

## SEXUAL HARASSMENT POLICY FOR STUDENTS

It is the policy of this school district to prohibit sexual harassment and student gender discrimination in the schools, at school activities and at events sponsored by the school district. To that end, all officers, supervisory personnel, employees and students of the school district shall be given a copy of this policy and training regarding its terms, procedures, protections and penalties.

### Definitions

Sexual Harassment is defined as discrimination against a person of a different or the same sex because of their sex, which creates a sexually hostile learning or school environment. Sexual harassment includes harassment on the basis of actual or perceived or self-identified sex, sexual orientation, gender identity, gender expression, and transgender status.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex, when submission to that conduct is made either explicitly or implicitly a term or condition of an individual's a student's education. Sexual harassment creates a hostile learning or school environment which is either pervasive and/or severe conduct that involves unwelcome: sexual advances; sexual conduct that constitutes a crime; sexual touching; indecent exposure of a sexual nature; pervasive sexual remarks, comments, displayed materials, printed materials, electronic media or jokes. The determination of a hostile learning or school environment shall be objective, based upon the viewpoint of a reasonable person and subjectively perceived to be so by the complainant.

Gender discrimination is defined as pervasive and/or severe conduct intended to intimidate or demean a person or persons of the other gender or that which treats a person of the other gender differently in the work place because of his or her gender, gender identity or expression.

### Procedure

Any student who believes that he or she has been subjected to sexual harassment or gender discrimination by an officer, employee, student or business invitee is encouraged to address the matter with any district Title IX Officer\* or any staff member. All staff members must report it to the Title IX officer or Building Principal who shall promptly conduct an intake interview and explain the following options for resolution:

1. Registering an informal complaint verbally or in writing; or
2. Registering a formal complaint verbally or in writing; or
3. Engaging in mediation to arrive at a resolution of the matter; or
4. Placing the district on notice of the objectionable conduct without seeking a resolution through the complaint process or mediation.

The Title IX Officer shall be authorized to proceed with a matter raised in paragraph 4 as if it had been filed as an informal complaint or a formal complaint at his/her discretion.

The intake Title IX Officer will also explain that the complaining student shall not be subject to retaliation or retribution by reason of making the complaint and that confidentiality shall be maintained throughout the process, except as necessary to assure fair and due process.

#### Informal Complaints

An informal complaint will be promptly reviewed by an intake Title IX Officer, who shall issue a written report to the Superintendent of Schools, within seven (7) days. The Superintendent shall take such further action necessary to reasonably deter any further act prohibited by this policy. Such further action may include referring the matter to a Title IX investigator as if it had been filed as a formal complaint.

#### Formal Complaints

All formal complaints shall be received in writing or reduced to writing by an intake Title IX Officer, who shall personally or by reference to a designee on the Board's approval list conduct a full and fair investigation of the complaint, make written findings of fact and, where warranted, recommend a resolution to the Superintendent of Schools. The Superintendent of Schools shall advise the complainant and the subject of the complaint of the disposition of the complaint, which may include:

1. A finding that this policy has not been violated; or
2. A finding that this policy has been violated and a critical evaluative letter has been issued with a requirement of corrective training for the subject of the complaint if an employee; or
3. That disciplinary action has been taken or where pre-disciplinary charges must be preferred, that they have been preferred in order to convene a disciplinary hearing.

#### Alternates

The Board shall appoint more than one Title IX Officer and several designated Title IX formal complaint investigators. Complainant will have a choice of which Title IX Officer to approach regarding a Title IX complaint. If the complaint is about the Superintendent of Schools, the Board shall stand in the Superintendent's place for review activities.

#### Appeal of Formal Complaints

If a formal complaint hasn't been processed to a satisfactory disposition by the Superintendent within thirty (30) calendar days, unless extended with the written consent of the complainant, the complainant may appeal in writing to the Board to address the failure and direct an expedited investigation with report back to the Board within fifteen (15) calendar days. Regarding matters that have been

timely investigated to conclusion, an appeal to the Board may be taken by the complainant or the subject of the complaint within thirty (30) calendar days of being informed of the findings upon the allegations in the complaint.

#### Confidentiality

The district's Title IX Officer(s), the Superintendent of Schools and the Board of Education shall, to the maximum extent possible, maintain as confidential the transaction(s) underlying the proceedings or complaint, the outcome of a mediated agreement and action taken, other than formal discipline. The subject of the proceedings or complaint, however, shall be informed of the identity of the person who commenced the proceedings or complaint in order to provide fair and due process. Both the complainant and the subject of the complaint shall be given a copy of the findings in the matter of a formal complaint.

#### Consequences

Any officer, supervisor, or employee who violates this policy shall be subject to corrective action up to and including termination of office or employment, with due process provided as necessary. Students who violate this policy shall be subject to disciplinary or other corrective action

Any complaint that is determined to have been processed maliciously or in bad faith shall be deemed to be in violation of this policy and may give rise to disciplinary consequences against the complainant.

#### *\*District Title IX Officers*

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**RIGHTS OF STUDENTS WITH DISABILITIES UNDER SECTION 504**

The Board of Education shall ensure that no student is discriminated against in programs or activities receiving federal financial assistance. Individuals protected by Section 504 of the Rehabilitation Act of 1973 are those individuals who: have a physical or mental impairment which substantially limits one or more major life activities (e.g. caring for one's self, performing manual tasks, walking, standing, lifting, bending, seeing, hearing, speaking, breathing, learning, reading, concentrating, thinking, communicating and working); have a record of such impairment; or are regarded as having such an impairment. Students who qualify for protection under Section 504 are: of an age during which non-disabled children are provided preschool, elementary or secondary education services; of an age during which it is mandatory under state law to provide such educational services to disabled children; or to whom a state is required to provide a free appropriate public education (e.g. under IDEA).

The Board directs the administration to identify, evaluate, refer, place, provide adaptations for and review all eligible students with disabilities. A student whose disability is episodic or in remission is still eligible to be qualified under the Act. In addition, the determination that a student has an impairment that substantially limits a major life activity will be made without regard to whether mitigating measures (such as medication, devices, prosthetics, hearing aids, etc.) ameliorate the effects of the disability.

Students with disabilities pursuant to Section 504 shall be provided a free appropriate public education which may include, but is not limited to, providing a structured learning environment; repeating and simplifying instructions about in-class and homework assignments; supplementing verbal instructions with visual instructions; using behavioral management techniques; adjusting class schedules; modifying test delivery; using tape recorders, computer-aided instruction, and/or other audiovisual equipment; selecting modified textbooks or workbooks and tailoring homework assignments or modification of nonacademic times such as lunchroom, recess and physical education.

The Board directs the Superintendent to arrange appropriate training for staff in this area of the law so as to ensure that the district is able to comply with the law in not discriminating against students with disabilities.

The Board shall adopt a grievance procedure to resolve Section 504 complaints and designate an individual to coordinate compliance with Section 504. The Board shall ensure that students with disabilities and their parents are notified annually of the Board's responsibilities under Section 504.

Cross-ref:      0100, Non-Discrimination and Equal Opportunity  
                    4321, Programs for Students with Disabilities  
                    5030, Student Complaints and Grievances  
                    5420, Student Health Services

Ref: Americans with Disabilities Act Amendment Act of 2008, 42 USC §§12101 et seq.  
Rehabilitation Act of 1973, 29 USC §§705, 794 et seq. (Section 504)  
34 CFR Part 104  
Individuals with Disabilities Education Act, 20 USC §§1400 et seq. (IDEA)  
Education Law, §§4401 et seq. (Article 89)  
8 NYCRR Part 200

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## STUDENT COMPLAINTS

The Board of Education believes it is necessary that students be made aware of the behavior that is expected of them, as outlined in district policies on school conduct and discipline. Building Principals are responsible for ensuring that appeal procedures are incorporated into discipline codes and/or student handbooks, explained to all students, and provided to all parents on an annual basis.

