school at the end of each marking period which asserts that the student is in satisfactory academic standing according to the standards established by the School District.

Students 16 and 17 years of age may work between 10 p.m. and midnight on any day preceding a non-school day provided the employer receives and maintains the written consent of the parent/guardian.

Before issuing a certificate of satisfactory academic standing, the District shall ensure that students and their parents/guardians are afforded all legal rights and protections, including the right of consent, in complying with requests for disclosure of student records and information from such records under the federal Family Educational Rights and Privacy Act.

Fair Labor Standards Act of 1938 (FLSA), as amended
29 USC § 201 et seq.
29 CFR Parts 570-580
Family Educational Rights and Privacy Act of 1974 (FERPA)
20 USC § 1232(g)
34 CFR Part 99
Education Law Article 65
Labor Law Articles 4 and 4-A
Arts and Cultural Affairs Law Article 35
8 NYCRR §§ 141.8 and 141.9 and Part 190

 Adopted: 5/3/07
SUBJECT: AGE OF ENTRANCE

Kindergarten

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

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

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

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

Other Grades

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

Proof of Age

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

Education Law §§ 1712, 3202 and 3212

Adopted: 6/2/05
SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS

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

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

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

The diagnostic screening will be conducted:

a) By persons appropriately trained or qualified;

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

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

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

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

Results and Reports

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

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

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

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

Confidentiality of Information

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

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

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

Adopted: 6/2/05
Revised: 6/1/17
SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY

Ages of Attendance/Compulsory Attendance Age

All persons residing 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.

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

Undocumented Foreign Nationals

Children who are undocumented foreign nationals, like children who are U.S. citizens, have the right to attend school full-time as long as they meet the age and residency requirements established by state law. Accordingly, the District shall not request on any enrollment/registration form(s) or in any meeting or other communication any of the following documentation at the time of enrollment and/or as a condition of enrollment:

a) Social security card or number; or

b) Any information regarding, or which would tend to reveal, the immigration status of the child, the child's parent(s) or the person(s) in parental relation, including but not limited to copies of or information concerning visas or other documentation indicating immigration status.

Insofar as the District is required, for purposes of complying with state and/or federal laws, to collect social security numbers, data pertaining to students' national origin, or other information that would tend to reveal the immigration status of any child and/or child's parent(s) or person(s) in parental relation, District personnel shall collect such data after the child already has been enrolled in school.

Proof of Age

Certified Birth Certificate or Record of Baptism. Where a certified transcript of a birth certificate or record of baptism (including a certified transcript of a foreign birth certificate or record of baptism) giving the date of birth is available, no other form of evidence may be used to determine a child's age.

Passport. 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.

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

Where neither a birth certificate nor record of baptism, or passport, is available, the District will consider, as proof of a child's age, other documentary or recorded evidence in existence for two years or more, including but not limited to the following:

a) School photo ID with date of birth;
b) Hospital or health records;
c) State or other government-issued ID;
d) Other documents issued by federal or state or local agencies (e.g., local social services agency, federal Office of Refugee Resettlement);
e) court orders or other court-issued documents;
f) Military dependent ID card;
g) Native American Tribal document;
h) Record(s) from non-profit international aid agencies and voluntary agencies (VOLAGs);
i) Consulate identification card; and
j) Official driver's license.

Determination of Student Residency

"Residence," pursuant to New York Law and for purposes of this policy is established by a child's physical presence as an inhabitant within the District and his/her intent to remain in the District.

A child's residence is presumed to be that of his/her parents or legal guardians. However, the presumption that a child's residence is with his/her parents or legal guardians may be rebutted upon demonstration that custody of the child has been totally and permanently transferred to another individual.

The residence of children dwelling within the District's boundaries shall be established in a manner that is consistent with state law and the authorized implementing regulations of the Commissioner of Education (the "Commissioner"). Proof of residency is required. Documentation may include, but is not limited to, the following:

a) A residential lease, or proof or ownership of a house or condo (e.g., deed or mortgage statement);

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

b) A statement by a third-party landlord, owner or tenant from whom the parents(s) or persons(s) in parental relation leases or with whom they share property within the District;

c) A statement by a third party establishing the parent(s)' or person(s) in parental relationship's physical presence in the District.

If the proof of residency documentation listed above is unavailable, other forms of documentation and/or information establishing physical presence in the District may include, but are not limited to the following:

a) Pay Stub;
b) Income tax return;
c) Utility or other bills;
d) Membership documents based upon residency (i.e. library cards);
e) Voter registration document;
f) Official driver's license, learner's permit or non-driver identification;
g) State or other government issued identification;
h) Federal, state or local agency documentation (i.e. social service agency, federal Office of Refugee);
i) Evidence of custody of the child (including but not limited to judicial custody orders or guardianship papers).

The Board of Education or Superintendent of Schools shall determine, in accordance with Section 100.2(y) of the Commissioner's regulations, whether a child is entitled to attend a District school. When a child's parent(s), or other person(s) in parental relation to the child, or the child, as applicable, requests enrollment of the child in the District, such child shall be enrolled and shall begin attendance on the next school day, or as soon as practicable. Within three business days of such initial enrollment, the Board of Education or its designee shall review all documentation submitted by the child's parent(s), or other person(s) in parental relation to the child, or the child, as applicable, and shall make a residency determination. Prior to making a determination about whether the child is entitled to attend the District's schools, the Board or its designee shall afford the child's parent(s), or other person(s) in parental relation, or the child, as applicable, the opportunity to submit information regarding the child's right to attend school in the District. The Board or Board's designee may make a subsequent determination at any time during the school year that a child is not entitled to attend school in the District as a District resident.

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

Any adverse residency decision by a school official other than the Board or Superintendent shall include written notice to the parent/person in parental relation of the procedures for obtaining review of the decision within the District. A "final" residency determination made by the Board or Superintendent shall include written notice which shall state:

a) That the child is not entitled to attend the public schools of the District;

b) The specific basis for the determination that the child is not a resident of the District, including but not limited to a description of the documentary or other evidence upon which the determination is based;

c) The date as of which the child will be excluded from the schools of the District; and

d) The right to appeal to the Commissioner, as follows:

This determination may be appealed to the Commissioner of Education in accordance with Education Law Section 310, within 30 days. Instructions, forms and procedures for taking such an appeal, including translated versions of such instructions, forms and procedures, may be obtained from the Commissioner's Office of Counsel at www.counsel.nysed.gov, or by mail addressed to: Office of Counsel, New York State Education Department, State Education Building, Albany, NY 12234; or by calling the Appeals Coordinator at: (518) 474-8927.

Children Living With Noncustodial Parents

Where a child's parents live apart, the child can have only one legal residence. In cases where parents have joint custody, and the child's time is essentially divided between two (2) households, and both parents assume responsibility for the child, the decision regarding the child's residency lies ultimately with the family. Where parents claim joint custody, but do not produce proof of the child's time being divided between both households, residency will be determined on the basis of the child's physical presence and intent to remain within the District.

Homeless Children

The following persons/classes of persons are authorized to designate a child as a homeless child or youth in accordance with applicable law: 1) the parent/person in parental relation to a homeless child; or 2) in the case of an unaccompanied homeless youth, the homeless youth, together with the District's homeless liaison; or 3) the director of a residential program for runaway and homeless youth established pursuant to Article 19-H of the Executive Law, in consultation with the homeless child, where such homeless child is living in such program.
SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY (Cont'd.)

An authorized Designator may designate either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child shall attend. Determinations regarding whether a child is entitled to attend the District's schools as a homeless child or youth will be made in accordance with Section 100.2(x) of the Commissioner's Regulations.

Children of Activated Reserve Military Personnel

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

Emancipated Students

The presumption that a child resides with his/her parents or legal guardians may also be rebutted upon demonstration that such child is "emancipated." The determination about whether a student is emancipated will be based on evidence that the student:

a) Is beyond the compulsory school attendance age (which is defined by law as the end of the "school year" (defined as July 1 to June 30) during which the child turns age 16 (or the end of the school year during which the student turns age 17 if the Board of Education has adopted a policy making 17 the compulsory attendance age); and

b) Is living separate and apart from his/her parents in a manner inconsistent with parental custody and control (i.e., the parents are no longer making decisions for the student); and

c) Is not receiving financial support from his or her parents; and

d) Has no "intent" to return home, as determined by the student's words and actions.

To establish emancipation, a student may submit documentation of his/her means of support, proof of residency and an explanation of the circumstances surrounding the student's emancipation, including a description of the student's relationship with his/her parents/persons in parental relation.

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

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

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

In accordance with the Family Court Act and Domestic Relations Law, a person possessing a lawful order of guardianship or custody of a minor child who is not the parent of such child may enroll the child in public school in the school district where he/she and the child reside. Upon application for enrollment by the guardian or custodian, the District shall enroll such a child for such time as the child resides with the guardian or custodian in the District upon verification that the guardian or custodian possess a lawful order of guardianship or custody for the child and that the guardian or custodian and the child actually reside in the same household within the District.

In addition, a child may become a legal resident of the District, without a court order, for purposes of attending school in the District, if the child's parent(s) or legal guardian(s) permanently and completely relinquish custody and control of their child to a person who is a legal resident of the District, provided that parental custody and control are not relinquished to other persons for the sole purpose of enabling the child to take advantage of the District's schools.

The District also shall accept other proof of parental custody and control, including, but not limited to, documentation indicating that a child resides with a sponsor with whom the child has been placed by a federal agency.

McKinney-Vento Homeless Education Assistance Act, § 722, as reauthorized by the No Child Left Behind Act of 2001
Education Law §§ 3202, 3205, 3209 and 321
Family Court Act §657
Domestic Relations Law §74
8 NYCRR §§ 100.2(x) and (y)

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

Adopted: 6/2/05
Revised: 12/1/11; 2/5/15
SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH

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

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

a) Sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;

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

c) Abandoned in hospitals;

d) Awaiting foster care placement; or

e) A migratory child who qualifies as homeless in accordance with Commissioner's Regulations. As defined in the No Child Left Behind Act of 2001, the term "migratory child" includes a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who has moved from one school district to another in the preceding 36 months, in order to obtain, or accompanies such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work.

f) A child or youth who has a primary nighttime location that is:

1. A supervised, publicly or privately operated shelter designed to provide temporary living accommodations including, but not limited to, shelters operated or approved by the state or local department of social services, and residential programs for runaway and homeless youth established pursuant to Article 19-H of the Executive Law; or

2. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station or similar setting.
SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

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

Enrollment, Retention and Participation in the Educational Program

Enrollment of homeless children shall not be delayed due to the following issues:

a) Transportation
b) Immunization requirements
c) Residency requirements
d) Birth certificates, medical records, IEPs, school records and other documentation
e) Guardianship issues
f) Comprehensive assessment and advocacy referral processes
g) Resolution of disputes regarding school selection
h) Immigrant status
i) Attendance requirements
j) Sports participation rules
k) Inability to pay fees or uniform costs
l) Other enrollment issues

Educational Programs and Services

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

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

All homeless children and youth are automatically eligible for Title 1 Part A services whether or not they meet the academic standards or live in a Title 1 school attendance area. Homeless students may receive Title 1 educational or support services from school-wide and targeted-assistance school programs.

Transportation

If the local social service district or the Office of Children and Family Services is not required to provide transportation, the designated district is responsible for the provision and the cost of the student's transportation. Where a homeless student designates the school district of current location as the district the student will attend, then that district shall provide transportation to the student on the same basis as a resident student. Where the homeless student designates the school district of origin or a school district participating in a regional placement plan, then that district must provide transportation to and from the homeless child's temporary housing and school not to exceed 50 miles each way unless the Commissioner certifies that the transportation is in the best interests of the child.

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

School District Liaison for Homeless Children and Youth

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

Training

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

Outreach

The District will make every effort to inform the parents or guardians of homeless children and youth of the education, transportation and related opportunities available to their children including transportation to the school of origin. The parent(s)/guardian(s) will be assisted in accessing transportation to the school they select, and will be provided with meaningful opportunities to participate in the education of their children. Public notice of educational rights of homeless children and youth

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

will be disseminated by the District in places where families and youth are likely to be present (e.g., schools, shelters, soup kitchens), and in comprehensible formats (e.g., geared for low literacy or other community need).

Dispute Resolution

The District shall establish guidelines for the prompt resolution of disputes regarding school selection or enrollment of a homeless student and provide a written explanation, including a statement regarding the right to appeal to the parent or guardian if the School District sends the student to a school other than the school of origin or the school requested by the parent or guardian. If there is a factual dispute over whether a student is homeless, the District will immediately enroll the student and then provide the parent/guardian the opportunity to submit verification of homelessness. The student will remain enrolled until a final determination is made by the District and for a minimum of thirty (30) days after the final determination to allow the parent/guardian opportunity to appeal to the Commissioner of Education.

Record and Reporting Requirements

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

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

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

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

NOTE: Refer also to Policy # 7511 -- Immunization of Students

Adopted: 6/2/05
Revised: 6/16/16
SUBJECT: NON-RESIDENT STUDENTS

The Board of Education affirms its primary responsibility to educate children who are residents of the District and who are of legal age to attend school. Non-resident families who wish to enroll children in the Enlarged City School District of Middletown, NY shall submit a request in writing to the Superintendent. The Superintendent will review such requests and make recommendations regarding non-resident student admission to the Board of Education. The Board of Education will have final authority to approve or deny such requests.

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

a) There is sufficient space to accommodate the non-resident student;
b) No increase in the size of faculty or staff will be necessary; and
c) Admittance will not result in the establishment of a new section.

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

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

a) Parents/guardians must work out transfer conditions with the home school district or provide their own transportation;
b) All rules and regulations in effect for District students will be applicable to non-District students;
c) Tuition may be charged to families of non-resident students in accordance with formulas approved by the State Education Department; and
d) Children of ECSDM employees who are parents or "legal guardians" may attend tuition free.

Future Students

The children of families who have signed a contract to buy or build a residence in the School District may be enrolled for the semester in which they expect to become residents. Non-resident tuition shall be charged, payable in advance, with an adjustment to be made when the family becomes a resident in the District.

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

Former Residents

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

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

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

Foreign Exchange Students

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

Reservation of Claims

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

Tuition Fees

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

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

Legal Residence

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

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

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

NOTE: Refer also to Policies #7130 -- Entitlement to Attend -- Age and Residency
#7131 -- Education of Homeless Children and Youth

Adopted: 6/2/05
Revised: 6/1/17
SUBJECT: INVOLUNTARY TRANSFER OF STUDENTS

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

Education Law §§ 1709(3) and 3214(5)

Adopted: 6/2/05
SUBJECT: EDUCATIONAL SERVICES FOR MARRIED/PREGNANT STUDENTS

Married Students

The Board of Education will comply with state law in reference to married students attending school.

Pregnant Students

New York State Education Law further provides that resident students over five (5) and under twenty-one (21) who have not received a high school diploma are entitled to attend school in the district in which they reside. The law further requires that a school district provide for this instruction and also to provide for home instruction for those students of legal age who are unable to profit from instruction in school.

In view of the above, administrative regulations will be developed to implement the terms of this policy to provide instruction as required by the New York State Education Law for students who become pregnant. The Superintendent, or his/her designee, is directed to consult with the school physician and the student's personal physician in determining the form of instruction.

The form of instruction may be any of the following or a combination of the following:

a) Remain in school with provisions for special instruction, scheduling, and counseling where needed.

b) Receive home instruction.

c) Attend BOCES programs.

Education Law §§ 1604(20), 3202-1, 3205-1, 4401-1 and 4402-2

Adopted: 6/2/05
SUBJECT: SCHOOL CENSUS

In small city school districts, the Board of Education shall constitute a permanent census board in each such city. The Board shall, under its regulations, cause a census of the children in its city to be taken and to be amended from day to day, as changes of residence shall occur among children within the prescribed census age ranges and as other children come within such prescribed age ranges. The census will also account for other children within the prescribed age ranges as they become residents of the city, so that there shall always be on file with the Board of Education a complete census giving the facts and information required pursuant to law. Census data shall be reported as required by law.

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

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

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

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

Count of Immigrant Children and Youth

As a provision of the federal Title III Part A – English Language Acquisition, Language Enhancement, and Academic Achievement Act under the No Child Left Behind Act of 2001, the U.S. Secretary of Education requires that all local educational agencies (LEAs) count the number of "immigrant children and youth" enrolled in the public and nonpublic schools in the geographic area

(Continued)
SUBJECT: SCHOOL CENSUS (Cont'd.)

under the jurisdiction of, or served by, the LEA. The results of this count have important implications for the receipt of supplemental federal funds to eligible LEAs in New York State for services to recently arrived immigrant children and youth.

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

a) Are ages three (3) through twenty-one (21);

b) Were NOT born in any state or from the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the U.S. Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands; and

c) Have NOT been attending schools in any one or more States for more than three (3) full academic years.

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

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

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

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

Adopted: 6/2/05
Revised: 6/1/17
Grade Promotion and Placement

Grade promotion and the placement of students within the District's instructional system shall be at the discretion of the school administration and shall be subject to review at any time. In making such decisions, the administrator or Building Principal will be guided by: performance in class; past records, including various measures of student growth; recommendations from parents, persons in parental relation to District students, and teachers; and any other appropriate sources of information. With regard to student placement decisions, parents or persons in parental relation to District students may submit written requests for teacher attributes that would best serve their child's learning needs; however, requests for specific teachers will not be honored.

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

Promotion or retention of a student will be considered according to the following criteria:

a) Academic proficiency as compared to District grade level curriculum guides.

b) Social and emotional development of the student.

c) Input from current teachers, child study team, and other sources.

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

At the Elementary Level: Entering Grades 1-5

Decisions about promotion and retention at the elementary level will be made by the Principal in consultation with the classroom teacher, the student's parents/guardians, and other appropriate professionals. Written appeals may be addressed to the Superintendent of Schools or his/her designee and will be included in the student's file, regardless of the outcome of the appeal.

By the conclusion of the first semester, elementary school teachers should notify the Principal of those students who might be considered for retention. Shortly thereafter, parents should be contacted to discuss the student's progress and placement. Ongoing communications between the school and the parent should culminate in a decision about promotion or retention before the conclusion of the school year. All decisions on retention will be communicated by the Principal to the Superintendent or his/her designee before the end of the school year.
SUBJECT: STUDENT EVALUATION, PROMOTION AND PLACEMENT (Cont'd.)

At the Middle Level: Entering Grades 6-8

Decisions about promotion and class assignments at the middle level will be made by the Principal in consultation with the student's classroom teachers, parents/guardians, and other appropriate professionals based on academic achievement in core subjects and grade level proficiency measured by norm-referenced assessments. Written appeals may be addressed to the Superintendent of Schools and/or his her designee and will be included in the student's file, regardless of the outcome of the appeal.

A minimum average of 65 is necessary for passing. The Final Average in a subject will be determined by four-fifth (4/5) report card grades and one-fifth (1/5) final exam. If no final exam is given, the Final Average will be the average of the four report card grades. All core subjects will be required to administer a final comprehensive cumulative examination.

By the conclusion of the first semester, teachers/clusters should notify the Principal of those students who might be considered for retention. Shortly thereafter, parents should be contacted to discuss the student's progress and placement. Ongoing communications between the school and the parent should culminate in a decision about promotion or retention before the conclusion of the school year. All decisions on retention will be communicated by the Principal to the Superintendent or his/her designee before the end of the school year.

At the High School Level: Entering Grades 9-12

In the departmentalized program in grades 9-12, the student's progress will be determined by the number of subjects passed or credits earned. However, there will be certain restrictions on the pattern of courses the student may select.

A minimum average of 65 is necessary for passing. The Final Average in a subject will be determined by four-fifth (4/5) report card grades and one-fifth (1/5) final exam. If no final exam is given, the Final Average will be the average of the four report card grades. All core subjects will be required to administer a final comprehensive cumulative examination.

Testing Program

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

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

Alternative Testing Procedures

The use of alternative testing procedures shall be limited to:

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

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

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

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

Reporting to Parents and Persons in Parental Relation to Students

Parents and/or persons in parental relation to District students shall receive an appropriate report of student progress at timely and regular intervals through the use of the Infinite Campus Parent Portal, the Infinite Campus Grade Book and other communications/methods as necessary. The Infinite Campus Grade Book will be used to record and communicate to parents and persons in parental relation to students all assessed class assignments, quizzes, exams, projects, performances and grades.

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

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

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

Adopted: 6/2/05
Revised: 4/25/13; 6.15.2017, 8/31/17
SUBJECT:  PROVISION OF INTERPRETER SERVICES TO PARENTS WHO ARE HEARING IMPAIRED

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

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

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

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

a) Written communications, transcripts, note takers, etc.; and

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

Education Law § 3230
8 NYCRR § 100.2(aa)

Adopted: 6/2/05
SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS

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

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

The Enlarged City School District of Middletown, NY has established procedures for identifying students with learning disabilities that use a research-based RtI process prior to, or as part of, an individual evaluation to determine whether a student has a learning disability. An RtI process is required for all students in grades kindergarten through grade 4 suspected of having a learning disability in the area of reading. RtI cannot be utilized as a strategy to delay or deny a timely initial evaluation of a student suspected of having a disability under the Individuals with Disabilities Education Act (IDEA).

Minimum Requirements of District's RtI Program

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

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

b) Screenings shall be provided to all students in the class to identify those students who are not making academic progress at expected rates: Measures of Academic Progress (MAPS) (K-9), Fountas and Pinnell Benchmark Assessment (BAS) (K-12), Degrees of Reading Power (DRP) (K-12), District quarterlies (Math/K-12, ELA/K-12);

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;

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

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

The RtI team will follow a structured problem solving process that makes the most efficient use of time to achieve the goal of developing effective student intervention plans. A student intervention plan is relevant after differentiated instruction has been provided in the classroom for a reasonable period of time and data collected warrants discussion of whether the rate of improvement is insufficient.

The Tier 1 RtI team will consist of the following members:

1. Team Leader (facilitator)
2. Referring classroom teacher
3. Grade level teacher
4. Title I interventionists (Math/ELA)
5. School social worker
6. Guidance counselor
7. ENL/Bilingual teacher (if applicable)
8. Speech Therapist (if applicable)
9. COTA (if applicable)
10. Physical Therapist (if applicable)
11. Teacher of the Visually Impaired (if applicable)
12. Any other pertinent staff member

The Tier 2 RtI team will consist of the following members:

1. Building administrator (facilitator)
2. Referring classroom teacher
3. Grade level teacher
4. Title I interventionists (Math/ELA)
5. Special Education Teacher
6. School social worker
7. Guidance counselor
8. ENL/Bilingual teacher (if applicable)
9. Speech Therapist (if applicable)
10. COTA (if applicable)

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

1. Building administrator (facilitator)
2. Referring classroom teacher
3. Grade level teacher
4. Title I interventionists (Math/ELA)
5. Special Education Teacher
6. School social worker
7. Guidance counselor
8. ENL/Bilingual teacher (if applicable)
9. Speech Therapist (if applicable)
10. COTA (if applicable)
11. Physical Therapist (if applicable)
12. Teacher of the Visually Impaired (if applicable)
13. School Psychologist
14. Any other pertinent staff member

The Tier 3 RtI team will consist of the following members:

1. Building administrator (facilitator)
2. Referring classroom teacher
3. Grade level teacher
4. Title I interventionists (Math/ELA)
5. Special Education Teacher
6. School social worker
7. Guidance counselor
8. ENL/Bilingual teacher (if applicable)
9. Speech Therapist (if applicable)
10. COTA (if applicable)
11. Physical Therapist (if applicable)
12. Teacher of the Visually Impaired (if applicable)
13. School Psychologist
14. Any other pertinent staff member

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

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

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

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

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

**Structure of Response to Intervention Program**

#### Middletown's Response to Intervention Tiered Framework

<table>
<thead>
<tr>
<th>Tier 1</th>
<th>Tier 2</th>
<th>Tier 3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>What</strong></td>
<td>Tier 2 offers small group instruction that provides more intensive support to students who have not met success in Tier 1. Tier 2 interventions are provided simultaneous to Tier 1 interventions. Tier 2 interventions are in addition to guided reading and math instruction.</td>
<td>Tier 3 offers an intensive, individualized instruction and assessment to students who have not met success in Tier 1 or 2.</td>
</tr>
<tr>
<td><strong>Who</strong></td>
<td>Classroom teachers are responsible for Tier 1 instruction. -On-target students grades 1-5, kindergarten, new entrants (unless testing qualifies student for AIS), ENL students (regarding reading/math needs)</td>
<td>Tier 2 interventions can be delivered by the Title 1 teachers, Classroom teachers may also be ENL teachers, special education teachers, and related service providers. Provide Tier 2 services.</td>
</tr>
<tr>
<td><strong>When</strong></td>
<td>During the District mandated 90 minute ELA instructional block or 60 minute Math block, 30 minutes of daily ELA Intervention and 30 minutes of daily Math Intervention.</td>
<td>Tier 2 interventions occur daily for at least 30 minutes in addition to the instructional support the child is receiving in Tier 1.</td>
</tr>
<tr>
<td><strong>Where</strong></td>
<td>Tier 1 occurs within the classroom setting</td>
<td>Tier 2 occurs in an alternate location or in the classroom</td>
</tr>
</tbody>
</table>
SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS (Cont'd.)

How Tier 1 must include all settings: whole group, flexible small group, one to one.

Universal Screening Grades K-5: MAPS, Fountas and Pinnell Benchmark Assessment (BAS), Degrees of Reading Power (DRP), quarterlies (math/K-12, ELA/1-12), and New York State assessments (NYSESLAT/NYSITELL).

Progress Monitoring (three times per year)

Fountas and Pinnell Optional Assessments, use of the appropriate progress monitoring assessments based on the needs of each individual student (K-8), quarterlies (math/K-12, ELA/1-12), Blended Learning Data, anecdotal notes, teacher assessment (K-12), classroom assessments (K-12) and BAS (K-8).

Tier 2 will occur in homogenous groups of 3-5 students, 3-5 days a week, for 8-15 weeks at the elementary level and 10-20 weeks at the secondary level. In grades K-5, Tier 2 ELA and Math interventions will be provided during the school day in the classroom or alternate location, and/or the Summer Institute.

Progress Monitoring Grades K-5: running records, MAPS checklists, BAS, PALS, Flying Start (ENL Literacy Intervention) or Despegando (Bilingual & Dual Language) classroom assessment and teacher assessment.

Progress Monitoring: Grades K-5: in both Math and ELA: minimum one per week which may include running records, MAPS data, BAS, Blended Learning student data, teacher assessment, and classroom assessment.

Student Profile -On-target students grades 1-5, kindergarten, new entrants (unless testing qualifies student for AIS), ENL students (regarding reading/math needs)

See Title I Guidelines
SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS (Cont'd.)

The District's RtI program will consist of multiple tiers of instruction/assessments to address increasingly intensive levels of targeted intervention to promote early identification of student performance needs and/or rate of learning, and to help raise achievement levels for all students.

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

The Student Support Team's responsibilities shall include, but are not limited to, the following:

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

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

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

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

Universal Screening

Grades K-5:

Measures of Academic Progress (MAPS), Fountas and Pinnell Benchmark Assessment (BAS), Degrees of Reading Power (DRP), District quarterlies (Math/K-12, ELA/K-12).

Progress Monitoring

Measures of Academic Progress (MAPS), Fountas and Pinnell Benchmark Assessment (BAS), Degrees of Reading Power (DRP), Fountas and Pinnell Optional Assessments, use of the appropriate progress monitoring assessments based on the needs of each individual student (K-8), District quarterlies (Math/K-12, ELA/K-12), Blended Learning Data, Anecdotal notes, Teacher assessment (K-12), Classroom assessments (K-12).

Types of Interventions

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

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

It is expected that use of the Tier Level of instruction will be specific to each student's needs and will be an ongoing process, with students entering and exiting tiers of intervention according to the analysis of student performance data and progress monitoring.

TIER 1

**Interventionist:** Classroom teacher

**Setting:** Classroom

**Grouping:** Whole group, small group, and variable/flexible grouping formats.

**Curriculum:** Customized, intensive, systematic and research-based instruction that targets academic areas of greatest need relative to the cut points identified on criterion screening measures and continued growth as demonstrated by progress monitoring.

**Duration:** Varies, but no less than two times per week for a minimum of 20-30 minutes per session.

**Length of Instructional Sessions:** Involves a minimum of 90 minutes of uninterrupted ELA instruction, 45 minutes of writing and 60 minutes of math per day (elementary), 30 minutes of daily ELA Intervention, 30 minutes of daily Math Intervention, two 45 minute periods of English (grades 6-8), one 45-minute period a day of English (grades 9-12), and one 45-minute period a day of math (6-12).

**Assessment:** All students are screened at least three times per year in ELA and Math.

**Progress Monitoring:** All students are monitored through the use of informal and formal assessments at varied times, but no less than once every two weeks. These measures may include but are not limited to progress monitoring tools, MAPS, Fountas and Pinnell Benchmark Assessment (BAS), Degrees of Reading Power (DRP), quarterlies, Blended Learning data, and New York State Math and ELA assessments inclusive of the NYSESLAT/NYSITELL for English Language Learners (ELLs).

*Transition from Tier 1 to 2 occurs when the student is not responsive to Tier 1 targeted interventions and the gap continues to increase. Various factors (environmental/situational) need to be considered before this transition occurs.*

TIER 2

**Interventionist:** Title 1 teachers, ENL teachers, special education teachers, and related service providers. Classroom teachers may also provide Tier 2 services.

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

Setting: Tier 2 interventions can occur in and/or outside of general education classroom. It is imperative that effective Tier 1 interventions continue to be implemented in the general education classroom.

Grouping: Small homogeneous group instruction (3-5 students).

Curriculum: Customized, intensive, systematic and research-based instruction that targets academic areas of greatest need relative to the cut points identified on criterion screening measures and continued growth as demonstrated by progress monitoring.

Duration: Varies as it is based on rate of progress and performance of students; a minimum of 9-30 weeks.

Length of Intervention Sessions: Varies, but no less than three times per week for a minimum of 20-30 minutes per session, extended time on Blended Learning-looking at data to support.

Assessment: May include formal and informal measures to inform instruction.

Progress Monitoring in both Math and ELA: Varies, but no less than once every week to examine rate and level of performance, which may include but not limited to progress monitoring tools, MAPS data, BAS, Blended Learning data, running records and other assessments from Flying Start to Literacy (ENL Literacy Intervention) and Despegando (Bilingual & Dual), teacher assessment, and classroom assessment.

Tier 2 Student Profile:

During this period, the student's progress is reviewed by the RTI team and a determination is made to continue Tier 2 with new interventions or require less intensive interventions within Tier 1 only. A student who does not meet with success at Tier 2 does not necessarily qualify for Tier 3 interventions. Movement within the tiers is based on the student's individual needs and achievements.

Transition from Tier 2 to Tier 3 occurs when the student is not responsive to more intense Tier 2 targeted interventions and the gap continues to increase through data collected from progress monitoring measures.

TIER 3

Interventionist: Certified reading and math teachers, special ed. teacher (above mandated minutes).

Setting: Takes place within the general education classroom as a push-in service unless pullout is warranted.

Grouping: Small, homogeneous grouping (1-3).

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

Curriculum: Customized, intensive, systematic and research-based instruction that targets academic areas of greatest need relative to the cut points identified on criterion screening measures and continued growth as demonstrated by progress monitoring.

Duration: Varies -- a minimum of 15-20 weeks.

Length of Intervention Sessions: Minimum of 30 minutes per session, five times per week.

Assessment: May include formal and informal measures to inform instruction.

Progress Monitoring in both Math and ELA: Minimum once per week which may include by not limited to progress monitoring tools, running records, MAPS data, BAS, Blended Learning student data, teacher assessment, and classroom assessment.

Tier 3 Student profile:

During this period, the student's progress is reviewed by the RTI team and a determination will be made to require less intensive interventions within Tier 2, continue Tier 3 with new interventions, or to complete an initial referral for special education services. Students who not meet with success at Tier 3 do not necessarily qualify for an initial referral for special education services. Movement within the tiers is based on the student's individual needs and achievements.

Amount and Nature of Student Performance Data to be Collected

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

Manner and Frequency for Progress Monitoring

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

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

Fidelity measures (e.g., an observational checklist of designated teaching behaviors in accordance with the RtI process being implemented) will also be completed by Team members to assess whether the intervention was implemented as intended and uniformly applied. Clear benchmarks will be established for student performance and performance charts will be plotted at the completion of the instructional period/intervention process.

Staff Development

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

34 CFR §§ 300.309 and 300.311
Education Law §§ 3208, 4002, 4401, 4401-a, 4402, 4402, and 4410
8 NYCRR §§ 100.2(ii), 200.2(b)(7), 200.4(a), 200.4(j)(3)(i), and 200.4(j)(5)(i)(g)

Adopted: 6/15/17
SUBJECT: GRADUATION REQUIREMENTS/EARLY GRADUATION/ACCELERATED PROGRAMS

In order to graduate from Enlarged City School District of Middletown, NY, a student must complete or may exceed the requirements set forth in Part 100 of the Commissioner's regulations. The Board of Education reserves the right to establish requirements for graduation which exceed the minimum standards as defined by the New York State Regents. All students must be in compliance with Commissioner's regulations for graduation to achieve a minimum of a Regents diploma unless otherwise indicated. Therefore, in accordance with applicable law and regulations, the District may award one (1) or more of the following to students:

a) Regents Diploma;
b) Regents Diploma with Honors;
c) Regents Diploma with Advanced Designation;
d) Regents Diploma with Advanced Designation with Honors;
e) Annotation of Science and/or Math Mastery;
f) Career and Technical Endorsement.

Pathways to Graduation

In addition to the four (4) Regents examinations or approved alternative exams required of all students in the areas of English, mathematics, science, and social studies, students may satisfy their fifth examination requirement by passing an approved Pathways Assessment that measures an equivalent level of knowledge and skill. This "4+1" option, as set forth in the Commissioner's regulations, permits students to take four (4) Regents examinations and also one (1) Pathways Assessment, as approved by the Commissioner, in the area of Humanities, Engineering and Mathematics (STEM), Career and Technical Education (CTE), the Arts, or Biliteracy (languages other than English). The "4+1" option does not, however, change existing graduation course or credit requirements and applies to students who first enter grade 9 in September 2011 and thereafter or who are otherwise eligible to receive a high school diploma in June 2015 and thereafter.

Appeal of Regents Examination Score Option

The District must provide unlimited opportunities for all students to retake required Regents examinations to improve their scores so that the student may graduate with a Regents diploma. Any student who fails, after at least two (2) attempts, to attain a score of 65 or above on a required Regents examination for graduation will have access to the appeals process in accordance with the provisions of Section 100.5(d)(7) of the Commissioner's regulations. No student may appeal his/her score on more than two (2) of the five (5) required Regents examinations. A student whose appeal with a score between

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

62 and 64 is accepted for one (1) required Regents examination, and who has attained a passing score of 65 or above on each of the four (4) remaining required Regents examinations and fulfilled all other course and testing requirements, shall earn a Regents diploma. A student whose appeal with scores between 62 and 64 is accepted for two (2) required Regents examinations, and who has attained a passing score of 65 or above on each of the three (3) remaining required Regents examinations and who has fulfilled all other course and testing requirements, shall earn a local diploma. Approval of an appeal will not change the student's score on the Regents examination under appeal. In addition, the decision to grant or deny an appeal is made at the District level and is not subject to State Education Department (SED) approval.

English Language Learners

In addition to the general Regents examination appeals process previously set forth, the following appeals process applies to English Language Learners (ELL) as identified within the Commissioner's regulations. An ELL who first entered school in the United States in grade 9 or above, and who is otherwise eligible to graduate in January 2015 or thereafter, and who also fulfills all other course, testing, and eligibility requirements in accordance with the Commissioner's regulations, may appeal a score of 55-61 on the required Regents examination in English Language Arts (ELA) after two (2) attempts at attaining a score of 65 or above, to graduate with a local diploma provided that such student meets all other criteria in accordance with Commissioner's regulation section 100.5(d)(7).

Early Graduation

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

Accelerated Programs

Eighth Grade Acceleration for Diploma Credits

Individual eighth grade students may be afforded the opportunity to take high school courses in mathematics and in at least one of the following areas: English, social studies, languages other than English, art, music, career and technical education subjects, or science courses. The Superintendent or his/her designee is responsible for determining whether an eighth grade student is eligible to take high school courses. The District shall utilize a set of criteria to determine each student's readiness for acceleration. Students who are accelerated for diploma credit must have been provided instruction designed to facilitate their attainment of, by the end of grade 7, the State intermediate learning standards in each subject area in which they are accelerated.

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

Online Coursework

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

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

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

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

Adopted: 6/2/05
Revised: 6/15/17
SUBJECT: DIPLOMA AND/OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES

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

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

Local Diploma

To earn a Local Diploma, students with disabilities must:

a) Complete the same twenty-two (22) units of credit required for a Regents Diploma; and

b) Achieve a score of 55 or higher on the five (5) examinations required for a Regents Diploma.

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

Local Diploma with Appeal Option

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

a) Complete the same twenty-two (22) units of credit required for a Regents Diploma;

b) Achieve a score of 55 or higher on at least 3 of the required Regents examinations;

c) Achieve a score of between 52-54 on up to two required Regents examinations they wish to appeal;

d) Have taken the Regents examination(s) under appeal at least two times;

e) Present evidence that the student has taken advantage of academic help provided by the school in the subject tested by the Regents examination(s) under appeal;

f) Have a course average in the subject(s) under appeal that meets or exceeds the required passing grade by the school; and

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

g) Be recommended for an exemption to the graduation requirement by the student's teacher or Department chairperson in the subject of the Regents examination(s) under appeal.

Local Diploma Compensatory Option (Safety Net)

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

a) Complete the same twenty-two (22) units of credit required for a Regents Diploma;

b) Achieve a score of at least 55 on both the English (ELA) and Math Regents exams;

c) Achieve a score of at least 65 on one or more of the required Regents exams which can be used to compensate for a score between 45-54 on one of the other required Regents exams (US History and Government, Global History, and a Science). Each score of 65 or higher on any other Regents exam may compensate for a single 45-54 required exam;

d) Obtain a passing grade for the course in the subject area of the Regents exam in which he or she received a score of 45-54;

e) Have a satisfactory attendance rate in accordance with the District's or school's attendance policy for the school year; and

f) Not already be using a passing score on any RCTs, if such exam is available to the student (entered Grade 9 prior to September 201).

Local Diploma Superintendent Determination Option

To earn a Local Diploma using the Superintendent determination option, student with disabilities must:

a) Complete the same twenty-two (22) units of credit required for a Regents Diploma;

b) Achieve a score of at least 55 on both the English (ELA) and Math Regents exams or successful appeal of a score between 52 and 54;

c) Submit a written request from the parent or guardian to the school principal requesting the student be considered for a superintendent determination;

d) Have a current IEP and be receiving special education programs and/or related services;

e) Have failed to meet the graduation requirements through the low pass (55-64) safety net option or the compensatory option;

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

f) Have taken the Regents examination under consideration (science and/or social studies);


g) Have demonstrated competency in the subject area where the student was not able to demonstrate his/her proficiency of the State's learning standards through the Regents examination.