The Board encourages students to be active participants in the educational process. The Board strives to provide students with a sound educational environment, ensure that all students are treated fairly, and afford students the due process protections they are entitled to under the law. The Board understands that there may be times when students do not agree with school practices or feel as though they have been treated unfairly.

Concerns about school practices may be addressed through the student government. Student handbooks may also provide valuable information. For other issues, the district has different channels for resolution of complaints, depending on the nature of the complaint. Understanding the Board policy on an issue is an important step towards resolving any complaints. Students are urged to follow the established Board policy, but should always feel free to discuss concerns with the Dean of Students or an administrator. School staff and administrators are expected to work with students toward a resolution of the issue.

Issue	Policy (policy number)
Civil rights; discrimination	Non-Discrimination and Equal Opportunity (0100)
Disciplinary matters	Code of Conduct (5300)
District policies and practices	Student government and/or Complaints from the Public (1400)
Due process	Code of Conduct (5300)
Free speech	School-Sponsored Student Expression (5220); Student Personal Expression (5225)
Harassment, hazing, bullying	Harassment, Hazing and Bullying (0115)
Privacy (lockers, searches)	Code of Conduct (5300)
School practices and environment	Student government and/or Complaints from the Public (1400)
Sexual harassment	Sexual Harassment (5020.1)
Student educational records	Student Records (5500)
Student rights and responsibilities	Code of Conduct (5300)
Teachers	Complaints from the Public (1400)

Cross-ref: 0100, Non-Discrimination and Equal Opportunity  
0115, Harassment, Hazing and Bullying  
1400, Complaints from the Public  
5020.1, Sexual Harassment Policy for Students  
5220, School-Sponsored Student Expression  
5225, Student Personal Expression  
5300, Code of Conduct  
5500, Student Records

Adoption date: February 6, 2019

## STUDENT ATTENDANCE

The Board of Education recognizes that regular school attendance is a major component of academic success. Through implementation of this policy, the Board expects to minimize the number of unexcused absences, tardiness, and early departures (referred to in this policy as “ATEDs”), encourage full attendance by all students, maintain an adequate attendance recordkeeping system, identify patterns of student ATEDs and develop effective intervention strategies to improve school attendance.

### Notice

To be successful in this endeavor, it is imperative that all members of the school community are aware of this policy, its purpose, procedures and the consequences of non-compliance. To ensure that students, parents, teachers and administrators are notified of and understand this policy, the following procedures will be implemented.

- A plain language summary of this attendance policy will be included in student handbooks and will be reviewed with students at the start of the school year.
- Parents will receive a plain language summary of this policy by mail at the start of the school year. Parents will be asked to sign and return a statement indicating that they have read and understand the policy.
- When a student is absent, tardy, or leaves early from class or school without excuse, designated staff member(s) will notify the student’s parent(s) by phone and mail of the specific ATED, remind them of the attendance policy, and review ATED intervention procedures with them.
- A back-to-school event will be held at the beginning of each school year to emphasize that every day of attendance counts, explain this policy, and stress the parent’s responsibility for their ensuring their children’s attendance.
- School newsletters and publications will include periodic reminders of the components of this policy.
- The district will provide a copy of the attendance policy and any amendments thereto to faculty and staff. New staff will receive a copy upon their employment.
- All faculty and staff will meet at the beginning of each school year to review the attendance policy to clarify individual roles in its implementation.
- Copies of this policy will also be made available to any community member, upon request.
- The district will share this policy with local Child Protective Services (CPS) to ensure a common understanding of excused and unexcused ATED’s and to work toward identifying and addressing cases of educational neglect.

## Excused and Unexcused Absences

Excused ATEDs are defined as absences, tardiness, and early departures from class or school due to personal illness, illness or death in the family, impassable roads or weather, religious observance, quarantine, required court appearances, attendance at health clinics, approved college visits, approved cooperative work programs, military obligations, or such other reasons as may be approved by the appropriate building administrator (including, but not limited to, absences due to circumstances related to homelessness).

All other ATEDs are considered unexcused absences.

All ATEDs must be accounted for. It is the parent's responsibility to notify the school office within 24 hours of the ATED and to provide a written excuse upon the student's return to school. For homeless students, the homeless liaison will assist the student in providing or obtaining documentation if needed.

## General Procedures/Data Collection

- Attendance will be taken during each class period.
- At the conclusion of each class period or school day, all attendance information will be compiled and provided to the designated staff member(s) responsible for attendance.
- The nature of an ATED will be coded on a student's record.
- Student ATED data will be available to and must be reviewed by the designated school personnel in an expeditious manner.
- Where additional information is received that requires corrections to be made to a student's attendance records, such correction will be made immediately. Notice of such a change will be sent to appropriate school personnel subject to applicable confidentiality rules.
- Attendance data will be analyzed periodically to identify patterns or trends in student absences. If patterns emerge, district resources will be targeted to understand and eliminate barriers to attendance.
- Where consistent with other school practices, teachers and staff will detain students in the hallways who are absent from a class period without excuse and refer the students to the Building Principal.
- Continuous monitoring will be conducted to identify students who are absent, tardy, or leave class or school early. A student will be considered chronically absent if they miss ten percent or more of the school year. Satisfactory attendance is missing five percent or less of school over the course of the year. If a pattern of ATED's for an individual student is identified a designated staff person(s) will follow-up in accordance with this policy.

## Online/Distance/Remote Learning

Students learning remotely will need to show daily school participation, which is to be recorded by teachers and reported under the provisions of this policy. Such participation will vary depending on the type of remote learning

taking place. This can include documented participation in online or virtual classes, completion of assignments, documentation of daily school activities and learning, or correspondence via online platform, email, and telephone. Teachers are also expected to pay particular attention to the educational progress of students learning remotely, and initiate appropriate interventions with the student and their family if a student does not show adequate engagement or growth.

#### Consequences of Excessive ATEDs

A designated staff member(s) will contact the student's parents and the student's guidance counselor in the event that a student's record reveals excessive ATED's, excused and/or unexcused. Excessive ATED's is defined as: nine (9) consecutive absences, and/or total absences, or tardies per semester or eighteen (18) per year. Such staff member(s) will remind parents of the attendance policy, explain the ramifications of excessive ATEDs, stress the importance of class attendance and discuss appropriate intervention strategies to correct the situation. Students identified as chronically absent will be considered for a mentor program.

Unexcused ATEDs may result in disciplinary action consistent with the district's code of conduct. Those penalties may include, for example, detention or denial of the privilege of participating in or attending extracurricular events. However, absences related to homelessness will not result in negative consequences where the district determines that it would be in the best interests of the student in retaining the student in school.

In addition, the designated staff member will contact local Child Protective Services (CPS) if they suspect that the child is being educationally neglected. The designated staff member will provide CPS with the information necessary to initiate a report. If other staff members suspect education neglect, they must follow the procedures outlined in Board policy and regulation 5460, Child Abuse in a Domestic Setting, and advise the Building Principal.

#### Attendance/Grade Policy

In implementing the policy set forth above, students who are unable to attend school or a class on a given day due to their participation in a school-sponsored activity (i.e., music lessons, field trips), may arrange with their teachers to make up any work missed. This also applies to any student who is absent, tardy or leaves early from school or a class due to illness or any other excused reason.

All students with an excused ATED are expected upon their return to consult with their teachers regarding missed work.

Only those students with excused ATEDs will be given the opportunity to make up a test or other missed work and/or turn in a late assignment for inclusion in their final grade. Make up opportunities must be completed by a date specified by the student's teacher for the class in question.

## Annual Review

The Board will annually review building-level student attendance records and, if such records show a decline in student attendance, the Board will revise this comprehensive attendance policy and make any revisions to the plan it deems necessary to improve student attendance.

Cross ref: 4710, Grading Systems  
5151, Homeless Children  
5300, Code of Conduct  
5460, Child Abuse in a Domestic Setting

Ref: 42 USC §11432(g)(1)(I) (McKinney-Vento Homeless Assistance Act)  
Education Law §§1709; 3024; 3025; 3202; 3205-3213; 3225  
8 NYCRR §§104.1; 175.6  
Social Service Law §34-a

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September 16, 2020

## COMPULSORY ATTENDANCE AGES

All children are required by New York State law to attend school full time, in a public, private or parochial school, unless exempt from attendance in conjunction with current law or regulation, and approved by the State Education Department from the first day of session in September of the school year in which the minor becomes six years of age through the last day of the school year in which such minor becomes sixteen years of age, unless he/she has completed a four-year high school course of study. A minor who has completed a four-year high school course of study is not required to attend.

Additionally, students between the ages of sixteen and seventeen are required to attend school until the last day of session in the school year in which they become seventeen, unless they are employed. Proof of employment must be furnished to the Superintendent of Schools in the form of a letter from the employer.

The Board of Education, through the Superintendent as chief administrative officer, is responsible for enforcement of the Compulsory Education Law.

Ref: Education Law §§1711; 3201; 3202(1-a); 3205; 3206; 3208; 3225  
8 NYCRR §101  
Family Court Act §§711 et seq.

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COMPULSORY ATTENDANCE EXHIBIT

Proof of Employment Letter

\_\_\_\_\_ (Date)

\_\_\_\_\_ (name),  
Superintendent of Schools  
\_\_\_\_\_ school district:

Dear Superintendent \_\_\_\_\_:

This letter is to confirm that \_\_\_\_\_ (employee's name) has been employed by \_\_\_\_\_ (company name) since \_\_\_\_\_ (date) as a \_\_\_\_\_ (job title).

\_\_\_\_\_ (Employee's name) receives a salary of \_\_\_\_\_ (dollar amount), which is paid \_\_\_\_\_ (weekly, monthly, etc.), and a bonus of \_\_\_\_\_ (dollar amount), which is paid \_\_\_\_\_ (annually, bi-annually, etc). He/She currently works \_\_\_\_\_ (number of hours, if paid by the hour) a week.

If you have any further questions, please call me at \_\_\_\_\_ (phone number).

Sincerely,

\_\_\_\_\_  
(Employer's name) (Company)

\_\_\_\_\_  
(Employer's signature) (Employer's job title)

Adoption date: February 6, 2019

## ENTRANCE AGE

Children who reach their fifth birthday on or before December 1st of the year of matriculation are entitled to attend school and may be admitted to kindergarten. Proof of age must be presented in the form required by state regulations.

A child who has regularly attended and satisfactorily completed a year's work in a kindergarten which is duly registered with the State Education Department will be enrolled in the first grade.

The Board of Education authorizes the Superintendent of Schools to establish any and all rules, regulations, and procedures necessary to implement and maintain this policy.

### Pre-Kindergarten

The Board recognizes the value of a pre-kindergarten educational program for the district's children. As a result, when the district offers a pre-kindergarten program, children who are four years of age or will reach their fourth birthday on or before December 1<sup>st</sup>, may be eligible to participate and may be admitted to pre-kindergarten. Students will be enrolled on a first come, first serve basis, unless the number of applicants exceeds the district's capacity for the program. If that occurs, the district will select students randomly from all who register and establish a waiting list for those who could not be accommodated.

Cross-ref: 5150, School Admissions

Ref: Education Law §§1709; 1712; 2503; 2514; 2555; 3202; 3205; 3210

Adoption date: February 6, 2019

## SCHOOL ADMISSIONS

The district shall provide a public education to all persons residing in the district between the ages of five and twenty-one who have not received a high school diploma. Residence is defined as both physical presence and intent to remain in the district. Eligibility of homeless children to attend district schools shall be determined in accordance with federal and state law and regulation; see policy 5151 for guidance.

A veteran of any age who has not yet received his/her high school diploma and who has been discharged under conditions other than dishonorable is eligible to attend school. A non-veteran under twenty-one years of age who has received a high school diploma shall be permitted to attend school or BOCES upon payment of tuition.

Upon registration, all new students shall be enrolled and begin attendance the next school day or as soon as practicable. Students or their parents/guardians/persons in parental relation are required to present within three business days:

1. Documentation of age: a birth certificate (original or certified transcript, including a foreign birth certificate) or baptismal record is sufficient, if provided no other form of evidence may be requested. If neither of these is available, a passport (including a foreign passport) may be used. If a passport is not available, the district may consider other evidence, which has been in existence for at least two years, such as: an official driver's license, government-issued identification, school photo I.D. with date of birth, consulate identification card, hospital or health records, military dependent I.D. card, documents issued by government agencies, court-issued documents, Native American tribal documents, or records from non-profit international aid agencies or voluntary agencies; or other documents such as an entry in a family bible, an adoption record, or previously verified school records;
2. Record of immunizations (see 5420-R for more on immunizations) and a health certificate from a licensed physician, physician assistant, or nurse practitioner; and
3. Documentation of district residency: examples of acceptable forms of documentation include, but are not limited to, mortgage/deed or lease documents to a house/condominium/apartment, a statement by the parent/guardian's landlord, property owner or co-tenant, or a statement by a third party relating to physical presence in the district, a pay stub, income tax form, telephone or utility bills or other bills, membership documents based upon residency, official driver's license, learner's

permit, or non-driver identification, rent payment receipts, a copy of a money order for payment of rent, a letter from a parent's employer that is written on company letterhead, voter registration document, or a state- or other government-issued ID, documents issued by federal, state, or local agencies, or judicial custody orders or guardianship papers showing residency. The district may require multiple forms of residency documentation sufficient to establish both physical presence in the district and intent to remain.

The district shall not request or require a Social Security card or number, or any information which would tend to reveal the immigration status of the child, the parent, or the person in parental relation, in any forms, meetings or other communication, at the time of and/or as a condition of enrollment.

The district shall review all submitted documentation, and make a determination of a student's eligibility to attend district schools as soon as possible, but within three business days of initial enrollment, or four days if the documentation is presented on the third day. The district may verify documentation of age from a foreign country, but will not delay enrollment during verification. At any time during the school year, notwithstanding any prior determination to the contrary, the district may make a determination that a student is not eligible to attend the district's schools, subject to the procedures outlined in the regulations of the Commissioner of Education.

The district shall post its student enrollment/registration forms, procedures instructions and requirements, including the examples of acceptable documentation, on the district website, and shall provide such materials to all parents/guardians/children who request enrollment in the district.

If the parent/guardian of a student seeking to enroll has limited English proficiency, the district will communicate material information about enrollment as required by federal law. The district will also provide parents/guardians of all newly enrolled students with appropriate information, including student handbooks, and information about access to special education services.

Cross-ref: 5151, Homeless Children  
5420, Student Health Services

Ref: Education Law §§903; 904; 3202; 3208; 4402(8)  
Public Health Law §2164  
8 NYCRR §100.2(y)  
*Student Registration Guidance*, New York State Department of Education,  
August 26, 2010,  
[www.emsc.nysed.gov/sss/pps/residency/studentregistrationguidance082610.pdf](http://www.emsc.nysed.gov/sss/pps/residency/studentregistrationguidance082610.pdf)  
*Educational Services for Recently Arrived Unaccompanied Children*, New York State Education Department, September 10, 2014

*Information on the Rights of All Children to Enroll in School*, U.S. Departments of Education and Justice, Revised May 8, 2014, <https://www2.ed.gov/about/offices/list/ocr/docs/qa-201405.pdf>

*Fact Sheet I and II: Information on the Rights of All Children to Enroll in School*, U.S. Departments of Education and Justice, May 2014, <http://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201405.pdf>

*Plyler v. Doe*, 457 US 202 (1982)

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**HOMELESS CHILDREN**

The Board of Education recognizes its responsibility under federal (McKinney-Vento) and state laws and regulations to identify homeless children within the district, encourage their enrollment and eliminate existing barriers to their identification, enrollment, attendance, or success in school which may exist in district practices. The Board will provide homeless children attending the district's schools with access to the same free and appropriate public education and other school programs and activities, including publicly funded preschool education, as other children.