Career Development and Occupational Studies (CDOS) Commencement Credential

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

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

a) The student has a developed, annually reviewed and, as appropriate, revised Career Plan to assure the student is actively engaged in career exploration;

b) The student has demonstrated commencement level knowledge and skills of the CDOS learning standards. To evidence this level of knowledge and skill, a student must demonstrate: career development, integrated learning, and universal foundation skills. In addition, a student may also, but is not required to, demonstrate additional career skills by completing a career-specific major;

c) The student has successfully completed at least two (2) units of study (216 hours) in Career and Technical Education (CTE) courses, including a minimum of 54 hours of documented school supervised work-based learning experiences, which may, but is not required to, be completed in conjunction with the CTE courses; and

d) Within one year prior to a student's exit from school, at least one Employability Profile must be completed by designated school staff or other individuals knowledgeable about the student's employment skills and experiences.

A student's CTE courses and supervised work-based learning experiences must be documented on his or her transcript and the Career Plan and Employability Profile must be placed in a student's permanent record. The State Education Department (SED) has provided models of the Career Plan and Employability Profile forms as well as charts of work-based learning programs and nationally-recognized work-readiness credentials, located at: http://www.p12.nysed.gov/specialed/publications/CDOScredential-memo-613.htm

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

Skills and Achievement (SA) Commencement Credential

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

a) Meets the definition of a student with a severe disability;

b) Has been recommended by the Committee on Special Education (CSE) to take the New York State Alternative Assessment (NYSSA) for students with severe disabilities;

c) Has been given appropriate opportunities to participate in community experiences and development of employment and other instructional activities to prepare the student for post-secondary living, learning and employment; and


Awarding the SA or CDOS Commencement Credentials

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

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

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

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

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

Adopted: 6/2/05
Revised: 1/17/13; 12/5/13; 6/15/17
SUBJECT: DUAL CREDIT FOR COLLEGE COURSES

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

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

Adopted: 6/2/05
SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE

The Family Educational Rights and Privacy Act

The Enlarged City School District of Middletown, NY shall comply with the provisions of the "Family Educational Rights and Privacy Act of 1974" ("FERPA"). FERPA grants "parents" and "eligible students" the right to inspect and review "education records." In addition, with limited exceptions, FERPA prohibits disclosure of "personally identifiable information" ("PII") about students that is included within, or obtained from, students' education records, without first obtaining parental consent or consent of the student himself or herself if the student is an "eligible student."

"Parent" Defined

The FERPA regulations specify that a "parent" of a student "includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian." This may include, for example, a stepparent. According to the Family Policy Compliance Office ("FPCO"), "a stepparent has rights under FERPA if the stepparent is present on a day-to-day basis with the natural parent and child, and the other parent is absent from the home. Conversely, a stepparent who is not present on a day-to-day basis in the home of the child does not have rights under FERPA with respect to such child's education records. Moreover, unless a court order explicitly limits or terminates a parent's FERPA rights, divorced and/or separated parents both retain their FERPA rights, including the right to "inspect and review" their children's education records, regardless of each parent's respective custodial rights. That is, divorced and/or separated parents do not automatically lose their FERPA rights simply because they do not have custody of their child, or because a court has limited their decision-making authority or involvement in their children's lives.

"Eligible Student" Defined

An "eligible student" is "a student who has reached 18 years of age or is attending an institution of postsecondary education." Once a student becomes an "eligible student," FERPA rights (including not only the right to "inspect and review" the student's education records, but also the right to determine who shall have, or not have, access to the student's education records) pass from the students' parent(s) to the "eligible student," except as noted below.

"PII" Defined

The FERPA regulations define PII to include (but not necessarily be limited to) the following:

a) The student's name;

b) The name of the student's parent or other family members;

c) The address of the student or student's family;

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

d) A personal identifier, such as the student's social security number, student number, or biometric record;

e) Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;

f) Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or

g) Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

"Education Record" Defined

The term "education record" 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.

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

It should also be noted that FERPA, not HIPAA, almost always governs records maintained by the District that contain health and/or medical information about students. That is, "[i]n most cases, the HIPAA Privacy Rule does not apply to an elementary or secondary school because the school either: (1) is not a HIPAA covered entity or (2) is a HIPAA covered entity but maintains health information only on students in records that are by definition "education records" under FERPA and, therefore, is not subject to the HIPAA Privacy Rule." See, Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) And the Health Insurance Portability and Accountability Act of 1996 (HIPAA) To Student Health Records, November 2008, available at: http://www2.ed.gov/policy/gen/guid/fpco/doc/ferpa-hipaa-guidance.pdf.

Personal notes made by teachers or other staff, on the other hand, are not considered education records if they are:

a) Kept in the sole possession of the maker;

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

(Continued)
c) Used only as a memory aid.

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

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

FERPA includes numerous additional, limited exceptions pursuant to which students' education records, or personally identifiable information obtained from such records, may lawfully be disclosed without the consent of students' parents or of eligible students themselves. Some, but not all, of these exceptions are explained below.

Access to Students’ Education Records and/or Information Obtained Therefrom

The Board authorizes the Superintendent or Superintendent's designee(s) to promulgate administrative regulations and procedures, as needed, to assure compliance with the provisions of federal law relating to the availability of student records. The purpose of such regulations and procedures shall be to make students' education records available to parents and eligible students and to ensure the confidentiality of such records with respect to third parties.

Under FERPA, unless otherwise exempted in accordance with law and/or regulation, the District may release or otherwise disclose PII that is contained within or obtained from students’ education records only if the District has obtained consent from the student's parent or eligible student. When the consent of a parent or eligible student is required before an education record or information obtained from an education record can lawfully be disclosed, the consent must be:

a) In writing;

b) Signed and dated;

c) Specify the records that may be disclosed;

d) State the purpose of the disclosure; and

e) Identify the party or class of parties to whom the disclosure may be made.

Signed and dated written consent may include a record and signature in "electronic" form provided that such signature:
SUBJECT:   STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)

   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.

Selected Exceptions to the General Requirement of Prior Written Consent

Directory Information and Limited Directory Information Disclosure

Directory information is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Limited Directory Information disclosure means that the District may limit disclosure of its designated directory information to specific parties, for specific purposes, or both. The intent is to allow schools the option to implement policies that allow for the disclosure of student information for uses such as yearbooks, but restrict disclosure for more potentially dangerous purposes. The District shall limit disclosure of its designated categories of directory information as specified in its public notice to parents of students in attendance and eligible students in attendance.

Health and Safety Emergency Exception

School districts must balance the need to protect students' personally identifiable information with the need to address issues of school safety and emergency preparedness. Under FERPA, if the District determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records, without consent, to any person whose knowledge of the information is necessary to protect the health and safety of the student or other individuals during the period of the health or safety emergency.

The District may release information from records to appropriate parties including, but not limited to, parents, law enforcement officials and medical personnel. The District's determination that there is an articulable and significant threat to the health or safety of a student or other individuals shall be based upon a totality of the circumstances, including the information available, at the time the determination is made. District personnel shall record the articulable and significant threat that formed the basis for the emergency disclosure and maintain this record for as long as the student's education records are maintained.

Release of Information to Another Educational Institution

The District may disclose any and all educational records, including but not limited to disciplinary records and records that were created as a result of a student receiving special education services under Part B of IDEA, to another school or postsecondary institution at which the student seeks or intends to enroll, or after the student has enrolled or transferred, so long as the disclosure is for purposes related to the student's enrollment or transfer. Parental consent is not required for transferring education records if the District's annual FERPA notification indicates that such disclosures may be made. In the absence

(Continued)
of information about disclosures in the annual FERPA notification, school officials must make a
reasonable attempt to notify the parent about the disclosure, unless the parent initiated the disclosure.
Additionally, upon request, schools must provide a copy of the information disclosed and an opportunity
for a hearing.

Audit/Evaluation Exception

The audit or evaluation exception permits the disclosure of PII from education records, without
consent, to authorized representatives of the Comptroller General of the U.S., the Attorney General, the
Secretary of Education, and State or local educational authorities ("FERPA permitted" entities). Under
this exception, PII from education records must be used to audit or evaluate a Federal or State supported
education program, or to enforce or comply with Federal legal requirements that relate to those education
programs (audit, evaluation, or enforcement or compliance activity).

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

Studies Exception

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

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

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

(Continued)
Required Agreements for the Studies or Audit/Evaluation Exceptions

To the extent required by law, the District shall enter into a written agreement with organizations conducting studies for the District, or with designated authorized representatives in connection with audits or evaluations of education programs within the District.

In the event that the District discloses PII from education records to its own designated authorized representative in connection with an audit or evaluation of an educational program within the District, it shall use reasonable methods to ensure to the greatest extent practicable that its designated authorized representative complies with FERPA and its regulations.

Disclosures to Parents of Eligible Students

Even after a student has become an "eligible student" under FERPA, the District may disclose the student's education records, or information obtained therefrom, to the eligible student's own parent(s), without the student's consent:

a) If the student is claimed as a dependent for Federal income tax purposes by the parent;

b) In connection with a health or safety emergency;

c) If the student attends an institution of postsecondary education, is under twenty-one (21) years of age and the disclosure is regarding the student's violation of law, an institutional rule or policy governing the use of alcohol or a controlled substance at that institution; or

d) If the disclosure falls within any other exception to the consent requirements under FERPA or its regulations, such as the disclosure of directory information or in compliance with a court order or lawfully issued subpoena.

Challenges to Student Records

Parents and eligible students shall be afforded the opportunity, in accordance with FERPA, to contest, correct, or delete inaccurate, misleading, or otherwise inappropriate data contained in the student's education record. If there is a disagreement between school officials and a parent or eligible student about the appropriate contents of the student's education records that cannot be mutually resolved, the parent or eligible student (as applicable) shall be afforded an opportunity for a hearing to challenge the content of the applicable record(s), to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student.

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

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


NOTE: Refer also to Policies #7242 -- Student Directory Information
#7243 -- Military Recruiters' Access to Secondary School Students and Information on Students
#7643 -- Transfer Students with Disabilities

Adopted: 6/2/05
Revised: 7/2/13
SUBJECT: RELEASE OF INFORMATION TO THE NONCUSTODIAL PARENT

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

34 CFR Part 99

Adopted: 6/2/05
SUBJECT: STUDENT DIRECTORY INFORMATION

Directory information is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

Annual Directory Information Notice

Prior to the beginning of each new academic school year, the District shall publish an annual public notice in the school calendar and on the District's Internet website and/or by other means reasonably calculated to reach parents and "eligible students" (i.e., students who are age 18 or older, or who are attending an institution of postsecondary education), informing them of the District's definition of "directory information" and further informing them of their right to refuse the release of the applicable student's directory information without their prior written consent. The District's directory information notice shall specify a reasonable time period for response. Following such public notice and a reasonable response period, the District may release directory information in accordance with this policy without obtaining the prior written consent of students' parents or eligible students, except for those eligible students or students whose parents respond by the deadline set forth in the District's annual notification, withholding consent to the disclosure of the student's directory information without their prior written consent.

In addition, the District shall give notice of the District's directory information policy to eligible students and parents of students who enroll after the response period published in the directory information notice has expired, and shall afford such eligible students and parents the opportunity, at the time of enrollment, to opt out from having the student's directory information disclosed without their prior written consent.

Designated Categories of Directory Information

In compliance with the Family Educational Rights and Privacy Act (FERPA), the Enlarged City School District of Middletown, NY designates the following categories of student information as directory information:

a) Names of students
b) Students' home addresses
c) Students' telephone numbers
d) Students' major field of study
e) Students' grade level
f) Students' age

(Continued)
SUBJECT: STUDENT DIRECTORY INFORMATION (Cont'd.)

g) Information about students' participation in sports and other school activities

h) Students' weight and height (for members of athletic teams)

i) Students' dates of attendance

j) Honors, degrees and/or awards conferred or bestowed upon students

k) Students' email addresses

l) Photographs of students

m) Students' identification numbers, with exceptions*

Directory information does not include:

a) A student's social security number; or

b) A student's identification (ID) number, except as provided below.

Directory information includes a student ID number, user ID, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, or that is displayed on a student ID card or badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user. Parents and eligible students may not, by opting out from disclosure of directory information, prevent a school from requiring a student to wear or present a student identification card or a badge that displays information that may be directory information. Similarly, parents and eligible students may not, by opting out from disclosure of directory information, prevent the District from disclosing or requiring the student to disclose the student's name, identifier, or institutional email address (if any) in a class in which the student is enrolled.

Limitations on the Disclosure of Directory Information

In accordance with the FERPA, the District shall only disclose the foregoing designated categories of information for specified purposes and/or to specified parties, as follows:

a) For School Purposes. Students' names and photographs, major field of study, grade level, age, participation in sports and other school activities, height and weight of student athletes (where relevant to athletic participation); and honors and degrees awarded, may be publicly disclosed for school purposes, as for example, by publishing such information in: a) playbills and/or programs for school events and activities; b) school yearbooks; c) District newsletters;

(Continued)
SUBJECT: STUDENT DIRECTORY INFORMATION (Cont'd.)

   d) District press releases; and other school-sponsored publications and forums. Except as noted, students' identification number also may be publicly posted or displayed for school purposes. In addition, students' addresses, telephone numbers, and email addresses may be disclosed by the District to student participants in school-sponsored events and activities for the purpose of enabling them to contact and communicate with each other.

   b) To School Affiliated Organizations, Subject to Limitations on Redisclosure. Any and all of the above-referenced categories of directory information, except students' identification numbers, may be disclosed to school affiliated organizations such as parent-teacher associations, sports boosters, band parents' associations, alumnae associations and the like, provided, however, that any such school-affiliated organization to which such directory information is provided, shall be required to acknowledge and agree that neither current or former students' home addresses, telephone listings or email addresses shall be redisclosed by them to any other person or entity other than for the school-affiliated organizations' own communication and recruitment activities.

   c) To the News Media. Students' names, field of study, grade level, age, information about participation in school sports and/or other school-sponsored activities, height and/or weight (if relevant to athletic participation), dates of attendance, honors, degrees and/or awards received, and photographs may be disclosed by authorized school personnel to the news media for the purpose of highlighting student accomplishments and achievements.

The Board reserves to the Superintendent of Schools the discretion and authority (subject to review and final decision by the Board) for determining whether and how disclosure of the designated categories of directory information will promote the interests of the District as well as the interests of the District's students and parents, without compromising the safety, security or personal privacy of students. Accordingly, the Superintendent may unilaterally suspend or further limit disclosure of the foregoing categories of directory information for the purposes enumerated and/or to the persons or entities specified, if in the Superintendent's reasonable judgment, additional limitations on disclosure are needed under a particular set of circumstances to protect the interests of the District and/or the interests of current or former students and their parents (again subject to review and final decision by the Board, at the Board's discretion).

Providing Students' Contact Information to Military Recruiters

The release of student directory information is not to be confused with the release of secondary school students' names, addresses and telephone listings to Military Recruiters (Policy #7243). In compliance with the Elementary and Secondary Education Act of 1965 as amended by the No Child Left Behind Act of 2001 (NCLB), the National Defense Authorization Act and in accordance with FERPA, the School District shall comply with the request by a military recruiter for this information unless a parent or student has "opted out" of providing such information.

(Continued)
SUBJECT:  STUDENT DIRECTORY INFORMATION (Cont'd.)

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

Adopted:  6/2/05
Revised:  7/2/13
SUBJECT: MILITARY RECRUITERS' ACCESS TO SECONDARY SCHOOL STUDENTS AND INFORMATION ON STUDENTS

In compliance with the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 (NCLB); and the National Defense Authorization Act, and in accordance with the Family Educational Rights and Privacy Act (FERPA), the School District shall comply with a request by a military recruiter for secondary students' names, addresses, and telephone listings, unless a parent has "opted out" of providing such information.

Further, in compliance with the NCLB, the District shall give military recruiters the same access to secondary school students as they provide to postsecondary institutions or to prospective employers.

Under FERPA, the School District must provide notice to parents of the types of student information that it releases publicly. This type of information, commonly referred to as "directory information," which is released by the District includes -- but is not limited to -- such items as students' names, addresses, and telephone listings. The notice must include an explanation of a parent's right to request that the information not be disclosed without prior written parental consent; and further requires that parents be notified that the School District routinely discloses students' names, addresses, and telephone listings to military recruiters upon request, subject to a parent's request not to disclose such information without written parental consent.

A single notice provided through a mailing, student handbook, or other method that is reasonably calculated to inform parents of the above information is sufficient to satisfy the parental notification requirements of both FERPA and the NCLB. The notification shall advise the parent of how to opt out of the public, nonconsensual disclosure of directory information and the method and timeline within which to do so.

If a parent opts out of providing directory information (or any subset of such information) to third parties, the opt-out relating to their child's name, address, or telephone listing applies to request for military recruiters as well. For example, if the opt-out states that telephone numbers will not be disclosed to the public, the District may not disclose telephone numbers to military recruiters.

The Superintendent/designee shall ensure that appropriate notification is provided to parents informing them of their right to opt-out of the release of designated directory information without prior written parental consent.

Elementary and Secondary Education Act of 1965, § 9528
20 USC § 7908 as amended by the No Child Left Behind Act of 2001
Family Educational Rights and Privacy Act of 1974
20 USC § 1232(g)
National Defense Authorization Act § 544
10 USC § 503
34 CFR § 300.571
Education Law § 2-a
8 NYCRR§ 3.33

Adopted:  6/2/05
SUBJECT: STUDENT DATA BREACHES

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

The Districts has a legal responsibility to protect the privacy of education data, including personally identifiable information (PII) of its students. The Family Education Rights and Privacy Act of 1974, commonly known as FERPA, protects the privacy of student education records. Although FERPA does not include specific data breach notification requirements, it does protect the confidentiality of education records and requires districts to record each incident of data disclosure in accordance with 34 CFR 99.32 (a)(1). In addition, under state law, direct notification of parents and/or affected students may be warranted depending on the type of data compromised, such as student social security numbers and/or other identifying information that could lead to identity theft.

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

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

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

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

Adopted: 6/1/17
SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS

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

a) Political affiliations or beliefs of the student or the student's parent/guardian;
b) Mental or psychological problems of the student or the student's family;
c) Sex behavior or attitudes;
d) Illegal, anti-social, self-incriminating, or demeaning behavior;
e) Critical appraisals of other individuals with whom respondents have close family relationships;
f) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
g) Religious practices, affiliations, or beliefs of the student or student's parent/guardian; or
h) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

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

General Provisions

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

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

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

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


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

Further, in the notification, the District shall offer an opportunity for parents/guardians to opt their child out of participation in the following activities:

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

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

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

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

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

Specific Notification

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

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

U.S. Department of Education-Funded Surveys

In compliance with the Protection of Pupil Rights Amendment (PPRA), the School District is committed to protecting the rights and privacy interests of parents/guardians and students with regard to surveys funded in whole or part by any program administered by the U.S. Department of Education (DOE).

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

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

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

a)  The right of the parent/person in parental relation to inspect, upon request, a survey created by a third party (i.e., by a party other than the DOE) before the survey is administered or distributed by the school to a student. Requests by parents/guardians to inspect such surveys are to be submitted, in writing, to the Building Principal at least ten (10) days prior to the administration or distribution of any survey. Further, the District shall grant a request by the parent/guardian for reasonable access to such survey within a reasonable period of time after the request is received by the District.

b)  Arrangements shall be provided by the District to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the eight protected areas, including the right of the parent/guardian of the student to inspect, upon request, any survey containing one or more of the eight protected areas. Such requests must be submitted by the parent/guardian, in writing, to the Building Principal at least 10 days prior to the administration or distribution of any survey.

c)  Parents/guardians shall be granted, upon request, reasonable access and the right to inspect instructional materials used as part of the educational curriculum for the student within a reasonable period of time (defined by the School District, for the purposes of this policy, as 30 days) after such request is received by the District. Requests shall be submitted by parents/guardians, in writing, to the Building Principal. The term "instructional material" means instructional content that is provided to a student, regardless of its format, including (Continued)
SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont’d.)

 printed or representational materials, audiovisual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.

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

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

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

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

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

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

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


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

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

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

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

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

f) Student recognition programs.

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

NOTE: Refer also to Policies #7121 -- Diagnostic Screening of Students
#7243 -- Military Recruiters’ Access to Secondary School Students and Information on Students
#7511 -- Immunization of Students
#7512 -- Student Physicals
#7513 -- Administration of Medication

Adopted: 6/2/05
SUBJECT: LOSS OR DESTRUCTION OF DISTRICT PROPERTY OR RESOURCES

The District is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

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

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

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

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

A School District is also authorized to seek restitution, as described in law, from a parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

a) Has falsely reported an incident; or

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

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

In seeking restitution, the School District shall file with the court, the County District Attorney and defense counsel an affidavit stating that the funds reasonably expended for which restitution is being sought have not been and will not be recovered from any other source or in any other civil or criminal proceeding, except as provided for pursuant to General Obligations Law Section 3-112.

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

Adopted: 6/2/05
SUBJECT: STUDENT DRESS CODE

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

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

This policy does not mean that student, faculty, or parent groups may not recommend appropriate dress for school or special occasions. It means that a student shall not be prevented from attending school or a school function, or otherwise be discriminated against, so long as his/her dress and appearance meet the above requirements.

NOTE: Refer also to District Code of Conduct

Adopted: 6/2/05
SUBJECT: SUSPENSION OF STUDENTS

The Superintendent and/or the Principal may suspend the following students from required attendance upon instruction:

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

Suspension

Five School Days or Less

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

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

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

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

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

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

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

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

More Than Five School Days

In situations where the Superintendent determines that a suspension in excess of five (5) school days may be warranted, the student and parent/person in parental relation, upon reasonable notice, shall have had an opportunity for a fair hearing. At the hearing, the student shall have the right of representation by counsel, with the right to question witnesses against him/her, and the right to present witnesses and other evidence on his/her behalf.

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

Minimum Periods of Suspension

Pursuant to law, Commissioner's Regulations and the District's Code of Conduct, minimum periods of suspension shall be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations:

a) Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a weapon to school or possessed a weapon on school premises shall be suspended for a period of not less than one (1) calendar year. However, the Superintendent has the authority to modify this suspension requirement on a case-by-case basis.

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

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

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

Suspension of Students with Disabilities

Generally, should a student with a disability infringe upon the established rules of the schools, disciplinary action shall be in accordance with procedures set forth in the District's Code of Conduct and in conjunction with applicable law and the determination of the Committee on Special Education (CSE).

For suspensions or removals up to ten (10) school days in a school year that do not constitute a disciplinary change in placement, students with disabilities must be provided with alternative instruction or services on the same basis as non-disabled students of the same age.

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten (10) consecutive school days or constitutes a pattern because the suspensions or removals cumulate to more than ten school days in a school year, a manifestation determination must be made.

Manifestation Determinations

A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made by a manifestation team immediately, if possible, but in no case later than ten (10) school days after a decision is made:

a) By the Superintendent to change the placement to an interim alternative educational setting (IAES);

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

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

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

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

The manifestation team shall review all relevant information in the student's file including the student's individualized education program (IEP), any teacher observations, and any relevant information provided by the parents to determine if: the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or the conduct in question was the direct result of the District's failure to implement the IEP.

Finding of Manifestation

If it is determined, as a result of this review, that the student's behavior is a manifestation of his/her disability the CSE shall conduct a functional behavioral assessment and implement or modify a behavioral intervention plan. Unless the change in placement was due to behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, the student must be returned to the placement from which the student was removed unless the parent and the District agree to a change of placement as part of the modification of the behavioral intervention plan.

No Finding of Manifestation

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

Provision of Services Regardless of the Manifestation Determination

Regardless of the manifestation determination, for subsequent suspensions or removals for ten (10) consecutive school days or less that in the aggregate total more than ten (10) school days in a school year but do not constitute a disciplinary change of placement, and for suspensions or other disciplinary removals in excess of ten (10) school days in a school year which do constitute a disciplinary change in placement for behavior, the CSE shall determine the services to be provided to students with a disability necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP, and shall conduct or provide, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur.

Interim Alternative Educational Setting (IAES)

Students with disabilities who have been suspended or removed from their current placement for more than ten (10) school days may, as determined by the CSE, be placed in an IAES which is a temporary educational setting other than the student's current placement at the time the behavior precipitating the IAES placement occurred.

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

Additionally, the District may seek an order from a hearing officer for a change in placement of a student with a disability to an appropriate IAES for up to forty-five (45) school days if the District establishes, in accordance with law, that such student is substantially likely to injure himself/herself or others.

There are three (3) specific instances when a student with a disability may be placed in an IAES for up to forty-five (45) school days without regard to a manifestation determination:

a) Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the District; or  
b) Where a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the District; or  
c) Where a student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District. Serious bodily harm has been defined in law to refer to one of the following:
   1. Substantial risk of death;  
   2. Extreme physical pain; or  
   3. Protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.  

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

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

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

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

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

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

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

Suspension from BOCES

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

In-School Suspension

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

BOCES Activities

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

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

Exhaustion of Administrative Remedies

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

Procedure after Suspension

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

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

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

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

Adopted: 6/2/05
Revised: 2/23/06; 5/3/07
SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES

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

Basis of Knowledge

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

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

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

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

Exception

A student is not a student presumed to have a disability for discipline purposes if, as a result of receiving the information specified above (i.e., subheading "Basis of Knowledge"):

a) The parent of the student has not allowed an evaluation of the student pursuant to law and/or regulations;

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

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

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

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

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

Conditions That Apply if There is No Basis of Knowledge

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

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

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

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

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

Adopted: 6/1/17
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, consisting of software, hardware, computer networks and electronic communications systems (the "DCS"). This may include access to electronic mail, so-called "on-line services" and the "Internet." It may include the opportunity for some students to have independent access to the DCS from their home or other remote locations. All use of the DCS, including independent use off school premises, 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 is intended 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 functions. 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 Student Discipline Code of Conduct. The District reserves the right to pursue legal action against a student who willfully, maliciously or unlawfully damages or destroys property of the District. Further, the District may bring suit in civil court against the parents/guardians of any student who willfully, maliciously or unlawfully damages or destroys District property pursuant to General Obligations Law Section 3-112.

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 the District's control and inspection at all times. The Chief Technology Officer/Director and other persons authorized by the Board of Education or Superintendent may access all such files and communications without prior notice to ensure system integrity and to ensure 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 and/or confidential from authorized School District officials.

Notification

The District's Acceptable Use Policy and accompanying Regulations will be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and student's obligations when accessing the DCS.

Student use of the DCS is conditioned upon written agreement by all students and their parents/guardians that student use of the DCS will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the DCS. All such agreements shall be kept on file in the District Office.

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

Adopted: 6/2/05
Revised: 3/4/10; 7/2/13
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. Using personal electronic devices during instructional time can enable students to explore new concepts, personalize their learning experience and expand their global learning opportunities. Additionally, the use of personal technology devices is ubiquitous in today's society and standards for student use during non-instructional time should adapt to this change. This policy defines the use of personal technology during instructional and non-instructional times and reinforces the standard that all use, regardless of its purpose, must follow the guidelines outlined in the Student Acceptable Use Policy (AUP), the District's Code of Conduct, and the Dignity for All Students Act.

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

Instructional Uses

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

Personal technology use by students is permitted during the school day for educational purposes and/or in approved locations only. Teachers will indicate when and if classroom use is acceptable. Students are expected to act responsibly and thoughtfully when using technology resources. Students 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.

Non-Instructional Uses

Appropriate use of personal technology during non-instructional time is also allowed if students follow the guidelines in the AUP and Code of Conduct. Non-instructional use includes texting, calling and otherwise communicating with others during free periods and in common areas of the school building such as the hallways, cafeteria, study halls, buses and student lounges. Other non-instructional uses may include such things as Internet searches, reading, listening to music, and watching videos. This use during non-instructional time must be conducted in a safe and unobtrusive manner. Devices must be 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 electronic devices into a classroom or other location where a New York State assessment is being administrated. 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.

Permission

Students will not be permitted to use personal technology devices in school or at school functions until they have reviewed the AUP, the applicable sections of the Code of Conduct and associated technology guidelines, and signed the Student Use of Personal Technology (#7316F) Permission Form with their parents. The District reserves the right to restrict student use of District-owned technologies and personal technology on school property or at school-sponsored events, at the discretion of the administration.

Students must follow the guidelines for use set out in the District Code of Conduct and the Acceptable Use Policy 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
#8271 -- Internet Safety/Internet Content Filtering

Adopted: 12/15/05
Revised: 7/2/15; 6/15/17
SUBJECT: COMPREHENSIVE TOBACCO, ALCOHOL/CHEMICAL SUBSTANCE POLICY

Philosophy

The Enlarged City School District of Middletown, New York will use the following principles as guides for the development of its substance abuse prevention efforts and for any disciplinary measures related to alcohol and chemical substances.

a) Alcohol and chemical substance abuse is preventable and treatable.

b) Alcohol and chemical substance abuse inhibits the Board of Education from carrying out its central mission of educating students.

c) The entire District staff should model the behavior asked of students.

d) While the District can and must assume the leadership role in alcohol and chemical substance abuse prevention, this goal will be accomplished through coordination and collaborated efforts with parents, students, staff and the community as a whole.

The Board of Education recognizes that the misuse of alcohol, drugs, tobacco, and other illegal substances is a serious problem with legal, physical, emotional and social implications for our students, as well as the entire community. Therefore, the consumption, sharing and/or selling, use and/or possession of alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs is prohibited at any school-sponsored function, on school grounds and on school buses at all times. The unauthorized use of prescription and over-the-counter drugs shall also be disallowed.

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

Smoking

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

Non-Medical Use of Prescription Drugs

Non-medical use of prescription drugs is prohibited. Should a student be found in possession of any such substance, he/she shall be dealt with in accordance with the Code of Conduct.

(Continued)
SUBJECT: COMPREHENSIVE TOBACCO, ALCOHOL/CHEMICAL SUBSTANCE POLICY (Cont'd.)

Disciplinary Measures

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

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

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

Adopted: 6/2/05
Revised: 1/21/10; 6/15/17
SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS

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

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

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

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

Strip Searches

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

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

Searches and Seizure of School Property

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

Questioning of Students by School Officials

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

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

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

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

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

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

Law Enforcement Officials

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

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

School Resource Officers

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

Interrogation of Students by Law Enforcement Officials

If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Generally, police authorities may only interview students on school premises without the permission of the parent/guardian in situations where a warrant has been issued for the student's arrest (or removal). Police authorities may also question students for general investigations or general questions regarding crimes committed on school property. In all other situations, unless an immediate health or safety risk exists, if the police wish to speak to a student without a warrant they should take the matter up directly with the student's parent/guardian.

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

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

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

Child Protective Services' Investigations

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

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

Adopted: 6/2/05
Revised: 5/6/10; 6/1/17
SUBJECT: BUS RULES AND REGULATIONS

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

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

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

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

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

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

Corporal Punishment

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

Whenever a school employee uses physical force against a student, the school employee shall immediately report the situation to his/her Principal/Supervisor. The Principal/Supervisor shall, within the same school day, make a report to the Superintendent describing in detail the circumstances and the nature of the action taken.

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

Emergency Interventions

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

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

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

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

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

a) Name and date of birth of student;

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

b) Setting and location of the incident;

c) Name of staff or other persons involved;

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

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

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

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

8 NYCRR §§ 19.5, 100.2(l)(3), 200.15(f)(1) and 200.22(d)

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

Adopted: 6/2/05
Revised: 6/1/17
SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT

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

Students who have brought a "weapon" or "firearm" to school will be referred by the Superintendent to either a presentment agency (the agency or authority responsible for presenting a juvenile delinquency proceeding) or to appropriate law enforcement officials. Such referrals will be made as follows:

   a) A student who is under the age of sixteen (16) and who is not a fourteen (14) or fifteen (15) year-old who qualifies for juvenile offender status under the Criminal Procedure Law will be referred to a presentment agency for juvenile delinquency proceedings;

   b) A student who is sixteen (16) years old or older, or who is fourteen (14) or fifteen (15) and qualifies for juvenile offender status, will be referred to the appropriate law enforcement authorities.

For the purposes of this policy, the terms "weapon" and "firearm" will be as defined in New York Education Law Section 3124 and the applicable provisions of federal law referenced therein.

This policy will not apply to air rifles, non-functional dummy drill rifles and naval officers' swords which are utilized in accordance with the rules and guidelines of the District's Air Rifle Team Program, NJROTC and the related drill units for the purposes of participating in those programs. Authorized student participants in these programs shall be deemed, upon the Board of Education's adoption of this policy, to have the written permission of the Board to use and possess these items in accordance with all applicable rules.

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

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

(Continued)
SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT (Cont'd.)

Gun-Free Schools Act as reauthorized by the No Child Left Behind Act of 2001, 18 USC Sections 921(a) and 930
Individuals With Disabilities Education Act (IDEA), 20 USC §§ 1400-1485 and 7151
Criminal Procedure Law § 1.20(42)
Education Law §§ 310, 809-a, 3214 and Article 89
Family Court Act Article 3
8 NYCRR § 100.2 and Part 200

NOTE: Refer also to Policy #3411 -- Prohibition of Weapons on School Grounds

Adopted: 6/2/05
Revised: 4/24/14
SUBJECT: EXTRACURRICULAR ACTIVITIES

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

Limited Open Forum

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

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

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

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

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

Eligibility for Attendance

a) Students who are suspended from school on a day of an athletic game or practice session, party, school dance, or other school affair scheduled after regular school hours are not eligible for participation or attendance at such events.

b) In order for students to attend a school-sponsored function, it is necessary that students attend classes for at least one half (1/2) of the school day on the day of the activity, unless otherwise excused by the building administrator. One-half (1/2) of the school day is defined as follows: from 8:30 a.m. until noon or from noon until the end of the school day.

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

Equal Access Act, 20 USC §§ 4071-4074
Education Law §§ 1709 and 1709-a, 2503-a and 2554-a
8 NYCRR §§ 172.1 and 172.2

Adopted: 6/2/05
SUBJECT: CENSORSHIP OF SCHOOL-SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES

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

Adopted: 6/2/05
SUBJECT: SPORTS AND THE ATHLETIC PROGRAM

General Principles and Eligibility

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

Athletic eligibility requires that the student:

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

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

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

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

Title IX Compliance

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

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

b) Equipment and supplies;

c) Scheduling of games and practice time;

d) Travel costs and opportunities for travel;

e) Assignment and compensation of coaches;

f) Locker rooms, practice, and competitive facilities;

(Continued)
g) Available medical and training facilities and services; and

h) The nature and extent of support, publicity, and promotion, including cheerleading, bands, programs distributed at games, and booster club activities.

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

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

Booster Clubs

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

Athletic Placement Process for Interschool Athletic Programs (APP)

The APP is a method for evaluating students who want to participate in sports at higher or lower levels, consistent with their physical and emotional maturity, size, fitness level, and skills. The Board approves the use of the APP for all secondary school interscholastic team members. The Superintendent will implement procedures for the APP, and will direct the athletic director to maintain records of students who have successfully completed the APP.

Student Athletic Injuries

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

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

Athletic Program - Safety

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

a) Requiring timely medical examinations of participants;

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

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

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

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

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

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

Adopted: 6/2/05
Revised: 7/2/15
SUBJECT: CONTESTS FOR STUDENTS, STUDENT AWARDS AND SCHOLARSHIPS

Contests for Students

Distribution of educational material, essay contests, and poster contests must be approved in advance by the Building Principals if the sponsoring organization wishes to involve students in the project on school time. Samples of informational material should accompany the request. Upon the judgment of the Principal, the request may be forwarded to the Superintendent and the Board of Education for approval.

Student Awards and Scholarships

The School District may obtain and award to its students awards and scholarships. The Board of Education, having been entrusted by law, will hold in trust gifts, grants, bequests and legacies given or bequeathed to the Enlarged City School District of Middletown, NY 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.

Awards and/or scholarships that are to be continued annually and are awards or scholarships of fifty dollars ($50) or more, may, at the request of the donating person or organization, be deposited in the School's Trust and Agency Fund. Prior to the establishment of such an account, it will be necessary for the donating person or organization to define the criteria for the selection of the recipient.

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

Adopted: 6/2/05
SUBJECT: MUSICAL INSTRUMENTS

a) All instrumental music students shall be expected to own or rent their instrument - particularly the common and less expensive instruments (flute, clarinet, trumpet, saxophone, etc.).

b) Students will not be required to own or rent the less common and more expensive instruments. Instruments in this category are as follows: oboe, bassoon, tuba, French horn, trombone, baritone horn, tenor and baritone saxophones, bass trombone and percussion instruments. School-owned instruments in this classification will be disbursed upon decisions by the instrumental music staff. Decisions will be dependent upon the individual student's talent and merit and the need for a balanced instrumentation at each grade level.

c) Students and parents/guardians will assume responsibility for proper care of school-owned instruments and will pay for damages to same.

d) The District will only transport in its vehicles those instruments meeting certain safety standards as indicated in the New York State Department of Transportation Regulations.

17 NYCRR § 720.22

Adopted: 6/2/05
SUBJECT: FUND RAISING BY STUDENTS

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

Door to door sales projects undertaken by any organization using the Enlarged City School District of Middletown, NY name shall require previous approval of the Board of Education. Profits shall be used to enhance school programs by providing money for expenditures not normally funded by the District.

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

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

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

Adopted: 6/2/05
Revised: 6/1/17
SUBJECT: CONSTITUTIONALLY PROTECTED PRAYER IN THE PUBLIC SCHOOLS

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

Accordingly, no Board of Education policy shall prevent, or otherwise deny participation in, constitutionally protected prayer in District schools, consistent with 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, § 9524
Equal Access Act, 20 USC §§ 4071-4074

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

Adopted: 6/2/05
Revised: 6/16/16
SUBJECT: STUDENT GOVERNMENT

The Board of Education recognizes the rights of secondary level students to be represented by a student government. Students are encouraged to take an active role in the development of procedures and regulations that affect them. Students are welcome at Board meetings and are granted privileges to express their own and their fellow students' opinions.

Adopted: 6/2/05
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 and health screenings designed to determine the health status of the student;

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

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

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

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

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

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

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

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

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

Education Law Article 19
8 NYCRR Part 136

Adopted: 6/1/17
SUBJECT: IMMUNIZATION OF STUDENTS

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

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

b) The student's parent or persons in parental relation hold genuine and sincere religious beliefs which are contrary to the requirement. In these cases, the principal will make a case-by-case determination as to whether to grant the exemption after receiving a written and signed statement from the parent(s) or persons in parental relation to the child based on their personal or philosophical beliefs.

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

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

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

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

For current information regarding immunization requirements, refer to the New York Statewide School Health Services Center website or the regional New York State Department of Health office.

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

Education Law §§ 310 and 914
Public Health Law §§ 2164 and 2168
8 NYCRR Part 136
10 NYCRR Subpart 66-1
NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

Adopted: 6/2/05
Revised: 6/1/17
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 months prior to the commencement of the school year of:

a) The student's entrance in a District school at any grade level;

b) Entrance to pre-kindergarten or kindergarten;

c) Entry into the 2nd, 4th, 7th and 10th grades.

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

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

a) All athletes prior to their first sport of the school year, then only those who were injured or ill during their first sport before participating in a second sport during the school year;

b) All students who need work permits; and

c) All students either suspected of or sustaining a mild traumatic brain injury (concussion) must receive a written and signed authorization from a licensed physician before returning to athletic activities in school.