A homeless child is a child who lacks a fixed, regular, and adequate nighttime residence or who has a primary nighttime location in a public or private shelter designed to provide temporary living accommodations, or a place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. This definition also includes a child who shares the housing of others due to loss of housing, economic hardship, or similar reason; lives in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; lives in a car, park, public space or abandoned building, substandard housing, bus or train station or similar setting; has been abandoned in a hospital; or is a migratory child who qualifies as homeless. An unaccompanied youth is a homeless child not in the physical custody of a parent or guardian.

To assist in determine eligibility for services under the McKinney-Vento Act, the district will use a housing questionnaire for all enrolling students, and those reporting a change of address, which asks for a description of the student's current living arrangements.

A homeless child or youth has the right to attend their school of origin, or any school that permanently housed students who live in the attendance area in which the homeless student is actually living are eligible to attend. For homeless students, a school of origin can be:

1. the public school they attended when permanently housed (i.e., before becoming homeless); or
2. the public school where they were last enrolled, or
3. the public school they were entitled or eligible to enroll in when the child became homeless, if that child became homeless after such child was eligible to apply, register, or enroll in a public preschool or kindergarten, or is living with a school-age sibling who attends school in the district; or
4. the designated receiving school at the next grade level for any feeder school, where the child has completed the final grade in the feeder school.

Such schools include publicly funded preschools administered by the district or the State Education Department (SED).

The homeless child is entitled to attend the designated school on a tuition-free basis for the duration of homelessness. If the child becomes permanently housed, the child is entitled to continue attendance in the same school building until the end of the school year and for one additional year if that year constitutes the child's terminal year in such building. If a homeless child completes the final grade level in their school of origin, the child may also attend the designated receiving school at the next grade level for all feeder schools.

The Superintendent of Schools will develop procedures necessary to expedite the homeless child's access to the designated school. Such procedures must include:

1. **Admission and Participation:** Upon designation, the district will immediately admit the homeless child to school, even if the child is unable to produce records normally required for enrollment, such as previous academic records, medical or immunization records (however, the district may temporarily exclude a child from attendance if there are actual symptoms of a communicable disease that poses a significant risk of transmission to others), proof of age or residency or other documentation and even if there is a dispute with the child's parents regarding school selection or enrollment. During a dispute, the student may continue attending the school until final resolution of the dispute, including all available appeals. Homeless children will have the same opportunity as other children to enroll in and succeed in the district's schools, including extracurricular activities and summer school programs available to district students. They will not be placed in separate schools or programs based on their status as homeless. The district will eliminate barriers to identification, enrollment and retention of homeless children, including barriers to enrollment and retention due to outstanding fees, fines or absences.
2. **Transportation:** The district will promptly provide transportation for homeless students currently attending district schools as required by applicable law, as described in the accompanying regulation. In general, the district will ensure that transportation is provided to homeless students enrolled in the district who attend a school of origin, including a publicly funded preschool administered by the district or SED, even if the student lives outside the district's boundaries. Transportation will be provided for the duration of homelessness, through the remainder of the school year in which the student becomes permanently housed, and one additional year if that is the student's final year in the school.
3. **School Records:** For homeless students attending school out of the district, the district will, within five days of receipt of a request for records, forward a complete copy of the homeless child's records including proof of age, academic records, evaluation, immunization records and guardianship paper, if applicable. For homeless students attending school in the district, the district will request the student's records (academic, medical, etc.) from the school the student last attended.

4. Coordination: The district will coordinate with local social services agencies and other entities providing services to homeless children and their families for the provision of services to homeless children, and will coordinate with other school districts on issues of prompt identification, transportation, transfer of records, and other inter-district activities. This will include ensuring the provision of appropriate services to homeless students with disabilities who are eligible for services under either Section 504 or IDEA.

A portion of the district's Title I, Part A funds will be set aside for homeless children and youth to provide educationally related support services and services not ordinarily provided to other students.

Information about a homeless child's living situation will be treated as a student education record, and will not be considered directory information under FERPA. See policy 5500, Student Records, for more information.

The Superintendent will also designate a McKinney-Vento liaison for homeless children and ensure that this person is aware of, and able to carry out, their responsibilities under the law. The Superintendent will ensure that the liaison receives appropriate professional development on identifying and meeting the needs of homeless students, including the definitions of terms related to homelessness. The liaison's responsibilities will include, but not be limited to, ensuring that:

1. parents or guardians of homeless children are informed of the educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children;
2. parents and guardians and unaccompanied youth are fully informed of all transportation services available to them, and are assisted in accessing them;
3. enrollment disputes involving homeless children are promptly mediated and resolved;
4. school personnel, through outreach and in coordination with shelters and social service agencies and other appropriate entities, identify homeless children, including homeless preschoolers;
5. homeless children receive educational services, including but not limited to Head Start and preschool services to which they are eligible, as well as referrals to health care and other appropriate services for homeless children and their families;
6. public notice of the educational rights of homeless children is disseminated in locations frequented by homeless unaccompanied youth and parents/guardians of homeless children, in a manner and form understandable to them;
7. staff who provide services to homeless students receive required professional development and support on identifying and meeting the needs of homeless students;

8. homeless unaccompanied youth are informed of their rights, are enrolled in school, and have opportunities to meet the same state standards set for all students, including receiving credit for full or partial coursework earned in a prior school pursuant to Commissioner's regulations.

In accordance with law and regulation, the district will offer a prompt dispute resolution process (described in more detail in the accompanying administrative regulation). A student will be entitled to continued enrollment in the district's schools, and transportation, pending resolution of the dispute and all available appeals.

In accordance with Commissioner's regulations, the district will collect and transmit to the Commissioner information necessary to assess the educational needs of homeless children within the State.

Cross-ref: 5150, School Admissions  
5420, Student Health Services  
5500, Student Records

Ref: 20 USC § 6313(c)  
42 USC §§11431 et seq.  
McKinney-Vento Education for Homeless Children and Youth Program,  
81 Fed. Reg. 14432-14436 (3/17/16)  
U.S. Department of Education, Education for Homeless Children and  
Youths Program, Non-Regulatory Guidance (7/27/16),  
<https://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidance072716.pdf>  
Education Law §§207; 305; 3202; 3205; 3209  
Executive Law §§532-b; 532-e  
Social Services Law §§17; 62; 397  
8 NYCRR §§100.2(x); 175.6

Adoption date: February 6, 2019

Revision date: September 16, 2020

## HOMELESS CHILDREN REGULATION

Each school in the district will maintain forms provided by the Commissioner of Education for designating a homeless child's district of attendance. These forms must be immediately provided to any homeless child or parent or guardian who seeks to enroll a child in school. The district's McKinney-Vento liaison for homeless students will assist the homeless child and/or parent or guardian in understanding their rights under the law and provide them with information regarding the educational and related opportunities available to them.

School placement decisions for homeless children will be based on the "best interest of the child" and will:

1. presume that keeping the child in the school of origin is in the child's best interest, except when doing so is contrary to the wishes of the parent or guardian or unaccompanied youth; and
2. consider student-centered factors such as the effect of mobility on student achievement, education, health and safety of the child, giving priority to the wishes of the child's parent or guardian or unaccompanied youth.

If the district determines that it is in the best interests of the student to attend a school other than the school of origin or a school requested by the parent or guardian, the Superintendent or designee will provide the parent or guardian or unaccompanied youth with a written explanation of its decision, together with a statement regarding the right to appeal the placement, which will be in a manner and form understandable to them. The Superintendent or designee will refer any such dispute to the district's McKinney-Vento liaison for resolution. The student must be enrolled in the school sought by the parent or guardian or unaccompanied youth and provided with requested transportation pending final resolution of the dispute, including all available appeals.

### Admission Procedures

Upon identifying a student experiencing homelessness, the Superintendent of Schools or designee will immediately:

1. ensure that a designation form is given to the parent or guardian or unaccompanied youth and review the designation form to ensure that it is complete;
2. admit the homeless child even if the child or parent or guardian is unable to produce records normally required for enrollment, or the student has missed application or enrollment deadlines, or there is an unresolved dispute regarding eligibility, school selection or enrollment;
3. where applicable, make a written request to the school district where a copy of the child's records are located for a copy of the homeless child's school records;

4. notify the McKinney-Vento liaison of the child's admission. The liaison must:
  - a. notify the child and/or the parent or guardian of the educational and related opportunities available to homeless children including transportation to the school of origin, and help arrange for transportation and other services such as those under Title I, Section 504, IDEA, and federal school meals;
  - b. ensure that the child receives the educational services for which they are eligible, including Head Start and Early Head Start, early intervention services, and preschool programs administered by the district;
  - c. make necessary referrals for the homeless children or their families to health care services, dental services, mental health services, substance abuse services, housing services, and other appropriate services;
  - d. ensure that any enrollment disputes are mediated promptly and in accordance with law;
  - e. when assisting unaccompanied youth in placement or enrollment decisions, give priority to the views of such youth, and inform them of their status as "independent students" for purposes of applying for federal financial aid for college and assist with that process; and
  - f. assist in obtaining required immunizations, health screenings, immunization records or health records.

The Superintendent or designee will forward a copy of the designation form to the Commissioner of Education and the school district of origin where applicable.

#### Unaccompanied Youth and Parent/Guardian Signatures

To the extent that district policies and practices require parent/guardian permission or consent, the district will remove barriers to admission and participation for unaccompanied youth due to lack of parent/guardian signatures. This includes, but is not limited to, enrollment, providing medical care and excuses for absences, participating in field trips and extracurricular activities, and accessing or releasing records. Where parent/guardian consent, permission or signatures cannot be obtained for unaccompanied youth, the district will accept signatures from the following:

1. Persons designated by the parent/guardian as a "person in parental relation" under state General Obligations Law Title 15-A;
2. Authorized caregivers age 18 or older so identified by the unaccompanied youth;
3. The unaccompanied youths themselves; or
4. The McKinney-Vento liaison.

Parental rights under FERPA pertaining to student records extend to a person acting as a parent in the absence of a parent/guardian. The district grants

unaccompanied youth under age 18 the rights under FERPA for eligible students and parents/guardians.

## Transportation

Unless the homeless child is receiving transportation provided by the Department of Social Services, the district will provide transportation services to the child in accordance with applicable law. Where the district is designated by the parent/guardian or unaccompanied youth, and the student attends the school of origin as defined in law described in the accompanying policy (including a publicly funded preschool administered by the district or the State Education Department), the district will provide transportation, even if transportation is not generally provided to permanently housed students and the student is residing outside the district's boundaries. A designated school district that must provide transportation to a homeless child is not required to provide transportation in excess of 50 miles one way, unless the Commissioner of Education determines that it is in the best interest of the child.

Transportation must be provided to the school of origin when the district receives notice of a child's homeless status, for the duration of the student's homelessness, as well as during the pendency of any disputes. Transportation must be provided to the receiving school as defined in Education Law §3209(1)(h) if the student is homeless over multiple school years. If a child becomes permanently housed during the school year, the student has the right to transportation services to the school of origin until the end of the academic year, as well as one additional year if it is the student's final grade level or terminal year in the building.

If the district recommends that a homeless child attend a summer educational program, and lack of transportation is a barrier to participation, the district will provide transportation. The district will provide transportation to extracurricular or school activities for homeless students eligible for such activities where lack of transportation is a barrier to participation.

## Dispute Resolution Process

If, after the Superintendent reviews the designation form, they find that the student is either not homeless, not entitled to attend the district's school, or not entitled to transportation (if requested) the Superintendent or designee will do the following:

1. Contact the district's McKinney-Vento liaison to assist in dispute resolution process.
2. Contact the student and parent (if available) and inform them of their opportunity to provide more information prior to the district making a final determination.

If, after consideration of any additional information and input from the McKinney-Vento liaison, the Superintendent makes a final determination that a

student is not homeless, or not entitled to enrollment or transportation, they must provide the student's parent or guardian, or the student, if the student is an unaccompanied youth, with written notice that the student is not entitled to their request. This written notice must also:

1. state the rationale/basis for the district's determination;
2. state the date as of which the student will be excluded from the district's schools (or transportation), which must be at least 30 days from receipt of the written notice;
3. advise that the district's final determination may be appealed to the Commissioner of Education (Commissioner);
4. provide the name and contact information for the district's McKinney-Vento liaison;
5. inform the student's parent or guardian or the student, if the student is an unaccompanied youth, that the district's McKinney-Vento liaison is required to assist in filing such an appeal; and
6. include, as an attachment, the form needed to file an appeal to the Commissioner.

The Superintendent must ensure that the district's final decision is delivered to the parent, guardian, or unaccompanied youth in a timely manner. The student must remain enrolled and provided with transportation (if requested) until the district provides written notice of its final determination and for a minimum of 30 days after receipt of the determination to give the student's parent or guardian or unaccompanied youth the opportunity to appeal to the Commissioner.

If the parent/guardian or student commences an appeal to the Commissioner within 30 days of the final determination, the homeless child or youth will be permitted to continue to attend the school s/he is enrolled in at the time of the appeal and/or receive transportation to that school until the Commissioner renders a decision.

Adoption date: February 6, 2019

Revision date: September 16, 2020

## ADMISSION OF NON-RESIDENT STUDENTS

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

However, a non-resident student may be admitted to district schools upon payment to the district of the Board-adopted tuition charge prior to enrollment, if and only if:

1. there is sufficient space within existing District programs to accommodate the non-resident student;
2. no increase in the size of faculty or staff will be necessary to accommodate the additional student; and
3. the non-resident student in in good standing in his/her prior school district.

Non-resident tuition will be calculated using the NYS Seneca Falls rate calculation unless the District's accounting records are sufficient to warrant a greater charge. All non-resident students will be charged the same tuition rate regardless of any increased costs associated with the education of a student with a disability.

This policy is not applicable to homeless students entitled to attend district schools under federal and state law and regulations, who may not be currently residing in the district (see policy 5151, Homeless Children). Homeless students who are not entitled to attend district schools under federal and state laws may be considered for non-resident enrollment under this policy. This policy is also not intended to cover students who are placed in district programs by agreement with, and paid for by, another school district.

The CSE of a school district which accepts eligible nonresident students pursuant to Board policy has IDEA special education evaluation, recommendation and implementation responsibilities pursuant to 8 N.Y.C.R.R. 200.4(a)(2)(ii). As such, the District will have evaluation, eligibility determinations and placement responsibility following a non-resident attending student's referral to the CSE.

### Future Residents

The children of families who have signed a contract to buy or build a residence in the school district may be enrolled during the semester in which they expect to become residents, without payment of tuition.

### Former Residents

Regularly enrolled children of families who have moved out of the District after the first quarter of the school year may complete that school year on a tuition free basis. Such children enrolled in grade eleven (11) may complete both grades

eleven (11) and twelve (12) on a tuition free basis. At the end of the school year, they shall be classified as “Other Non-Residents”, but shall have priority over other members of that group so long as they attend District schools continuously.

#### School Staff

The children of non-resident members of the professional staff and the non-professional staff, or the children of a staff member’s domestic partner may be enrolled at any time. Children residing with non-resident staff members who have established legal guardianship over them may be enrolled at any time. The children of employees, including the children of an employee’s domestic partner who are not residents of the District shall be entitled to attend the schools of the District on a tuition free basis, as if their parents resided within the boundaries of the School District. Attendance under this provision is prohibited in the event that such attendance would require additional staffing, could not be accommodated due to the unavailability of appropriate educational programs or if there would be inadequate space to accommodate the student(s).