Health Certificate

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

a) Describe the condition of the student when the examination was given;

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

c) State whether the student is in a fit condition of health to permit his/her attendance at public school and, where applicable, whether the student has defective sight or hearing, or any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of such work to prevent injury to the student;

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

d) Include a calculation of the student's body mass index (BMI) and weight status category. BMI is computed as the weight in kilograms divided by the square of height in meters or the weight in pounds divided by the square of height in inches multiplied by a conversion factor of 703. Weight status categories for children and adolescents shall be defined by the Commissioner of Health. BMI collection is mandatory, effective September 2008. Reporting is random, with districts chosen by the NYS Department of Health. Selected districts must report BMI results on-line using DOH's Health Provider Network (HPN), a secure website;

e) Be signed by a duly licensed physician, physician assistant, or nurse practitioner, who is authorized by law to practice in New York State consistent with any applicable written practice agreement; or authorized to practice in the jurisdiction in which the examination was given, provided that the Commissioner of Health has determined that such jurisdiction has standards of licensure and practice comparable to those of New York.

Dental Certificate

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

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

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

(Continued)
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 relationship 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 Director of School Health Services.

The Director of School Health Services shall cause such students to be separately and carefully examined and tested to ascertain whether any such student has defective sight or hearing, or any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of such work to prevent injury to the student.

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

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

Health Screenings

The District will provide:

a) Scoliosis screening at least once each school year for all students in grades 5 through 9. The positive results of any such screening examinations for the presence of scoliosis shall be provided in writing to the student's parent or person in parental relation within ninety (90) days after such finding;

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

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

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

The results of all health screenings shall be recorded on appropriate forms signed by the health professional making the examination, include appropriate recommendations, and be kept on file in the school. The health records of individual students will be kept confidential in accordance with the federal Family Educational Rights and Privacy Act (FERPA) and any other applicable federal and state laws.

Accommodation for Religious Beliefs

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

Homeless Students

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

Family Educational Rights and Privacy Act of 1974 (FERPA)
20 USC § 1232(g)
Education Law §§ 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
#7510 -- School Health Services
#7511 -- Immunization of Students
#7522 -- Concussion Management

Adopted: 6/2/05
Revised: 5/3/07; 6/1/17
SUBJECT: ADMINISTRATION OF MEDICATION

The school's registered professional nurse may administer medication to a student during the school day under certain conditions. For the purpose of this policy, the term "medication" includes both prescription and non-prescription medications. The school must receive the following before medication will be administered to a student:

a) The original written order from the student's provider stating the name of the medication, precise dosage, frequency, and time of administration;

b) A written, signed consent from the student's parent or person in parental relation requesting the administration of the medication, as prescribed by the physician, to the student in school; and

c) The medication, properly labeled in its original container, must be delivered to the school health office by the student's parent or person in parental relation. The term "properly labeled," in the context of this policy, means that the container must include the following information: the student's name, name of medication, dosage, frequency, and prescribing physician. A student is not permitted to carry any medication on his/her person in school, or on the school bus, or keep any medication in his/her school locker(s). Exceptions may apply, however, for students diagnosed with asthma or other respiratory illnesses, diabetes, or allergies who will be permitted to carry and self-administer medication under certain conditions.

All medication orders must be reviewed annually by school health office personnel or whenever there is a change in dosage.

Students with Asthma or Other Respiratory Illnesses

The District will obtain and stock albuterol metered dose inhalers (MDIs) and/or liquid albuterol from a licensed pharmacy. This stock albuterol is for use in a nebulizer for students diagnosed with asthma whose personal prescription albuterol supplies are empty and while awaiting the parent or person in parental relation to provide the school with a new one. School health office personnel will promptly inform parents or persons in parental relation of the need for replacement of the student's albuterol medication. Students utilizing the school's stock albuterol must provide a patient specific order for albuterol from their own private health provider, including an order permitting the student to utilize the school's stock albuterol. Stock albuterol may only be utilized when the school nurse is available to administer the medication. The student's parent/guardian must also provide the school with written permission allowing his/her child to be administered the school's stock albuterol in the event that the student's own prescription albuterol supply is empty. The school health office will promptly inform students' parents or persons in parental relation any time that the school stock albuterol was utilized.
SUBJECT: ADMINISTRATION OF MEDICATION (Cont’d.)

Personal equipment used to deliver albuterol to a student will be cleaned and appropriately labeled with the student's name and used solely by that individual student. (Examples of equipment to be cleaned and labeled are nebulizer tubing, facemask, mouthpiece, spacer, etc.)

Self-Administration of Medication

Generally

Each student who is permitted to self-administer medication should have an emergency care plan on file with the District. Further, the school will maintain a record of all written parental consents in the student's cumulative health record.

School health office personnel will also maintain regular parental contact in order to monitor the effectiveness of such self-medication procedures and to clarify parental responsibility as to the daily monitoring of their child to ensure that the medication is being utilized in accordance with the physician's or provider's instructions. Additionally, the student will be required to report to the health office on a periodic basis as determined by health office personnel so as to maintain an ongoing evaluation of the student's management of such self-medication techniques, and to work cooperatively with the parents and the student regarding such self-care management.

Students who self-administer medication without proper authorization will be referred for counseling by school nursing personnel, as appropriate. Additionally, school administration and parents will be notified of such unauthorized use of medication by the student, and school administration may determine the proper resolution of this behavior.

Students with asthma or another respiratory disease

A student will be permitted to carry and self-administer their prescribed inhaled rescue medication during the school day, on school property, and at any school function if the school health office has the following on file:

a) Written order/permission and an attestation from a duly authorized health care provider stating that the student has a diagnosis of asthma or other respiratory disease for which inhaled rescue medications are prescribed to alleviate respiratory symptoms or to prevent the onset of exercise induced asthma; the student has demonstrated that he/she can self-administer the prescribed medication effectively; and the expiration date of the order, the name of the prescribed medication, the dose the student is to self-administer, times when the medication is to be self-administered, and the circumstances which may warrant the use of the medication; and

b) Written consent from the student's parent or person in parental relation.

(Continued)
SUBJECT: ADMINISTRATION OF MEDICATION (Cont’d.)

Upon written request of the student's parent or person in parental relation, the school will allow the student to maintain an extra inhaled rescue medication in the care and custody of the school's registered professional nurse, nurse practitioner, physician assistant, or school physician.

Students with Allergies

A student will be permitted to carry and self-administer his/her prescribed EpiPen during the school day, on school property, and at any school function if the school health office has the following on file:

a) Written order/permission and an attestation from a duly authorized health care provider stating that the student has a diagnosis of an allergy for which an EpiPen is needed for the emergency treatment of allergic reactions; the student has demonstrated that he/she can self-administer the prescribed EpiPen effectively; and the expiration date of the order, the name of the medicine, the dose the student is to self-administer, and the circumstances which may warrant the use of the medication; and

b) Written consent from the student's parent or person in parental relation.

Upon written request of the student's parent or person in parental relation, the school will allow the student to maintain an extra EpiPen in the care and custody of a licensed nurse, nurse practitioner, physician assistant, or school physician.

Students with Diabetes

A student will be permitted to carry and self-administer his/her prescribed insulin through an appropriate medication delivery device, carry glucagon, and carry and use equipment and supplies necessary to check blood glucose and/or ketone levels during the school day, on school property, and at any school function if the school health office has the following on file:

a) Written order/permission and an attestation from a duly authorized health care provider stating that the student has a diagnosis of diabetes for which insulin and glucagon through appropriate medication delivery devices, and the use of equipment and supplies to check blood glucose and/or ketone levels are necessary; the student has demonstrated that he/she can self-administer effectively, can self-check glucose or ketone levels independently, and can independently follow prescribed treatment orders; and the expiration date of the order, the name of the prescribed insulin or glucagon, the type of insulin delivery system, the dose of insulin and/or glucagon the student is to self-administer, times when the insulin and/or glucagon is to be self-administered, and the circumstances which may warrant administration by the student. The written permission must also identify the prescribed blood glucose and/or ketone test, the times testing is to be done, and any circumstances which warrant checking a blood glucose and/or ketone level.

(Continued)
b) Written consent from the student's parent or person in parental relation.

Upon written request of the student's parent or person in parental relation, the school will allow the student to maintain extra insulin, insulin delivery system, glucagon, blood glucose meter, and related supplies to treat the student's diabetes in the care and custody of a licensed nurse, nurse practitioner, physician assistant, or school physician.

Students with diabetes will also be permitted to carry food, oral glucose, or other similar substances necessary to treat hypoglycemia in accordance with District policy.

**Alcohol-Based Hand Sanitizers**

The New York State Education Department (NYSED) permits the use of alcohol-based hand sanitizers in schools. The school medical director may approve and permit the use of alcohol-based hand sanitizers in the District's schools without a physician's order. Parents may provide written notification to the school in the event that they do not wish to have their child use this product.

**Sunscreen**

Students may carry and use FDA approved sunscreen products for over-the-counter use. The student's parent or person in parental relation must provide written permission for the student to carry and use sunscreen. This written parental consent will be maintained by the school. A student who is unable to physically apply sunscreen may be assisted by unlicensed personnel when directed to do so by the student, if permitted by a parent or person in parental relation, and authorized by the school.

**Storage and Disposal**

The District will comply with relevant state laws, regulations, and guidelines governing the District's receipt, storage, and disposal of medication.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 § 614(a)]
Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.
Education Law §§ 902(b), 907, 916, 916-a, 916-b, 919, 921, 6527, and 6908(1)(a)(iv), 6909
Public Health Law §§ 3000-a, c, 3309
8 NYCRR 136.6, 136.7

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

Adopted: 6/2/05
Revised: 6/1/17
SUBJECT:  STUDENT HEALTH RECORDS

The School shall keep a convenient, accurate, and up-to-date health record of every student. Insofar as the health records include confidential disclosures or findings, they shall be kept confidential.

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of students' "education records." For Pre-K through grade 12 students, health records maintained by the School District, including immunization records and school nurse records, generally are considered "education records" subject to FERPA. In addition, records that the District or School maintains on special education students, including records on services provided to students under the Individuals with Disabilities Education Act (IDEA) are considered "education records" under FERPA because they are:

a) Directly related to a student;

b) Maintained by the School or a party acting for the School; and

c) Not excluded from the definition of "education records."

Since student health and medical information in education records is protected by FERPA, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule excludes such information from its coverage.

Generally, these records may not be shared with third parties without written parental consent unless the disclosure meets one of the exceptions to FERPA's general consent requirement. One exception permits the disclosure of education records, without parental consent, to appropriate parties in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

Parents have a right under FERPA to inspect and review those health and medical records that are considered "education records" under FERPA. Individual records may be interpreted by the school's registered professional nurse to administrators, teachers and other school officials, consistent with law.

Family Educational Rights and Privacy Act of 1974 (FERPA), 20 USC § 1232g
45 CFR Parts 160, 162 and 164 Education Law §§ 902(b) and 905
8 NYCRR Part 136

Adopted: 6/2/05
Revised: 6/1/17
SUBJECT: PEDICULOSIS (HEAD LICE)

Few conditions seem to cause as much concern in schools and homes as an infestation of head lice in children. Students in the elementary grades (ages 3 through 10) are the most likely target hosts for these insect pests. Head lice do not respect socio-economic class distinctions and their presence does not indicate a lack of hygiene or personal cleanliness. Recent medical recommendations from both the American Association of Pediatrics (AAP) and the National Association of School Nurses (NASN) do not treat head lice as an illness that necessitates an absence from school and have shown that the contagion does not spread as easily as once thought. Therefore, the Board of Education does not condone the absence of students from school for unnecessary reasons and considers head lice an unnecessary absence that impedes a student's educational progress.

In order to control infestations of head lice (Pediculosis), the Board of Education has adopted the following protocols:

a) Whenever there is a possibility that a student is infested, staff will contact the student's parents. An infested student will not return to school unless corrective treatment has been given and the student is free of active lice. Current treatment protocols make this possible in less than twenty-four (24) hours. Parents may be asked to have a physician prescribe medication for treatment.

b) A student who has been infested will be readmitted to school after successfully completing an examination by the school nurse.

c) School staff will work with parents to minimize student absence caused by exposure to head lice. An infested student is not sick and is not a danger to other students. Excessive and unnecessary absences affect a student's educational progress.

d) School staff will protect student privacy and maintain confidentiality of medical information when infestations are detected.

e) School staff will also work to minimize the social stigma that is unfairly attached to victims of head lice infestations. Head lice are not caused by poverty or unsanitary conditions. Students will not be separated from their peers or singled out as infected. All staff will learn proper precautions to prevent further spread of the infestation.

Regulations will be developed to provide guidelines on the detection and treatment of head lice, as well as classroom procedures for dealing with affected students.

Adopted: 12/15/11
SUBJECT: ACCIDENTS AND MEDICAL EMERGENCIES

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

Student Emergency Treatment

All staff members of the School District are responsible to obtain first aid care of students who are injured or become ill while under school supervision.

In most instances first aid should be rendered, and then the parent should be contacted to come to school and transport the student to the family physician. Beyond first aid, the medical care of the student is the parent's responsibility. However, the student's welfare is always the primary concern, and it is the responsibility of school personnel to exercise good judgment and care under all circumstances.

The Board of Education encourages all staff members to become qualified to give emergency treatment through instruction in first aid, Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillators.

Transporting an Ill or Injured Student

In the event of an illness or injury to a student, an ambulance may be called if warranted. This solution will be used after other alternatives, including parent/person in parental relation contact, have been made.

Insurance

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

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

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

Adopted: 6/2/05
SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS

Students come to school with diverse medical conditions which may impact their learning as well as their health. Some of these conditions are serious and may be life-threatening. As a result, students, parents, school personnel, and health care providers must all work together to provide the necessary information and training to allow children with chronic health problems to participate as fully and safely as possible in the school experience. This policy encompasses an array of serious or life-threatening medical conditions such as anaphylaxis, diabetes, seizure disorders, or severe asthma and acute medical conditions such as substance overdose. All students within the District with known life-threatening conditions will have a comprehensive plan of care in place: an Emergency Care Plan (ECP) or Individualized Healthcare Plan (IHP) and if appropriate, an Individualized Education Plan (IEP) or Section 504 Plan.

Life-Threatening Conditions

For those students with chronic life-threatening conditions such as diabetes, seizure disorders, asthma, and allergies, the District must work cooperatively with the parent(s) and the healthcare provider(s) to:

a) Immediately develop an ECP for each at risk student to ensure that all appropriate personnel are aware of the student's potential for a life-threatening reaction;

b) If appropriate, develop an IHP that includes all necessary treatments, medications, training, and educational requirements for the student. If the student is eligible for accommodations based upon the Individuals with Disabilities Act (IDEA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act, the appropriate procedures will be followed regarding evaluation and identification;

c) Provide training by licensed medical personnel (e.g., registered professional nurse) for all adults in a supervisory role in the recognition and emergency management of a specific medical condition for specific students;

d) Obtain specific medical-legal documents duly executed in accordance with New York State law; appropriate health care provider authorization in writing for specific students that includes the frequency and conditions for any testing and/or treatment, symptoms, and treatment of any conditions associated with the health problem; and protocol directive(s) for emergencies or exacerbations;

e) Secure written parent permission and discuss parental responsibility that includes providing the health care provider's orders, providing any necessary equipment, and participation in the education and co-management of the child as he/she works toward self-management;

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

f) Allow supervised students to carry life-saving medication in accordance with relevant laws, regulations, and procedures. The District will also encourage parents and students to provide duplicate life-saving medication to be maintained in the health office in the event the self-carrying student misplaces, loses, or forgets their medication;

g) Assure appropriate and reasonable building accommodations are in place within a reasonable degree of medical certainty.

In addition, the District will:

a) Provide training for transportation, instructional, food service, or physical education staff, as appropriate, in the recognition of an anaphylactic reaction;

b) Have standing emergency medical protocols for nursing or other staff;

c) Request the school medical director to write a non-patient specific order for anaphylaxis treatment agents for the school's registered professional nurse or other staff, as designated by the administration and allowed under federal and New York State laws and regulations, to administer in the event of an unanticipated anaphylactic episode;

d) Maintain or ensure the maintenance of a copy of the standing order(s) and protocol(s) that authorizes them to administer emergency medications such as anaphylactic treatment agents;

e) As permitted by New York State law, maintain stock supplies of life-saving emergency medications such as epinephrine auto-injectors or Naloxone (Narcan) for use, especially in first time emergencies. The District will, upon suspicion of illicit drug impairment, ensure that the suspected student can access treatment with a Narcan trained personnel. The District will keep at least one Narcan kit in the school nurse office. Additional kits will be kept securely on school grounds as school staff are appropriately trained;

f) Allow the school registered nurse, nurse practitioner, or physician to train unlicensed school personnel to administer emergency epinephrine via auto-injector, or emergency glucagon, to students with both a written provider order and parent/person in parental relation consent during the school day, on school property, and at any school function. Such training will be done in accordance with specifications outlined in the Commissioner's regulations;

g) Ensure that building-level and District-wide school safety plans include appropriate accommodations for students with life-threatening health conditions;

h) Encourage families to obtain medic-alert bracelets for at risk students;

i) Educate students regarding the importance of immediately reporting symptoms of an allergic reaction.

(Continued)
Emergency Medication

Epinephrine Auto-Injectors (EAs)

The District has entered into a collaborative agreement with Dr. Nicholas Belasco (D.O.) in order to provide and maintain EAs on-site in its instructional facilities. This agreement allows for trained school employees, who have completed a New York State Department of Health (NYSDOH) course, to administer EAs to any student or staff member who demonstrates symptoms of anaphylaxis, regardless of whether such person has a prior history of severe allergic reactions. The District will ensure that it has sufficient EAs available to ensure ready and appropriate access for use during emergencies and will immediately report every use of an EAI in accordance with the collaborative agreement to the School Medical Director. The collaborative agreement, as defined in Public Health Law Section 3000-c, is required for the District to permit trained school employees to administer stock EAs to students and staff members who do not have a patient-specific order for such medication.

Creating an Allergen-Safe School Environment

The risk of accidental exposure or cross-contamination is always present in school, particularly for students with food allergies. The school setting is a high-risk environment for accidental ingestion of a food allergen due to the presence of a large number of students, increased exposure to food allergens, and cross-contamination of tables, desks, and other surfaces.

In an effort to prevent accidental exposure to allergens, the District will monitor the following high-risk areas and activities:

a) Cafeteria;

b) Food sharing;

c) Hidden ingredients in art, science, and other projects;

d) Transportation;

e) Fund raisers and bake sales;

f) Parties and holiday celebrations;

g) Field trips;

h) Before and after school programs.

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

Medication Self-Management

The District will work toward assisting students in the self-management of their chronic health condition based upon the student's knowledge level and skill by:

a) Adequately training all staff involved in the care of the child, as appropriate;
b) Assuring the availability of the necessary equipment and/or medications;
c) Providing appropriately trained licensed persons as required by law;
d) Developing an emergency plan for the student; and
e) Providing ongoing staff and student education.

Americans with Disabilities Act, 42 USC § 12101 et seq.
Individuals with Disabilities Education Act (IDEA), 20 USC §§ 1400-1485
Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.
34 CFR Part 300
Education Law §§ 6527 and 6908
8 NYCRR § 136.7
Public Health Law §§ 2500-h (Anaphylactic policy for school districts) and 3000-a

NOTE: Refer also to Policy #7513 -- Administration of Medication

Adopted: 6/15/17
SUBJECT: CONCUSSION MANAGEMENT

The Board of Education ("Board") recognizes that concussions and head injuries are the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. The physical and mental well-being of our students is a primary concern. Therefore, the Board adopts the following Policy in furtherance of the Board's commitment to: 1) implementing strategies to reduce the risk of head injuries by students during their participation in the School District's instructional program or while engaged in school-sponsored athletic activities, and 2) providing guidance and support for the proper evaluation and management of concussions when students sustain head injuries, whether inside or outside of school.

A concussion is a mild traumatic brain injury ("MTBI"). A concussion occurs when normal brain functioning is disrupted by a blow or jolt to the head or by a jolt or force occurring anywhere on the body that is transmitted to the brain, which causes the brain to rapidly move back and forth or twist inside the skull. Recovery from concussion and its symptoms will vary. Avoiding re-injury and over-exertion until fully recovered are the cornerstones of proper concussion management. Concussions can impact a student's health and well-being during their participation academics as well as athletic activities.

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. Accordingly, the Board designates the following specific individuals and/or persons who occupy the positions listed, to serve as the members of the School District's CMT:

a) Athletic Director;
b) Athletic Trainer;
c) Nurse Practitioner;
d) School Doctor.

In addition, the Superintendent of Schools (Superintendent) is authorized to designate additional or replacement CMT members, as needed (at the Superintendent's discretion), subject to review and approval by the Board.

The Concussion Management Team shall oversee the implementation of this Policy and corresponding School District regulations, protocols, guidelines and procedures, including but not limited to 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 approved training relating to mild traumatic brain injuries. Furthermore, the CMT shall establish and implement a program, subject to review and approval by the Superintendent, which provides for the dissemination of information about mild traumatic brain injuries to parents and persons in parental relation to students throughout each school year.

(Continued)
SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

Staff Training/Course of Instruction

Each school coach, physical education teacher, school nurse and certified athletic trainer who works with and/or provides instruction to students engaged in school-sponsored "athletic activities" (including but not limited physical education classes, recess, interscholastic sports and other extra-class athletic activities) is required by law to complete a course of instruction approved by the State Education Department ("SED"), every two (2) years, relating to recognizing the symptoms of concussions (also known as MTBIs) and monitoring and seeking proper medical treatment for students who suffer from a concussion/MTBI.

Components of the training will include:

a) The definition of MTBI;

b) Signs and symptoms of MTBI;

c) How MTBIs may occur;

d) Practices regarding prevention; and

e) Guidelines for the return to school and school activities for a student who has suffered an MTBI, even if the injury occurred outside of school.

SED approved courses of instruction may include courses provided online and by teleconference.

Information to Parents

As required by the Concussion Management and Awareness Act, the School District shall include the following information about MTBIs on all permission or consent forms or similar documents that are required from a parent/person in parental relation for a student's participation in interscholastic sports. Information will include:

a) The definition of MTBI;

b) Signs and symptoms of MTBI;

c) How MTBIs may occur;

d) Practices regarding prevention; and

e) Guidelines for the return to school and school activities for a student who has suffered an MTBI, even if the injury occurred outside of school.

(Continued)
SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

The Concussion Management Team shall be responsible for identifying or devising the appropriate parental permission/consent form(s) for students' participation in interscholastic sports, which include(s) the above-listed categories of information.

In addition, the School District's Chief Technology Officer/Director is authorized and directed, in accordance with direction to be provided by the School District's Concussion Management Team, to either:

a) Post information on the School District's website about the above-listed categories of information, or

b) Provide a reference or link on the School District's website about how to obtain this information from the State Education Department's and Department of Health's respective websites.

Identification of Concussion and Removal from Athletic Activities

The School District shall require the immediate removal from all "athletic activities" of any student who has sustained, or is believed to have sustained a concussion/MTBI. Any student demonstrating signs, symptoms or behaviors consistent with a concussion while receiving instruction or while engaging in any school-sponsored or related activity shall immediately be removed from participation in athletic activity (and may be removed from participation in other school activities), and must be evaluated as soon as possible by a licensed physician. Such removal must occur based on display of symptoms, regardless of whether such injury occurred inside or outside of school. If there is any doubt as to whether the student has sustained a concussion, it shall be presumed that the student has sustained a concussion until proven otherwise. The School District shall notify the student's parents or guardians and recommend appropriate evaluation and monitoring.

Return to School Activities and Athletics

No student shall resume athletic activity (including but not limited to athletics, physical education class and recess) until he/she has been symptom-free for not less than twenty-four (24) hours, and has been evaluated and received written and signed authorization from a licensed physician. In accordance with Commissioner's Regulations, the licensed physician or nurse practitioner who serves as the School District's Director of School Health Services must give final clearance on each such student's return to participation in extra-class athletic activities. All such authorizations shall be kept on file in the student's permanent health record.

The standards for return to athletic activity apply regardless of whether the concussion or suspected concussion occurred inside or outside of school. School staff should be aware that students may exhibit concussion symptoms caused by injuries from outside activities and that these symptoms

(Continued)
SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

require the student's removal from participation in athletic activity (and may also warrant limitations on the student's school attendance and/or participation in other activities in addition to athletic activities) in accordance with the directives from the student's treating physician as well as the requirements of this Policy and related regulations and protocols.

The District shall follow any directives issued by the student's treating physician with regard to limitations and restrictions on the student's school attendance and participation in school activities, including limitations and restrictions on the student's participation in athletic activities.

The District's Director of School Health Services may also formulate a standard protocol for treatment of students who sustain concussions during the school day.

The School District may choose to allow credentialed District staff to use validated Neurocognitive computerized testing as a concussion assessment tool to obtain baseline and post-concussion performance data. These tools are not a replacement for a medical evaluation to diagnose and treat a concussion.

In accordance with SED "Guidelines for Concussion Management in the School Setting" ("SED Guidelines"), this Policy shall be reviewed periodically and updated as necessary. The Superintendent, in consultation with the District's Director of School Health Services, the CMT and other appropriate staff, may develop regulations and protocols for:

a) Strategies to prevent concussions,

b) The identification of concussions, and

c) Procedures for removal from and return to school attendance and participation in school activities other than school "athletic activities."

Any such regulations and/or protocols developed by the Superintendent shall be consistent with this policy, the Concussion Management and Awareness Act and other applicable law(s), rules, regulations, and SED Guidelines.

Education Law §§ 207; 305(42), and 2854
8 NYCRR 135.4 and 136.5
Guidelines for Concussion Management in the School Setting, SED Guidance Document, June 2012

Adopted: 8/23/12
SUBJECT: CHILD ABUSE AND MALTREATMENT

Familial Child Abuse

The School District takes seriously the obligations of its officers and employees to report cases of child abuse or maltreatment. To this end, regulations shall 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 of a child; and

g) Provision of information in recognizing signs of unlawful methamphetamine laboratories for all current and new school officials (i.e., "mandated reporters") who, as part of their usual responsibilities, visit children's homes.

Additionally, an ongoing training program for all current and new school officials shall be established and implemented to enable such staff to carry out their reporting responsibilities.

Persons Required to Report

Persons required to report cases of child abuse or maltreatment to the State Central Register (SCR) pursuant to Social Services Law Section 413(1) include, but are not limited to, school teachers, school guidance counselors, school psychologists, school social workers, school nurses, school administrators or other school personnel required to hold a teaching or administrative license or certificate, and full- or part-time compensated school employees required to hold a temporary coaching license or professional coaching certificate.

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

Any report shall include the name, title and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.

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

Prohibition of Retaliatory Personnel Action

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

Pursuant to Labor Law Section 740(1)(e), "retaliatory personnel action" means the discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

Report Form

The "Report of Suspected Child Abuse or Maltreatment" Form LDSS-2221A may be accessed at the website of the New York State Office of Children and Family Services.

Child Abuse in an Educational Setting

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

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

a) Intentionally or recklessly inflicting physical injury, serious physical injury or death; or

b) Intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death; or

c) Any child sexual abuse, defined as conduct prohibited by Penal Law Articles 130 or 263; or

d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Penal Law Article 235.

"Educational setting" shall mean the building(s) and grounds of the School District; the vehicles provided by the School District for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off School District grounds; all co-curricular and extracurricular activity sites; and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

(Continued)
In any case where an oral or written allegation is made to a teacher, school's registered professional nurse, school guidance counselor, school psychologist, school social worker, school administrator, School Board member, or other school personnel required to hold a teaching or administrative license or certificate, that a child (defined in the law as a person under the age of twenty-one (21) years enrolled in a school district in this state) has been subjected to child abuse by an employee or volunteer in an educational setting, that person shall upon receipt of such allegation:

a) Promptly complete a written report of such allegation including the full name of the child alleged to be abused; the name of the child's parent; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. Such written report shall be completed on a form as prescribed by the Commissioner of Education.

b) Except where the school administrator is the person receiving such an oral or written allegation, the employee completing the written report must promptly personally deliver a copy of that written report to the school administrator of the school in which the child abuse allegedly occurred (subject to the following paragraph).

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

Any employee or volunteer who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law shall have immunity from civil liability which might otherwise result by reason of such actions.

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

Where the school administrator or Superintendent has forwarded a written report of child abuse in an educational setting to law enforcement authorities, the Superintendent shall also refer such report to the Commissioner of Education where the employee or volunteer alleged to have committed such an act of child abuse holds a certification or license issued by the State Education Department.

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

Any school administrator or Superintendent who reasonably and in good faith makes a report of allegations of child abuse in an educational setting, or reasonably and in good faith transmits such a report to a person or agency as required by law, shall have immunity from civil liability which might otherwise result by reason of such actions.

Reports and other written material submitted pursuant to law with regard to allegations of child abuse in an educational setting, and photographs taken concerning such reports that are in the possession of any person legally authorized to receive such information, shall be confidential and shall not be redisclosed except to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or pursuant to a court-ordered subpoena. School administrators and the Superintendent shall exercise reasonable care in preventing such unauthorized disclosure.

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

Prohibition of "Silent" (Unreported) Resignations

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

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

Education Law Article 23-B and §§ 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

Adopted: 6/2/05
Revised: 6/1/17
subject: suicide

The suicide of a student has an extremely disturbing effect on students, school personnel and members of the local community. Unfortunately, there has been a significant increase in the number of adolescents who choose suicide as a way to resolve their problems. According to national statistics, suicide is the third leading cause of death among young people.

It is the policy of the Board to enact clear guidelines for prevention, intervention and post-intervention of suicide, reflecting the District's concern for this serious mental health issue. Accordingly, the Board directs the Superintendent or Superintendent's designee(s) to incorporate suicide prevention into the curriculum so as to educate students about counseling and other intervention options, without glamorizing suicide.

In addition, District personnel who obtain information or make personal observations tending to indicate that a particular student may be having suicidal thoughts are expected to promptly report any such information and/or observations to the District's counseling staff, who in turn shall notify the student's parent or guardian and shall make referral, as necessary, to appropriate counseling resources within and outside the District.

It is the Board's further desire to assure that school counselors and other personnel who are involved with suicide prevention and intervention have access to training and professional development regarding this problem. To the greatest extent possible, the Superintendent or Superintendent's designee(s) shall foster interagency cooperation to enable school personnel to access appropriate resources to address the growing problem of adolescent suicide.

The Superintendent or Superintendent's designee(s) shall establish a District crisis intervention team whose members shall be charged with responsibility for developing a suicide response plan to be deployed in the event that a student who is enrolled in the District attempts suicide or tragically, commits suicide. This response plan will be integrated into the existing school safety plan. The plan will include procedures for intervening to help other students and the school community cope with the aftermath of a student suicide or suicide attempt.

Suicide prevention will be incorporated into the curriculum to make students aware of this growing problem. This will be done in a manner so as not to glamorize the situation but to educate students in regard to this policy. The Superintendent or Superintendent's designee(s) shall be responsible for informing staff of regulations and procedures pertaining to suicide prevention, intervention, and post-intervention.
SUBJECT: DIGNITY FOR ALL STUDENTS

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 harassment, bullying and discrimination. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, the District will strive to create an environment free of harassment, bullying and discrimination 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.

Policy Definitions

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

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

"School function" means a school-sponsored extra-curricular event or activity.

"Disability" means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques; or (b) a record of such an impairment; or (c) a condition regarded by others as such an impairment.

"Employee" means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.

"Sexual Orientation" means actual or perceived heterosexuality, homosexuality, or bisexuality.

"Gender" means actual or perceived sex and includes a person's gender identity or expression.

"Discrimination" means discrimination against any student by a student or students and/or an employee or employees on school property or at a school function including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

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

"Harassment or bullying" means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that either: (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or (b) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety. The foregoing definition includes acts of harassment or bullying that occur: (i) on school property; and/or (ii) at a school function; or (iii) off school property where such acts creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying include, but are not limited to, acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. For the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions.

"Cyberbullying" means harassment or bullying as defined immediately above, where such harassment or bullying occurs through any form of electronic communication.

"Emotional Harm" that takes place in the context of "harassment or bullying" means harm to a student's emotional well-being through the creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

Harassment, Bullying and Discrimination Against Students Prohibited

The Board condemns all forms of harassment, bullying and discrimination. No student shall be subjected to harassment or bullying by employees or students on school property or at a school function (or off school property, as set forth in this policy, to the extent consistent with applicable law); nor shall any student be subjected to discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property or at a school function. However, this shall not be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Section 3201-a or Section 2854(2)(a) of the New York Education Law and Title IX of the Education Amendments of 1972 (20 USC Section 1681, et. seq.), nor shall this be construed to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation Act of 1973.

Dignity Act Coordinators

At least one school employee in every school who is licensed and/or certified by the Commissioner as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor, or superintendent of schools, shall be designated as the District's
SUBJECT:  DIGNITY FOR ALL STUDENTS  (Cont'd.)

Dignity Act Coordinator(s) for that school. The designation of each Dignity Act Coordinator shall be approved by the Board of Education. The names and contact information of the Dignity Act Coordinators will be shared with all school personnel, students, and parents/persons in parental relation, by:

a) Listing such information in the Code of Conduct and updates posted on the District's internet website; and
b) Posting such information in highly-visible areas of school buildings;
c) Making such information available at the district and school-level administrative offices; and either
d) 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; or
e) Providing such information to parents and persons of parental relation at least once per school year, in a manner as determined by the school, including, but not limited to:

1. Through electronic communication; and/or
2. Sending such information home with students.

If a Dignity Act Coordinator vacates his/her position, another eligible employee shall immediately be designated for an interim appointment as Coordinator, pending approval by the Board of Education, within thirty (30) days of the date that 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 eligible employee shall immediately be designated for an interim appointment as Coordinator, pending return of the previous Coordinator to the position.

The District's designated Dignity Act Coordinator shall be:

a) Instructed about the provisions of this policy;
b) 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;
c) Provided with training which addresses the social patterns of harassment, bullying and discrimination, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex;

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

d) Provided with training in the identification and mitigation of harassment, bullying and discrimination; and

e) Provided with training in strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings.

Development of Policies, Procedures and Guidelines for Training School Personnel

The Superintendent is authorized and directed to cause policies, procedures and guidelines to be prepared for final adoption by the Board of Education with respect to the development of school employee training programs to promote a positive school environment that is free from harassment, bullying and/or discrimination and to discourage and respond to incidents of harassment, bullying and/or discrimination on school property or at a school function and/or off school property as set forth in this policy, to the extent consistent with applicable law. These policies, procedures and guidelines shall include, but not be limited to the development of nondiscriminatory instructional and counseling methods, and providing employees, including school and district administrators and instructional and non-instructional staff, with training:

a) To raise awareness and sensitivity to potential acts of harassment, bullying and/or discrimination directed at students that are committed by students and/or school employees on school property or at a school function, or off school property as set forth in this policy, to the extent consistent with applicable law;

b) To enable employees to prevent and respond to incidents of harassment, bullying and/or discrimination;

c) Make school employees aware of the effects of harassment, bullying, cyberbullying and/or discrimination on students;

d) Ensure the effective implementation of school policy on school conduct and discipline, including but not limited to, guidelines on promoting a safe and supportive school climate while discouraging harassment, bullying and/or discrimination against students by students and/or by school employees; and

e) Include safe and supportive school climate concepts in curriculum and classroom management.

Such training may be implemented and conducted in conjunction with existing professional development training and/or with any other training for school employees. This training shall be implemented commencing with the 2012-2013 school year and during each school year thereafter.

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

Reporting Known and/or Suspected Harassment, Bullying and/or Discrimination

Any student who believes that s/he is being subjected to harassment, bullying or discrimination or who witnesses harassment, bullying or discrimination, as well as any other person who has knowledge of or witnesses any possible occurrence of harassment, bullying or discrimination, shall report the harassment, bullying or discrimination orally or in writing to any school employee or to the designated Dignity Act Coordinator for the student's school building. School employees at all levels are responsible for reporting harassment, bullying and discrimination of which they are aware. Any school employee who is assigned to and regularly works within a particular school building who witnesses harassment, bullying or discrimination or who receives an oral or written report of harassment, bullying or discrimination shall promptly orally notify the designated Dignity Act Coordinator for his/her school building not later than one school day after such school employee witnesses or receives a report of harassment, bullying or discrimination, and thereafter shall file a written report with the designated Dignity Act Coordinator not later than two (2) school days after making such oral report. All other school employees who witness harassment, bullying or discrimination or receive an oral or written report of harassment, bullying or discrimination shall promptly orally notify either their immediate supervisor, who in turn shall notify the designated Dignity Act Coordinator for the supervisor's school building (if applicable), or the Superintendent of Schools, not later than one (1) school day after such school employee witnesses or receives a report of harassment, bullying or discrimination, and thereafter shall file a written report with the same person to whom the oral report was made not later than two (2) school days after making such oral report.

Investigating and Responding to Complaints and Reports of Harassment, Bullying and Discrimination

The Dignity Act Coordinator to whom a report is made, or the Superintendent (if the report is made directly to the Superintendent by school staff who are not assigned to a particular school building) shall lead or supervise the investigation and ensure that the investigation is completely promptly after receipt of the report. Investigation of allegations of harassment, bullying and discrimination will be conducted in accordance with applicable District policies and administrative regulations. When an investigation verifies that a material incident of harassment, bullying or discrimination occurred, the Dignity Act Coordinator or Superintendent (as applicable) shall take prompt action, or cause prompt action to be taken, consistent with the District's Code of Conduct, that is reasonably calculated to end the harassment, bullying and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such harassment, bullying or discrimination was directed.

Whenever a Dignity Act Coordinator or the Superintendent (as applicable) believes that any harassment, bullying or discrimination may constitute criminal conduct, he or she also shall promptly notify the appropriate local law enforcement agency.

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

In addition, 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 the Superintendent.

Reporting "Material Incidents" of Harassment, Bullying and/or Discrimination

The District will annually report "material incidents" of harassment, bullying, and/or discrimination which occurred during the school year, to the State Education Department, in the 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.

"Material Incident of Harassment, Bullying, and/or Discrimination" means a single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying and/or discrimination. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, meets the definition of harassment or bullying occurring off school property as set forth above, and is the subject of a written or oral complaint to the superintendent, principal, or their designee, or other school employee. Such conduct shall include but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; provided that nothing in Dignity Act or the implementing regulations shall be construed to prohibit a denial of admission into, or exclusion from, a course or instruction based on a person's gender that would be permissible under Education Law Sections 3201-a or 2854(a) and Title IX of the Education Amendments of 1972 (20 USC Section 1681, et seq.) or to prohibit, as discrimination based on disability, actions that would be permissible under Section 504 of the Rehabilitation Act of 1973.

For purposes of reporting, the District shall include in its annual report all material incidents of harassment, bullying and/or discrimination that:

a) Are the result of the investigation of a written or oral complaint made to the District's Dignity Act Coordinators or Superintendent, or their designee(s), or to any other school employee; or

b) Are otherwise directly observed by such Dignity Act Coordinator or Superintendent, or their designee(s), or by any other employee regardless of whether a complaint is made.