#### Transportation

Transportation will be provided for non-resident students if and only if existing bus routing is used at no additional cost, and there is sufficient room on the bus.

Cross-ref: 5151, Homeless Children

Ref: Education Law §3202(2)

Adoption date: November 16, 2016

Revised: January 3, 2018

Readopted: February 6, 2019

Revised: April 3, 2019

## ADMISSION OF FOREIGN STUDENTS

The Board of Education recognizes the cultural enrichment derived from welcoming non-immigrant foreign students into the educational program. Thus, the Board encourages the attendance of non-immigrant foreign students in the district's high school.

Only non-immigrant foreign students who possess a valid J-1 or F-1 visa to study in the United States will be admitted to the district's high school. The Board retains the sole discretion to deny admission to any student not meeting all the requirements set forth in this policy and regulation.

### Foreign Exchange Students (J-1 Visa)

The Board encourages district participation in a foreign exchange student program. Foreign exchange students will be admitted to the district high school for a one-year academic program.

1. The district recognizes only those organizations designated as "Exchange Visitor Programs" by the U.S. Department of State, pursuant to federal regulations, as sponsoring organizations for the exchange of students. Any such organization must supply proof of designation prior to recognition.
2. No foreign exchange students subject to this policy and regulation shall be brought into the district by a foreign exchange student program unless he or she has been accepted in writing as a student by the high school Building Principal or a designee.
3. Foreign exchange students will be allowed to attend school and will be provided bus transportation to and from school free of charge. When a foreign exchange student is accepted for admission pursuant to this policy and regulation the letter of acceptance shall include a statement that tuition shall be waived for the student.

The Board may terminate the approval of a foreign student program when it would be in the best interests of the district to do so.

### Foreign Students with F-1 Visas

No F-1 students will be admitted into grades K-8. F-1 students may be admitted to the high school for one academic year upon the payment of tuition. The amount of tuition charged shall reflect the full, unsubsidized per capita cost of providing educational services to the student.

### Immigrant Students

All school-aged immigrant children who have abandoned their residence in a foreign country and established residence in the district will be admitted to the district's schools without payment of tuition.

Ref: 22 CFR Part 62 (Exchange Visitor Program) §62.25 (Secondary School Students)  
8 CFR 214.2(j) (Special Requirements for Admission, Extension and Maintenance of Benefits for Exchange Aliens)  
Education Law §1709(13)  
*Matter of Jones*, 24 EDR 110 (1984)

Adoption date: February 6, 2019

## STUDENT DISMISSAL PRECAUTIONS

No student may be released from school to anyone other than the parent, guardian or child protective services personnel and law enforcement officers pursuant to law, unless the individual's name seeking release of the student appears on a list provided by the parent or guardian.

Parents are urged to make appointments with physicians, dentists, special tutors, etc., after school hours. If a request is necessary, parents should make note of the date, time and reason for the release. Children cannot be excused without advanced written request by parent/guardian, and must be released in care of parent/guardian, unless otherwise noted.

A student may be released to either parent unless a custodial parent supplies the Superintendent of Schools with a certified copy of a court order or divorce decree to the contrary.

The Superintendent shall develop procedures to enable parents and guardians to amend the list of persons authorized to obtain the release of their children.

Ref: Education Law §3210(1)(c)

Adoption date: February 6, 2019

**STUDENT DISMISSAL PRECAUTIONS REGULATION**

Building Principal or his/her designee shall maintain a list of individuals who are authorized to obtain the release of students in attendance at the school. No student may be released to the custody of any individual not the parent or guardian of the student, unless the individual's name appears upon the list.

Parents or guardians may submit a list of individuals authorized to obtain the release of their children from school at the time of the child's enrollment. The signature of the parent or guardian must be on or attached to such list.

A parent or guardian may amend a list submitted pursuant to this regulation at any time, in writing.

Certified copies of any court orders or divorce decrees provided by the custodial parent, which restrict a parent's ability to seek the release of their child, shall be maintained by the Building Principal.

If any individual seeks the release from school of a student he or she must report to the school office and present identification deemed satisfactory by the Building Principal or his/her designee, who must check the authorized list and relevant court orders or divorce decrees before a student may be released. Particular caution should be exercised when the person seeking the release of a child exhibits to the school official an out-of-state custody order.

Early excuses for emergency reasons should be requested in writing by a parent/guardian. Medical releases are handled through the Nurse's Office. All other reasons for release must go through the Main Office, and students may be picked up in the Main Office or at the front desk. The person seeking the release must sign the register in the office.

In the event of an emergency, the Building Principal may release a student to some individual not appearing on the approved list only if the parent or guardian has been contacted by the Superintendent and has approved the release, and the Building Principal determines that an emergency exists.

Adoption date: February 6, 2019

## COCURRICULAR AND EXTRACURRICULAR PROGRAMS

The Board of Education recognizes the educational values inherent in student participation in the extracurricular life of the school, and encourages such participation. It is committed to the assignment of staff for the formation of student groups for such purposes as building social relationships, developing interests in an academic area, and gaining an understanding of the elements and responsibilities of good citizenship.

Recognizing that student activities are a part of the school program, the Board has established the following criteria, which all student activity programs must meet:

1. student activities must have educational value for students;
2. student activities must be in balance with other curricular offerings in the schools; and
3. student activities must be managed in a professional manner.

The following guidelines will govern student activities programs:

1. student activities are those school activities that are voluntarily engaged in by students, have the approval of the school administration and do not carry credit toward promotion or graduation;
2. each school, under the direction of the Building Principal, will have a well-balanced and effectively administered student activity program designed to stimulate student growth and development by supplementing and enriching the curricular activities;
3. each activity should be designed to contribute directly to the educational, civic, social and ethical development of students involved;
4. the student activity program should receive the same attention in terms of philosophy, objectives, social setting, organization and evaluation that is given the regular school curriculum;
5. each school will develop definite written guidelines and procedures regulating the creation, organization, administration and dissolution of student activity programs;
6. the expenses involved in participating in any student activity and in the total program for a school year should be set so that most of the students may participate without financial strain;
7. activities must be open to all students, regardless of race, religion, sex, national origin, marital status, disability or other human differences;
8. activities must not place undue burdens upon students, teachers or schools;
9. activities should be held after classes are dismissed, or at an appropriate time during class time; and
10. activities at any level should be unique, not duplications of others already in operation.

Ref: *Santa Fe Indep. Sch. Dist. V. Doe*, 530 U.S. 290 (2000) (constitutionality of student-led prayers at interscholastic athletic activities)

Adoption date: February 6, 2019

## STUDENT ORGANIZATIONS

The Board of Education recognizes the educational values inherent in student participation in the extracurricular life of the school, and supports the concept of the formation of student groups for such purposes as building sound social relationships, developing interests in an academic area, and gaining an understanding of the elements and responsibilities of good citizenship.

The Superintendent of Schools, with the aid of students, faculty and administration, is charged with developing procedures for registering and regulating student groups or clubs. Such procedures shall ensure that the district will register any group organized for a purpose not prohibited by Board policy or by law, if such group submits a list of its members designated as contacts, a copy of its constitution and/or bylaws, and the constitution and bylaws of any off-campus organization with which it may be affiliated. Student groups may not restrict membership on the basis of race, sex, national origin or other arbitrary criteria.

The Board may prohibit the formation of any clubs, including fraternities or sororities, or any other secret society, whose deliberations and activities have caused or created, or are likely to cause or create, a disruption of or interference with the school program.

Administrative regulations governing the use of school facilities shall abide by the Equal Access Act in the creation of a "limited open forum." All non-curricula related student activities, regardless of religious or political content, shall have the same opportunities as any other such activity to operate on school grounds.