Such report shall include information describing the specific nature of the incident, including, but not limited to:

a) The type(s) bias or biases involved (e.g., whether the harassment, bullying or discrimination was based on actual or perceived race, color, weight, national origin, ethnic group, religion, disability, gender, sexual orientation);
SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)

b) Whether the incident resulted from student and/or employee conduct;

c) Whether the incident involved physical contact and/or threats, intimidation or abuse (including cyberbullying, as set forth in this policy and applicable law);

d) The location(s) where the harassment, bullying or discrimination occurred (on school property or at a school function, or off school property, where applicable).

Prohibition of Retaliatory Behavior/Immunity from Liability

The Board prohibits retaliatory behavior directed at any such person having reasonable cause to suspect that a student has been subjected to harassment, bullying, or discrimination by an employee or student on school property or at a school function (or off school property, as set forth in this policy), who acting reasonably and in good faith, either: 1) reports such harassment, bullying or discrimination to: a) school officials, b) the Commissioner of Education, or c) law enforcement authorities; or 2) initiates, testifies, participates or assists in any formal or informal proceedings with respect to such harassment, bullying or discrimination. In addition, all such persons shall have immunity from any civil liability that may arise from the making of such a report or from initiating, testifying, participating or assisting in such formal or informal proceedings.

Follow-up inquiries and/or appropriate monitoring of the alleged wrongdoer and victim shall be made to ensure that the harassment, bullying or discrimination has not continued or resumed and that those involved in the investigation of allegations of harassment, bullying or discrimination have not suffered retaliation.

Education Law §§ 10-18 and 801-a
8 NYCRR §§ 100.2(jj), 100.2(kk), and 100.2(1)(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
#7553 -- Hazing of Students
#8242 -- Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education

Adopted: 7/5/12
Revised: 8/23/12; 11/7/13
SUBJECT: SEXUAL HARASSMENT OF STUDENTS

The Board of Education affirms its commitment to provide an environment free from sex-based discrimination and sexual harassment, including sexual violence and intimidation. The Board, therefore, prohibits all forms of sexual harassment against students by other students, employees, school volunteers, and non-employees such as contractors and vendors, which occur on school grounds or at school-sponsored events, programs, or activities, including those that take place at locations off school premises.

Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature. For the purposes of this policy, sexual harassment also includes sexual violence. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes, but is not limited to: rape, sexual assault, sexual battery, and sexual coercion.

Sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from students, District employees, or third parties such as visitors or school volunteers.

Prohibited Conduct

Sexual harassment can be verbal, non-verbal, or physical. Examples of such conduct may include, but are not limited to, the following:

a) Verbal abuse or ridicule, including innuendoes, stories and jokes that are sexual in nature and/or gender-related. This might include inappropriate sex-oriented comments on appearance, including dress or physical features.

b) Direct or indirect threats or bribes for unwanted sexual activity.

c) Asking or commenting about a person's sexual activities.

d) Unwelcome and unwanted physical contact of a sexual nature including, but not limited to, physical acts such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement.

e) Displaying or distributing pornographic or other sexually explicit materials such as magazines, pictures, internet material, cartoons, etc.

f) The use of profanity and/or other obscenities that are sexually suggestive or degrading in nature.

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

   g) Unwelcome staring, leering, or gesturing which is sexually suggestive in nature.

   h) Unwelcome and/or offensive public displays of sexual/physical affection.

   i) Clothing that reflects sexually obscene and/or sexually explicit messages, slogans, or pictures.

   j) Demanding sexual favors of a student, insinuating that refusal to acquiesce in such favors will adversely affect a student's grades, references, academic/scholastic placement, and/or participation in extracurricular activities.

   k) Engaging in sexual conduct with an individual who is unable to consent due to his/her age, use of drugs or alcohol, intellectual disability, or other disability.

   l) Any other unwelcome and unwanted sexually oriented and/or gender-based behavior which is sexually demeaning, belittling, intimidating, or perpetrates sexual stereotypes and attitudes.

Investigation of Complaints and Grievances

   In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any student who believes he/she has been a victim of sexual harassment in the school environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, should immediately report such alleged harassment. The District recognizes that sexual harassment is a sensitive issue and that students may choose to inform any trusted staff member of suspected discrimination or harassment. Staff members who receive such complaints will immediately inform the Civil Rights Compliance Officer. Where appropriate, the Civil Rights Compliance Officer may seek the assistance of the relevant Dignity Act Coordinator in investigating, responding to, and remedying student complaints of discrimination and/or harassment. In the event that the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated an additional individual to serve in such capacity, or to the Superintendent.

   The School District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of sexual harassment and will promptly take appropriate action to protect individuals from further sexual harassment. All such complaints will be handled in a manner consistent with the District's policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints, including Policy #3420 -- Non-Discrimination and Anti-Harassment in the School.

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

Additional information regarding the District's discrimination and harassment complaint and grievance procedures, including but not limited to the designation of the Civil Rights Compliance Officer, knowingly making false accusations, and possible corrective actions, can be found in Policy #3420 -- Non-Discrimination and Anti-Harassment in the School District.

Prohibition of Retaliatory Behavior

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of sexual harassment. Complaints of retaliation may be directed to the Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

Where appropriate, follow-up inquiries will be made to ensure that sexual harassment has not resumed and that all those involved in the investigation of sexual harassment have not suffered retaliation.

Civil Rights Act of 1991, 42 USC § 1981(a)
Title IX of the Education Amendments of 1972, 20 USC § 1681 et seq.
34 CFR § 100 et seq.
Education Law § 2801(1)
OCR Dear Colleague Letter, April 4, 2011

Adopted:  6/2/05
Revised:  6/1/17
SUBJECT: HAZING OF STUDENTS

The Board of Education is committed to providing a safe, productive and positive learning environment within its schools. Hazing activities are demeaning, abusive and/or illegal behaviors that harm victims, negatively impact the school environment, and are inconsistent with the educational goals of the District. Hazing of a student by another student or group of students (including but not limited to school-sponsored groups, clubs and/or teams) or by a school "employee" (as defined by Education Law §11[4]) is strictly prohibited, whether occurring on or off-campus. The prohibition against hazing not only forbids directly engaging in hazing conduct or activities but also forbids soliciting, encouraging, and/or aiding hazing conduct and/or activities.

Hazing can occur under a variety of circumstances and can take many forms. For purposes of this policy, the term "hazing" includes, but is not necessarily limited to: "any humiliating or dangerous conduct expected or required of a student as a condition of the student being able to join a group or to participate in a group, or activity, regardless of the student's apparent or purported willingness to participate in the conduct." 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. Hazing may fall within, but is 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.

Reporting Hazing

Any student who believes that he/she is being subjected to hazing, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of hazing, shall report to any staff member or to the applicable Dignity Act Coordinator.

Investigation and Handling Reports of Hazing

Hazing is a form of harassment and bullying, as those terms are defined for the purposes of Policy #7550 -- Dignity for All Students, and may constitute discrimination. As such, the District's response to reports of hazing will be governed by applicable law, the District's Code of Conduct, and Policy #7550 and its implementing regulations. In the event allegations involve hazing based on a student's race, color, religion, national origin, sex, sexual orientation, or disability, the District may utilize the procedures set forth in Policy #3420 -- Non-Discrimination and Anti-Harassment in the School District, and its implementing regulations.

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

Prohibition of Retaliation

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.

False Accusations

Any person who knowingly makes false accusations against another individual as to allegations of hazing may also face appropriate disciplinary action.

New York State Penal Law §§ 120.16 and 120.17
Education Law §§ 2503-a and 2801
8 NYCRR § 100.2(l)(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
District Code of Conduct

Adopted: 6/2/05
Revised: 4/9/15
SUBJECT: NOTIFICATION OF SEX OFFENDERS

In accordance with the Sex Offender Registration Act ("Megan's Law"), the Board of Education supports the New York State Department of Criminal Justice Services (DCJS) in its effort to inform the community in certain circumstances of the presence of individuals with a history of sex offenses, particularly against children, in the school locality. This policy is enacted in order to minimize the possibility that the sex offender will come in contact with school-age children, and to assist law enforcement agencies in preventing further criminal activity from occurring. Furthermore, the District shall cooperate with local police authorities and the local community in promoting and protecting the safety and well-being of its students.

It is the policy of the Board of Education to disseminate all information which the District receives from local police authorities in conjunction with Megan's Law to designated staff members who might have possible contact with the offender during the course of their school duties including, but not limited to, Building Principals, supervisors, teachers, office personnel, coaches, custodians, bus drivers, and security personnel. The Superintendent reserves the right to automatically disseminate such information to additional members of the staff, designated supervisors of non-school groups that regularly use District facilities and have children in attendance, parents/guardians of District students, and other community residents who, in the opinion of the Superintendent, have an immediate need to be notified of such data in order to protect the safety of our students.

All staff members shall be informed of the availability of the information received by the District pursuant to Megan's Law upon written request to the applicable building principal/designee or supervisor. Community residents shall be notified of the availability of this information, with written requests directed to the District Office. Districts may also choose to provide information to community residents through a link on the District's website to New York State's online Sex Offender Registry.

Staff members shall inform their immediate supervisor if they observe within the school building, on school grounds, at school activities, or at or near bus routes any individual whose description matches the information which was provided to the District by local law enforcement authorities. Such law enforcement officials will be notified of this information by the District as appropriate.

Information that is disseminated to the School District pursuant to Megan's Law may be disclosed or not disclosed by the District in its discretion. Any information which the School District receives regarding a sex offender from a source other than the Sex Offender Registry, and which is maintained independent of the requirements of Megan's Law, will be available from the District, upon written request, in accordance with the requirements of the Freedom of Information Law (FOIL).

Special Circumstances Whereby Sex Offenders May Enter Upon School Grounds

As a mandatory condition of the sentence for sex offenders placed on probation or conditional discharge whose victim was under the age of eighteen (18) or who has been designated a Level 3 sex offender, the court requires that such sentenced offender refrain from knowingly entering into or upon school grounds or any other facility or institution primarily used for the care or treatment of persons under the age of eighteen (18) while one or more of such persons are present.

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

However, by exception, a sex offender may enter school grounds or facility with the written authorization of his/her parole officer and the Superintendent for limited authorized purposes. Entrance upon the premises is subject to the following conditions:

a) The offender is a registered student, participant or employee of the facility;
b) The offender is an employee of an entity contracted by the facility;
c) The offender has a family member enrolled in the facility; or
d) If the school is the offender's designated polling place and he/she enters solely to vote.

**Implementation**

Administrative regulations shall be developed to implement this policy.

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

Adopted: 6/2/05  
Revised: 6/1/17
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 the dressing rooms by personally being present during the dressing periods. Coaches are responsible for the supervision of their athletes at the end of practice. This may entail bus duty, or making sure students have transportation home.

c) Teachers and/or assigned school personnel in the elementary grades will be responsible for the playground supervision of all the children under their jurisdiction during the recess periods and before the regular afternoon sessions. The Principal will distribute the responsibility so that the playground situation will be properly controlled.

d) Students are not to be sent on any type of errand away from the building without the consent of the Principal.

e) All teachers and staff working directly with students who have a history of wandering or elopement (i.e., the act of a student who leaves or runs away from the premises without permission or notification, often referring to students who have autism spectrum disorder or diminished cognitive impairment) will be made aware of these concerns and of any existing behavioral intervention plan formulated to prevent or respond to instances of wandering or elopement.

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

Adopted: 6/2/05
Revised: 6/16/16
SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE

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

In accordance with Commissioner's Regulations, a "safe public school shall mean a public school that has not been designated by the Commissioner [of Education] as a persistently dangerous public elementary or secondary school."

Violent Criminal Offense

The Superintendent shall determine if the student has been the victim of a "violent criminal offense." "Violent criminal offense" means a crime that:

a) Involves infliction of a serious physical injury upon another as defined in New York State Penal Law Section 10.00(10); or

b) A sex offense that involves forcible compulsion; or

c) Any other offense defined in State Penal Law Section 10.00(12) that involves the use or threatened use of a deadly weapon.

Determination Whether Student is a Victim

Procedures shall be established for determination by the Superintendent of whether a student is a victim of a violent criminal offense that occurred on school grounds of the school the student attends. The Superintendent shall, prior to making any such determination, consult with any law enforcement agency investigating the alleged violent criminal incident and consider any reports or records provided by such agency. However, a criminal conviction is not required prior to the Superintendent's determination that a student has been a victim of a violent criminal offense. The Superintendent may also consult with the school attorney prior to making such determination.

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

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

Notice to Parents/Persons in Parental Relation

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

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

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

Designation of Safe Public School

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

Any student who transfers to a safe public school, in accordance with the provisions of this policy and applicable law and regulation, shall be enrolled in the classes and other activities of the public school to which such student transfers in the same manner as all other students at the public school. The receiving school shall be identified by the District and must be at the same grade level as the school from which the student is transferring. To the extent possible the School District shall allow transferring students to transfer to a school that is making adequate yearly progress and has not been 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.
SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE (Cont'd.)

designated by the School System within the transportation limits established pursuant to Education Law Sections 3635 and 4401(4). Any student who transfers to a safe public school shall be permitted to remain in such safe public school until the student has completed the highest grade level in the school transferred to, or for such other period prescribed by the U.S. Department of Education, whichever is less.

While the parents/persons in parental relation to the student must be offered the opportunity to transfer their child, they may elect to have the child remain at the school he/she currently attends.

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

Adopted: 6/2/05
SUBJECT: SPECIAL EDUCATION: DISTRICT PLAN

A District plan shall be developed describing the Special Education program in the Enlarged City School District of Middletown, NY. 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 as 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 § 1474(e)(3)(B)
8 NYCRR Part 155 and § 200.2(c)(1)

 Adopted: 6/2/05
 Revised: 6/16/16
SUBJECT: CHILDREN WITH DISABILITIES

A child with a disability means a student under the age of twenty-one who is entitled to attend public schools and who, because of mental, physical or emotional reasons can only receive appropriate educational opportunities from a program of special education. A child is not considered as having a disability if his/her educational needs are due primarily to unfamiliarity with the English language; environmental, cultural or economic factors; or lack of appropriate instruction in reading or mathematics.

If the State Education Department finds that the District has inappropriate policies, procedures or practices resulting in a significant disproportionality by race/ethnicity in the suspension, identification, classification and/or placement of students with disabilities, the District will ensure that it publicly reports on the subsequent revisions to those policies, procedures or practices.

The Board of Education recognizes the existence of individual differences in the intellectual, social, emotional and physical development of children attending school in the District. In recognizing these differences, the Board supports a system of services offered in the least restrictive environment for children with disabilities which includes:

a) Not requiring any student to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving services.

b) Education in regular classes with or without support services, education in a resource room, education for part of the day in a special class, full time education in a special class, home instruction and education in a residential setting.

c) Providing for the education of students with disabilities with non-disabled peers to the extent appropriate.

d) Taking the following measurable steps to recruit, hire, train and retain highly qualified personnel to provide special education programs and services:

1. Utilize established procedures for publication of all potential job openings and recruitment of hard to fill positions;

2. Check credentials and requirements listed on applications; verify certification and/or professional licenses in education and transcripts as well as checking references and obtaining NYSED clearance;

3. Provide training sessions for interview committee;

(Continued)
4. Special Education teachers are required to have subject matter knowledge appropriate to the level of instruction being provided; when teaching two (2) or more core academic subjects exclusively to children with disabilities, the teacher will meet the requirements of "highly qualified" per the No Child Left Behind Act (NCLB) and the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) or demonstrate competence in all the core academic subjects taught per state regulations;

5. Special education teachers and administrators are required to complete enhanced training in the needs of autistic children;

6. Continue to ensure certificated and/or licensed staff renew or maintain certification and licensure as required.

e) Establishing the following guidelines for the provision of appropriate accommodations necessary to measure the academic achievement and functional performance of the student in the administration of District-wide assessments:

1. Ensure that necessary accommodations are specified on individualized education program (IEP) and implemented in accordance with the IEP;

2. Review the need for accommodations at Committee on Special Education (CSE) evaluations/re-evaluations;

3. Annual testing accommodation training for staff proctoring assessments.

f) To the extent feasible, using universal design principles (defined as a concept or philosophy for designing and delivering products and services that are usable by people with the widest range of functional capabilities, which include products and services that are directly usable without requiring assistive technologies and products and services that are made usable with assistive technologies) in developing and administering District-wide assessment programs by:

1. Addressing appropriate universal design principles in IEP;

2. Having the Library Media Specialist or Curriculum Coordinator keep CSE/Committee on Preschool Special Education (CPSE) apprised of available products and services utilizing universal design principles;

3. Ensuring that instructional materials and activities allow learning goals to be achievable by individuals with wide differences in abilities;

(Continued)
SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

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.

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, CSE meetings, provision of special education services, and due process to parentally placed nonpublic school students attending nonpublic schools located in the geographic region of the public school district.

These requirements only pertain to students with disabilities parentally placed in elementary and secondary nonpublic schools, not to parental placements of preschool children with disabilities in private day care or preschool programs; or to CSE placements of students with disabilities in approved private schools, Special Act School Districts, State-supported or State-operated schools or to Charter schools.

The actual cost for CSE administration, evaluations and special education services provided to a student with a disability who is a resident of New York State, but a nonresident to the district of location, may be recovered from the student's school district of residence. Because federal regulations require parental consent before any personally identifiable information about the student relating to special education is shared between officials in the public school district of location and officials in the public school district of residence, 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.

(Continued)
SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

The school district of location must consult with nonpublic school representatives and representatives of parents of parentally placed nonpublic school students with disabilities enrolled in nonpublic elementary and secondary schools located within the boundaries of the school district. The school district must engage in consultation regarding the Child Find process and services generally; consultation is not specific to individual students. Individual services are determined by the CSE.

The consultation process must be timely and meaningful and include discussion of:

a) Child Find;

b) Provision of Special Education Services; and

c) Use of Federal Funds.

The school district of location must provide, as appropriate, special education services to an eligible student who legally resides in another state and who is parentally placed in a nonpublic school located in New York State. The services to be provided to out-of-state students must be documented on a services plan that is developed by the CSE of the district of location. The services plan is the written plan that describes the specific special education and related service that the district of location will provide to the student consistent with the services that the school district of location has determined through the consultation process and in relation to the proportionate shares of federal IDEA Part B dollars, to be provided to the student.

Tuition Reimbursement Claims for Disabled Nonpublic School Students

The parent must comply with the IDEA's pre-hearing notice requirement for tuition reimbursement claims. Specifically, the IDEA directs that at least ten business days before submitting a request for an impartial due process hearing for tuition reimbursement, the parent must give the district written notice of intent to enroll the child in private school at public expense. The purpose of this requirement is to give the public school district's CSE the opportunity to meet and develop a new IEP for the student that addresses the parent's concerns. A parent who does not provide such written notice within ten days may have his request for reimbursement reduced or denied. In most cases, a parent's failure to satisfy these notice requirements is a complete bar to recovery.

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 §§ 612 and 614
Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
20 USC § 9101(23)
21 USC § 812(c)
34 CFR Part 300
Education Law §§ 3004(4), 3004(5), 3208, 3242, 3602-c, 4401-4407 and 4410-6
8 NYCRR §§ 52.21, 57-3, 100.5, 100.9, 177.2, 200.2(b), 200.2(c)(2)(v), 200.4(c)(9) and 200.6(a)(1)

NOTE: Refer also to Policy #7615 -- Least Restrictive Environment
Adopted: 6/2/05
Revised: 6/15/17
SUBJECT: GROUPING BY SIMILARITY OF NEEDS

The Board of Education will provide appropriate special education and related services to students with disabilities. For those students for whom an appropriate education requires that they be placed together for purposes of special education, the following guidelines shall apply:

a) That each student with a disability shall be identified, evaluated and placed as determined by the Committee on Special Education (CSE).

b) The Committee shall determine written goals and corresponding short-term instructional objectives for each student with a disability by considering the special and individual needs of each student with a disability.

c) The Committee shall recommend to the Board of Education appropriate educational programs and services for each student with a disability based upon the CSE evaluation.

d) The CSE shall provide information to those teachers and professionals who arrange instructional groups for students with disabilities. Information shall include physical, psychological and social information as well as achievement test results.

e) The curriculum and instruction provided to students with disabilities who are grouped by similarity of needs shall be consistent with the individual needs of each student in the group.

f) Students with disabilities may be grouped according to:

1. Academic or educational achievement and learning characteristics;

2. Social needs;

3. Physical development; and

4. Management needs.

g) When grouping students by similarity of needs, the social needs or physical development of a student shall not be the sole determinant for placement of a student in a special education program.

h) The management needs of such students may vary, provided that environmental modifications, adaptations, or human or material resources required to meet the needs of any one student in the group are provided and do not consistently detract from the opportunities of other students in the group to benefit from instruction.

8 NYCRR §§ 200.2(b)(3) and 200.6(a)(3)

Adopted: 6/2/05
SUBJECT: THE ROLE OF THE BOARD OF EDUCATION IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM

The Board of Education shall establish at least one Committee on Special Education and one Committee on Preschool Special Education. 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 student's Individualized Education Program (IEP), arrange for the appropriate special education programs and services to be provided to a student with a disability as recommended by the Committee on Special Education (CSE). 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) 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 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)
SUBJECT:  THE ROLE OF THE BOARD OF EDUCATION 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 a copy of the statement of its objections or concerns and notice of due process rights in accordance with Section 200.5 of the Regulations of the Commissioner.

Committee on Preschool Special Education

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

If the Board disagrees with the recommendation of the CPSE, the Board shall send the recommendation back to the CPSE with notice of the need to schedule a timely meeting to review the Board's concerns and to revise the IEP as deemed appropriate. The Board of Education shall provide such notice as required by federal and state law and regulations.

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

NOTE: Refer also to 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: 6/2/05
SUBJECT: PRESCHOOL SPECIAL EDUCATION PROGRAM

The Board recognizes the need for educational programs for three (3) and four (4) year old children with disabilities and directs that administrative practices and procedures be developed to:

a) Ensure the timely evaluation and placement of each preschool child with a disability residing in the District so the child has the opportunity to participate in preschool programs.

b) Establish a Committee on Preschool Special Education (CPSE) which shall be comprised in accordance with applicable federal and state law and regulation.

c) Ensure that parents have received and understand the request for consent for evaluation and re-evaluation of a preschool aged child.

Evaluations for Preschool Children with Disabilities

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

The CPSE will receive entry-level assessment results in the three (3) outcome areas from approved preschool evaluators conducting initial evaluations on all preschool children suspected of having disabilities. The CPSE will then meet to determine the child's eligibility for preschool education programs and/or services and complete the Child Outcomes Summary Form to determine the child's entry level of functioning in the three (3) outcome areas for all preschool children evaluated and found to be eligible. The form is kept in the student's record until the exit assessment information is due as a way to summarize complex assessment information in a format so that the data can be aggregated and reported to the State Education Department (SED).

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

Individuals with Disabilities Act (IDEA), 20 USC § 1400 et seq.
Education Law § 4410
8 NYCRR §§ 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: 6/2/05
Revised: 6/1/17
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;

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) Each student with a disability shall be educated with nondisabled students to the maximum extent appropriate;

b) Each student with a disability shall be removed from the regular educational environment only when the nature or severity of the student's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and

c) To the maximum extent appropriate to the student's needs, each student with a disability shall participate with nondisabled students in nonacademic and extracurricular services and activities.

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 for special education and related services. 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. Such services may include, but are not limited to, consultant teacher services and other group or individual supplemental or direct special education instruction.

Individuals with Disabilities Education Act (IDEA)
20 USC §§ 1400-1485
34 CFR Part 300
Education Law §§ 4401-4410-a
8 NYCRR §§ 100.5, 100.9, 200.1(cc), 200.2(b), 200.4 and 200.6

Adopted: 6/2/05
SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION (PRIOR TO A REFERRAL FOR SPECIAL EDUCATION)

The School District shall establish a plan for implementing school wide approaches and prereferral interventions in order to remediate a student's performance prior to referral for special education.

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 they have 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 Services Teams (ISST) or other school-based teams (e.g., Direct Student Support Teams or Child Study Teams), will be formed in accordance with law and/or regulations as may be applicable as well as District guidelines. The ISST 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 ISST.

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.

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

However, should a referral be made to the CSE during the course of implementing prereferral/intervention instructional support services, the CSE is obligated in accordance with law to continue its duties and functions, and must meet mandatory time lines in evaluating the student for special education services and implementation of an individualized education program, if applicable.

Educational Related Support Services

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

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

Section 504 of the Rehabilitation Act of 1973

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

Academic Intervention Services

*Academic intervention services* means additional instruction which supplements the instruction provided in the general 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.

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

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

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

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

Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.
Education Law §§ 3602(32), 4401 and 4401-a
8 NYCRR §§ 100.1(g), 100.1(p), 100.1(r), 100.1(s), 100.1(i), 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

Adopted: 6/2/05
The School District shall establish and implement a plan for the appropriate declassification of students with disabilities which must include:

a) The regular consideration for declassifying students when appropriate;

b) A reevaluation of the student prior to declassification; and

c) The provision of educational and support services to the student upon declassification.

Eligibility Determinations

The School District must evaluate a student with a disability prior to determining that a student is no longer a student with a disability as defined in accordance with Commissioner's Regulations, and the District shall provide a copy of the evaluation report and the documentation of eligibility to the student's parent at no cost to the parent. The results of any reevaluations must be addressed by the Committee on Special Education (CSE) in a meeting to review and, as appropriate, revise the student's individualized education program (IEP).

Prior to the reevaluation, the School District shall obtain informed written parental consent unless otherwise authorized pursuant to law and/or regulation. Parental consent need not be obtained if the District can demonstrate that it has taken reasonable measures to obtain that consent, and the student's parents fail to respond. The District must have a record of its attempts to obtain parental consent. Should the student's parents refuse consent for the reevaluation, the District may continue to pursue the reevaluation by using mediation and/or due process procedures.

The District shall take whatever action is necessary to ensure that the parent understands the proceedings at the meeting of the CSE, including arranging for an interpreter for parents with deafness or whose native language is other than English.

Recommendation for Declassification

If the student has been receiving special education services, but it is determined by CSE that the student no longer needs special education services and can be placed in a regular educational program on a full-time basis, the recommendation shall:

a) Identify the declassification support services, if any, to be provided to the student; and/or the student's teachers; and

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

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

Declassification Support Services

Declassification support services means those services provided to the student or the student's teacher(s) to aid in the student's transition from special education to full-time regular education. These services are provided by persons certified or licensed in the appropriate area of service pursuant to Commissioner's Regulations Part 80. Such services include:

a) For the student: psychological services, social work services, speech and language improvement services, non-career counseling, and other appropriate support services; and

b) For the student's teacher(s): the assistance of supplementary school personnel and consultations with appropriate personnel.

When appropriate, the District shall provide declassification support services to students who have moved from special education to a full-time regular educational program in accordance with the recommendation of the CSE.

Procedural Safeguards Notice

The District shall use the procedural safeguards notice prescribed by the Commissioner of Education. The District will further ensure that the procedural safeguards notice is provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the District shall take steps to ensure that the notice is translated orally or by other means to the parent in his/her native language or other mode of communication; that the parent understands the content of the notice; and that there is written evidence that all due process procedures, pursuant to law and/or regulation, have been met.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446]
Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
34 CFR Part 300
Education Law §§ 4401-4410-a
8 NYCRR §§ 100.2(u), 100.6, 200.1(ooo), 200.2(b)(8), 200.4(b)(4), 200.4(b)(5), 200.4(c)(3), 200.4(c)(4), 200.4(d)(1) and 200.5(a)

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

#7641 -- Transition Services

Adopted: 6/2/05
Revised: 6/1/17
SUBJECT: USE OF TIME OUT ROOMS

The Board of Education recognizes that a time out room may be an effective method of behavior intervention for some students. A time out room is an area for a student to safely deescalate, regain control and prepare to meet expectations to return to his/her educational program.

The Board recognizes the use of time out rooms only in conjunction with a therapeutic behavior management program. A student who violates the disciplinary code and whose behavior management program permits the use of such a room may be assigned time out by appropriate school staff, including but not limited to the school administration, faculty and related service providers.

Staff who may be called upon to implement the use of the time out room will be trained on the use of the time out room and related behavior management practices.

The amount of time a student will need to be in a time out room will vary with the student's age, individual needs and behavior management plan. To ensure a student's safety, staff will be assigned to continually monitor the time out room while in use. The monitor shall also record such data the District deems necessary to assess the effectiveness of the time out procedure.

Parents or guardians will be informed by the Building Principal prior to the initiation of a behavior intervention program. All parents/guardians will be provided with a copy of the District's policy on time out rooms. Upon request, parents/guardians will be shown the physical space that is used for time out.

Except as provided pursuant to 8 New York Code of Rules and Regulations (NYCRR) Section 200.22(c) as referenced below, the School District shall not employ the use of time out rooms as a means of regulating student behavior.

Pursuant to the Commissioner's Regulations, a time out room is defined "as an area for a student to safely deescalate, regain control and prepare to meet expectations to return to his/her education program." If a time out room is to be used, it must be used in conjunction with a behavioral intervention plan (that is designed to teach and reinforce alternative appropriate behaviors) in which a student is removed to a supervised area in order to facilitate self-control or when it is necessary to remove a student from a potentially dangerous situation and for unanticipated situations that pose an immediate concern for the physical safety of a student or others.

The District has adopted and implemented the following policy and procedures governing school use of time out rooms as part its behavior management approach consistent with the Commissioner's Regulations, including the physical and monitoring requirements, parental rights and individualized education program (IEP) requirements for students with disabilities.

(Continued)
At a minimum, the use of time out rooms shall be governed by the following rules and standards:

a) The District prohibits placing a student in a locked room or space or in a room where the student cannot be continuously observed and supervised. The time out room shall be unlocked and the door must be able to be opened from the inside. The use of locked rooms or spaces for purposes of time out or emergency interventions is prohibited.

Staff shall continuously monitor the student in a time out room. The staff must be able to see and hear the student at all times.

Under no circumstances shall a time out room in a school program be used for seclusion of the student, where the term "seclusion" is interpreted to mean placing a student in a locked room or space or in a room where the student is not continuously observed and supervised.

b) Factors which may precipitate the use of the time out room:

Imminent or significant behavior that is unsafe for that student or others.

c) Time limitations for the use of the time out room:

1. Once a student is calm and in control, the student is given an opportunity to leave time out. One (1) incident of two (2) hour's duration in the time out room will result in calling the parent or caregiver and reviewing the options.

Further, a student's IEP shall specify when a behavioral intervention plan includes the use of a time out room for a student with a disability, including the maximum amount of time a student will need to be in a time out room as a behavioral consequence as determined on an individual basis in consideration of the student's age and individual needs.

School administration or other personnel shall be notified in the event a student is placed in a time out room for excessive amounts of time; and such information shall be considered when determining the effectiveness of the student's behavioral intervention plan and the use of the time out room for the student. Whether the student requires a debriefing following the use of a time out room shall be left to the staff knowledgeable about the individual student.

d) Staff training on the policies and procedures related to the use of time out rooms shall include, but not be limited to, the following measures:

(Continued)
SUBJECT: USE OF TIME OUT ROOMS (Cont'd.)

1. The Elementary Instructional Leader for Special Education and the Secondary Instructional Leader for 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 the Commissioner's Regulations relating to the use of time out rooms, including members of the Committee on Special Education (CSE) and Committee on Preschool Special Education (CPSE).

2. The Nonviolent Crisis Intervention (NCI) training is provided for each staff member and updated once every school year, including procedures related to the use of time out rooms. Training on the Time Out Policy is included in the NCI training. Debriefing may be provided to staff and student after use of the time out room.

e) Data collection to monitor the effectiveness of the use of time out rooms:

1. District schools shall establish and implement procedures to document the use of time out rooms, including information to monitor the effectiveness of the use of the time out room to decrease specified behaviors. Such data would be subject to review by the State Education Department (SED) upon request.

2. Such data collection should appropriately include, but is not limited to, the following information:

(a) A record for each student showing the date and time of each use of the time out room;

(b) A detailed account of the antecedent conditions/specific behavior that led to the use of the time out room;

(c) The amount of time that the student was in the time out room; and

(d) Information to monitor the effectiveness of the use of the time out room to decrease specified behaviors which resulted in the student being placed in the room.

f) Information to be provided to parents.

The School District shall inform the student's parents prior to the initiation of behavioral intervention plan that will incorporate the use of a time out room for a student, and shall give the parent the opportunity to see the physical space that will be used as a time out room and provide the parent with a copy of the school's policy on the use of time out rooms.

(Continued)
SUBJECT:  USE OF TIME OUT ROOMS  (Cont'd.)

Additionally, parents should be notified if their child was placed in a time out room. Minimally, whenever a time out room is used as an emergency intervention pursuant to Commissioner's Regulations Section 200.22(d), the parent shall be notified of the emergency intervention. Such notification will be provided the same day whenever possible.

The parent is a member of the CSE and the use of a time out room must be included on the student's IEP. The parent receives prior notice as to the recommendations on a student's IEP and may request due process in the event the parent does not agree with the CSE recommendations.

Parent reports of alleged inappropriate interventions used in a time out room should be directed to school administrators.

Physical Space Used as a Time Out Room

The physical space used as a time out room must meet certain standards:

a) The room shall provide a means for continuous visual and auditory monitoring of the student;

b) The room shall be of adequate width, length and height to allow the student to move about and recline comfortably;

c) Wall and floor coverings should be designed to prevent injury to the student, and there shall be adequate lighting and ventilation;

d) The temperature of the room shall be within the normal comfort range and consistent with the rest of the building; and

e) The room shall be clean and free of objects and fixtures that could be potentially dangerous to a student and shall meet all local fire and safety codes.

Education Law §§ 207, 210, 305, 4401, 4402, 4403, and 4410
8 NYCRR §§ 19.5, 200.1, 200.4, 200.7, 200.22, and 201.2

Adopted:  2/6/14
SUBJECT: STUDENTS WITH DISABILITIES PARTICIPATING IN SCHOOL DISTRICT PROGRAMS

All students with disabilities residing in the District, including those of preschool age, shall be provided with full access and opportunity to participate in School District programs, including nonacademic and extracurricular programs and activities, that are available to all other students enrolled in the public schools of the District. Nonacademic and extracurricular programs and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the School District, referrals to agencies that provide assistance to individuals with disabilities and employment of students (both by the School District and assistance in making outside employment available).

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

Community Resources

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

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

Adopted: 6/2/05
Revised: 6/16/16
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 § 12101 et seq.
Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC § 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: 6/2/05
Revised: 6/1/17
SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS

Committee on Special Education (CSE) Membership

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

a) The parent(s) or persons in parental relation of the student. To ensure that one or both parents are present at each CSE meeting, the District and the parent(s) may agree to use alternative means of participation such as videoconferences or conference phone calls;

b) Not less than one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);

c) Not less than one (1) special education teacher of the student, or, where appropriate, not less than one (1) special education provider (i.e., related service provider) of such student;

d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general education curriculum and about the availability of resources of the District. An individual who meets these qualifications may be the same individual appointed as the special education teacher or provider in c) above or the school psychologist in i) below. The representative of the District will serve as the chairperson of the Committee;

e) An individual who can interpret the instructional implications of evaluation results, who may be a CSE member selected from the regular education teacher, the special education teacher or provider, the school psychologist, or the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;

f) A member as described in letters b) through e) of this subheading is not required to attend the CSE meeting, in whole or in part, if the parent/person in parental relation to the student with a disability and the School District agree, in writing not less than five (5) calendar days prior to the meeting date, that the attendance of the member is not necessary because:

1. The member's area of the curriculum or related services is not being modified or discussed in the meeting; or

2. The member's area of the curriculum or related services is being modified or discussed in the meeting but, not less than five (5) calendar days prior to the meeting, the excused member has submitted to the parents/persons in parental relation and the CSE written input into the development of the IEP, particularly with respect to their area of curriculum or related services; or

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

3. The committee member is unable to attend due to an emergency or unavoidable scheduling conflict and the District submits the written input listed in 2. above to the parents/persons in parental relation within a reasonable time prior to the meeting and prior to obtaining written consent to the excusal by the parents/persons in parental relation;

g) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the committee;

h) The student with a disability, as appropriate. The District must invite the 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 eighteen (18) years or older, the District must also invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services;

i) A school psychologist;

j) A school physician, if requested in writing at least seventy-two (72) hours prior to the meeting by the parents of the student or the School District; and

k) An additional parent, residing in the District or a neighboring school district who is a parent of a student with a disability, of a student who has been declassified and is no longer eligible for an individualized education program (IEP), or a parent of a disabled student who has graduated. This parent member may serve for a period of five (5) years beyond the student's declassification or graduation provided such parent shall not be employed by or under contract with the School District. Such parent shall not be a required member unless the parents or other person in parental relation to the student, the student, or a member of the CSE specifically requests in writing at least seventy-two (72) hours prior to such meeting, that the additional parent member attend the meeting. The parents or persons in parental relation of the student in question shall receive proper written notice of their right to have an additional parent attend any meeting of the committee regarding the student, along with a prepared statement from NYSED explaining the role of having the additional parent attend the meeting.

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

Subcommittee on Special Education Membership

The Board of Education shall appoint, as necessary, a Subcommittee on Special Education whose membership shall include, but not be limited to, the following members:

a) The parent(s) of the student;

b) Not less than one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);

c) Not less than one (1) special education teacher, of the student, or where appropriate, not less than one (1) special education provider (i.e., related service provider) of such student;

d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general education curriculum and about the availability of resources of the District. This individual may also fulfill the requirements of c) or e) of this section. The representative of the District will serve as the chairperson of the Subcommittee;

e) A school psychologist, whenever a new psychological evaluation is reviewed or a change to a program option with a more intensive staff/student ratio, as set forth in Section 200.6(f)(4) of the Regulations of the Commissioner, is considered;

f) A member as described in letters b) through e) of this subheading is not required to attend the subcommittee meeting, in whole or in part, if the parent/person in parental relation to the student with a disability and the School District agree, in writing not less than five (5) calendar days prior to the meeting date, that the attendance of the member is not necessary because:

1. The member's area of the curriculum or related services is not being modified or discussed in the meeting; or

2. The member's area of the curriculum or related services is being modified or discussed in the meeting but, not less than five (5) calendar days prior to the meeting, the excused member has submitted to the parents/persons in parental relation and the CSE written input into the development of the IEP, particularly with respect to their area of curriculum or related services; or

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

3. The committee member is unable to attend due to an emergency or unavoidable scheduling conflict and the District submits the written input listed in 2. above to the parents/persons in parental relation within a reasonable time prior to the meeting and prior to obtaining written consent to the excusal by the parents/persons in parental relation;

   g) At the discretion of the parent or the Committee, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the subcommittee;

   h) An individual who can interpret the instructional implications of evaluation results, who may be a member described in letters "b" through "g" of this subheading; and

   i) Whenever appropriate, the student with a disability.

Training

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

The Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations as well as members of the Committee on Special Education.

Alternative Means of Meeting

When conducting a meeting of the Committee on Special Education (CSE), the parent and the representative of the District appointed to the CSE may agree to use alternative means of meeting participation, such as videoconferences and conference calls.