Ref: Education Law §§207; 1709-a; 2503-a; 2554-a  
 Equal Access Act, 20 U.S.C. §§4071-4074  
 8 NYCRR Part 172  
*Board of Education of the Westside Community Schools v. Mergens*, 496 U.S. 226 (1990)  
*Garnett By Smith v. Renton School Dist. No. 403*, 865 F.2d 1121 (9th Cir., 1989)  
*Thompson v. Waynesboro Area School Dist.*, 673 F.Supp. 1379 (M.D. Pa. 1987)  
*Student Coalition v. Lower Merion School Dist. Bd.*, 633 F.Supp. 1040 (E.D. Pa. 1986)  
*Tinker v. Des Moines Independent Community School Dist.*, 393 U.S. 503, 89 S.Ct. 733 (1969)  
*Healy v. James*, 408 U.S. 169, 92 S.Ct. 2338 (1972)

Adoption date: February 6, 2019

## SCHOOL-SPONSORED STUDENT EXPRESSION

The Board of Education encourages student expression in its many forms, including the school newspaper, yearbook, literary magazine, concerts, shows, art exhibits. The Board believes these activities are an important part of student learning and enrich the life of the school community.

The school newspaper, for example, is an important part of the school not only because it offers an educational activity through which students gain experience in reporting, writing, editing, and understanding responsible journalism, but also because it provides an opportunity for students to express their views in a responsible manner. Each school-sponsored activity offers unique opportunities for students to engage in creative and educational modes of expression.

All school-sponsored opportunities for student expression will comply with the rules set forth in this policy and in the Code of Conduct. Libelous statements, unfounded charges and accusations, obscenity, false statements; materials or performances advocating or expressing prejudice, hatred, discrimination, harassment, bullying or violence on the basis of a protected class (e.g., actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and gender expression), or sex), the breaking of laws and school policies and/or regulations; or materials or performances designed to disrupt the educational process will not be permitted.

In addition, the school-sponsored activities listed above are not considered public forums. In such cases, the Board reserves the right to edit or delete such student expression which it believes is inconsistent with the district's basic educational mission.

### Procedural Due Process

When a student(s) presents material for inclusion in a school-sponsored publication to a school official with authority over the school publication, the school official must review and make a decision on inclusion in the publication within two (2) school days of submission of the material to him/her. If publication is denied, the student(s) may appeal the decision to the Building Principal. If the principal agrees with the decision to withhold approval, the principal must state the reasons in writing and provide the students with a copy of the reasons within two (2) school days of the receipt of the appeal. The aggrieved student(s) may within two (2) school days appeal in writing to the Superintendent of Schools. The Superintendent of Schools must issue a written decision within two (2) school days after receiving the appeal.

Cross-ref: 0100, Non-Discrimination and Equal Opportunity  
0115, Student Harassment and Hazing Prevention and Intervention  
5300, Code of Conduct  
5225, Student Personal Expression

Ref: Education Law Article 2, §§10-18 (Dignity for All Students Act)  
*Morse v. Frederick*, 127 S. Ct. 2618 (2007)  
*Hazelwood School District v. Kuhlmeier*, 484 US 260, 108 S. Ct. 562, (1988) (limits on student free speech rights in school-sponsored student publications)  
*Bethel School District v. Fraser*, 478 US 675 (1986)  
*Tinker v. Des Moines Independent Community School Dist.*, 393 US 503, (1969) (limits on student free speech rights in school setting)  
*Thomas v. Board of Education, Granville Central School Dist.*, 607 F. 2d 1043 (1979)  
*Trachtman v. Anker, et al.*, 563 F. 2d 512 (1977)  
*Frasca v. Andrew et al.*, 463 F. Supp. 1043 (1979)  
*Matter of Beil and Scariati*, 26 EDR 109 (1986)

Adoption date: February 6, 2019

## STUDENT PERSONAL EXPRESSION

The Board of Education recognizes the importance and value of student personal expression and recognizes that students do not shed their first amendment right of free expression at the schoolhouse gate. As in broader American society, the Board also understands that there is a balancing of an individual's rights under the First Amendment with the rights of the community. Student personal expression\* in this context refers to student verbal and written communication using any medium (paper, e-mail; website postings, etc.) including, but not limited to, poetry, prose, art, video and music composition that is intended to be shared with the broader school community.

Although students retain their right to free expression in school, that right is not unfettered. School officials may regulate expression as to time, place and manner. Students' speech which causes a substantial disruption or which materially interferes with school activities or rights of others or might reasonably lead the school administration to forecast substantial disruption of or material interference with school activities, is not constitutionally protected speech.

When students wish to personally express themselves in the broader school community, they must seek prior approval from the building principal or his/her designee. The building principal or his/her designee will render his/her decision within two school days of receiving the request. The building principal shall give due consideration to the constitutionally protected right of freedom of expression, the maintenance of the normal operation of school and its activities, the protection of persons and property and the need to assist students in learning appropriate ways to exercise their rights. Unless such student expression takes place within the confines of a school-sponsored event/activity (see policy 5220 for guidance on School-Sponsored Student Expression), authorization will be granted if:

- The material is distributed as directed by the Principal or designee in such a manner as to not materially or substantially interfere with the rights of others or substantially disrupt the normal operation of the school;
- The material is not considered to be obscene, lewd, indecent, libelous, an invasion of the privacy of other individuals, or an expression that attacks a person's character, family, race, religion, sex, ethnic origin, physical appearance, sexual orientation, or disabling condition.
- The material is free from advertisements or promotion of cigarettes, liquor, illegal or illicit drugs, or drug paraphernalia or other products or services harmful to minors and/or not permitted to minors by law.

### Procedural Due Process

If a student(s) seeks to distribute material within school buildings or at school events, he/she must present such material for prior review by the Building Principal who must make a decision regarding distribution within two (2) school

days of receipt of the request and the provide the reason for the denial in writing. The aggrieved student(s) may within two (2) school days appeal in writing to the Superintendent of Schools. The Superintendent of Schools must issue a written decision within two (2) school days after receiving the appeal.

Generally school administrative authority regarding student expression does not extend beyond school grounds or school-sponsored functions. However, with the advent of new technologies, the line between off and on campus expression can be blurred. Students are advised that if off campus personal expression substantially disrupts or materially interferes with school activities or might reasonably lead the school administration to forecast substantial disruption of or material interference with school activities or interrupts another individual's access to school, such as when the speech is threatening in nature, they may be subject to discipline under the Code of Conduct.

#### Violation of Policy

Students who violate this policy will be subject to the appropriate disciplinary action, which may include short or long-term suspension, in accordance with the Code of Conduct.

Cross-ref: 0115, Harassment, Hazing and Bullying  
4526, Computer Use in Instruction  
5220, School-Sponsored Student Expression  
5300, Code of Conduct

Ref: *Morse v. Frederick*, 551 U.S. 393 (2007)  
*Bethel School District v. Fraser*, 478 U.S. 675 (1986)  
*Tinker v. Des Moines Independent Community School Dist.*, 393 U.S. 503, (1969) (limits on student free speech rights in school setting)  
*Eisner v. Stamford Board of Educ.*, 314 F Supp 832, modf'd 440 F2nd 803 (1971)

Adoption date: February 6, 2019

## STUDENT FUND RAISING ACTIVITIES

Only those organizations selected by the Superintendent of Schools and approved by the Board of Education shall have permission to solicit donations and contributions from students.

All fund-raising activities must be voluntary, and no direct solicitation of students is permitted on school premises during school hours. However, the Board will allow the following forms of indirect solicitation:

1. the sale of goods, services, or tickets to an event (social, musical, athletic, etc.), where a portion of the funds go to a charitable purpose;
2. the recruitment of students during school hours to participate in fund-raising activities to be conducted off school premises and/or when school is not in session. School personnel are permitted to hang posters or distribute flyers notifying students of these activities. However, school personnel may not act as a conduit and collect funds from students on behalf of a charity for which they recruited; and
3. the placement of a bin or collection box in a hallway or other common area for the voluntary donation of food, clothing or money.