Individuals with Disabilities Education Act (IDEA) 20 USC § 1400 et seq.
34 CFR Part 300 and § 300.321
Education Law § 4402
8 NYCRR §§ 200.2(b)(3), 200.3, and 200.4(d)(4)(i)(d)

NOTE: Refer also to Policies #7613 -- The Role of the Board in Implementing a Student's Individualized Education Program
#7632 -- Appointment and Training of Committee on Preschool Special Education (CPSE) Members

Adopted: 6/2/05
Revised: 6/1/17
SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS

Committee on Preschool Special Education (CPSE) Membership

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

a) The parent(s) of the preschool child. To ensure that one or both parents are present at each CPSE meeting, the District and the parent(s) may agree to use alternative means of participation such as video conferences or conference phone calls;

b) Not less than one (1) regular education teacher of such child (if the child is, or may be, participating in the regular education environment);

c) Not less than one (1) special education teacher of the child or, where appropriate, not less than one (1) special education provider (i.e., related service provider) of such child;

d) A representative of the School District who is qualified to provide, or supervise the provision of, special education and who is knowledgeable about the general education curriculum and about the availability of preschool special education programs and services and other resources of the District and the municipality (who shall serve as Chairperson of the CPSE);

e) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the regular education teacher, the special education teacher or provider, the school psychologist, the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;

f) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the committee;

g) An additional parent of a child with a disability who resides in the School District or a neighboring school district, and whose child is enrolled in a preschool or elementary level education program provided that such parent shall not be employed by or under contract with the School District; and provided further that such parent shall not be a required member unless the parents of the child or a member of the CPSE request, in writing at least seventy-two (72) hours prior to such meeting, that the additional parent member attend the meeting. The parents or other person in parental relation shall receive proper written notice of their right to have an additional parent attend any meeting of the committee regarding the student along with a statement, prepared by NYSED, explaining the role of having the additional parent attend the meeting;

(Continued)
SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS (Cont'd.)

h) For a child's smooth transition from early intervention programs and services (Infant and Toddler Programs), at the request of the parent/person in parental relation, the appropriate professional designated by the agency that has been charged with the responsibility for the preschool child; and

i) A representative from the municipality of the preschool child's residence. Attendance of the appointee of the municipality is not required for a quorum.

However, except for the parents/persons in parental relation and the appointee from the municipality (a) and i) above) a member of the CPSE is not required to attend a meeting of the team in whole or in part if the parent/person in parental relation and the District agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed at that meeting.

Additionally, a member as described in letters b) through h) of this subheading may be excused from attending the CPSE meeting, in whole or in part, if the parent/person in parental relation to the student with a disability and the School District agree, in writing to the excusal not less than five (5) calendar days prior to the meeting date, that the attendance of the member is not necessary because:

a) The member's area of the curriculum or related services is being modified or discussed in the meeting but, not less than five (5) calendar days prior to the meeting, the excused member has submitted to the parents/persons in parental relation and the CSE written input into the development of the IEP, particularly with respect to their area of curriculum or related services; or

b) The committee member is unable to attend due to an emergency or unavoidable scheduling conflict and the District submits the written input listed in a) above to the parents/persons in parental relation within a reasonable time prior to the meeting and prior to obtaining written consent to the excusal by the parents/persons in parental relation.

Training

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

The Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations as well as members of the Committee on Preschool Special Education.

(Continued)
SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS (Cont'd.)

Alternative Means of Meeting

When conducting a meeting of the Committee on Preschool Special Education (CPSE), the parent and the representative of the District appointed to the CPSE may agree to use alternative means of meeting participation, such as videoconferences and conference calls.

Individuals with Disabilities Education Act (IDEA) 20 USC § 1400 et seq.
34 CFR Part 300
Education Law § 4410
8 NYCRR §§ 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 -- Appointment and Training of Committee on Special Education (CSE)/Subcommittee on Special Education Members

Adopted: 6/2/05
Revised: 6/1/17
SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP): DEVELOPMENT AND PROVISION

Development of Individualized Education Program

The Board of Education directs that the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) shall have prepared a written statement (program) for each child with a disability.

Such an Individualized Education Program (IEP) will be developed by the CSE or CPSE upon referral, and reviewed or revised, whichever is appropriate, for every child with a disability at least annually or in the event that the program no longer appears to be appropriate to meet the student's needs and ability level.

The District shall ensure that each student with a disability has an IEP in effect at the beginning of each school year.

Functional Behavioral Assessments/Behavioral Intervention Plans

A functional behavioral assessment (FBA) is an integral part of the evaluation and reevaluation of a student with a disability which should be used throughout the process of developing, reviewing and revising a student's IEP when the student's behavior impedes learning of the child or others. The FBA is the process of determining why a student engages in challenging behavior and how the student's behavior relates to the environment. An FBA for a student with a disability is an evaluation requiring parental consent, pursuant to Commissioner's Regulation 200.5(b).

The FBA provides a baseline of the student's problem behaviors with regard to frequency, duration, intensity and/or latency across activities, settings, people and times of the day and includes:

a) The identification of the problem behavior,
b) The definition of the behavior in concrete terms,
c) The identification of the contextual factors that contribute to the behavior (including cognitive and affective factors), and
d) The formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

The FBA must, as appropriate, be based on multiple sources of data such as structured interviews, behavior ratings scales, standardized assessments and checklists. It must include, but is not limited to:

a) Information obtained from direct observation of the student;

(Continued)
SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP): DEVELOPMENT AND PROVISION (Cont'd.)

b) Information from the student, the student's teacher(s) and/or related service providers; and

c) A review of available data and information from the student's record and other sources including any relevant information provided by the student's parent.

The FBA cannot be based solely on the student's history of presenting problem behavior.

The CSE/CPSE will ensure that functional behavioral assessments, when appropriate, are conducted and reviewed to:

a) Identify supplementary aids and services, modifications and/or related services appropriate to address the identified behaviors to promote the student's involvement and progress in the general curriculum;

b) Determine a student's eligibility for special education services;

c) Develop the IEP which includes behavioral goals and objectives and positive behavioral supports and strategies.

In the case of a student whose behavior impedes his/her learning or that of others, the CSE/CPSE shall consider strategies, including positive behavioral interventions and supports and other strategies to address that behavior. The need for a behavioral intervention plan (BIP) shall be documented on the IEP and such plan shall be reviewed at least annually by the CSE/CPSE. In addition, regular progress monitoring of the frequency, duration and intensity of the behavioral interventions shall be conducted at scheduled intervals, documented and reported to the parents and CSE/CPSE.

A behavioral intervention plan may not include the use of aversive interventions or time out rooms except in accordance with specific Board policy regulating these techniques.

Individual Evaluations

Parental consent must be provided for an initial evaluation. If such consent is not received within thirty (30) calendar days of receipt of the referral, the CSE/CPSE Chairperson will document all attempts made to obtain the consent and, if appropriate, advise the Board of its right to utilize the due process procedures to conduct an evaluation without parental consent.

Unless a referral is withdrawn, an individual evaluation at no cost to the parent will be completed by the CSE/CPSE within sixty (60) calendar days after written parental consent has been obtained or a parental refusal to consent is overridden, unless:

(Continued)
SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP): DEVELOPMENT AND PROVISION (Cont'd.)

  a) An extension is mutually agreed to by the parent and the CSE/CPSE for the following situations:

1. Transfer students: A student enrolls in the District after sixty (60) days and prior to a determination by the student's previous school district as to whether the student has a disability, but only if the new school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent and the new district agree in writing to a specific timeframe for completion; or

2. Students suspected of having learning disabilities; or

  b) The parent or student repeatedly fails or refuses to produce the student for evaluation.

No student shall be required to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving an evaluation.

The individual evaluation will include a variety of assessment tools and strategies, including information provided by the parent. The purpose of the evaluation is to gather relevant functional, developmental and academic information that may assist in determining whether the student is a student with a disability and the content of the student's IEP. This shall include information relating to enabling the student to participate and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities).

As part of any evaluation, a group that includes the CSE/CPSE and other qualified professionals, as appropriate, shall review existing evaluation data on the student including evaluations and information provided by the parents of the student, current classroom-based assessments, local or state assessments, classroom-based observations, and observations by teachers and related services providers. In addition, the group will consider information about the student's physical condition, social or cultural background, and adaptive behavior.

On the basis of that review, and input from the student's parents, the group shall identify what additional data, if any, are needed to determine:

  a) Whether the student has or continues to have a disability;

  b) The present levels of academic achievement and related developmental needs of the student, including:

1. Academic achievement, functional performance, and learning characteristics;

2. Social development;

(Continued)
3. Physical development; and
4. Management needs.

c) In the case of a reevaluation of a student, whether the student continues to need special education; and

d) Whether any additions or modifications to the special education services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general education curriculum.

If additional data are not needed, the District must notify the parents of that determination and the reasons for it and of the right of the parents to request an assessment to determine whether, for purposes of services provided in accordance with law and Commissioner's Regulations, the student continues to be a student with a disability and to determine the student's educational needs. The District is not required to conduct the assessment unless requested to do so by the student's parents.

The determination that a student has a learning disability will be made in accordance with the procedures outlined in Section 200.4(j) of Commissioner's Regulations.

**Individual Re-evaluations**

A CSE/CPSE shall arrange for an appropriate re-evaluation of each student with a disability:

a) If the District determines that the educational or related services needs, including improved academic achievement and functional performance of the student warrant re-evaluation;

b) If the student's parent or teacher request a re-evaluation;

c) At least once every three (3) years, unless the District and the parent/person in parental relation agree in writing that such re-evaluation is unnecessary.

A re-evaluation shall not be conducted more frequently than once a year unless the parent and the District representative appointed to the CSE/CPSE agree otherwise.

The re-evaluation will be conducted by a multi-disciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. The re-evaluation shall be sufficient to determine the student's individual needs, educational progress and achievement, the student's ability to participate in instructional programs in regular education and the student's continuing eligibility for special education. The results of any re-evaluations must be addressed by the CSE/CPSE in reviewing, and as appropriate, revising the student's IEP.

(Continued)
To the extent possible, the District shall encourage the consolidation of re-evaluation meetings for
the student and other CSE/CPSE meetings for the student.

Amendments to the IEP

Amendments to the IEP made after the annual review by the CSE/CPSE may be made by
reconvening the CSE/CPSE and rewriting the IEP or by developing a written document to amend or
modify the student's current IEP, provided that:

a) The parents/persons in parental relation request an amendment to the IEP and the District
and parents/persons in parental relation agree to the amendment in writing; or

b) The District provides the parents/persons in parental relation a written proposal to amend a
provision or provisions of the IEP conveyed in language understandable to the
parents/persons in parental relation in their native language or other dominant mode of
communication, informs and allows the parents/persons in parental relation the opportunity
to consult with the appropriate personnel or related service providers concerning the
proposed changes, and the parents/persons in parental relation agree in writing to the
amendments.

If the parents/persons in parental relation agree to amend the IEP without a meeting, they shall be
provided prior written notice (notice of recommendation) of the changes to the IEP and the Committee
notified of the changes. If the changes are made by rewriting the entire IEP, the District shall provide
the parents/persons in parental relation a copy of the rewritten IEP. If the amendment is made without
rewriting the entire document, the District shall provide a copy of the document that amends the IEP or,
upon request, a revised copy of the entire IEP with the amendments incorporated.

Use of Recording Equipment at IEP Meetings

The Board of Education shall allow recording equipment to be used at meetings regarding
individualized education programs for students with disabilities.

Provision of Individualized Education Program

The Board of Education directs that the Superintendent/designee(s) establish administrative
practices and procedures to ensure that each regular education teacher, special education teacher, related
service provider and/or other service provider who is responsible for the implementation of a student's
IEP is provided with either a paper copy of the IEP or is able to access a student's IEP electronically
(including amendments to the IEP) prior to the implementation of such program. Such individuals
responsible for the implementation of a student's IEP shall be notified and trained on how to access such
IEP electronically. For purposes of this policy, "other service provider" means a representative of

(Continued)
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. In selecting the professional staff person(s), the Chairperson could select him/herself for this responsibility, another administrator, or a teacher, related service provider or other professional based on the particular circumstances of the student's disability and education program.

The School District shall also ensure that each teaching assistant, teacher aide and each other provider responsible for assisting in the implementation of a student's IEP has the opportunity to review a copy of the student's IEP (including amendments) prior to the implementation of such program. Further, each teaching assistant, teacher aide and such other provider responsible for assisting in the implementation of a student's IEP shall have ongoing access to a copy of the IEP, which may be the copy provided to the student's special education teacher or the teacher or related service provider under whose direction the supplementary school personnel or other provider works. However, the District may, at its discretion, provide a copy of the IEP to teaching assistants and/or teacher aides.

A copy of a student's IEP shall be provided to the student's parents at no cost to the student's parents.

(Continued)
SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP): DEVELOPMENT AND PROVISION (Cont'd.)

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 § 615(k)(l)
Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
21 USC § 812(c)
Education Law Articles 81, 85 and 89 and §§ 207, 3208 and 4402(7)
200.16(e)(6) and 200.22

NOTE: Refer also to Policy #7618 -- Use of Time Out Rooms

Adopted: 6/2/05
Revised: 6/1/17
SUBJECT: TRANSITION SERVICES

Beginning not later than the first IEP to be in effect when the student is age fifteen (15) (and at a younger age, if determined appropriate), and updated annually, the student's IEP must include:

a) A statement of the student's needs taking into account the student's strengths, preferences and interests as they relate to transition from school to post-school activities;

b) Appropriate measurable postsecondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills;

c) A statement of transition service needs that focuses on the student's courses of study, such as participation in advanced-placement courses or a vocational educational program;

d) Needed activities to facilitate the student's movement from school to post-school activities, including instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation; and

e) A statement of the responsibilities of the District and participating agencies, when applicable, for the provision of such services and activities, before the student leaves the school setting, that promote movement from school to post-school opportunities.

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.

Transition services means a coordinated set of activities for a student with a disability, designed within a results-oriented process that is focused on improving the academic and functional achievement of the student with a disability to facilitate movement from school to post-school activities. Post-school activities include, but are not limited to, post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based on the student's strengths, preferences and interests and shall include needed activities in the following areas:

a) Instruction;

(Continued)
SUBJECT: TRANSITION SERVICES (Cont'd.)

b) Related services (the term "related services" does not include a medical device that is surgically implanted, the optimization of the device's functioning (e.g., mapping), maintenance of, or the replacement of such device);

c) Community experiences;

d) The development of employment and other post-school adult living objectives; and

e) When appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

Graduation/Aging Out

The District is not required to conduct a reevaluation of a student before the termination of a student's eligibility due to graduation with a local high school or Regents diploma or exceeding the age eligibility for a free appropriate public education. However, the District must provide the student with a summary of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting his/her post-secondary goals.

Before a student's graduation from high school with a Skills and Achievement (SA) Commencement Credential or Career Development and Occupational Studies Commencement Credential (CDOS), parents must receive prior written notice indicating that the student continues to be eligible for a free appropriate public education until the end of the school year in which the student turns twenty-one (21) or until receipt of a regular high school diploma.

NOTE: Refer also to Policy #7617 -- Declassification of Students with Disabilities

Adopted: 6/2/05
Revised: 6/1/17
SUBJECT: EXTENDED SCHOOL YEAR (JULY/AUGUST) SERVICES AND/OR PROGRAMS

The School District shall provide, directly or by contract, special services and/or programs during July and August (i.e., extended school year) to those students whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration in order to prevent substantial regression as determined by the Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE).

The CSE/CPSE must determine whether a student requires extended school year special education services and/or programs in order to prevent substantial regression. Substantial regression would be indicated by a student's inability to maintain developmental levels due to a loss of skill, set of skill competencies or knowledge during the months of July and August. In accordance with Commissioner's Regulations, students must be considered for twelve (12) month special services and/or programs to prevent substantial regression if they are:

a) Students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention and who are placed in special classes; or

    Preschool students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention;

b) Students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment and are placed in special classes; or

    Preschool students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment;

c) Students who are recommended for home and/or hospital instruction whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment; or

    Preschool students whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment in the home;

d) Students, including preschool students, whose needs are so severe that they can be met only in a seven (7) day residential program; or

(Continued)
SUBJECT: EXTENDED SCHOOL YEAR (JULY/AUGUST) SERVICES AND/OR PROGRAMS (Cont’d.)

e) Students who are not in programs as described in subparagraphs (a) through (d) above during the period from September through June and who, because of their disabilities, exhibit the need for a twelve (12) month special service and/or program provided in a structured learning environment of up to twelve (12) months duration in order to prevent substantial regression as determined by the CSE; or

Preschool students who are not described in subparagraphs (a) through (d) above whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration to prevent substantial regression as determined by the Preschool Committee on Special Education (CPSE).

For students eligible for twelve (12) month service and/or program, the student's Individualized Education Program (IEP) shall indicate the identity of the provider of services during the months of July and August, and, for preschool students determined by the CPSE to require a structured learning environment of twelve (12) months duration to prevent substantial regression, a statement of the reasons for such recommendation.

The IEP shall indicate the projected date of the review of the student's need for such services and shall indicate the recommended placement.

Any District plan to operate a July/August program must be approved by the State Education Department in accordance with applicable laws, regulations, procedures, and/or guidelines.

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 § 614(a)
Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
Education Law § 4408
8 NYCRR Part 110 and §§ 200.1(qq), 200.4(d)(2)(x), 200.5(b)(1)(iii), 200.6(j), and 200.16(i)(3)(v)

Adopted: 6/2/05
Revised: 6/1/17
SUBJECT: IDENTIFICATION AND REGISTER OF CHILDREN WITH DISABILITIES (CHILD FIND)

The District will locate, identify, and evaluate all students with disabilities who reside within its boundaries, including homeless children, children who are wards of the state, home-schooled children, and children attending private schools. Further, it is the policy of the Board of Education to conduct a census in order to locate and identify all children with disabilities within the District under the age of twenty-one (21), including those children as described above, and to establish a register of such students entitled to attend school or receive preschool services.

The Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) will maintain and annually revise the register of such students and others referred to the committee as possibly having a disability, as appropriate. In addition, census data shall be reported by October 1 to the CSE or CPSE as appropriate.

The District understands that its Child Find obligations have been expanded to include notification to every parent or person in parental relation, upon enrollment of their child in the District, of their rights regarding referral and evaluation for the purposes of special education services or programs pursuant to applicable federal and state laws. The notification will contain the name and contact information for the chairperson of the District's CSE or other individual who is charged with processing referrals to the committee in the District. The District may, in its discretion, provide such notice by directing parents or persons in parental relation to obtain information located on the State Education Department's website relating to a parent's guide to special education in New York State for children ages three (3) through twenty-one (21).

Any student suspected of having a disability should be referred to the applicable CSE or CPSE for evaluation and possible identification as a student with a disability.

Nonpublic School Students with Disabilities Who Are Parentally Placed

If the District boundaries encompass a nonpublic school, the District, as the district of location, must develop and implement methods to identify, locate, and ensure the identification and evaluation of students with disabilities who have been, or are going to be, parentally placed in such nonpublic school.

The child find activities must be similar to those for students with disabilities in public schools and must be completed in a time period comparable to that for other students attending public schools in the School District.

As the district of location, the District must also consult with the appropriate representatives of the nonpublic schools and parents of parentally placed nonpublic school students to determine an accurate count of students with disabilities attending such schools and receiving special education services.

(Continued)
SUBJECT:  IDENTIFICATION AND REGISTER OF CHILDREN WITH DISABILITIES (CHILD FIND) (Cont'd.)

These requirements only pertain to students with disabilities parentally placed in elementary and secondary nonpublic schools, not to parental placements of preschool children with disabilities in private day care or preschool programs; or to CSE placements of students with disabilities in approved private schools, Special Act School Districts, state-supported or state-operated schools; or to charter schools.

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
34 CFR Part 300
Education Law §§ 3240-3242, 3602-c(2)(a), 4401-a, 4402, 4404, 4405 and 4410-6
8 NYCRR §§ 200.2(a) and 200.4

NOTE: Refer also to Policies #7130 -- Entitlement to Attend - Age and Residency
#7140 -- School Census

Adopted: 6/2/05
Revised: 6/1/17
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)
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) § 614(a)
Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
34 CFR Part 300
Education Law §§ 207, 3212, 4005, 4202, 4401 and 4402
8 NYCRR §§ 200.1, 200.4(b)(6), and 200.5

NOTE: Refer also to Policy #7260 -- Designation of Person in Parental Relation

Adopted: 6/2/05
Revised: 6/1/17
due process complaints: selection and board appointment of impartial hearing officers

Due Process Complaints

The District is committed to making every effort to amicably resolve disputes regarding educational programs for students with disabilities. In the event such disputes cannot otherwise be resolved, either a parent or the District may file a due process complaint challenging the identification, evaluation or educational placement of a student with a disability, or a student suspected of having a disability, or the provision of a free appropriate public education to such student. The complainant may not have an impartial due process hearing until the complainant, or the attorney representing the complainant, files a due process complaint notice that meets the requirements set forth in law for such notice. Any and all due process hearings will be conducted in a manner consistent with the timelines and procedures set forth in law and regulation.

Except as otherwise provided by law, all requests for impartial due process hearings must be submitted within two (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. Upon receipt or filing of the due process complaint notice, the District will provide a 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.

An impartial due process hearing will be conducted at a time and location reasonable and convenient to the parent and student involved. The hearing will be closed to the public unless the parent requests otherwise.

A student whose education is the subject of a due process complaint will remain in his/her current placement during the pendency of the impartial due process hearing unless both parties agree or as otherwise permitted by law.

All issues relating to a request for and conduct of an impartial due process hearing must be kept confidential by all District staff.

Resolution Process

Prior to the opportunity for an impartial due process hearing, the District will convene a meeting with the parents and the relevant member or members of the committee on special education or committee on preschool special education who have specific knowledge of the facts identified in the complaint. Such meeting will provide the parents with an opportunity to discuss their complaint and the facts that form the basis of the complaint, and an opportunity to resolve the complaint with the District. The District will take steps to ensure that one or both of the parents of the student with a disability are present at the resolution meeting, and will notify parents of the meeting early enough to ensure that they have the opportunity to attend. The resolution meeting will be at a mutually agreed upon time and place, and in a location that is physically accessible to the parents. The District will ensure that all resolution meetings conform to the requirements set forth in the Regulations of the Commissioner of Education.

(Continued)
The parents and the District may agree, in writing, to waive the resolution process or agree to use the mediation process to resolve the dispute.

Selection and Board Appointment of Impartial Hearing Officers

In the event a due process complaint notice is filed pursuant to the Individuals with Disabilities in Education Act (IDEA), the Board of Education will arrange for an impartial due process hearing to be conducted. In such instances, the Board will 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 impartial hearing officer (IHO) through a rotational selection process. To expedite this process, the Board may designate one (1) or more of its members to appoint the IHO on its behalf.

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 certified in New York State and available to serve in the District. The appointment of an IHO will be made only from such list and in accordance with the alphabetical rotation selection process and the timelines and procedures established by the Commissioner of Education. The District will record and report 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 District will be responsible for compensating the IHO for prehearing, hearing and post-hearing activities at the rate agreed upon at the time of the IHO's appointment. The District will also reimburse the IHO for certain travel and other hearing-related expenses (e.g., duplication and telephone costs) pursuant to an annually determined schedule.

Administrative procedures will be developed governing the implementation of this policy.

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
34 CFR Part 300
Education Law §§ 4005, 4202, 4404(1) and 4410(7)
8 NYCRR §§ 200.2 and 200.5

NOTE: Refer also to Policies #7313 -- Suspension of Students
#7660 -- Parent Involvement for Children with Disabilities
#7690 -- Special Education Mediation

Adopted: 6/2/05
Revised: 6/1/17
SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS

Parents of children with disabilities have the right under Federal and State regulations to obtain an independent evaluation 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] 300.503) specify requirements for an independent evaluation.

A parent is entitled to only one Independent Educational Evaluation 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 §§ 300.12 and 300.503
8 NYCRR §§ 200.1(z) and 200.5(g)

Adopted: 6/2/05
Revised: 11/5/09
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) § 614(a)
Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
34 CFR Part 300
Education Law §§ 4005, 4202 and 4404-a
Judiciary Law § 849a
8 NYCRR §§ 200.1 and 200.5

Adopted: 6/2/05
Revised: 6/1/17
Enlarged City School District of Middletown, NY

CURRICULUM (GENERAL)

1.1 Curriculum Development, Resources and Evaluation ............................................... 8110
1.2 Request for Part 100 Variance or Part 200 Innovative Program Waiver
   From Commissioner's Regulations ............................................................................ 8120
1.3 Equal Educational Opportunities ............................................................................... 8130

ELEMENTARY AND SECONDARY INSTRUCTION

2.1 Safety Conditions and Programs................................................................................ 8210
   2.1.1 Prevention Instruction .................................................................................... 8211 (8120)
2.2 Career and Technical (Occupational) Education ....................................................... 8220
2.3 Guidance Program ..................................................................................................... 8230
2.4 Instructional Programs: Driver Education, Gifted and Talented
   Education and Physical Education ........................................................................... 8240
   2.4.1 Patriotism, Citizenship and Human Rights Education ................................... 8241
   2.4.2 Civility, Citizenship and Character Education/Interpersonal Violence
   Prevention Education ..................................................................................... 8242
2.5 Animals in the School (Instructional Purposes) ........................................................ 8250
2.6 Title I Parent Involvement Policy .............................................................................. 8260
2.7 Instructional Technology ........................................................................................... 8270
   2.7.1 Internet Safety/Internet Content Filtering ...................................................... 8271
2.8 Instruction for English Language Learners ............................................................... 8280 (4326)

INSTRUCTIONAL MATERIALS

3.1 Purposes of Instructional Materials ........................................................................... 8310 (4510)
3.2 Library/Media Centers ............................................................................................... 8320
3.3 Objection to Instructional Materials .......................................................................... 8330 (1420)
   3.3.1 Controversial Issues ....................................................................................... 8331 (4810)
3.4 Textbooks/Workbooks/Calculators/Instructional Computer Hardware ................. 8340 (4511)
3.5 Use of Copyrighted Materials ................................................................................... 8350 (4000)
3.6 Religious Expression in the Instructional Program .................................................... 8360

NOTE: Numbers in parenthesis ( ) denote regulation found in District's Administrative Manual
developed in 1998.
Enlarged City School District of Middletown, NY

INSTRUCTIONAL ARRANGEMENTS

4.1 School Calendar and School Day ................................................................. 8410
4.2 Opening Exercises ..................................................................................... 8420
4.3 Independent Study ..................................................................................... 8430
4.4 Homework .................................................................................................. 8440 (4730)
4.5 Home Tutoring (Homebound Instruction) .................................................. 8450 (4327)
4.6 Field Trips .................................................................................................. 8460 (4531)
4.7 Home Instruction (Home Schooling) ......................................................... 8470 (4327.1)

NOTE: Numbers in parenthesis ( ) denote regulation found in District's Administrative Manual developed in 1998.
SUBJECT: CURRICULUM DEVELOPMENT, RESOURCES AND EVALUATION

Research has demonstrated that student success is tied to curricula that is appropriately aligned and articulated, and in compliance with all state and national standards. The Board of Education supports and encourages development of a District-wide, articulated curriculum that conforms to state and/or national mandates and is responsive to the needs of children in a rapidly changing society. In order to help our students achieve success, the District will ensure that:

a) All curriculum is aligned with New York State and Common Core Learning standards;

b) All approved curriculum is being taught in every classroom;

The Principals of the elementary and secondary schools shall be responsible to the Superintendent or his designee for developing District-wide efforts toward the short and long-range improvement of curriculum and instruction. The Administration is directed to ensure the implementation of this policy.

Curriculum Resources

There are many resources for curriculum development that exist in our School District, and the instructional staff, under the guidance of the administration, is expected to delve into those resources for possible improvement of the instructional program. Each teacher has the privilege of being an initiator of improvement, as well as a reactor to changing conditions, and the Principals shall be involved in curriculum development.

From the staff, the Superintendent may appoint curriculum study committees; and their findings, as well as the collective judgments of the staff about the pertinence of various possible changes, shall be submitted by the Superintendent to the Board of Education for consideration in the forming of curriculum policy.

Curriculum Evaluation

The Board of Education shall direct a continuing evaluation of the curriculum as part of a program of instructional improvement. All aspects of the curriculum shall be subjected to a searching and critical analysis in an attempt to improve the learning and growth of students.

The administrative staff shall evaluate the curriculum in a systematic manner involving school personnel and others as appropriate and make periodic recommendations for action by the Board. The Board of Education from time to time may invite teachers or others to discuss the curriculum.

(Continued)
SUBJECT: CURRICULUM DEVELOPMENT, RESOURCES AND EVALUATION
(Cont'd.)

Evaluation of the Instructional Program

The Board of Education expects staff members to maintain a continual program of evaluation at every level to determine the extent of progress toward the schools' objectives. The Board of Education will periodically request the Superintendent to present factual information that it considers necessary to evaluate the effectiveness of the School System.

Education Law §§ 1604, 1709, 2503 and 3204
8 NYCRR § 100.2(m)

Adopted: 6/2/05
Revised: 11/17/11
SUBJECT: REQUEST FOR PART 100 VARIANCE OR PART 200 INNOVATIVE PROGRAM WAIVER FROM COMMISSIONER'S REGULATIONS

Consistent with the purposes of A New Compact for Learning, the Board of Education encourages collaboration by teachers, administrators, parents and students of the District in developing innovative educational programs and practices that will lead to greater achievement for all students.

Requests for a variance or waiver from the requirements in Part 100 and Sections 200.1/200.6, respectively, of the Commissioner's Regulations must be approved by the local Board of Education and signed by the Superintendent of Schools. An application may also be submitted by several districts, or a combination of districts, BOCES and/or private schools, applying as a consortium. Consortium applications must be approved by each participating local Board of Education and Superintendent of Schools.

Subsequent to Board of Education approval, all applications must be forwarded to the District Superintendent of Schools of which the local District is a part for review, consultation, and recommendation prior to submission to the State Education Department. The District Superintendent may provide technical assistance to the applicant and make recommendations to the State Education Department. Interested applicants may also request technical assistance through their Regional Education Coordinator.

8 NYCRR §§ 100.2(n) and 200.6(k)

Adopted: 6/2/05
SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES

The Enlarged City School District of Middletown, NY provides equal opportunity for students and does not discriminate against any student enrolled in (or any candidate for admission to) its programs and activities on the basis of actual or perceived race, color, national origin, sex, disability, or age. Further, the District does not discriminate on the basis of weight, ethnic group, religion, religious practice, sexual orientation, gender, or any other basis prohibited by state or federal non-discrimination laws, and provides equal access to its facilities to the Boy Scouts and other designated youth groups.

Educational Services for Married/Pregnant Students

Public schools may not discriminate against students based on their parental and/or marital status. The opportunity to participate in all of the services, programs, and activities of the school district shall not be restricted or denied because of pregnancy, Parenthood, or marriage.

Pregnant students shall be encouraged to remain and participate in District programs. The forms of instruction provided to such students may include any or all of the following:

a) Remain in school with provisions for special instruction, scheduling, and counseling as needed;

b) Receive home instruction;

c) Attend BOCES programs.

In this regard, the Superintendent or his/her designee, in consultation with student services staff, the school physician and the student's personal physician, may make program modifications which are feasible and necessary to accommodate the special needs of such students.

Investigation of Complaints and Grievances

The School District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of discrimination and will promptly take appropriate action to protect individuals from further discrimination. All such complaints will be handled in a manner consistent with the District's policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints, including Policy #3420 -- Non-Discrimination and Anti-Harassment in the School District and Policy #7551 -- Sexual Harassment of Students.

Additional information regarding the District's discrimination and harassment complaint and grievance procedures, including but not limited to the designation of the Civil Rights Compliance Officer, knowingly making false accusations, and possible corrective actions, can be found in Policy #3420 -- Non-Discrimination and Anti-Harassment in the School District.

(Continued)
SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES (Cont'd.)

Prohibition of Retaliatory Behavior

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination. Complaints of retaliation may be directed to the Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

Where appropriate, follow-up inquiries will be made to ensure that discrimination has not resumed and that all those involved in the investigation of the discrimination have not suffered retaliation.

Americans with Disabilities Act, 42 USC § 12101 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 USC § 2000d et seq.
Title IX of the Education Amendments of 1972, 20 USC § 1681 et seq.
20 USC § 1701, et seq.
45 CFR § 84.40

Adopted: 6/2/05
Revised: 4/20/16
SUBJECT: SAFETY CONDITIONS AND PROGRAMS

The practice of safety will be considered an integral part of the instructional program through fire prevention, emergency procedures and drills, driver education, and traffic and pedestrian safety.

Each Principal will be responsible for the supervision of a safety program for his/her school.

The safety program may include, but not be limited to, in-service training, plant inspection, fire prevention, accident recordkeeping, driver and vehicle safety programs, emergency procedures and drills, and traffic safety programs relevant to students, employees and the community.

It shall be the duty of the Board of Education to provide inspections and supervision of the health and safety aspects of the school facilities.

Eye Safety/Student Use of Hand-Held Laser Pointers

Eye safety devices are to be provided by the School District for the protection of employees, students and visitors, and worn in the technology education classes and labs when activities present a potential eye hazard. The Superintendent or his/her designee will ensure that these devices are properly repaired, cleaned and stored to prevent the spread of germs or diseases after individuals use them.

Each classroom teacher is responsible for the safe and proper use of all instructional materials and equipment by students in his/her classroom. Laser pointers are to be used by students only when such use is approved and supervised by the classroom instructor.

Students will be advised not to stare directly into the beam from a laser pointer or direct the beam at the eyes of another individual. Students are not to aim the pointer into the audience. Students are to be made aware of the hazards associated with the particular type of laser pointer used.

Education Law §§ 409, 409-a, 807-a and 906
8 NYCRR Part 136 and § 141.10

Adopted: 6/2/05
SUBJECT: PREVENTION INSTRUCTION

AIDS Instruction in Health Education

The Board of Education shall provide a health education program that will include appropriate instruction for all students concerning Acquired Immune Deficiency Syndrome (AIDS). Accurate information concerning the nature of the disease, methods of transmission, and means of prevention shall be provided in an age-appropriate manner and shall be consistent with community values and will stress that abstinence is the most appropriate and effective premarital protection against AIDS.

A representative community advisory group consisting of appropriate school personnel, School Board members, parents, religious representatives, and other community members shall be established in order to make recommendations for curriculum content, implementation, and evaluation of an AIDS instructional program. Appropriate training will be provided for instructional staff.

No student shall be required to receive instruction concerning the methods of prevention of AIDS if the parent or legal guardian has filed with the Principal a written request that the student not participate in such instruction, with an assurance that the student will receive this instruction at home.

AIDS instruction in the elementary grades shall be taught by the regular classroom teachers, while such instruction in the middle and high school grades shall be a part of the required health education curriculum.

Substance Abuse-Prevention Instruction

The Board of Education recognizes the need to educate students on the hazards of alcohol, tobacco and/or drug abuse. An educationally sequential health prevention program, utilizing as appropriate community, staff and student input, will be developed to inform students of:

a) Causes for substance abuse;

b) Physical and psychological damage associated with substance abuse;

c) Avoidance of alcohol, tobacco and drugs;

d) Dangers of driving while under the influence of alcohol or drugs.

Environmental Conservation Instruction

The Board of Education supports and encourages the development of a District-wide, articulated curriculum of environmental conservation integrated into other program disciplines.

(Continued)
SUBJECT:  PREVENTION INSTRUCTION (Cont'd.)

Fire and Arson Prevention Instruction

The Board of Education directs the administration to provide instruction in fire and arson prevention for all students in each school for a period of not less than forty-five (45) minutes each month that school is in session.

Student Safety

Instruction in courses in technology education, science, home and career skills, art and physical education, health, and safety shall include and emphasize safety and accident prevention.

Safety instruction shall precede the use of materials and equipment by students in applicable units of work in the courses listed above, and instructors shall teach and enforce all safety procedures relating to the particular courses. These shall include the wearing of protective eye devices in appropriate activities.

Emergency Planning

The School District shall maintain updated plans and operating procedures to be followed in the event of natural or manmade disasters or enemy attack. Students shall be provided instruction to respond effectively in emergency situations.

Instruction on Prevention of Child Abduction

All students in grades K through 8 in District schools shall receive instruction designed to prevent the abduction of children. Such instruction shall be provided by or under the direct supervision of regular classroom teachers and the Board of Education shall provide appropriate training and curriculum materials for the regular classroom teachers who provide such instruction. However, at the Board's discretion, such instruction may be provided by any other public or private agency.

The Commissioner of Education will provide technical assistance to assist in the development of curricula for such courses of study which must be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness skills, information, self-confidence, and support to aid in the prevention of child abduction.

For purposes of developing such courses of study, the Board of Education may establish local advisory councils or utilize the school-based shared decision making and planning committee established pursuant to the Regulations of the Commissioner to make recommendations concerning the content and implementation of such courses. Alternatively, the District may utilize courses of instruction developed by consortia of school districts, boards of cooperative educational services, other school districts, or any other public or private agency. Such advisory council shall consist of, but not be limited to, parents, school trustees and Board members, appropriate school personnel, business and community representatives, and law enforcement personnel having experience in the prevention of child abduction.

(Continued)
SUBJECT: PREVENTION INSTRUCTION (Cont'd.)

AIDS Instruction:
  8 NYCRR §§ 135.3(b)(2) and 135.3(c)(2)
Civil Preparedness:
  New York State Office of Disaster Preparedness
Fire and Arson:
  Education Law § 808
Prevention of Child Abduction:
  Education Law § 803-a
Student Safety:
  Education Law § 808
  8 NYCRR §§ 107 and 155
Substance Abuse:
  Education Law § 804
  8 NYCRR § 135.3(a)

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#5640 -- Smoking/Tobacco Use
#7320 -- Comprehensive Tobacco, Alcohol/Chemical Substance Policy
District Code of Conduct

Adopted: 6/2/05
SUBJECT: CAREER AND TECHNICAL (OCCUPATIONAL) EDUCATION

The Board of Education recognizes the need for career and technical education and reaffirms its policy of strengthening the local high school career and technical education program through utilization of any available federal and state funds for that purpose and of supporting the BOCES program.

Equal Opportunity

The Board of Education prohibits discrimination on the basis of sex, sexual orientation, race, color, creed, religion, national origin, political affiliation, age, marital status, military status, disability or use of a service animal in any career and technical education program or activity of this District.

The career and technical education program and/or activities shall be readily accessible to students with disabilities.

Public Notification

Prior to the beginning of each school year or academic semester, the District shall issue an appropriate public announcement which advises students, parents, employees and the general public that career and technical education opportunities will be offered without regard to sex, sexual orientation, race, color, creed, religion, national origin, political affiliation, age, marital status, military status, disability or use of a service animal. Included in such announcement will be the name, address, and telephone number of the person designated to coordinate Title IX/Section 504/ADA activities.

Grievance Procedure

Grievance procedures for resolving complaints regarding discrimination shall be disseminated to adequately inform students, parents and employees of the existence of these procedures.

BOCES Advisory Council

In accordance with Education Law, the Advisory Council of the BOCES is designated as the local advisory council for career and technical education in the School District.

Civil Rights Law § 40-c
Education Law Article 93
Executive Law § 290 et seq.
8 NYCRR §§ 100.2(h) and 141 et seq.

Adopted: 6/2/05
Revised: 6/16/16
SUBJECT: GUIDANCE PROGRAM

A District plan for the K through 12 guidance program shall be filed in the District Office and made available for public review. This plan shall be subject to annual review and revised as necessary in the following areas:

a) Identification of guidance program objectives;

b) Activities to accomplish the objectives;

c) Identification of staff members and other resources to accomplish the objectives;

d) Provisions for the annual assessment of program results.

Guidance Program (K through 6)

A coordinated guidance program in grades K through 6 shall be developed and implemented to:

a) Prepare students to participate effectively in their current and future educational programs;

b) Help those students exhibiting any attendance, academic, behavioral or adjustment problems;

c) Educate students concerning avoidance of child sexual abuse; and

d) Encourage parental involvement.

Guidance Program (7 through 12)

A coordinated guidance program in grades 7 through 12 shall be developed and implemented including the following activities and services:

a) Each student's educational progress and career plans will be reviewed annually;

b) Instruction at each grade level to help students learn about various careers and career planning skills;

c) Other advisory and counseling assistance which will benefit students such as: helping students develop and implement postsecondary education and career plans; helping those students exhibiting any behavioral or adjustment problems; and encouraging parental involvement;

d) Employment of personnel certified or licensed as school counselors.

8 NYCRR § 100.2(j)

Adopted: 6/2/05
SUBJECT: INSTRUCTIONAL PROGRAMS: DRIVER EDUCATION, GIFTED AND TALENTED EDUCATION AND PHYSICAL EDUCATION

Driver Education

A driver education course may be offered under the conditions set forth by the New York State Education Department and Commissioner's Regulations.

Education Law § 806-a
8 NYCRR § 107.2

Gifted and Talented Students

The Board of Education will provide appropriate educational programs for students identified as being gifted and talented.

Education Law Article 90 and § 3204(2)(b)
8 NYCRR § 142

Physical Education Class

All students, except those with medical excuses, shall participate in physical education in accordance with the Commissioner's Regulations, which require that all students attend and participate in physical education as follows:

a) All students in grades K through 3 shall participate in a daily program for a minimum of 120 minutes per week. All students in grades 4 through 6 shall participate in a program three (3) times per week for a minimum of 120 minutes per week. The minimum time devoted to such programs (K through 6) shall be at least 120 minutes in each calendar week, exclusive of any time that may be required for dressing and showering.

b) Students in grades 5 through 6 that are in a middle school shall participate in the physical education program a minimum of three (3) periods per calendar week during one (1) semester of each school year and two (2) periods during the other semester, or a comparable time each semester if the school is organized in other patterns.

c) All secondary students (in grades 7 through 12) shall have the opportunity for regular physical education, but not less than three (3) times per week in one (1) semester and two (2) times per week in the other semester. For students in grades 10 through 12 only, a comparable time each semester shall be provided if the school is organized in other patterns or if students have demonstrated acceptable levels of physical fitness, physical skills and knowledge of physical education activities in extra class programs or out-of-school activities approved by the physical education staff and the School Administration.

(Continued)
SUBJECT: INSTRUCTIONAL PROGRAMS: DRIVER EDUCATION, GIFTED AND TALENTED EDUCATION AND PHYSICAL EDUCATION (Cont'd.)

d) For grades K through 12, a district may provide an equivalent program as approved by the Commissioner of Education.

An excuse from physical education class may be accepted from a licensed physician for medical reasons or a licensed chiropractor for conditions of the spine.

Any student whose condition precludes participation in a regular program shall be provided with adaptive physical education approved by the Commissioner of Education.

Education Law §§ 803 and 3204
8 NYCRR § 135.4

Adopted: 6/2/05
Revised: 4/20/16
SUBJECT: PATRIOTISM, CITIZENSHIP AND HUMAN RIGHTS EDUCATION

In order to promote a spirit of patriotic and civil service and obligation, as well as to foster in students of the District moral and intellectual qualities which are essential in preparing them to meet the obligations of citizenship, the Board requires students attending District schools, over the age of eight (8) years, to attend instructional courses in patriotism, citizenship, and human rights issues, with particular attention to the study of the inhumanity of genocide, slavery, the Holocaust, and the mass starvation in Ireland from 1845 to 1850 (the "Irish Potato Famine").

The Board also directs that all students attending District schools in grades 8 through 12 receive instruction in the history, meaning, significance and effect of the United States Constitution, the New York State Constitution, and the Declaration of Independence.

The curricula for such courses must include the subjects specified by the Board of Regents and be for the period of instruction, as mandated by the Regents, which is necessary in these subjects in each of the appropriate grades.

One (1) week during each school year a uniform course of exercises shall be provided to teach students, in an age appropriate manner, the purpose, meaning and importance of the Bill of Rights Articles in the United States and New York State Constitutions. These exercises shall be in addition to the above required courses.

The Board directs that the above named subjects, as mandated by law, be addressed in the instructional curricula provided by the District and recognizes the value of certain ceremonies and observances in promoting patriotism and good citizenship among the students.

The Board remains impartial with regard to religion and seeks neither to advance nor inhibit religion.

Education Law § 801

NOTE: Refer also to Policy #8242 -- Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education

Adopted: 6/2/05
SUBJECT: CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION/INTERPERSONAL VIOLENCE PREVENTION EDUCATION

Civility, Citizenship and Character Education

The Board of Education recognizes that teaching students respect, civility and understanding toward others, as well as the practice and reinforcement of appropriate behavior and values of our society, is an important function of the School System.

The School District wishes to foster an environment where students exhibit behavior that promotes positive educational practices, allows students to grow socially and academically, and encourages healthy dialogue in respectful ways. By presenting teachers and staff as positive role models, the District stresses positive communication and discourages disrespectful treatment. This policy is not intended to deprive and/or restrict any student of his/her right to freedom of expression but, rather, seeks to maintain, to the extent possible and reasonable, a safe, educationally conducive environment for our students and staff that is free of harassment, bullying and discrimination.

Furthermore, the District shall ensure that the course of instruction in grades K through 12 includes a component on civility, citizenship and character education in accordance with Education Law, with an emphasis on discouraging acts of harassment, bullying and/or discrimination. Character education is the deliberate effort to help students understand, care about, and act upon core ethical values.

Character education shall instruct students on the principles of:

a) Honesty;

b) Tolerance;

c) Personal responsibility;

d) Respect for others;

e) Awareness and sensitivity to harassment, bullying, discrimination and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, physical or mental abilities, sexual orientations, genders or sexes;

f) Observance of laws and rules;

g) Courtesy;

h) Dignity, and other traits which will enhance the quality of students' experiences in, and contributions to, the community; and

i) Safe and responsible use of the Internet and electronic communications.

(Continued)
SUBJECT: CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION/INTERPERSONAL VIOLENCE PREVENTION EDUCATION (Cont'd.)

As determined by the Board of Regents, and as further enumerated in Commissioner's Regulations, the components of character education shall be incorporated in existing School District curricula as applicable.

The District encourages the involvement of staff, students, parents and community members in the implementation and reinforcement of character education in the schools.

Education Law §§ 801 and 801-a

Interpersonal Violence Prevention Education

The District will utilize the interpersonal violence prevention education package provided by the State Education Department. These materials will be incorporated as part of the health or other related curricula or programs for students in grades K through 12.

Education Law §§ 801-a and 804(4)
8 NYCRR §100.2

Adopted: 6/2/05
Revised: 7/5/12; 11/7/13
SUBJECT: ANIMALS IN THE SCHOOL (INSTRUCTIONAL PURPOSES)

Observation and experimentation with living organisms and animals gives students unique perspectives of life processes. Animals and animal materials should be used respectfully and for the purpose of meeting course objectives.

The Board of Education, in recognizing the educational uses of animals in the classroom, requires that permission be obtained from the Building Principal before animals are brought into the school or classrooms. It is the Principal's responsibility to ensure that there is an appropriate educational purpose if any animal is housed in a classroom. Animals are not to be transported on school buses with the exception of animals certified to assist persons with disabilities.

Study and Care of Live Animals

It shall be the responsibility of the Principal or his/her designee to develop a plan of care for those animals housed in school in the event of an emergency school closing or in the event the animals remain in the classroom on days when school is not in session.

Dissection of Animals

Any student expressing a moral or religious objection to the performance or witnessing of the dissection of an animal, either wholly or in part, shall be provided the opportunity to undertake and complete an alternative project approved by the student's teacher; provided, however, that such objection is substantiated in writing by the student's parent or legal guardian. An alternate activity clearly related to and of comparable rigor will be assigned in lieu of laboratory dissection. Some examples of alternate activities include the use of computer simulations or research. Students who perform alternative projects shall not be penalized.

Effective July 1, 2011, the District will give reasonable notice to all students enrolled in a course that includes the dissection of an animal and students' parent(s)/legal guardian(s) about their rights to seek an alternate project to dissection. Such notice shall be made available upon request at the school and distributed to parents and students enrolled in a course that includes dissection at least once at the beginning of the school year.

Instruction in the Humane Treatment of Animals

Students in elementary school must receive instruction in the humane treatment and protection of animals and the importance of the part they play in the economy of nature as well as the necessity of controlling the proliferation of animals that are subsequently abandoned and caused to suffer extreme cruelty. Such instruction shall be for a period of time as specified by the Board of Regents and may be joined with work in literature, reading, language, nature study, or ethnology.

Americans with Disabilities Act, 42 USC § 12101 et. seq.
Education Law § 809
8 NYCRR § 100.2(c)(8)

Adopted: 12/1/11
SUBJECT:  TITLE I PARENT INVOLVEMENT POLICY

The Board of Education recognizes the rights of parents/persons in parental relation to be fully informed of all information relevant to their children, including children who participate in programs and projects funded by Title I. Therefore, the Board of Education encourages the participation of parents of students eligible for Title I services in all aspects of their child's education, including the development and implementation of district programs, as well as activities and procedures that are designed to carry out No Child Left Behind (NCLB) parent involvement goals.

District-Wide Parent Involvement Policy

In order to facilitate parental participation, in accordance with NCLB requirements, as outlined in the Elementary and Secondary Education Act Section 6318(B), the District will:

a) Involve parents in the joint development of the Title I Plan. If the plan is not satisfactory to the parents of children participating in Title I programs, the District will submit any parent comments to the State Education Department along with the District's plan.

b) Provide the coordination, technical assistance, and support necessary to assist participating schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance.

c) Build the schools' and parents' capacity for strong parental involvement through implementing and encouraging participation in appropriate parental involvement activities.

Parents are invited to attend the following:

1. **Communication with parents** -- Such as: Translation phone system available in the parents' home language as well as on-site translators, email, parent portal, District and school website, school messenger, parent newsletter;

2. **School Orientations and Open Houses** -- Such as: Kindergarten orientation, new student summer orientation for all grades in all buildings, Middle School orientation for incoming 6th graders, High School orientation for incoming 9th graders, Bring your Kindergarten students to school day, Title I open house meeting;

3. **School and District Celebrations and Events** -- Such as: graduation, award ceremonies, art shows, concerts, drama productions;

4. **Extracurricular School Events** -- Such as: Family Fun Night, Movie Night, Field Day, Multicultural Day events, Family Literacy Nights, STEM night;

5. **Parent Meetings** -- Such as: Parent Teacher Organization monthly meetings, Dual Language Parent meetings, Bilingual Education Parent Meetings, HS Parent Club meetings;

(Continued)
SUBJECT: TITLE I PARENT INVOLVEMENT POLICY (Cont’d.)

6. **Parent-Teacher Conferences** -- (Day and Night Conferences);

7. **Parent Representatives on School and District Committees** -- Such as: School-wide Planning Teams (School Improvement Teams) as well as the Title 1 advisory council;

8. **Parent Workshops** -- Such as: Curriculum nights, Kindergarten Readiness, Parent Portal, Blended and Flipped Learning, Internet Safety, Parent counseling training, NYS assessments and standards.

d) Coordinate and integrate parental involvement strategies under Title I with those of other programs including, but not limited to, the Head Start Program, the Reading First Program, Even Start Program, Parent Resource Centers and other programs such as Parent meetings and workshops; meetings with the teachers/directors of these programs.

e) Conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving the academic quality of the Title I schools. The evaluation shall include identifying barriers to greater participation by parents in activities under the policy and use the findings of the evaluation to design strategies for more effective parental involvement and, to revise, if necessary, the parental involvement policies at the District and school levels.

This review will occur at the annual Title 1 Advisory Planning Meeting on the District level as well as at the school-level SIT committee meetings.

f) Involve parents in the activities of the Title I schools:

1. **School Orientations and Open Houses** -- Such as: kindergarten orientation, new student summer orientation for all grades in all buildings, Middle School orientation for incoming 6th graders, High School orientation for incoming 9th graders, Bring your kindergarten students to school day, Title 1 open house meeting;

2. **School and District Celebrations and Events** -- Such as: graduation, award ceremonies, art shows, concerts, drama productions;

3. **Extracurricular School Events** -- Such as: Family Fun Night, Movie Night, Field Day, Multicultural Day events, Family Literacy Nights, STEM night;

4. **Parent Meetings** -- Such as: Parent Teacher Organization monthly meetings, Dual Language Parent meetings, Bilingual Education Parent Meetings, HS Parent Club meetings;

5. **Parent-Teacher Conferences** -- (Day and Night Conferences);

(Continued)
SUBJECT: TITLE I PARENT INVOLVEMENT POLICY (Cont'd.)

6. Parent Representatives on School and District Committees -- Such as: the School-wide Planning Teams as well as the Title 1 advisory council;

7. Parent Workshops -- Such as: Curriculum nights, Kindergarten Readiness, Parent Portal, Blended and Flipped Learning, Internet Safety, Parent counseling training, NYS assessments and standards, Strategies to help your children at home.

g) Involve parents of children in Title I programs in decisions regarding how funds reserved for parental involvement activities are spent.

There are parent representatives at the Title 1 Advisory Meeting and the school-level School Improvement Team meetings.

School-Level Parent Involvement Policy

In accordance with Section 6318(c), the Board of Education directs each school receiving Title I funds to ensure that a building level parental involvement plan is developed with the participation of that school's parents. In addition to the goals stated above, each school building level plan will describe the details to:

a) Convene an annual meeting, at a convenient time, to inform parents of their school's participation in Title I programs and to explain Title I requirements and the right of the parents to be involved. All parents of children participating in Title I programs will be invited and encouraged to attend the meeting;

b) Offer a flexible number of meetings, such as meetings in the morning or evening; and may provide (with funds provided under this provision of law) transportation, child care, or home visits, as such services relate to parental involvement;

c) Involve parents in an organized, ongoing, and timely way in the planning, review, and improvement of Title I programs, including the planning, review, and improvement of the school parental involvement policy;

d) Provide parents of participating children with timely information about programs, a description and explanation of the curriculum in use in Title I programs, the forms of academic assessment used to measure student progress, the proficiency levels students are expected to meet, and if requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children and respond to any such suggestions as soon as practicably possible; and

(Continued)
SUBJECT: TITLE I PARENT INVOLVEMENT POLICY (Cont’d.)

e) Develop a school-parent compact jointly with parents that outlines how the parents, school staff and students will share the responsibility for improved student academic achievement and detail the means by which the school and parents will build and develop a partnership to help all children achieve the state's standards.

f) The compact must include:

1. A description of the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served in Title I schools to meet the State's student academic achievement standards.

2. A description of the ways in which each parent will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, television watching, volunteering in their child's classroom and participating, as appropriate, in decisions relating to the education of their children and positive use of extracurricular time; and

3. Address the importance of communication between teachers and parents on an ongoing basis including, but not limited to:

   (a) Parent-teacher conferences in schools, at least annually, during which the compact shall be discussed as the compact relates to the individual child's achievement; Parent-teacher conferences twice a year;

   (b) Frequent reports to parents on their children's progress:
       1) Quarterly Report Cards are sent home in both English and Spanish;
       2) Interim Progress Reports are sent home at the quarters' half-way mark;
       3) If a student receives AIS services, parents/guardians receive quarterly reports regarding child's progress in the focused interventions;
       4) Parent/Guardians can view their child's progress through the Parent Portal;

   (c) Reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities:
       1) Parent Teacher Conferences -- day and night conferences;
       2) Classroom/school celebrations and special events;

(Continued)
SUBJECT: TITLE I PARENT INVOLVEMENT POLICY (Cont'd.)

3) Communication with Parents -- Such as: Translation phone system available in the parents' home language for conferences as well as translators available on site, email, parent portal, school website.

The following are ways to inform parents about participation opportunities:

1) Parental newsletters provided in the child's native language;
2) District website;
3) Middie TV (Video Streaming on District website);
4) Open House;
5) Parent Portal;
6) Emails;
7) School Messenger (Telephone message system to all District parents/guardians).

To ensure effective involvement of parents and to support a partnership among the school involved, parents, and the community in order to improve student academic achievement, the District and each school shall:

a) Provide assistance to parents of children served by the District or school, in understanding such topics as the State's academic content standards and State student academic achievement standards, State and local academic assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the achievement of their children;

1. Parent teacher conferences, report cards and progress reports;
2. Curriculum support documents available on the District website;
3. Parent workshops regarding:
   (a) NYS assessments and Standards;
   (b) Supporting children at home in reading and mathematics (which provides take home materials and activities);
   (c) Using the Parent Portal;
   (d) Using District provided digital content at home.

b) Provide materials and training to help parents to work with their children to improve their children's achievement, such as literacy training and using technology, as appropriate, to foster parental involvement;

1. Parent workshops for parents of English Language Learners;
2. Parent conferences provide materials to use at home;
3. Parent workshops on using technology:

(Continued)
SUBJECT: TITLE I PARENT INVOLVEMENT POLICY (Cont'd.)

(a) Parent/Student orientation for Chromebooks;
(b) Flipped and Blended Classrooms;
(c) Using the Parent Portal;
(d) Using District provided digital content at home;
(e) Internet Safety.

4. Parent curriculum workshops regarding:
   (a) NYS assessments and Standards;
   (b) Supporting children at home in reading and mathematics (which provides take home materials and activities);
   (c) Using the Parent Portal;
   (d) Using District provided digital content at home.

5. Work collaboratively with other community services providers and organizations (e.g., collaborating with the Public Library to promote literacy).

   c) Educate teachers, pupil services personnel, principals, and other staff, with the assistance of parents, in the value and utility of contribution of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school;

   1. Monthly PTO President advisory meetings with the Superintendent;
   2. Promoting attendance at parent meetings for PTO;
   3. Discussions at the school improvement teams;
   4. Discussions at the Title 1 Advisory Council Team;
   5. Activities around strategies to support home-school connections at faculty meetings, District and School administration meetings, and other school workshops.

   d) Coordinate and integrate to the extent feasible and appropriate, parent involvement programs and activities with Head Start, Reading First, Early Reading First, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parent as Teachers Program, and public preschool and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children;

   1. Parental workshops for parents
   2. Meetings with teachers/directors of these programs

   e) Ensure that information related to school and parent programs, meetings, and other activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand.

   (Continued)
SUBJECT: TITLE I PARENT INVOLVEMENT POLICY (Cont'd.)

Any communication with home is available in the child's home language -- such communication tools are: email, parent portal, District and school website, school messenger, parent newsletter.

In addition to the above activities which are required for the District and each school, the District and each school:

a) May involve parents in the development of training for teachers, principals, and other educators to improve the effectiveness of such training;

b) May provide necessary literacy training from funds received under this part if the local educational agency has exhausted all other reasonably available sources of funding for such training;

c) May pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;

d) May train parents to enhance the involvement of other parents;

e) May arrange school meetings at a variety of times, or conduct in-home conferences between teachers or other educators, who work directly with participating children, with parents who are unable to attend such conferences at school, in order to maximize parental involvement and participation;

f) May adopt and implement model approaches to improving parental involvement;

g) May establish a District-wide parent advisory council to provide advice on all matters related to parental involvement in programs supported under this section;

h) May develop appropriate roles for community-based organizations and businesses in parent involvement activities; and

i) Shall provide such other reasonable support for parental involvement activities under this section as parents may request.

In carrying out the parental involvement requirements, the District and schools, to the extent practicable, shall provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing information and school reports required under Section 6311 of the Elementary and Secondary Education Act in a format and, to the extent practicable, in a language such parents understand.

(Continued)
SUBJECT: TITLE I PARENT INVOLVEMENT POLICY (Cont’d.)

Procedures for Filing Complaints/Appeals

The District will disseminate free of charge to parents of children in Title I programs, and to appropriate private school officials or representatives, adequate information regarding the District's written complaint procedures for resolving issues of violation(s) of a Federal statute or regulation that applies to Title I, Part A programs.

Comparability of Services

The School District shall ensure equivalence among the schools in the District of the same grade span and levels of instruction with regard to teachers, administrators and auxiliary personnel as well as equivalence in the provision of curriculum materials and instructional supplies in Title I programs.

Title I of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001
20 USC §§ 6318 and 6321
34 CFR Parts 74-86 and 97-99, and 200

Adopted: 6/2/05
Revised: 6/15/17
SUBJECT: INSTRUCTIONAL TECHNOLOGY

The Board of Education recognizes its responsibility to further the District's educational goals through the use of appropriate and high quality technological materials and equipment. For the purpose of this policy, technology refers to computers, interactive videodiscs, Compact Disc-Read Only Memory (CD-ROM) devices, local area networks, satellite transmission and other telecommunications equipment.

Continuing advances in technology are bringing about changes that have an increasing impact on the way we obtain, process, evaluate and use information. Therefore, the District is committed to:

a) A comprehensive staff development program to ensure appropriate and effective use of technology.

b) The preparation of students to utilize multiple types of technology.

c) The integration of technology within and across all curriculum areas.

d) The equitable distribution and access to technological equipment and materials for all students.

e) The promotion of technology as an alternative to traditional methods of gathering, organizing and synthesizing information.

f) The provision of sufficient funds, within the budgetary constraints of the Board, for the implementation of technology instruction.

The Board directs the Superintendent or his/her designee to assess the technological needs of the District's instructional program, research and review current materials and make recommendations to the Board.

Adopted: 6/2/05
SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING

In compliance with The Children's Internet Protection Act (CIPA) and Regulations of the Federal Communications Commission (FCC), the District has adopted and will enforce this Internet Safety/Internet Content Filtering Policy that ensures the use of technology protection measures (i.e., filtering or blocking of access to certain material on the Internet) on all District computers with Internet access. Such technology protection measures apply to Internet access by both adults and minors with regard to visual depictions that are obscene, child pornography, or, with respect to the use of computers by minors, considered harmful to such students. The District will provide instruction to students regarding appropriate online behavior, including interacting with other individuals on social networking Web sites and in chat rooms, and the District also will provide instruction to students regarding cyber bullying awareness and response. In addition, appropriate monitoring of online activities of minors, as determined by the building/program supervisor, will also be enforced to ensure the safety of students when accessing the Internet.

The Board of Education's decision to utilize technology protection measures and other safety procedures for staff and students when accessing the Internet fosters the educational mission of the District, including the selection of appropriate teaching/instructional materials and activities to enhance the schools' programs, and to help ensure the safety of personnel and students while online. However, no filtering technology can guarantee that staff and students will be prevented from accessing all inappropriate locations. Proper safety procedures, as deemed appropriate by the applicable administrator/program supervisor, will be provided to ensure compliance with the CIPA.

In addition to the use of technology protection measures, the monitoring of online activities and access by minors to inappropriate matter on the Internet and World Wide Web may include, but shall not be limited to, the following guidelines:

a) Ensuring the presence of a teacher and/or other appropriate District personnel when students are accessing the Internet including, but not limited to, the supervision of minors when using electronic mail, chat rooms, and other forms of direct electronic communications. As determined by the appropriate building administrator, the use of email, chat rooms and social networking Web sites may be blocked as deemed necessary to ensure the safety of such students;

b) Monitoring logs of access in order to keep track of the web sites visited by students as a measure to restrict access to materials harmful to minors;

c) In compliance with this Internet Safety Policy as well as the District's Acceptable Use Policy, unauthorized access (including so-called "hacking") and other unlawful activities by minors are prohibited by the District; and student violations of such policies may result in disciplinary action; and

d) Appropriate supervision and notification to minors regarding the prohibition as to unauthorized disclosure, use and dissemination of personal information regarding such students.

(Continued)
SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING (Cont’d.)

The determination of what is "inappropriate" for minors shall be determined by the District and/or designated school official(s). It is acknowledged that the determination of such "inappropriate" material may vary depending upon the circumstances of the situation and the age of the students involved in online research.

The terms "minor," "child pornography," "harmful to minors," "obscene," "technology protection measure," "sexual act," and "sexual contact" will be as defined in accordance with CIPA and other applicable laws/regulations as may be appropriate and implemented pursuant to the District's educational mission.

Under certain specified circumstances, the blocking or filtering technology measure(s) may be disabled for adults engaged in bona fide research or other lawful purposes. The power to disable can only be exercised by an administrator, supervisor, or other person authorized by the School District.

The School District shall provide certification, pursuant to the requirements of CIPA, to document the District's adoption and enforcement of its Internet Safety Policy, including the operation and enforcement of technology protection measures (i.e., blocking/filtering of access to certain material on the Internet) for all School District computers with Internet access.

Internet Safety Instruction

In accordance with New York State Education Law, the School District may provide, to students in grades K through 12, instruction designed to promote the proper and safe use of the Internet.

Under the Protecting Children in the 21st Century Act, students shall be educated on appropriate interactions with other individuals on social networking Web sites and in chat rooms, as well as cyberbullying awareness and response.

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

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.

Notification/Authorization

The District's Acceptable Use Policy and accompanying Regulations will be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and student's obligations when accessing the Internet.

(Continued)
SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING (Cont'd.)

Student access to District computers is conditioned upon written agreement by the student and his/her parent acknowledging that the student's use will conform to the requirements of the District's Acceptable Use Policy. All agreements shall be kept on file in the District office.

The District has provided reasonable public notice and has held at least one (1) public hearing or meeting to address the proposed Internet Safety/Internet Content Filtering Policy prior to Board adoption.

The District's Internet Safety/Internet Content Filtering Policy shall be made available to the FCC upon request. Furthermore, appropriate actions will be taken to ensure the ready availability to the public of this policy as well as any other District policies relating to the use of technology.

The Internet Safety/Internet Content Filtering Policy shall be retained by the District for at least five (5) years after the funding year in which the policy was relied upon to obtain E-rate funding.

47 USC §§ 254(h) and 254(l)
47 CFR Part 54
N.Y. Education Law § 814

Adopted: 6/2/05
Revised: 9/6/12
SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS

The Board of Education recognizes its responsibility to ensure that students of foreign birth or ancestry who are identified as English Language Learners (ELLs) are provided with an appropriate bilingual education or English as a New Language (ENL) program.

The District has developed a comprehensive plan to meet the educational needs of ELLs. The plan will be kept on file in the District and submitted to the Commissioner of Education prior to the start of each school year. The plan includes:

a) The District's philosophy regarding the education of ELLs;
b) The District's administrative practices and procedures to screen, identify, and place ELLs in appropriate programs;
c) The District's plan to provide parents and other persons in parental relation with information about all bilingual education and ENL programs available in the District and notices regarding program placement and the rights of parents or persons in parental relation in a language they best understand;
d) The District's system to annually measure and track the academic progress and English language proficiency of ELLs and use of data to drive instruction;
e) A description of the District's curricular and extracurricular services provided to ELLs;
f) The District's administrative practices to annually evaluate ELLs;
g) The District's procedure to identify support services for ELLs;
h) The District's policies and procedures regarding ELLs who are students with disabilities;
i) The District's procedures to exit ELLs including those students with inconsistent/interrupted formal education;
j) The District's services to support former ELLs.

Additionally, the District will provide professional development to all teachers, level III teaching assistants, and administrators that specifically addresses the needs of ELLs.

The Superintendent will ensure that all data, including plans, assurances, and reports as required by the Commissioner's regulations, is submitted to the State Education Department in a timely manner.

(Continued)
SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS (Cont'd.)

Title I of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, §§ 1112(g) and 3302(a)
Education Law § 3204
8 NYCRR § 100.2(g), Parts 117 and 154

Adopted: 6/2/05
Revised: 6/16/16
SUBJECT:  PURPOSES OF INSTRUCTIONAL MATERIALS

The purpose of instructional materials shall be to implement, enrich, and support the educational program of the school.

Instructional materials should contribute to the development of positive social and intellectual values of the students.

The Board of Education shall provide the faculty and students in the District with such instructional materials as are educationally needed and financially feasible to make the instructional program meaningful to students of all levels of ability.

Education Law § 701

Adopted:  6/2/05
SUBJECT: LIBRARY/MEDIA CENTERS

The Board of Education recognizes that each individual has a right to equality of educational opportunity, that learning is a continuous process which takes place in different ways and degrees, and that a comprehensive library-media center is an integral part of the total educational program.

The legal responsibility for the school library/media center rests with the Board, but the administration and the Board entrust the responsibility of selection, organization and maintenance of library materials to the school librarians.

In the organization of such services, the teaching program and the resources of the school library/media center, as well as in the selection of library personnel, the Board will use the standards suggested by the New York Libraries Association.

The Board of Education agrees that the responsibility of the school library is:

a) To provide materials that will enrich and support the curriculum, taking into consideration the varied interests, abilities and maturity levels of the students served.

b) To provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards.

c) To provide a background of information that will enable students to make intelligent judgments in their daily lives.

d) To provide materials on opposing sides of controversial issues so that young citizens may develop, under guidance, the practice of critical reading and thinking.

e) To provide materials representative of the many religious, ethnic, and cultural groups and their contribution to our American heritage.

f) To place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive collection appropriate for the users of the library.

Selection of Library and Audiovisual Materials

In interpreting these principles, the following will apply in the selection of library and audiovisual materials:

a) Broad and varied collections will be developed systematically by the librarian and the audiovisual specialist, based on recommendations of the professional staff and suggestions of students and parents. Final approval will be made by the Building Principal.

(Continued)
SUBJECT: LIBRARY/MEDIA CENTERS (Cont'd.)

b) Qualitative standards of selection involving factual accuracy, authoritativeness, artistic quality and appeal will be applied by librarians and audiovisual specialists before purchases are made.

c) Materials will not be excluded because of the race, nationality, political opinions or religious views of the author.

d) Materials will be continuously re-evaluated in relation to changing curriculum and instructional needs. Worn out, outdated materials will be discarded.

8 NYCRR § 21.4

Adopted: 6/2/05
SUBJECT: OBJECTION TO INSTRUCTIONAL MATERIALS

Any criticism of instructional materials that are in the schools should be submitted in writing to the Superintendent. The Board of Education will be informed. A committee, including the librarian and Building Principal, will be designated by the Superintendent to investigate and judge the challenged material according to the principles and qualitative standards stated in Policy #8320 -- Selection of Library and Audiovisual Materials.

Curriculum Areas In Conflict With Religious Beliefs

In accordance with applicable law and regulation, a student may be excused from the study of specific materials relating to health and hygiene if these materials are in conflict with the religion of his/her parents/guardians. Alternatives may be provided that are of comparable instructional value.

Education Law § 3204(5)
8 NYCRR § 135.3

NOTE: Refer also to Policies #8320 -- Selection of Library and Audiovisual Materials #8360 -- Religious Expression in the Instructional Program

Adopted: 6/2/05
SUBJECT: CONTROVERSIAL ISSUES

Controversial issues may be studied as part of the curriculum and teachers shall present these issues in their classrooms in an impartial and objective manner.

Teachers wishing to call upon outside speakers in the presentation of controversial issues are required to obtain the approval of the Principal who shall keep in mind the obligation for presenting opposing views as well, and who shall inform the Superintendent prior to the presentation.

It is recognized that parents and citizens of the community have a right to protest to the school administration when convinced that unfair and biased presentations are being made by the teacher. In considering such protests, the Superintendent of Schools shall provide for a hearing so that both parties may fairly express their views. If requested, the Superintendent's decision may be appealed to the Board of Education.

Adopted: 6/2/05
SUBJECT: TEXTBOOKS/WORKBOOKS/CALCULATORS/INSTRUCTIONAL COMPUTER HARDWARE

Textbooks

The term "textbook" shall refer to a book supplied to a student for a fixed period of time for his/her personal use and basic to the study of a subject. The Board of Education shall make provision for funds to be budgeted for the purchase of textbooks and related instructional materials.

Upon the recommendation of the Superintendent of Schools, the Board of Education shall designate the textbooks to be used. Textbooks, once designated, cannot be superseded within a period of five (5) years except by a three-fourths (3/4) vote of the Board.

Each school district has the option of participating in the National Instructional Materials Access Center (NIMAC). Whether a district does or does not participate in NIMAC, the district will be responsible to ensure that each student who requires instructional materials in an alternate format will receive it in a timely manner and in a format that meets NIMAS standards (8 NYCRR Section 200.2(b)(10)). The New York State Education Department (NYSED) recommends that school districts choose to participate in NIMAC, because this national effort to centralize the distribution of instructional materials in alternate formats will help guarantee timely provision of such materials to students.

For school districts, Boards of Cooperative Educational Services (BOCES), State-operated schools, State-supported schools and approved private schools that choose to participate in NIMAC, contracts with publishers executed on and after December 3, 2006 for textbooks and other printed core materials must include a provision that requires the publisher to produce NIMAS files and send them to the NIMAC (this will not add any cost to the contract).


Students will be required to pay for lost books or for excessive damage to books.

Textbooks for Resident Students Attending Private Schools

Resident students attending private schools will be supplied non-sectarian textbooks in accordance with the requirements of Education Law.

Workbooks

The term "workbook" shall refer to the type of book that provides spaces to write in and is consumed each year. It is usually paper-covered and designed to be used in connection with a textbook. The Board of Education shall approve the expenditure of funds for the purchase of workbooks and manuals.

(Continued)
SUBJECT: TEXTBOOKS/WORKBOOKS/CALCULATORS/INSTRUCTIONAL COMPUTER HARDWARE (Cont’d.)

Calculators

The District can require students to provide their own "supplies" (defined as something which is consumed in use, loses its appearance and shape in use, expendable, and inexpensive). Examples include pencils, pens, paper, etc. Calculators do not fall into this category and must be considered like classroom teaching materials for which the District is authorized to levy a tax. In addition, the District may purchase, and must still provide, calculators even if operating under a contingent budget if the calculators are required for participation in an educational program.

The New York State Education Department requires the use of calculators for intermediate and high school level mathematics and science assessments. To the extent that calculators are a necessary part of the educational program, the District must provide them. Under no circumstances should students be charged for a calculator or otherwise required to purchase one in order to participate in an educational program of the District.

(see website: http://www.emsc.nysed.gov/mgtserv/charging_for_calculators.shtml)

Instructional Computer Hardware

Loan to Students Attending Nonpublic Schools in the District

The School District shall loan, upon request of an individual or a group of individual students, to all students legally attending nonpublic elementary or secondary schools located in the School District, instructional computer hardware which is designated for use in any public elementary or secondary schools of the State or is approved by any school authorities as such term is defined in Education Law Section 2(12).

Such instructional computer hardware is to be loaned free to such children, subject to such rules and regulations as are or may be prescribed by the Board of Regents and school authorities and shall be required for use as a learning aid in a particular class or program. Instructional computer hardware containing computer software programs which are religious in nature or content shall not be purchased or loaned by the School District.

The School District shall not be required to loan instructional computer hardware to nonpublic school students in excess of that acquired pursuant to Education Law Section 753 and shall be loaned on an equitable basis to children attending nonpublic schools in the District and to students with disabilities residing in the District who attend programs under the provisions of Education Law Sections 4401(2)(c),(2)(e),(2)(g),(2)(i), and (2)(l). However, the School District shall not be required to loan instructional computer hardware purchased with local or federal funds or with State funds, other than Instructional Computer Hardware Aid funds.

(Continued)
SUBJECT: TEXTBOOKS/WORKBOOKS/CALCULATORS/INSTRUCTIONAL COMPUTER HARDWARE (Cont'd.)

School authorities shall specify a date by which written requests for the purchase and loan of instructional computer hardware must be received by the District. Such date shall not be earlier than the first day of June of the school year prior to that for which such instructional computer hardware is being requested. For a child not attending a nonpublic school prior to June first, the parent/guardian may submit a written request for instructional computer hardware within thirty (30) days after such child is enrolled in the nonpublic school. In no event, however, shall a request made later than the times otherwise provided pursuant to Education Law Section 754 be denied where a reasonable explanation is given for the delay in making the request. All nonpublic schools in the School District shall be notified of the specified date.

The form of request used by a lending District may provide for a guarantee by a parent or guardian for the return of such hardware or, in the case of loss or damage, for payment of the value thereof.

20 USC § 1474(e)(3)(B)
Education Law §§ 2(12), 701 et seq., 753, 754, 3602(6), 3602(26), 4401(2)(c), 4401(2)(e), 4401(2)(g), 4401(2)(i) and 4401(2)(l)
8 NYCRR §§ 21.3, 100.12, 155.1(a)(4) and 175.25

Adopted: 6/2/05
Revised: 4/20/16
SUBJECT: USE OF COPYRIGHTED MATERIALS

It is the intent of the Board of Education to abide by the provisions of the United States Copyright Law (Title 17 United States Code Section 101 et seq.).

All employees are prohibited from copying materials not specifically allowed by the copyright law, fair use guidelines, licenses or contractual agreements, or the permission of the copyright proprietor.

Any employee who willfully disregards the copyright policy shall be in violation of Federal Copyright Laws and District policy and shall assume all liability.

A copyright officer may be appointed by the Superintendent to provide information for all personnel regarding current copyright law and to maintain copyright records.

Regulations and procedures shall be developed by the administration detailing what can and cannot be copied. Appropriate copyright notices will be placed on or near all equipment used for duplication.

17 USC § 101 et seq.

Adopted: 6/2/05
SUBJECT: RELIGIOUS EXPRESSION IN THE INSTRUCTIONAL PROGRAM

The Board of Education acknowledges the importance of religion to the understanding of society and the richness of the human experience. In approaching the teaching about religion in the school, the District will be guided by three concepts when making decisions about the appropriateness of activities for inclusion in the school program: the activity should have a secular purpose; the activity should neither advance nor inhibit religion; and the activity must not foster an excessive entanglement of "government" with religion.

Nurturing the development of knowledge and respect for the rights of all cultural and religious groups is a continuing goal of the School District. Students, faculty and administration are reminded of the pluralism of religious beliefs and are urged to be conscious of and respect the sensitivity of others.

Opportunities to learn about cultural and religious traditions should be provided within the framework of the curriculum. Information about religious and cultural holidays and traditions focusing on how and when they are celebrated, their origins and histories should be part of this instruction. This educational opportunity should be handled with great care, sensitivity and respect for the feelings and beliefs of individuals.

An environment should be created and encouraged where students of various ethnic backgrounds feel comfortable in sharing comments about their religious and cultural traditions. No student should be singled out to share or participate in such discussions solely on the basis of that student's identification with the cultural/religious heritage being addressed. A student's preference not to share or participate in such discussions should be honored and respected without penalty.

School Activities Related to Religious Holidays or Themes

School activities related to the teaching about religious holidays or themes must be consistent with, representative of, and congruent with the District's curriculum.

In planning school activities related to the teaching about religious holidays or themes, special effort must be made to ensure that the activity is not devotional and that students of all faiths can join without feeling they are betraying their own beliefs.

In planning school activities related to the teaching about religious holidays or themes, age appropriate activities are encouraged within the framework of the curriculum. Teaching about religious and cultural holidays may include such special activities as parties and special foods, if they reinforce educational goals.

Symbols in the Schools

The purpose of using religious symbols should be to teach about religious concepts and traditions, and to convey historical or cultural content, not to promote or celebrate religious concepts, events or holidays.

(Continued)
SUBJECT: RELIGIOUS EXPRESSION IN THE INSTRUCTIONAL PROGRAM (Cont'd.)

Music in the Schools

The purpose of using religious music should be to teach musical concepts, to convey historical and cultural content, or to create aesthetic experiences in a setting which emphasizes artistic expression and educational value, not to promote or to celebrate a religious faith.

District Calendar

The days on which members of a religious group may be absent to observe a religious holiday (legal absence) will be noted on the school planning calendar and the District calendar distributed to parents/guardians. Out of respect for a student's observance of these holidays, teachers will be sensitive to the needs of the student by allowing them to make up all class work, homework, and tests without penalty. Parents/guardians are encouraged to notify the school prior to the absence in order to assist the staff in instructional planning and in meeting the needs of the student.

Curriculum Areas in Conflict with Religious Beliefs

Students shall be given the option to be excused from participating in those parts of an activity, program, or area of instruction involving a religious theme which conflicts with their own religious beliefs or that of their parents/guardians in accordance with applicable law and regulations. Alternatives may be provided that are of comparable instructional value.

Implementation

Administrative regulations will be developed to implement the terms of this policy. Further, the District shall vigorously publicize and disseminate this policy and accompanying regulations in order to ensure community, faculty, student, and parental/guardian awareness.

United States Constitution, First Amendment Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001, § 9524
Equal Access Act, 20 USC §§ 4071-4074
Education Law §§ 1609(9), 1609(10), 1709(1), 1709(3), 3204(5) and 3210
8 NYCRR §§ 16.2 and 109.2

NOTE: Refer also to Policies #7460 -- Constitutionally Protected Prayer in the Public Schools
#8330 -- Objection to Instructional Materials

Adopted: 6/2/05
SUBJECT: SCHOOL CALENDAR AND SCHOOL DAY

School Calendar

The Superintendent shall be responsible for the preparation of a school calendar to be presented to the Board for adoption.

School Day

The school day shall be set by the Superintendent with approval of the Board.

Education Law §§ 3204(4) and 3604(7)(8)
8 NYCRR§ 175.5

Adopted: 6/2/05
SUBJECT: OPENING EXERCISES

The Board directs the administration to include the Pledge of Allegiance as part of the opening exercises in all the schools. Under certain circumstances, such as religious conviction, individuals may be excused from this requirement as a protection of their Constitutional rights.

Education Law § 802
8 NYCRR § 108.5

Adopted: 6/2/05
SUBJECT: INDEPENDENT STUDY

Independent study, for credit, will be available to meet the individual needs of students in grades 9 through 12. The Principal, after consultation with relevant faculty, shall award credit to the student based on successful completion of the independent study and demonstrated mastery of the learning outcomes of the subject.

Students enrolled in the District, may earn a maximum of three (3) units of elective credit towards a Regents diploma through independent study. The student's participation in independent study shall be approved by a school-based panel consisting of, at a minimum, the Principal, a teacher in the subject area for which independent credit is sought, and a guidance director or administrator.

Credit for independent study may be awarded for elective courses only and shall not be awarded for courses required for the Regents diploma as specified in Commissioner's Regulations.

8 NYCRR § 100.5(9)
SUBJECT: HOMEWORK

The Board of Education acknowledges the educational validity of homework as an adjunct to and extension of the instructional program of the schools. Homework shall refer to those assignments to be prepared by the student outside of the school or independently while in attendance at school.

Adopted: 6/2/05
SUBJECT:  HOME TUTORING (HOMEBOUND INSTRUCTION)

Resident children attending public or nonpublic schools who are unable to attend school because of physical, mental or emotional illness or injury as substantiated by a licensed physician are eligible to be instructed at home or in a hospital by an appropriately certified teacher provided by the School District. These students will be provided with such instruction in accordance with New York State Education Law and Commissioner's Regulations.

Procedures for students requiring home tutoring shall be developed under the direction of the Superintendent or his/her designee.

Education Law §§ 1604(20), 1709(24), 3202 and 4401
8 NYCRR § 175.21

Adopted:  6/2/05
Revised:  4/20/16
SUBJECT: FIELD TRIPS

The Board of Education recognizes that field trips are an educationally sound and important ingredient in the instructional program of the schools.

For purposes of this policy, a field trip shall be defined as any journey by a group of students away from the school premises, under the supervision of a teacher, which is an integral part of an approved course of study and conducted for the purpose of affording a first-hand educational experience not available in the classroom.

Field trips are a part of the curriculum of the schools, and student conduct and attendance on field trips are governed by the same rules that govern regular classroom activities. The School System shall obtain written parental/guardian permission for students going on school-sponsored field trips.

The Superintendent shall prepare procedures for the operation of a field trip activity. Field trip support shall be determined annually by the Board during its budget deliberations. Regardless of the fiscal support for field trips, the rules of the School District for approval and conduct of such trips shall apply.

The Superintendent/designee may cancel previously approved field trips due to extenuating circumstances.

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#5720 -- Transportation of Students
District Code of Conduct

Adopted: 6/2/05
SUBJECT:  HOME INSTRUCTION (HOME SCHOOLING)

The School District will attempt to cooperate with parents who wish to provide home instruction for their children. The child who is educated at home should receive an education in a manner consistent with an educational plan and at least substantially equivalent to that given to students of like age and attainments in the local public schools. The required subjects should be taught in a competent, systematic, and sequential manner, specifically in relation to the required courses as enumerated in Commissioner's Regulation Section 100.10.

Primary responsibility for determining compliance with Commissioner's Regulations addressing home instruction rests with the Superintendent of Schools of the school district in which a home-instructed student resides.

Provision of Services to Home-Instructed Students

Home-instructed students are not awarded a high school diploma. A high school diploma may only be awarded to a student enrolled in a registered secondary school who has completed all program requirements set by the Board of Regents, the school or the District.

a) Extracurricular Participation

Students instructed at home are not eligible to participate in interscholastic sports. Commissioner's Regulations mandate that only students enrolled in the public school are allowed to participate in interscholastic sports. However, the School District does permit home-instructed students to participate in intramural and other school-sponsored extracurricular activities.

b) Textbooks and Materials

The District shall not provide textbooks and other materials to home-instructed students.

c) Health Services

The School District is not required to furnish health services.

d) Remedial Programs

The District is not responsible for providing remedial programs.

e) Career and Technical/Gifted Education

The District is not authorized to provide Occupational and Vocational Education programs (career and technical education) nor programs for the Gifted to home-instructed students.

(Continued)
SUBJECT: HOME INSTRUCTION (HOME SCHOOLING) (Cont'd.)

f) Special Education Services

Solely for the purpose of Education Law Section 3602-c, home-instructed students with disabilities are deemed to be students enrolled in and attending a nonpublic school, which enables them to receive special education services, as well as to be included for computation of state aid for such education by the District.

The Committee on Special Education (CSE) will develop an Individualized Education Services Program (IESP) for the student. The IESP shall be developed in the same manner and with the same content as an IEP. The Board of Education will determine a location where special education services are to be provided to a home-instructed student. This location may, but is not required to be, in the student's home.

g) Use of School Facilities

Students instructed at home shall not be allowed to use school facilities, except as provided for community organizations in Policy #3280 -- Use of School Facilities, Materials and Equipment.

Education Law §§ 3204, 3205, 3210(2), 3212(2), 3240-42, 3602-c, 3602-c(2-c), and 4402
8 NYCRR §§ 100.10, 135.4(c)(7)(ii)(b)(2) and 200.2(a)

Adopted: 6/2/05
Revised: 6/16/16
## ENLARGED CITY SCHOOL DISTRICT OF MIDDLETOWN, NY POLICY INDEX

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABOLISHING AN ADMINISTRATIVE POSITION</td>
<td>4220</td>
</tr>
<tr>
<td>ABSENCES</td>
<td></td>
</tr>
<tr>
<td>Family and Medical Leave Act</td>
<td>6551</td>
</tr>
<tr>
<td>Staff Leave and Absences</td>
<td>6550</td>
</tr>
<tr>
<td>Student Absences and Excuses</td>
<td>7110</td>
</tr>
<tr>
<td>ABSENTEE BALLOTS</td>
<td>1640</td>
</tr>
<tr>
<td>ACADEMIC INTERVENTION SERVICES (AIS)</td>
<td>7616</td>
</tr>
<tr>
<td>ACCEPTABLE USE OF COMPUTERIZED INFORMATION RESOURCES</td>
<td>6470, 7315</td>
</tr>
<tr>
<td>ACCEPTANCE OF GIFTS, GRANTS AND BEQUESTS TO THE SCHOOL DISTRICT</td>
<td>5230</td>
</tr>
<tr>
<td>ACCEPTING GIFTS</td>
<td>5230, 6110</td>
</tr>
<tr>
<td>ACCESS TO RECORDS -- PUBLIC</td>
<td>3310</td>
</tr>
<tr>
<td>ACCIDENTS AND MEDICAL EMERGENCIES</td>
<td>7420, 7520, 7521</td>
</tr>
<tr>
<td>ACCOUNTABILITY</td>
<td>2110, 5571-5573</td>
</tr>
<tr>
<td>ACCOUNTING OF FIXED ASSETS</td>
<td>5620</td>
</tr>
<tr>
<td>ACCOUNTING OF FUNDS</td>
<td>5510</td>
</tr>
<tr>
<td>ACQUIRED IMMUNE DEFICIENCY SYNDROME</td>
<td>5692</td>
</tr>
<tr>
<td>ADMINISTRATION</td>
<td></td>
</tr>
<tr>
<td>Abolishing Positions</td>
<td>4220</td>
</tr>
<tr>
<td>Administrative Authority During Absence of the Superintendent of Schools</td>
<td>4230</td>
</tr>
<tr>
<td>Administrative Latitude in the Absence of Board Policy</td>
<td>4240</td>
</tr>
<tr>
<td>Administrative Line Responsibility</td>
<td>4211</td>
</tr>
<tr>
<td>Administrative Organization and Operation</td>
<td>4210</td>
</tr>
<tr>
<td>Administrative Organizational Chart</td>
<td>4212</td>
</tr>
<tr>
<td>Administrative Personnel</td>
<td>4110</td>
</tr>
<tr>
<td>Administrative Regulations</td>
<td>1420</td>
</tr>
<tr>
<td>Administrative Staff</td>
<td>4330</td>
</tr>
<tr>
<td>Administrative Staff-Evaluation</td>
<td>4260</td>
</tr>
<tr>
<td>Use of Committees</td>
<td>4250</td>
</tr>
<tr>
<td>ADMINISTRATORS</td>
<td>4310-4330</td>
</tr>
<tr>
<td>ADVERTISING IN THE SCHOOLS</td>
<td>3272</td>
</tr>
<tr>
<td>ADVISORY COUNCILS (BOCES) – CAREER AND TECHNICAL (VOCATIONAL) EDUCATION</td>
<td>8220</td>
</tr>
<tr>
<td>AEDs (AUTOMATED EXTERNAL DEFIBRILLATORS)</td>
<td>5682</td>
</tr>
</tbody>
</table>
AGE OF SCHOOL ENTRANCE .............................................................................................................7120
AGENDA FORMAT ..........................................................................................................................1511
AGES OF ATTENDANCE ....................................................................................................................7130
AIDES -- EMPLOYMENT OF ............................................................................................................6320
AIDS -- ACQUIRED IMMUNE DEFICIENCY SYNDROME ..............................................................5692
AIDS INSTRUCTION IN HEALTH EDUCATION ...............................................................................8211
ALCOHOL AND DRUG TESTING FOR SCHOOL BUS DRIVERS AND OTHER
SAFETY-SENSITIVE EMPLOYEES ............................................................................................5741
ALLEGATIONS OF FRAUD ..................................................................................................................5571
ALLERGIES .............................................................................................................................................7521
ALTERNATIVE FORMAT OF INSTRUCTIONAL MATERIALS.......................................................5412, 7610,
8340
ALTERNATIVE TESTING .....................................................................................................................7210
ANIMALS IN THE SCHOOL..................................................................................................................8250
ANNUAL
Annual Audit ...................................................................................................................................5570, 5572
Annual District Election -- Business of ...........................................................................................1611
Annual District Meeting and Election/Budget Vote .......................................................................1610
Annual Financial Statement -- Publication of .................................................................................5540
Annual Organizational Meeting -- Time .........................................................................................1620
Annual Professional Performance Review (APPR) ........................................................................6130
ANTI-DISCRIMINATION ......................................................................................................................3420,
6120-6122,
7550, 7551,
7620, 7621,
8130, 8220
ANTI-HARASSMENT IN THE SCHOOL DISTRICT ...........................................................................3420, 6121,
7551
APPAREL AND SPORTS EQUIPMENT PURCHASES......................................................................5410
APPOINTMENT AND TRAINING OF CSE AND CPSE MEMBERS .......................................................7631, 7632
APPOINTMENT OF SUPPORT STAFF .................................................................................................6310
APPR - PARENTAL RIGHTS TO ANNUAL PROFESSIONAL PERFORMANCE REVIEW
COMPOSITE SCORES AND QUALITY RATINGS UNDER EDUCATION LAW
SECTION 3012-c............................................................................................................................6131
ENLARGED CITY SCHOOL DISTRICT OF MIDDLETOWN, NY POLICY INDEX (Cont'd.)

APPR - NOTICE OF THE RIGHT OF PARENTS AND LEGAL GUARDIANS TO RECEIVE ANNUAL PROFESSIONAL PERFORMANCE REVIEW FINAL QUALITY RATINGS AND COMPOSITE EFFECTIVENESS SCORES PURSUANT TO EDUCATION LAW SECTION 3012-c ............................................................................................................................6132

ASSIGNMENTS AND TRANSFERS OF CERTIFIED PERSONNEL ..........................................................6210

ASSISTANT PRINCIPALS .....................................................................................................................4330

ATHLETIC PROGRAM
Safety...............................................................................................................................................7420
Student Injuries ................................................................................................................................7420
Supervision......................................................................................................................................7570

ATTENDANCE
Attendance.......................................................................................................................................7110, 7130, 7131, 7132
Attendance -- Children of Activated Reserve Military Personnel.........................................................7130
Attendance Entitlement -- Age and Residency ....................................................................................7130, 7131
Attendance -- Homeless Children and Youth......................................................................................1330, 7130, 7131, 7670
Attendance -- Non-Resident Students .................................................................................................7132
Attendance of the Board of Education ...............................................................................................1510
Attendance Records............................................................................................................................7110

AUDIOVISUAL MATERIALS SELECTION.........................................................................................8320

AUDIT COMMITTEE .............................................................................................................................2210, 5570, 5572

AUDITOR
Auditor -- Internal Claims....................................................................................................................1335
Auditor -- Independent.........................................................................................................................1334
Auditor -- Internal...............................................................................................................................1339

AUTOMATED EXTERNAL DEFIBRILLATORS ..................................................................................5682

AWARDS AND SCHOLARSHIPS .......................................................................................................7430

BAND INSTRUMENTS .........................................................................................................................7440

BEHAVIORAL INTERVENTION PLANS..........................................................................................7313, 7350, 7640

BEQUESTS, GRANTS AND GIFTS TO THE SCHOOL DISTRICT -- ACCEPTANCE OF ..................5230

BEST VALUE (PURCHASING) .............................................................................................................5410

BIDS AND OFFERINGS ....................................................................................................................5410, 5411

BIDS AND QUOTATIONS -- COMPETITIVE ......................................................................................5410
ENLARGED CITY SCHOOL DISTRICT OF MIDDLETOWN, NY POLICY INDEX (Cont'd.)

BOARD

Agenda Format .................................................................................................................................. 1511
Appointments and Designations by the Board of Education .......................................................... 1330
Attorney -- Duties of ...................................................................................................................... 1337
Audit Committee ............................................................................................................................ 5572
Board Member Attendance ........................................................................................................... 1510
Board Member Authority .............................................................................................................. 1110
Board Member Ethics .................................................................................................................... 1300
Board Member Nomination and Election ...................................................................................... 1220
Board Member Qualifications ....................................................................................................... 1210
Board Member Removal from Office ............................................................................................ 1240
Board Member Resignation ............................................................................................................ 1240
Board Member Term of Office ....................................................................................................... 1130
Board Members - Powers and Duties ............................................................................................ 1310
Board Officers - Nominations and Election .................................................................................. 1320
Board Self-Evaluation ................................................................................................................... 2340
Code of Ethics ................................................................................................................................ 1300, 16110
Committees of the Board .............................................................................................................. 2210
Compensation and Expenses ......................................................................................................... 2330
Defense and Indemnification ......................................................................................................... 6540
District Clerk -- Duties of .............................................................................................................. 1331
Executive Sessions ........................................................................................................................ 1540
Goals for the Hiring of Personnel ................................................................................................ 2350
Hours of Voting for School District Elections and Referenda ....................................................... 1621
Independent Auditor -- Duties of ................................................................................................ 1334
Internal Auditor -- Duties of ......................................................................................................... 1339
Internal Claims Auditor -- Duties of ............................................................................................. 1335
Meeting Procedures (Parliamentary Procedures) ....................................................................... 1510
Meeting Procedures for the Conduct of Trustees (Including Those Televised or Digitally Recorded) ........................................................................................................................................ 1510
Meetings ........................................................................................................................................ 1301
1510, 1520
Membership in Associations .......................................................................................................... 2310
Minutes .......................................................................................................................................... 1530
New Board Member Orientation .................................................................................................... 2110
Policy Execution: Administrative Regulations ............................................................................. 1410
Policy Formulation, Adoption and Dissemination ........................................................................ 1410
Policy Review and Evaluation ....................................................................................................... 1410
President -- Duties of .................................................................................................................... 1321
Public Expression at Board Meetings ........................................................................................... 1510
Quorum .......................................................................................................................................... 1510
Reporting of Expenditures ........................................................................................................... 1230
Role of the Board in Implementing a Student's Individualized Education Program ....................... 7613
School Board Conferences, Conventions and Workshops ............................................................ 2320
School Board Legal Status and Authority ..................................................................................... 1110
School Board Meetings ................................................................................................................ 1510, 1520
School Board Memberships .......................................................................................................... 2310
Tax Collector -- Duties of .............................................................................................................. 1333
Training .......................................................................................................................................... 2110
Treasurer -- Duties of ..................................................................................................................... 1332
Treasurer Of Extraclassroom Activities Fund -- Duties of ............................................................. 1336
Vice President -- Duties of ............................................................................................................ 1322
BOCES ADVISORY COUNCIL -- CAREER AND TECHNICAL (VOCATIONAL) EDUCATION ................................................................. 8220

BOMB THREATS.................................................................................................................................................. 5683

BONDING OF EMPLOYEES AND SCHOOL BOARD MEMBERS........................................................................ 5310

BOOSTER CLUBS.................................................................................................................................................. 7420

BORROWING OF FUNDS................................................................................................................................... 5340

BOY SCOUTS ACT .................................................................................................................................................. 3280

BUDGET
  Absentee Ballots.................................................................................................................................................. 1640
  Administration of the Budget.......................................................................................................................... 5140
  Budget Adoption............................................................................................................................................. 5130
  Budget Hearing............................................................................................................................................. 5120
  Budget Notice................................................................................................................................................ 5120
  Budget Planning and Development ............................................................................................................... 5110
  Budget Transfers.......................................................................................................................................... 5330
  Budget Vote................................................................................................................................................ 1610
  Contingency Budget..................................................................................................................................... 5150
  Dissemination of Budget Information.......................................................................................................... 5120
  Property Tax Report Card............................................................................................................................. 5110, 5120

BULLYING ......................................................................................................................................................... 3420, 7550

BURDEN OF PROOF ......................................................................................................................................... 7670

BUS
  Bus Drivers and Other Safety-Sensitive Employees -- Drug and Alcohol Testing ........................................ 5741
  Bus Drivers Qualifications............................................................................................................................ 5740, 5741
  Bus Emergency Drills.................................................................................................................................... 5683
  Idling.............................................................................................................................................................. 5731

CALCULATORS .................................................................................................................................................. 8340

CAPITAL FACILITIES PLAN ........................................................................................................................... 5630

CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN PUBLIC SCHOOL FACILITIES .................. 5682

CAREER AND TECHNICAL (OCCUPATIONAL) EDUCATION ......................................................................... 8220

CASH IN SCHOOL BUILDINGS ........................................................................................................................... 5530

CELL PHONES ................................................................................................................................................... 5322, 5730

CENSORSHIP OF SCHOOL-SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES........................... 7411

CENSUS ............................................................................................................................................................. 7160, 7650
ENLARGED CITY SCHOOL DISTRICT OF MIDDLETOWN, NY POLICY INDEX (Cont'd.)

CEREMONIES AND OBSERVANCES........................................................................................................8241
CERTIFICATION ........................................................................................................................................6212
CERTIFIED PERSONNEL ..........................................................................................................................6210
CERTIFIED PERSONNEL -- ASSIGNMENT AND TRANSFER ..............................................................6210
CHANGE DIRECTIVES AND CHANGE ORDERS APPROVAL ...............................................................5420
CHARACTER EDUCATION ......................................................................................................................8242
CHARGING MEALS .................................................................................................................................5660
CHARITABLE DONATIONS FROM SCHOOL CHILDREN -- SOLICITATION OF ..........................3271
CHARTER SCHOOLS ...............................................................................................................................3160
CHILD
  Child Abduction (Prevention of) -- Instruction on .................................................................8211
  Child Abuse .................................................................................................................................7530
  Child Nutrition Program ..............................................................................................................5660
CHILDREN
  Children of Activated Reserve Military Personnel ..................................................................7130
  Children with Disabilities ............................................................................................................7611
  Children's Internet Protection Act ..............................................................................................8271
CITIZENSHIP, PATRIOTISM AND HUMAN RIGHTS EDUCATION ..................................................8241
CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION/INTERPERSONAL VIOLENCE PREVENTION EDUCATION .................................................................................................................................8242
CLOSING OF SCHOOL -- EMERGENCY ...............................................................................................3510
COBRA ...............................................................................................................................................6510
CODE OF CONDUCT ON SCHOOL PROPERTY ................................................................................3410
CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL .........................6110
COLLEGE COURSES -- DUAL CREDIT FOR ......................................................................................7230
COMMITTEES
  Committee on Preschool Special Education..................................................................................7632
  Committee on Special Education ..................................................................................................7631
  Committees of the Board ..............................................................................................................2210
  Use of Committees ......................................................................................................................4250
COMMUNICABLE DISEASES .................................................................................................................5691
COMMUNITY ORGANIZATIONS .........................................................................................................3100
ENLARGED CITY SCHOOL DISTRICT OF MIDDLETOWN, NY POLICY INDEX (Cont'd.)

COMMUNITY RELATIONS ..................................................................................................................3100

COMMUNITY USE OF SCHOOL FACILITIES, MATERIALS AND EQUIPMENT ...............3280

COMPARABILITY OF SERVICES -- TITLE I PROGRAMS.........................................................8260

COMPENSATION AND RELATED BENEFITS ..............................................................................4420

COMPETITIVE BIDS AND OFFERINGS ......................................................................................5410

COMPLAINTS
Complaints and Grievances by Employees .................................................................6122
Complaints and Grievances by Students .................................................................7550
Complaints and Grievances Coordinator .................................................................6122, 7550
Public Complaints .........................................................................................3230

COMPREHENSIVE ALCOHOL/CHEMICAL SUBSTANCE POLICY ......................................6150, 7320

COMPREHENSIVE PUBLIC SCHOOL BUILDING SAFETY PROGRAM (RESCUE) ..........5630

COMPREHENSIVE STUDENT ATTENDANCE POLICY .........................................................7110

COMPULSORY ATTENDANCE AGE .........................................................................................7130

COMPUTER
Computer Filtering (Internet Content) .................................................................8271
Computer Hardware -- Loan of to Students Attending Nonpublic Schools in the District ......8340
Computer Technology .........................................................................................8270
Computerized Information -- Confidentiality of ........................................................3320, 5671, 5672, 7244
Computerized Information Resources -- Use of ........................................................5671, 5672, 6470, 7315
Data Networks and Security Access ...........................................................................5674
Internet Safety/Internet Content Filtering ............................................................8271
School District Standards and Guidelines for Web Page Publishing .......................3110
Student Use of Personal Technology ........................................................................7316

CONCUSSION MANAGEMENT ...............................................................................................7522

CONDITIONAL APPOINTMENTS ..........................................................................................6170

CONDUCT AND DISCIPLINE (STUDENT) ..............................................................................3410, 6410, 7313

CONDUCT ON SCHOOL PROPERTY ....................................................................................3410, 3430

CONFERENCES, CONVENTIONS AND WORKSHOPS -- ATTENDANCE AT .....................2320, 4410, 5323, 6160, 6161

CONFIDENTIALITY OF COMPUTERIZED INFORMATION ..............................................3320, 5672, 6471, 7244
CONFIDENTIALITY OF COMPUTERIZED INFORMATION ............................................................3320, 6471
CONSERVATION AND RECYCLING ...............................................................................................5650
CONSTITUTIONALLY PROTECTED PRAYER IN THE PUBLIC SCHOOLS ..................................7460
CONSTRUCTION AND REMODELING OF SCHOOL FACILITIES ..................................................5630
CONTESTS FOR STUDENTS ................................................................................................................7430
CONTINGENCY BUDGET .....................................................................................................................5150
CONTINUATION OF MEDICAL INSURANCE COVERAGE AT TERMINATION OF EMPLOYMENT (COBRA) .................................................................6510
CONTRACTS FOR GOODS AND SERVICES ......................................................................................5411
CONTROVERSIAL ISSUES ...................................................................................................................8331
COOPERATIVE PURCHASING ............................................................................................................5410
COPYRIGHTED MATERIALS ...............................................................................................................8350
CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS ........................................................7350
CORPORATE SPONSORSHIPS .............................................................................................................5231
CORRECTIVE ACTION PLAN ..............................................................................................................5572
CREDIT CARD ........................................................................................................................................5321
CURRICULUM
Areas in Conflict with Religious Beliefs .........................................................................................8330, 8360
Development ...................................................................................................................................8110
Evaluation ........................................................................................................................................8110
Resources ........................................................................................................................................8110
CUSTODIAL AND NON-CUSTODIAL PARENTS ..............................................................................7130, 7241
CYBER-BULLYING ............................................................................................................................7550
DATA BREACHES (STUDENT)............................................................................................................7244
DATA NETWORKS AND SECURITY ACCESS ..................................................................................5674
DAY-SCHOOL .........................................................................................................................................8410
DECLASSIFICATION OF STUDENTS WITH DISABILITIES .........................................................7617
DEDUCTIONS -- PAYROLL .....................................................................................................................6530
DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES .......................6540
ENLARGED CITY SCHOOL DISTRICT OF MIDDLETOWN, NY POLICY INDEX (Cont'd.)

DEFIBRILLATORS ...........................................................................................................................................5682

DESIGNATIONS BY THE BOARD OF EDUCATION .........................................................................................1330

DESTRUCTION OR LOSS OF DISTRICT PROPERTY OR RESOURCES ..........................................................7311

DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR .......6570

DIAGNOSTIC SCREENING OF STUDENTS .....................................................................................................7121

DIGNITY ACT COORDINATOR ....................................................................................................................7550

DIGNITY FOR ALL STUDENTS .....................................................................................................................7550

DIPLOMA AND/OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES .......................7222

DIRECTORY INFORMATION .........................................................................................................................7242, 7243

DISCIPLINE ..................................................................................................................................................3410, 6410, 7313, 7314

DISCIPLINE AND CONDUCT -- MAINTAINING ..........................................................................................6410

DISCIPLINE OF STUDENTS WITH DISABILITIES .....................................................................................3410, 7313, 7314

DISCIPLINING OF A TENURED TEACHER .................................................................................................6215

DISCRIMINATION .........................................................................................................................................3420, 6120-6122, 7550, 7551, 7620, 7621, 8130, 8220

DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS .................................................5671

DISPOSITION OF RECORDS .........................................................................................................................5670

DISPUTE RESOLUTION ................................................................................................................................7131, 7313, 7670, 7690

DISSECTION (ANIMALS IN THE SCHOOL -- INSTRUCTIONAL PURPOSES) ........................................8250

DISSEMINATION OF BUDGET INFORMATION .............................................................................................5120

DISSEMINATION OF INDIVIDUALIZED EDUCATION PROGRAM ..............................................................7640

DISTRICT

District Cell Phone .........................................................................................................................................5322
District Credit Card ......................................................................................................................................5321
District Events ...............................................................................................................................................5323
ENLARGED CITY SCHOOL DISTRICT OF MIDDLETOWN, NY POLICY INDEX (Cont'd.)

DISTRICT (Cont'd.)
  District Plan -- Special Education .......................................................................................... 7610
  District Property -- Code of Conduct on ............................................................................. 3410
  District Property -- Loss or Destruction of ........................................................................ 7311
  District Wellness Policy ....................................................................................................... 5661

DOGS -- SERVICE ANIMALS .................................................................................................. 3220, 3420, 6120, 8130, 8220

DRESS CODE -- STUDENT ...................................................................................................... 7312

DRIVER EDUCATION ........................................................................................................... 8240

DRUGS
  Comprehensive Alcohol/Chemical Substance Policy .......................................................... 6150, 7320
  Drug and Alcohol Testing for School Bus Drivers and Other Safety-Sensitive Employees ...... 5741
  Drug-Free Workplace ........................................................................................................... 6151

DUAL CREDIT FOR COLLEGE COURSES ........................................................................... 7230

DUAL ENROLLMENT ............................................................................................................... 8470

DUE PROCESS ..................................................................................................................... 6110, 7314, 7670

EARLY GRADUATION ............................................................................................................ 7220

EDUCATION OF HOMELESS CHILDREN AND YOUTH ......................................................... 1330, 7130, 7131, 7670

EDUCATIONAL SERVICES FOR STUDENTS WHO BECOME PREGNANT ...................... 7150

ELECTION OF BOARD OFFICERS ...................................................................................... 1320

ELECTIONEERING ............................................................................................................... 1220

 ELECTRONIC CONSENT ....................................................................................................... 7240

ELIGIBILITY FOR PARTICIPATION IN EXTRACURRICULAR ACTIVITIES ....................... 7410

EMAIL USE IN THE SCHOOL DISTRICT ............................................................................ 6471

EMANCIPATED MINORS ....................................................................................................... 7130

EMERGENCY
  Closings ............................................................................................................................ 3510
  Conditional Appointments .................................................................................................. 6170
  Grievances ......................................................................................................................... 6122
  Interventions ..................................................................................................................... 7350
  Meetings ............................................................................................................................. 5323
  Planning ............................................................................................................................. 5681
  Treatment -- Students ....................................................................................................... 7520
ENLARGED CITY SCHOOL DISTRICT OF MIDDLETOWN, NY POLICY INDEX (Cont'd.)

<table>
<thead>
<tr>
<th>EMPLOYEE</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Activities</td>
<td>5560, 6430</td>
<td></td>
</tr>
<tr>
<td>Assistance Program</td>
<td>6560</td>
<td></td>
</tr>
<tr>
<td>Determining Employment Status: Employee or Independent Contractor</td>
<td>6570</td>
<td></td>
</tr>
<tr>
<td>Mentoring</td>
<td>6160</td>
<td></td>
</tr>
<tr>
<td>Personal Identifying Information</td>
<td>5673</td>
<td></td>
</tr>
<tr>
<td>Personnel Records</td>
<td>6420</td>
<td></td>
</tr>
<tr>
<td>Protection</td>
<td>5571, 6540</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EMPLOYMENT</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment of Aides</td>
<td>6320</td>
<td></td>
</tr>
<tr>
<td>Employment of Relatives of Board of Education Members</td>
<td>6217</td>
<td></td>
</tr>
<tr>
<td>Employment of Retired Persons</td>
<td>6572</td>
<td></td>
</tr>
<tr>
<td>Employment of Students of Minor Age</td>
<td>7113</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ENERGY CONSERVATION</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5650</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ENGLISH LANGUAGE LEARNERS</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8280</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>7130</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ENVIRONMENTAL CONSERVATION INSTRUCTION</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8211</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EPIPEN</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>7513, 7521</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EQUAL ACCESS ACT</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>7410</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EQUAL EDUCATIONAL OPPORTUNITIES</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8130</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EQUAL EMPLOYMENT OPPORTUNITY</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6120</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EQUIPMENT AND MATERIALS (SCHOOL-OWNED) -- USE OF</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3280</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ETHICS</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Code of Ethics for Board Members and All District Personnel</td>
<td>6110</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EVALUATION</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Evaluation of Administrative Staff</td>
<td>4260</td>
<td></td>
</tr>
<tr>
<td>Evaluation of Curriculum</td>
<td>8110</td>
<td></td>
</tr>
<tr>
<td>Evaluation of Personnel</td>
<td>6130</td>
<td></td>
</tr>
<tr>
<td>Evaluation of the Superintendent</td>
<td>4260</td>
<td></td>
</tr>
<tr>
<td>Self-Evaluation -- Board of Education</td>
<td>2340</td>
<td></td>
</tr>
<tr>
<td>Student Evaluation</td>
<td>7210</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EXAMS -- HEALTH</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6140, 7512</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EXCUSES FOR STUDENT ABSENCES</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>7110</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EXECUTIVE MISCONDUCT</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>4261</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EXECUTIVE SESSIONS -- BOARD MEETINGS</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1540</td>
<td></td>
</tr>
</tbody>
</table>
EXPENDITURES OF SCHOOL DISTRICT FUNDS.................................................................5320
EXPENSE REIMBURSEMENT ......................................................................................5323, 6161
EXPOSURE CONTROL PROGRAM ..............................................................................5690
EXTERNAL (INDEPENDENT) AUDITOR .....................................................................1334, 5572
EXTRACLASSROOM ACTIVITIES FUNDS .................................................................5520
EXTRACURRICULAR ACTIVITIES ..............................................................................7410
EYE SAFETY/STUDENT USE OF HAND-HELD LASER POINTERS .........................8210

FACILITIES
  Capital Facilities Plan .........................................................................................5630
  Community Facilities Use of School Facilities ..................................................3280
  Comprehensive Public School Building Safety Program (RESCUE) ...................5630
  Construction and Remodeling .........................................................................5630
  Inspection, Operation and Maintenance ...........................................................5630
  Integrated Pest Management ...........................................................................5632
  Naming .............................................................................................................5630
  School Facility Report Cards ...........................................................................5630
  Structural Safety Inspections ..........................................................................5630

FALSE REPORTING OF AN INCIDENT AND/OR PLACING A FALSE BOMB ............7311

FAMILY AND MEDICAL LEAVE ACT .................................................................6551

FEDERAL FUNDS -- USE OF FOR POLITICAL EXPENDITURES ..............................5560

FERPA (FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT) ..........................3320, 7121, 7240, 7242, 7514

FIDUCIARY RESPONSIBILITY ..............................................................................2110, 5570-5573

FIELD TRIPS
  Field Trips .....................................................................................................8460
  Parental Permission for Field Trips ...............................................................8460

FILTERING (INTERNET CONTENT) .................................................................8271

FINANCIAL ACCOUNTABILITY ............................................................................2110, 5570-5573

FINGERPRINTING .............................................................................................6170

FIRE AND ARSON PREVENTION INSTRUCTION .................................................8211

FIRE DRILLS .......................................................................................................5683
FIREARMS IN SCHOOL .......................................................................................................................... 3411, 7360
FISCAL EFFORT -- MAINTENANCE OF (TITLE I PROGRAMS) ................................................. 5550
FIXED ASSETS .................................................................................................................................. 5620
FLAG DISPLAY .................................................................................................................................. 3140
FOIL (FREEDOM OF INFORMATION LAW) .................................................................................. 3310
FOOD SERVICE PROGRAM .............................................................................................................. 5660
FOREIGN STUDENTS ....................................................................................................................... 7132
FOREIGN EXCHANGE STUDENTS ................................................................................................ 7132
FRAUD -- ALLEGATIONS OF ........................................................................................................ 5571
FREE AND REDUCED LUNCH PROGRAM .................................................................................... 5660
FUND BALANCE ............................................................................................................................... 5110, 5511
FUND RAISING ................................................................................................................................. 3271, 3273, 7450
FUND RAISING BY STUDENTS ....................................................................................................... 3271, 7450
Funds
  Accounting of Funds .................................................................................................................. 5510
  Borrowing of Funds .................................................................................................................. 5340
  Expenditures of School District Funds .................................................................................... 5320
  Extraclassroom Activities Fund ............................................................................................. 5520
  GASB 34 .................................................................................................................................. 5620
  Petty Cash Funds .................................................................................................................... 5530
  Reserve Funds .......................................................................................................................... 5512
  School Activities Funds ........................................................................................................... 5520
  Use of Federal Funds For Political Expenditures ................................................................. 5560
GASB 54 (GOVERNMENTAL ACCOUNTING STANDARDS BOARD) ............................................. 5511
GIFTED AND/OR TALENTED STUDENTS .................................................................................. 8240
GIFTS ................................................................................................................................................. 5230, 6110
GOODS AND SERVICES -- PROCUREMENT OF ....................................................................... 5411
GRADUATION
  Early Graduation ....................................................................................................................... 7220
  Graduation Requirements ........................................................................................................ 7220
GRANTS, GIFTS AND BEQUESTS TO THE SCHOOL DISTRICT -- ACCEPTANCE OF ............ 5230
GREEN CLEANING................................................................................................................................5634
GRIEVANCES .........................................................................................................................................3230, 6122, 7550, 7621
GROUPING BY SIMILARITY OF NEEDS -- CHILDREN WITH DISABILITIES.............................7612
GUIDANCE PROGRAM .........................................................................................................................8230
GUN-FREE SCHOOLS ............................................................................................................................7360
HANDLING OF TOXIC SUBSTANCES BY EMPLOYEES .....................................................................5631
HARASSMENT IN THE SCHOOL DISTRICT ......................................................................................3420, 6121, 7550, 7551
HARASSMENT -- SEXUAL ...................................................................................................................6121, 7550, 7551
HAZARD COMMUNICATION STANDARD .......................................................................................5680
HAZARDOUS WASTE MATERIALS -- STORAGE AND DISPOSAL ...............................................5631
HAZING ...................................................................................................................................................7553
HEAD LICE ..............................................................................................................................................7522
HEALTH
    Life Threatening Health Conditions................................................................................................7521
    Examinations ...................................................................................................................................6140, 7512
    Insurance .........................................................................................................................................6510
    Records ............................................................................................................................................7514
    Services (Student) ...........................................................................................................................7510-7514
HIGH SCHOOL GRADUATION REQUIREMENTS ............................................................................7220
HIPAA ......................................................................................................................................................7514
HIV-RELATED ILLNESSES ..................................................................................................................5692
HOME INSTRUCTION (HOME SCHOOLING) .....................................................................................8470
HOME TUTORING (HOMEBOUND INSTRUCTION) ............................................................................8450
HOMELESS CHILDREN AND YOUTH ................................................................................................1330, 7130, 7131, 7670
HOMEWORK ...........................................................................................................................................8440
HOURS OF VOTING FOR SCHOOL DISTRICT ELECTIONS AND REFERENDA ..............................1621
HUMAN IMMUNODEFICIENCY VIRUS (HIV) ..................................................................................5692
HUMAN RIGHTS, PATRIOTISM AND CITIZENSHIP EDUCATION ............................................. 8241
IDENTIFICATION -- CHILDREN WITH DISABILITIES ......................................................... 7650
IDLING OF BUSES .................................................................................................................. 5731
INCIDENTAL TEACHING ........................................................................................................ 6213
INDIVIDUALIZED EDUCATION PROGRAM DIPLOMAS .................................................... 7222
IMPARTIAL HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS ...................... 7670
IMMUNIZATION OF STUDENTS ............................................................................................ 7511
INDEMNIFICATION ................................................................................................................ 6540
INDEPENDENT CONTRACTOR .............................................................................................. 6570
INDEPENDENT EDUCATIONAL EVALUATIONS ................................................................. 7680
INDEPENDENT STUDY .......................................................................................................... 8430
INDIVIDUALIZED EDUCATION PROGRAM ....................................................................... 7640
INDIVIDUALIZED EDUCATION PROGRAM -- ROLE OF BOARD IN IMPLEMENTING ............ 7613
INFORMATION SECURITY BREACH ..................................................................................... 5672, 7244
INHALERS -- USE OF IN SCHOOLS ....................................................................................... 7513
INSPECTIONS OF FACILITIES .............................................................................................. 5630
INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS ...................................................... 8280
INSTRUCTIONAL MATERIALS
  Alternative Format ............................................................................................................... 5412
  Instructional Computer Hardware ...................................................................................... 8340
  Instructional Materials ....................................................................................................... 8310
  Objection to Instructional Materials .................................................................................. 8330
  Purposes of Instructional Materials ................................................................................... 8310
  Selection of Library and Audiovisual Materials ................................................................. 8320
INSTRUCTIONAL PROGRAMS
  AIDS Instruction ................................................................................................................. 8211
  Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education .... 8242
  Driver Education .............................................................................................................. 8240
  Emergency Planning ......................................................................................................... 8211
  Environmental Conservation ............................................................................................. 8211
  Gifted and Talented Students ........................................................................................... 8240
  Guidance Program ............................................................................................................. 8230
  Patriotism, Citizenship and Human Rights Education ...................................................... 8241
INSTRUCTIONAL PROGRAMS (Cont'd.)
  Physical Education ................................................................. 8240
  Prevention of Child Abduction .............................................. 8211
  Student Safety ........................................................................ 8211
  Substance Abuse/Prevention Instruction .............................. 8211

INSTRUCTIONAL TECHNOLOGY .................................................. 8270

INSTRUMENTS .............................................................................. 7440

INSURANCE .................................................................................. 5610, 6510, 6540, 7520

INTEGRATED PEST MANAGEMENT ............................................. 5632

INTELLECTUAL PROPERTY .......................................................... 3110

INTERNAL AUDIT FUNCTION ..................................................... 5573

INTERNAL AUDITOR ..................................................................... 1330, 1339, 5572, 5573

INTERNET ..................................................................................... 5674, 6470, 7315, 8271

INTERPERSONAL VIOLENCE PREVENTION EDUCATION .............. 8242

INTERPRETER SERVICES TO PARENTS WHO ARE HEARING IMPAIRED ............................................... 7211

INTERPRETERS ............................................................................ 7210, 7211

INTERROGATIONS AND SEARCHES ........................................... 7330

INTERSCHOLASTIC ATHLETICS ................................................... 7420

INTRAMURAL ATHLETICS ............................................................ 7420

INVENTORIES, ACCOUNTING AND TRACKING .......................... 5620

INVESTMENTS .............................................................................. 5220

INVolUNTARY TRANSFER OF STUDENTS ................................. 7140

JURY DUTY .................................................................................. 6460

LASER POINTERS/EYE SAFETY .................................................. 8210

LAW ENFORCEMENT OFFICIALS ................................................. 7330

LEAST RESTRICTIVE ENVIRONMENT -- CHILDREN WITH DISABILITIES ...................................................... 7611, 7615

LEAVES OF ABSENCE .................................................................... 6550, 6551
ENLARGED CITY SCHOOL DISTRICT OF MIDDLETOWN, NY POLICY INDEX (Cont'd.)

LEGAL QUALIFICATIONS OF VOTERS AT SCHOOL DISTRICT MEETINGS ......................1630
LIBRARY .........................................................................................................................8320
LIBRARY MATERIALS SELECTION .................................................................................8320
LIFE-THREATENING HEALTH CONDITIONS (STUDENTS) ........................................7521
LIMITED OPEN FORUM ...............................................................................................7410
LINE RESPONSIBILITY OF ADMINISTRATORS .................................................................4211
LOCKERS ...........................................................................................................................7330
LOSS OR DESTRUCTION OF DISTRICT PROPERTY OR RESOURCES .......................7311
LUNCH PROGRAM -- FREE/REDUCED ...........................................................................5660
MAINTAINING DISCIPLINE AND CONDUCT .................................................................6410
MAINTENANCE OF FISCAL EFFORT (TITLE I PROGRAMS) ...........................................5550
MAINTENANCE OF FUND BALANCE ..............................................................................5511
MAINTENANCE OF ORDER ON SCHOOL PROPERTY ......................................................3410
MARRIED STUDENTS ......................................................................................................7150
MATERIALS AND EQUIPMENT (SCHOOL-OWNED) -- USE OF ..................................3280
MATRICULATION POLICY ...............................................................................................7230
MEAL EXPENSES ..........................................................................................................5323
MEDIA .............................................................................................................................3110
MEDIA CENTERS .............................................................................................................8320
MEDIATION -- SPECIAL EDUCATION ..........................................................................7690
MEDICAID FRAUD WASTE AND ABUSE DETECTION AND PREVENTION COMPLIANCE ...5574
MEDICAL EMERGENCIES AND ACCIDENTS ...............................................................7520
MEDICAL RECORDS -- STUDENT ...............................................................................7514
MEDICATIONS ..................................................................................................................7513, 7521

MEETINGS
Agenda Format .............................................................................................................1511
Annual District Meeting and Election/Budget Vote .......................................................1610
Annual Organization Meeting .......................................................................................1620
Business of the Annual District Election .....................................................................1611
### ENLARGED CITY SCHOOL DISTRICT OF MIDDLETOWN, NY POLICY INDEX (Cont'd.)

**MEETINGS (Cont'd.)**  
- Committee Meetings of the Board: 2210  
- Executive Sessions of the Board: 1540  
- Expenses: 5323  
- Minutes of Board Meetings: 1530  
- Notification of Regular Board Meetings: 1510  
- Public Expression: 1510  
- Public Sessions: 1510  
- Regular Board Meetings: 1510  
- Special Board Meetings: 1520

**MEGAN'S LAW**  
- 7560

**MENTORING**  
- 6480

**MENTORING FOR FIRST YEAR TEACHERS**  
- 6160

**METAL DETECTORS IN SCHOOLS**  
- 3440

**MERCURY**  
- 5650

**MILITARY LEAVE**  
- 6550, 6552

**MILITARY RECRUITERS ACCESS TO SECONDARY SCHOOL STUDENTS AND INFORMATION ON STUDENTS**  
- 7243

**MILITARY STATUS**  
- 3420, 6120, 6122, 7130, 7550, 8130, 8220

**MINOR TRAUMATIC BRAIN INJURY (MTBI)**  
- 7420, 7512, 7522

**MINUTES OF BOARD MEETINGS**  
- 1530

**MUNICIPAL GOVERNMENTS -- RELATIONS WITH**  
- 3120

**MUSICAL INSTRUMENTS**  
- 7440

**NAMING FACILITIES**  
- 5630

**NATIONAL INSTRUCTIONAL MATERIALS ACCESSIBILITY STANDARD (NIMAS)**  
- 5412, 7610, 8310, 8340

**NEGOTIATIONS**  
- 6440

**NEPOTISM**  
- 6180

**NEUROCOGNITIVE COMPUTERIZED TESTING**  
- 7522

**NIMAS (NATIONAL INSTRUCTIONAL MATERIALS ACCESSIBILITY STANDARD)**  
- 5412, 7610, 8310, 8340
ENLARGED CITY SCHOOL DISTRICT OF MIDDLETOWN, NY POLICY INDEX (Cont'd.)

NO CHILD LEFT BEHIND ACT (NCLB) ........................................................................................................ 1330, 3280, 5550, 5640, 6150, 6540, 7130, 7131, 7243, 7250, 7313, 7320, 7360, 7460, 7580, 8260, 8280, 8360

NON-DISCRIMINATION .............................................................................................................................. 3420, 6121, 7550, 7551, 7620, 7621, 8130, 8220

NONPUBLIC SCHOOLS .............................................................................................................................. 5720, 8260, 8340

NON-RESIDENT STUDENTS .......................................................................................................................... 7132

NOTIFICATION OF SEX OFFENDERS ........................................................................................................ 7560

NURSE PRACTITIONER ............................................................................................................................... 1338, 6140, 7121, 7420, 7512, 7521

NUTRITION ADVISORY COMMITTEE ....................................................................................................... 5660

OBJECTION TO INSTRUCTIONAL MATERIALS .......................................................................................... 8330

OCCUPATIONAL (CAREER AND TECHNICAL) EDUCATION .................................................................... 8220

OPENING EXERCISES ................................................................................................................................. 8420

OPERATION AND MAINTENANCE OF FACILITIES ................................................................................ 5630

ORGANIZATIONAL CHART .......................................................................................................................... 4212

ORIENTING AND TRAINING NEW BOARD MEMBERS ............................................................................. 2110

PARENT
  Parent Involvement ................................................................................................................................. 7660, 8260
  Parent Involvement -- Children with Disabilities .................................................................................... 7660
  Parent Involvement -- Title I Programs and Projects ............................................................................... 8260
  Parent-Teacher Organizations .................................................................................................................. 3250
  Parental Access to Information/Parental Notice .................................................................................... 7121, 7131, 7210, 7240, 7242, 7243, 7250, 7313, 7530, 7580, 7616
PARLENT (Cont'd.)
  Parental Permission for Field Trips ................................................................. 8460
  Parents Organizations ....................................................................................... 3250

PARLIMENTARY PROCEDURES .......................................................................... 1510

PATRIOTISM, CITIZENSHIP AND HUMAN RIGHTS EDUCATION ....................... 8241

PAYROLL DEDUCTIONS ........................................................................................ 6530

PEDICULOSIS (HEAD LICE) .................................................................................. 7515

PERSONAL IDENTIFYING INFORMATION (EMPLOYEE) ...................................... 5673

PERSONNEL
  Certified Personnel ............................................................................................. 6210
  Code of Ethics ..................................................................................................... 6110
  Evaluation of Personnel ..................................................................................... 6130
  Recruitment ........................................................................................................ 6211
  Release of Personnel Information ...................................................................... 6420
  Safety of Personnel ........................................................................................... 5680
  Staff -- Separation ............................................................................................ 6216
  Support Staff -- Appointment .......................................................................... 6310
  Teacher Aides -- Employment of ...................................................................... 6320
  Temporary Personnel ......................................................................................... 6220

PEST MANAGEMENT ............................................................................................. 5632

PETTY CASH FUNDS ............................................................................................... 5530

PHYSICAL EDUCATION CLASS .......................................................................... 8240

PHYSICAL EXAMINATIONS OF STUDENTS ........................................................ 7250, 7512

"PIGGYBACKING" LAW (PURCHASING) .............................................................. 5410

PLEDGE OF ALLEGIANCE .................................................................................... 8420

POLICIES
  Execution of Policy: Administrative Regulations ............................................ 1420
  Formulation, Adoption and Dissemination of Policy .......................................... 1410
  Policy Review and Evaluation ......................................................................... 1410

POLITICAL
  Staff Participation in Political Activities .......................................................... 6430
  Use of Federal Funds For Political Expenditures ............................................. 5560

POSITIONS
  Abolishing a Position ....................................................................................... 4220

POSSESSION AND USE OF PERSONAL CELL PHONES IN SCHOOL .................. 6491
ENLARGED CITY SCHOOL DISTRICT OF MIDDLETOWN, NY POLICY INDEX (Cont'd.)

POST INCIDENT RESPONSE ........................................................................................................................................5681
PRAYER IN SCHOOL ........................................................................................................................................................7460
PREGNANT STUDENTS ...................................................................................................................................................7150
PRE-KINDERGARTEN ATTENDANCE POLICY ........................................................................................................7111
PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION (PRIOR TO A REFERRAL FOR SPECIAL EDUCATION) ...........................................................................................................7616
PRESCHOOL SPECIAL EDUCATION .............................................................................................................................7614
PRESCRIPTIVE MEDICATION .........................................................................................................................................7513
PREVENTION INSTRUCTION .........................................................................................................................................8211
PREVENTION OF CHILD ABDUCTION -- INSTRUCTION ON ......................................................................................8211
PRINCIPALS -- BUILDING ...........................................................................................................................................4330
PRIVACY (STUDENT), PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS ...........................................................................7250
PRIVATE SCHOOL ..........................................................................................................................................................3160, 5720, 7611, 7613, 7650, 7660, 8120, 8260, 8340
PRIVATE VENDOR TRANSPORTATION CONTRACTS ................................................................................................5731
PROBATION
Certificated Staff Probation and Tenure .....................................................................................................................6214
PROCEDURAL SAFEGUARDS ...........................................................................................................................................7360, 7617, 7670
PROCUREMENT OF GOODS AND SERVICES .............................................................................................................5411
PROFESSIONAL DEVELOPMENT OPPORTUNITIES ......................................................................................................4410, 6160, 6213, 7522
PROFESSIONAL SERVICES PROVIDERS ....................................................................................................................6571
PROFESSIONAL STAFF
Assignments and Transfers ............................................................................................................................................6210
Certification ....................................................................................................................................................................6212
Development Opportunities .......................................................................................................................................4410, 6160
Probation and Tenure ....................................................................................................................................................6214
Recruiting .......................................................................................................................................................................6211
Separation .......................................................................................................................................................................6216
ENLARGED CITY SCHOOL DISTRICT OF MIDDLETOWN, NY POLICY INDEX (Cont'd.)

PROHIBITION OF WEAPONS ON SCHOOL GROUNDS ................................................................. 3411, 7360

PROGRAM ACCESSIBILITY -- CHILDREN WITH DISABILITIES .............................................. 7621

PROGRAMS AND PROJECTS FUNDED BY TITLE I ................................................................. 8260

PROJECT SAVE ............................................................................................................................... 3410, 3430, 5681, 6170, 7313, 7530, 8242

PROHIBITION OF INDOOR MOBILE FOSSIL FUEL BURNING EQUIPMENT ....................... 5633

PROHIBITION OF RETALIATORY BEHAVIOR (COMMONLY KNOWN AS "WHISTLE-BLOWER" PROTECTION) ................................................................. 3420, 5571, 7550, 7551

PROMOTION, PLACEMENT AND RETENTION ........................................................................ 7210

PROPERTY TAX REPORT CARD ................................................................................................ 5110, 5120

PROPOSITIONS ............................................................................................................................. 1650

PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA) ...................................................... 7250

PUBLIC

Access to Records ..................................................................................................................... 3310
Public Complaints ..................................................................................................................... 3230
Public Expression at Meetings ................................................................................................. 1510
Public Information .................................................................................................................... 3110
Public Participation at Board Meetings ..................................................................................... 1510

PUBLIC OFFICERS LAW SECTION 18 ..................................................................................... 6540

PUBLIC ORDER .......................................................................................................................... 3410

PUBLICATION OF DISTRICT'S FINANCIAL STATEMENT .................................................. 5540

PUBLICATIONS -- STAFF/STUDENT ....................................................................................... 7411

PUPIL PROOF OF AGE ............................................................................................................. 7120

PURCHASING ............................................................................................................................... 5410, 5411, 5412

QUALIFICATIONS OF BUS DRIVERS ................................................................................... 5740, 5741

RECORDS

Confidentiality of Computerized Information ........................................................................... 3320
Health Records .......................................................................................................................... 7514
Medical Records ....................................................................................................................... 7514
Military Recruiters Access to Student Records ....................................................................... 7243
Personnel Records and Release of Information ........................................................................ 6420
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>RECORDS (Cont'd.)</td>
<td></td>
</tr>
<tr>
<td>Public Access to Records</td>
<td>3310</td>
</tr>
<tr>
<td>Records Management</td>
<td>5670</td>
</tr>
<tr>
<td>Release of Information to the Noncustodial Parent</td>
<td>7240, 7241</td>
</tr>
<tr>
<td>Retention and Disposition of Records</td>
<td>5670</td>
</tr>
<tr>
<td>Student Records: Access and Challenge</td>
<td>7240</td>
</tr>
<tr>
<td>RECRUITING</td>
<td></td>
</tr>
<tr>
<td>Certified Staff Recruiting</td>
<td>6211</td>
</tr>
<tr>
<td>RECYCLING</td>
<td>5650</td>
</tr>
<tr>
<td>REFRESHMENTS</td>
<td>5323</td>
</tr>
<tr>
<td>REGISTER OF CHILDREN WITH DISABILITIES</td>
<td>7650</td>
</tr>
<tr>
<td>REIMBURSEMENT OF EXPENSES</td>
<td>2320, 5323, 6160, 6161</td>
</tr>
<tr>
<td>RELATIVES OF THE BOARD OF EDUCATION</td>
<td>6217</td>
</tr>
<tr>
<td>RELEASE OF INFORMATION TO THE NONCUSTODIAL PARENT</td>
<td>7240, 7241</td>
</tr>
<tr>
<td>RELEASE OF PERSONNEL INFORMATION</td>
<td>6420</td>
</tr>
<tr>
<td>RELEASED TIME OF STUDENTS</td>
<td>7112</td>
</tr>
<tr>
<td>RELIGIOUS BELIEFS</td>
<td>7460, 8330, 8360</td>
</tr>
<tr>
<td>RELIGIOUS EXPRESSION IN THE INSTRUCTIONAL PROGRAM</td>
<td>8360</td>
</tr>
<tr>
<td>REMODELING AND CONSTRUCTION OF SCHOOL FACILITIES</td>
<td>5630</td>
</tr>
<tr>
<td>REMOVAL OF DISRUPTIVE STUDENTS FROM THE CLASSROOM</td>
<td>7314</td>
</tr>
<tr>
<td>REPORTING OF INFORMATION REGARDING ILLEGAL OR INAPPROPRIATE FINANCIAL PRACTICES</td>
<td>5571</td>
</tr>
<tr>
<td>REPORTING TO PARENTS</td>
<td>7210</td>
</tr>
<tr>
<td>REQUEST FOR PART 100 VARIANCE OR PART 200 INNOVATIVE PROGRAM WAIVER FROM COMMISSIONER'S REGULATIONS</td>
<td>8120</td>
</tr>
<tr>
<td>REQUEST FOR PROPOSAL -- INDEPENDENT AUDITOR</td>
<td>5410, 5411</td>
</tr>
<tr>
<td>REQUIREMENTS FOR NEW BUS DRIVERS</td>
<td>5740</td>
</tr>
<tr>
<td>RESCUE (COMPREHENSIVE PUBLIC SCHOOL BUILDING SAFETY PROGRAM)</td>
<td>5630</td>
</tr>
<tr>
<td>RESERVE FUNDS</td>
<td>5512</td>
</tr>
<tr>
<td>RESIDENCY (STUDENT)</td>
<td>7130</td>
</tr>
</tbody>
</table>
RESIGNATIONS -- STAFF .....................................................................................................................6216
RESPONSE TO INTERVENTION (RTI) .................................................................................................7212
RESTRAINT, EMERGENCY STUDENT ............................................................................................7350
RESTRICTION OF SWEETS IN SCHOOL ..........................................................................................5660
RETAILIATION - PROHIBITION OF RETALIATORY BEHAVIOR
("WHISTLE-BLOWER" PROTECTION) .................................................................................................3420, 5571, 6120-6121, 6180, 7530, 7550-7551, 7553, 8130
RETAINTION OF RECORDS ................................................................................................................5670
REVENUES
Revenues .........................................................................................................................................5210
Revenues from District Investments ...............................................................................................5220
Revenues from Sale of School Property ..........................................................................................5250
School Tax Assessment and Collection .........................................................................................5240
"RIGHT-TO-KNOW" LAW .....................................................................................................................5680
RULES OF ORDER ................................................................................................................................. 1510
RTI (RESPONSE TO INTERVENTION) .................................................................................................7212
SAFE PUBLIC SCHOOL CHOICE .........................................................................................................7580
SAFE SCHOOLS AGAINST VIOLENCE IN EDUCATION ACT ........................................................3410, 3430, 5681, 6170, 7313, 7530, 8242
SAFETY
Athletic Program Safety .....................................................................................................................7420
Bullying ...........................................................................................................................................3420, 7550
Code of Conduct on School Property ...............................................................................................3410
Data Networks and Security Access ...............................................................................................5674
Defibrillators (AED) .......................................................................................................................5682
Internet Content Filtering/Safety Policy ..........................................................................................8271
Safe Public School Choice ..............................................................................................................7580
Safety and Security ..........................................................................................................................5680-5683
Safety Conditions and Programs ......................................................................................................8210
Safety of Students (Conditional Appointments/Emergency Conditional Appointments) ...............6170
School Bus Safety Program .............................................................................................................5730
School Safety Plans ..........................................................................................................................5681
Structural Safety Inspections ...........................................................................................................5630
Student Safety ..................................................................................................................................5680, 6170, 7580, 8210
Uniform Violent Incident Reporting System ..................................................................................3430
ENLARGED CITY SCHOOL DISTRICT OF MIDDLETOWN, NY POLICY INDEX (Cont'd.)

SAFETY-SENSITIVE EMPLOYEES -- DRUG AND ALCOHOL TESTING ..................................................5741

SALE AND DISPOSAL OF SCHOOL DISTRICT PROPERTY .......................................................................5250

SCHEDULES
School Bus Scheduling and Routing .........................................................................................................5710

SCHOLARSHIPS AND AWARDS ..................................................................................................................7430

SCHOOL
  Attorney ......................................................................................................................................................1337
  Board Elections .........................................................................................................................................1250
  Board Legal Status and Authority ...........................................................................................................1110
  Bus Program ...........................................................................................................................................5710
  Bus Safety Program .................................................................................................................................5730
  Bus Scheduling and Routing ....................................................................................................................5710
  Calendar ....................................................................................................................................................8410
  Census .......................................................................................................................................................7160, 7650
  Closings -- Emergency ...............................................................................................................................3510
  Community Relations with the Municipal Governments ........................................................................3120
  Conduct and Discipline ............................................................................................................................3410
  Day ............................................................................................................................................................8410
  District Legal Status and Authority ........................................................................................................1110
  District Report Card ................................................................................................................................5110, 5120
  Food Service Program -- Lunch and Breakfast .........................................................................................5660
  Health Services ........................................................................................................................................7510-7514
  Physician ..................................................................................................................................................1338
  Safety Plans ..............................................................................................................................................5681
  Sponsored Media ......................................................................................................................................3110
  Tax Assessment and Collection ...............................................................................................................5240
  Trips ...........................................................................................................................................................8460
  Volunteers ..................................................................................................................................................3150

SCREENING OF NEW SCHOOL ENTRANTS .............................................................................................7121

SEARCHES AND INTERROGATIONS OF STUDENTS ..................................................................................7330

SECTION 504 OF THE REHABILITATION ACT OF 1973 ............................................................................3420, 6122, 7550, 7521, 7616, 7621

SECURITY BREACH OF INFORMATION ....................................................................................................5672, 7244

SECURITY/SAFETY ......................................................................................................................................5680, 5681

SELECTION AND BOARD APPOINTMENT OF IMPARTIAL HEARING OFFICERS ..............................7670

SELECTION/CLASSIFICATION PROCESS .................................................................................................7420

SELECTION OF LIBRARY AND AUDIOVISUAL MATERIALS ..................................................................8320

SENIOR CITIZENS .......................................................................................................................................3130, 5240
SERVICE ANIMAL ........................................................................................................................................ 3220, 3420, 6120, 8130, 8220

SEX OFFENDERS -- NOTIFICATION OF ............................................................................................7560

SEXUAL HARASSMENT .......................................................................................................................6121, 7550, 7551

SEXUAL ORIENTATION .......................................................................................................................3420, 6120, 6122, 7550, 8130, 8220

SICKLE CELL ANEMIA .........................................................................................................................7512

SIGN INTERPRETATION FOR PARENTS WHO ARE HEARING IMPAIRED ................................7211

SILENT RESIGNATIONS .......................................................................................................................7530

SMOKING/TOBACCO USE ...................................................................................................................3280, 5640, 6560, 7320, 8211

SOLICITATIONS
Advertising in the Schools ..............................................................................................................3272
Solicitation of Charitable Donations from School Children ...........................................................3271
Solicitations by Staff Personnel ......................................................................................................6430
Soliciting Funds from School Personnel .........................................................................................3273

SPECIAL EDUCATION MEDIATION ...................................................................................................7690

SPECIAL EDUCATION PROGRAMS AND SERVICES
Alternative Formats for Instructional Materials ..............................................................................5412
Alternative Testing for Students with Disabilities ............................................................................7210
Appointment and Training of CSE and CPSE Members ................................................................7631, 7632
Children with Disabilities ................................................................................................................7611
Conduct and Discipline ...................................................................................................................7313
Declassification of Students with Disabilities ..................................................................................7617
Diploma and/or Credential Options for Students with Disabilities ...............................................7222
District Plan .....................................................................................................................................7610
Due Process Complaints ................................................................................................................7670
Facilities ..........................................................................................................................................5630, 7610
Graduation .......................................................................................................................................7222, 7641
Grouping by Similarity of Needs ....................................................................................................7612
Impartial Hearings/Selection of Impartial Hearing Officers ...........................................................7670
Independent Educational Evaluations .............................................................................................7680
Individualized Education Program (IEP) .........................................................................................7640
Least Restrictive Environment ........................................................................................................7611, 7615
Mediation ........................................................................................................................................7690
Parent Involvement ..........................................................................................................................7660
Prereferral Intervention Strategies in General Education (Prior to a Referral for Special Education) .................................................................................................................................7616
SPECIAL EDUCATION PROGRAMS AND SERVICES (Cont’d.)
  Preschool Special Education Program ................................................................. 7614
  Program Accessibility ......................................................................................... 7621
  Provision of Individualized Education Program (IEP) ....................................... 7640
  Register of Children with Disabilities ............................................................. 7650
  Role of the Board In Implementing a Student's Individualized Education Program ............................................ 7613
  Safety Net for Students with Disabilities ......................................................... 7222
  Section 504 of the Rehabilitation Act of 1973 .................................................. 7621
  Student Identification ....................................................................................... 7650
  Student Individualized Education Program ..................................................... 7640
  Students Presumed to Have a Disability for Discipline Purposes ..................... 7314
  Students with Disabilities Participating in School District Programs .................. 7620
  Surrogate Parents ............................................................................................ 7660
  Suspension ........................................................................................................ 7313
  Time Out Rooms .............................................................................................. 7618, 7640
  Transition Services .......................................................................................... 7641
  Transportation of Students with Disabilities .................................................. 5720
  Twelve Month Special Services and/or Programs ............................................ 7642
  Use of Recording Equipment at IEP Meetings .................................................. 7640

SPORTS ...................................................................................................................... 7420
  Concussions ....................................................................................................... 7420, 7512, 7522
  Sports and the Athletic Program ..................................................................... 7420
  Sports Equipment and Apparel Purchases ....................................................... 5410

SPORTS EQUIPMENT AND APPAREL PURCHASES ................................................. 5410

STAFF
  Development ....................................................................................................... 6160
  Health Examinations ......................................................................................... 6140
  Health Insurance ............................................................................................... 6510
  Mentoring ......................................................................................................... 6480
  Participation In Political Activities ................................................................. 6430
  Protection .......................................................................................................... 6540
  Relations with Students ................................................................................... 6480
  Safety ................................................................................................................ 5680-5683
  Separation ......................................................................................................... 6216

STRUCTURAL SAFETY INSPECTIONS ....................................................................... 5630

STUDENT
  Athletic Injuries ................................................................................................. 7420
  Attendance ........................................................................................................ 7110
  Awards and Scholarships .................................................................................. 7430
  Bullying ............................................................................................................. 7550
  Contests ............................................................................................................. 7430
  Data Breaches .................................................................................................. 7244
  Directory Information ....................................................................................... 7242
  Discipline .......................................................................................................... 3410, 6410, 7313, 7314
ENLARGED CITY SCHOOL DISTRICT OF MIDDLETOWN, NY POLICY INDEX (Cont'd.)

STUDENT (Cont'd.)
Dress Code ................................................................................................................................. 7312
Emergency Restraint .................................................................................................................. 7350
Employment ............................................................................................................................... 7113
Evaluation ................................................................................................................................. 7210
Government ............................................................................................................................. 7470
Hazing ...................................................................................................................................... 7553
Health Services ......................................................................................................................... 7510-7514
Home Bound Instruction ......................................................................................................... 8450
Home Schooing ....................................................................................................................... 8470
Identification -- Children with Disabilities ........................................................................... 7650
Immunization ............................................................................................................................ 7511
Life-Threatening Health Conditions ....................................................................................... 7521
Non-Resident ........................................................................................................................... 7132
Parental Access to Information .............................................................................................. 7250
Participation ............................................................................................................................. 3240
Photos ..................................................................................................................................... 7242
Physicals/Physical Examinations ............................................................................................ 7250, 7512
Placement, Promotion and Retention ...................................................................................... 7210
Prayer ....................................................................................................................................... 7460
Pre-Kindergarten Attendance ................................................................................................. 7111
Presumed to Have a Disability for Discipline Purposes ......................................................... 7314
Privacy .................................................................................................................................... 7250
Records ..................................................................................................................................... 7240-7243, 7514
Relations with Staff ................................................................................................................... 6480
Release Time ............................................................................................................................ 7112
Residency ................................................................................................................................ 7130
Response to Intervention (RtI) Process .................................................................................... 7212
Searches and Interrogations ...................................................................................................... 7330
Safety ....................................................................................................................................... 5680-5683, 6170, 7580, 8210, 8271
Staff-Student Relations ........................................................................................................... 6480
Suspension ................................................................................................................................ 7313
Teachers .................................................................................................................................... 6220
Traffic and Parking Guidelines on School Property ............................................................... 3290
Use of Personal Technology .................................................................................................... 7316
With Disabilities Participating in School District Programs .................................................... 7620

STUDENT TEACHERS ................................................................................................................. 6220

SUBJECT COORDINATORS ...................................................................................................... 4330

SUBMISSION OF QUESTIONS AND PROPOSITIONS AT THE ANNUAL MEETING AND
ELECTION/SPECIAL DISTRICT MEETINGS ............................................................................ 1650

SUBSTANCE ABUSE -- PREVENTION CURRICULUM ............................................................. 8211

SUBSTITUTE TEACHERS .......................................................................................................... 6220

SUICIDE .................................................................................................................................... 7540
### SUPERINTENDENT
- Board-Superintendent Relationship ................................................................. 4320
- Evaluation of the Superintendent ........................................................................ 4260
- Superintendent .................................................................................................... 4310

### SUPERVISION OF STUDENTS .............................................................................. 5730, 7570

### SUPPLEMENTARY SCHOOL PERSONNEL .......................................................... 7640

### SUPPORT STAFF APPOINTMENT ......................................................................... 6310

### SURROGATE PARENTS -- CHILDREN WITH DISABILITIES ................................. 7660

### SURVEYS-STUDENT ............................................................................................. 7250

### SUSPENSION
- Student Suspension -- In-School ........................................................................ 7313
- Suspension from BOCES Activities ..................................................................... 7313
- Suspension from BOCES Classes ....................................................................... 7313
- Suspension of Students with Disabilities ............................................................. 7313

### SWEETS IN SCHOOL ............................................................................................ 5660

### TAX ASSESSMENT AND COLLECTION ............................................................... 5240

### TAX COLLECTOR -- DUTIES OF ........................................................................ 1333

### TAX EXEMPTION FOR SENIOR CITIZENS ......................................................... 5240

### TEACHER AIDES .................................................................................................. 6320

### TEACHING ASSISTANTS ....................................................................................... 6320

### TECHNICAL AND CAREER (OCCUPATIONAL) EDUCATION ............................... 8220

### TELECOMMUNICATIONS EQUIPMENT USE BY STAFF ...................................... 6490

### TEMPORARY PERSONNEL ................................................................................... 6220

### TERMINATION -- DUE PROCESS ........................................................................ 6216

### TESTING MISCONDUCT AND MANDATORY REPORTING REQUIREMENTS .......... 6111

### TESTING PROGRAM ............................................................................................ 7210

### TEXTBOOKS
- Disposal of ........................................................................................................... 5250
- Textbooks/Workbooks/Calculators/Instructional Computer Hardware ................. 8340
- Textbooks for Resident Students Attending Private Schools ............................... 8340

### THEFT OF SERVICES OR PROPERTY .................................................................. 6450

### THREATS OF VIOLENCE IN SCHOOL ................................................................. 3412
<table>
<thead>
<tr>
<th>Topic</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>TIME OUT ROOMS</td>
<td>7618, 7640</td>
</tr>
<tr>
<td>TITLE I</td>
<td></td>
</tr>
<tr>
<td>Title I Parent Involvement</td>
<td>8260</td>
</tr>
<tr>
<td>Title I Programs -- Maintenance of Fiscal Effort</td>
<td>5550</td>
</tr>
<tr>
<td>Title I Programs and Projects</td>
<td>8260, 8280</td>
</tr>
<tr>
<td>TITLE VII -- EQUAL EMPLOYMENT OPPORTUNITY</td>
<td>6120</td>
</tr>
<tr>
<td>TITLE VIII -- SEXUAL HARASSMENT (PERSONNEL)</td>
<td>6121</td>
</tr>
<tr>
<td>TITLE IX</td>
<td></td>
</tr>
<tr>
<td>Title IX -- Athletics</td>
<td>7420</td>
</tr>
<tr>
<td>Title IX/Section 504/ADA Complaints</td>
<td>3420, 7551, 8220</td>
</tr>
<tr>
<td>Title IX -- Sexual Harassment (Students)</td>
<td>7551</td>
</tr>
<tr>
<td>TOBACCO USE/SMOKING</td>
<td>3280, 5640, 6560, 7320,</td>
</tr>
<tr>
<td></td>
<td>8211</td>
</tr>
<tr>
<td>TOXIC SUBSTANCES -- HANDLING OF</td>
<td>5631</td>
</tr>
<tr>
<td>TRADEMARKS AND SERVICE MARKS</td>
<td>5232</td>
</tr>
<tr>
<td>TRAFFIC AND PARKING GUIDELINES ON DISTRICT PROPERTY</td>
<td>3290</td>
</tr>
<tr>
<td>TRANSFER OF STUDENTS (INVOLUNTARY)</td>
<td>7140</td>
</tr>
<tr>
<td>TRANSITION SERVICES</td>
<td>7641</td>
</tr>
<tr>
<td>TRANSPORTATION</td>
<td></td>
</tr>
<tr>
<td>Drug and Alcohol Testing for Bus Drivers</td>
<td>5741</td>
</tr>
<tr>
<td>Qualifications of Bus Drivers</td>
<td>5740</td>
</tr>
<tr>
<td>Safety Program</td>
<td>5730</td>
</tr>
<tr>
<td>Scheduling and Routing</td>
<td>5710</td>
</tr>
<tr>
<td>School Buses Stopped on School Property</td>
<td>5730</td>
</tr>
<tr>
<td>Supervision of Students</td>
<td>5730</td>
</tr>
<tr>
<td>Transportation Program</td>
<td>5710</td>
</tr>
<tr>
<td>Transportation of Nonpublic Students</td>
<td>5720</td>
</tr>
<tr>
<td>Transportation of Non-Resident Students</td>
<td>5720</td>
</tr>
<tr>
<td>Transportation of Students</td>
<td>5720</td>
</tr>
<tr>
<td>Transportation of Students with Disabilities</td>
<td>5720</td>
</tr>
<tr>
<td>Transportation to School-Sponsored Events</td>
<td>5720</td>
</tr>
<tr>
<td>Transporting an Ill or Injured Student</td>
<td>7520</td>
</tr>
<tr>
<td>TRAVEL EXPENSE/REIMBURSEMENT</td>
<td>2320, 5323, 6160, 6161</td>
</tr>
<tr>
<td>TRUANCY</td>
<td>7110</td>
</tr>
<tr>
<td>TWELVE MONTH SPECIAL SERVICES AND/OR PROGRAMS</td>
<td>7642</td>
</tr>
</tbody>
</table>
ENLARGED CITY SCHOOL DISTRICT OF MIDDLETOWN, NY POLICY INDEX (Cont'd.)

UNIFORM SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT .........................6552
UNIFORM VIOLENT INCIDENT REPORTING SYSTEM ..........................................................3430

USE OF
Committees ............................................................................................................................4250
Copyrighted Materials ...........................................................................................................8350
District Trademarks and Service Marks .............................................................................5232
Email in the School District .................................................................................................6471
Metal Detectors in Schools ..................................................................................................3440
Recording Equipment at IEP Meetings ................................................................................7640
School District Cell Phone ...................................................................................................5322
School District Credit Card .................................................................................................5321
School Districts Trademarks and Services Marks ..............................................................5211
School Facilities ..................................................................................................................3280
School-Owned Materials and Equipment ............................................................................3280
Service Animals ..................................................................................................................3220
Time-out Rooms ....................................................................................................................7618

VANDALISM .........................................................................................................................7311

VARIANCE OR WAIVER FROM COMMISSIONER'S REGULATIONS -- REQUEST FOR ........8120
VICTIMS OF VIOLENT CRIMINAL OFFENSE ........................................................................7580
VIOLENCE PREVENTION .......................................................................................................8242
VIOLENCE (THREATS OF) IN SCHOOL ..................................................................................3412
VISION SCREENING .............................................................................................................7121, 7512
VISITORS TO THE SCHOOL .................................................................................................3210
VOCATIONAL (CAREER AND TECHNICAL) EDUCATION .....................................................8220
VOLUNTEERS -- SCHOOL .....................................................................................................3150
VOTERS -- LEGAL QUALIFICATIONS OF (AT SCHOOL DISTRICT MEETINGS) .................1630
VOTING, HOURS OF, FOR SCHOOL DISTRICT ELECTIONS AND REFERENDA ................1621
WAIVER OR VARIANCE FROM COMMISSIONER'S REGULATIONS -- REQUEST FOR ........8120
WEAPONS IN SCHOOL .........................................................................................................3411, 7360
WEB PAGE PUBLISHING .......................................................................................................3111
WELLNESS ............................................................................................................................5661
"WHISTLE-BLOWER" PROTECTION (PROHIBITION OF RETALIATORY BEHAVIOR) .......3420, 5571, 7550
WORKBOOKS .........................................................................................................................................8340
WORKERS' COMPENSATION ..............................................................................................................6520
WRONGFUL CONDUCT ........................................................................................................................5571