Additional factors to be considered when granting or denying approval to outside (non-school) organizations wishing to conduct fund-raising activities are:

1. whether the group has regional or national recognition;
2. whether the group directs at least [80 percent] of its expenditures to charitable program activities;
3. whether the contributions will benefit district students or residents; and
4. the number of organizations raising funds for the same purpose at the same time.

### Off School Premises

Fund-raising projects in which students canvass the public off school grounds, in connection with school events and school-connected fund-raising activities, will be kept to an absolute minimum. Elementary students are not permitted to solicit funds on a door to door basis.

Ref: NYS Constitution, Article 8 §1  
 Education Law §414  
 8 NYCRR §§ 19.6 (Rules of the Board of Regents); 172.1 et seq.  
*Appeal of Ponte*, 38 EDR 280 (1998)  
 Guidelines Relating to Solicitation of Charitable Donations from School Children, SED, January 1994

Adoption date: February 6, 2019

## STUDENT ACTIVITIES FUNDS MANAGEMENT

The Board of Education shall have the responsibility for the protection and supervision of the financial affairs of student clubs and extracurricular activities. The Superintendent will recommend and the Board will appoint a competent and qualified faculty advisor for each club or organization. The Board will appoint a treasurer for the management of the funds associated with these clubs and organizations at the annual board organizational meeting.

Each student organization will designate a student treasurer in conformance with policy 5210.

Prior to termination of a student organization, all funds remaining in the treasury must be disposed of in one of the following ways:

- Expended by a majority vote of the organization, as provided for in its bylaws.
- Transferred to another student organization or for another purpose, as determined by the membership of the student organization.

If no action is taken by the student organization, leftover funds of inactive or discontinued extraclassroom activities and of graduating classes shall automatically revert to the account of the general student organization or student council.

Financial transactions will be carried out in conformance with district policies and procedures. An audit of all accounts will be made annually by the independent/external auditor.

Cross-ref: 2210, Board Organizational Meeting  
5210, Student Organizations  
6660, Independent External Audit

Ref: Education Law §207  
8 NYCRR Part 172  
*The Safeguarding, Accounting, and Auditing of Extraclassroom Activity Funds*, Finance Pamphlet 2, New York State Education Department (revised 2008)

Adoption date: February 6, 2019

## INTERSCHOLASTIC ATHLETICS

Interscholastic athletics for boys and girls is an integral and desirable part of the district's secondary school educational program. Individual and team sports shall be based upon comprehensive physical education instruction and intramural activities, seeking broad participation from all eligible secondary students. Lifetime or carry-over sports are to be particularly encouraged and supported. Parity in the number and kind of sports activities for girls and boys is a clear objective of the district.

Student eligibility for participation on interscholastic teams shall include:

1. authorization by the school physician;
2. written parent or guardian consent (the written consent will contain information for parents on mild traumatic brain injury (TBI) and will provide a link to the State Education Department's web page on TBI); and
3. endorsement by the Building Principal based on established rules and various league and State Education Department regulations.

Although the district will take reasonable care to protect student athletes, students may still sustain injuries. In order to most effectively ensure student safety, open communication between students, parents and coaches about the child's medical condition is critical. Coaches, Certified Athletic Trainer and other appropriate staff, will receive guidance and training regarding recognition of injury and removal of the student athlete from play in the event of injury. Parents and/or students are expected to report injuries so that student health can be protected. No student will be allowed to practice or compete if there is a question whether he/she is in adequate physical condition.

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

In the case of a suspected or actual head injury, a student must be removed from play immediately. In order to resume participation following injury, including head injury, the student needs to receive medical clearance. The Superintendent, in consultation with appropriate district staff, including the school physician, will develop regulations and procedures to guide the process of return to play.

A student who has sustained or is believed to have sustained a mild traumatic brain injury (concussion) must be immediately removed from athletic activities. If there is any doubt, it shall be presumed that the student is so injured until proven otherwise. Before being permitted to return to athletic activity, a student must be symptom free for not less than twenty-four (24) hours and have been evaluated by and received clearance from the School District Medical Director to participate in such activity. See Board policy 5421, for more information on concussion management,

Athletic Placement Process (formerly Selection/Classification)

The Board permits students in grades 7 and 8 who wish to play at the freshman, junior varsity or varsity level in all sports to do so provided they can complete the entire Athletic Placement Process (APP). A description of the APP is available from the district's Athletic Director.

Cross-ref: 5420, Student Health Services  
5421, Concussion Management

Ref: Education Law §§ 305(42); 1709 (8-a); 3001-b  
8 NYCRR §§135.4, 136.5  
*Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000) (constitutionality of student-led prayers at interscholastic athletic activities)  
*Concussion Management Support Materials*, [www.nysphsaa.org](http://www.nysphsaa.org)  
*Athletic Placement Process for Interscholastic Athletic Programs*.  
<http://www.p12.nysed.gov/sss/documents/AthleticPlacementProcess2-11-15Revised.pdf>

Adoption date: February 6, 2019

## STUDENT WELLNESS

Given the documented connection between proper nutrition, adequate physical activity and educational success, the Board of Education adopts the following goals and authorizes the following actions to provide district students with a school environment that promotes student health and wellness and reduces childhood obesity.

For purposes of this policy, “school campus” means all areas of district property accessible to students during the school day; “school day” means the period from the midnight before to 30 minutes after the end of the official school day; and “competitive food” means all food and beverages other than meals reimbursed under federal food programs available for sale to students on the school campus during the school day.

### I. Foods and Beverages Available to Students on School Campus During the School Day

The Board recognizes that a nutritious, well-balanced, reasonably-portioned diet is essential for student wellness. To help students possess the knowledge and skills necessary to make nutritious food choices for a lifetime, the district shall ensure that all foods and beverages available in school promote good nutrition, balance, and reasonable portion sizes. The district shall ensure that all foods and beverages available for sale to students on the school campus during the school day meet or exceed the program requirements and nutrition standards found in federal regulations.

To accomplish this, the Board directs that the district serve healthy and appealing foods and beverages at district schools, following state and federal nutrition guidelines, as well as safe food preparation methods.

#### A. School Meals – the district shall:

1. Include fruits, vegetables, salads, whole grains, and low fat items at least to the extent required by federal regulations.
2. Encourage students to try new or unfamiliar items.
3. Make efforts to ensure that families are aware of need-based programs for free or reduced-price meals and encourage eligible families to apply.
4. Encourage serving produce and food from local farms and suppliers.
5. Make free drinking water available at locations where meals are served.

#### B. Meal Scheduling – the district shall:

1. Provide adequate time to eat.
2. Schedule lunchtime between normal lunch hours 10:30 a.m. – 1 p.m.

C. Foods and Beverages Sold Individually (e.g., a la carte, vending machines, school stores) – the district shall:

1. Ensure that all such items meet the nutrition standards set in federal regulations for competitive foods regarding whole grains, fruits, vegetables, calories, fat, saturated fats, trans fats, sugar, sodium, and caffeine.
2. Permit the sale of fresh, frozen or canned fruits and vegetables, if processed pursuant to federal regulations, as exempt from the nutrition standards.
3. Work with existing vendors or locate new vendors that will comply with nutrition standards.

D. Fund-Raising Activities – the district shall:

1. Ensure that all fundraisers selling food or beverages to students on school campus during the school day meet the competitive foods nutrition standards set in federal regulations for whole grains, fruits, vegetables, calories, fat, saturated fats, trans fats, sugar, sodium, and caffeine.
2. Promote non-food items to sell, or activities (physical or otherwise) in which to participate.
3. Outside organizations (e.g., Parent groups, booster clubs) conducting fundraisers which take place off the school campus or outside the school day are encouraged to follow this policy.

E. School and Class Parties, Celebrations, and Events where food and beverages are provided, but not sold – the district shall:

1. This section applies to all school and classroom parties, snacks which have been brought in for the class or school, celebrations, food provided to learn about cultures or countries, and other events where food is provided but not sold.
2. The Building Principal shall set guidelines for the frequency and content of classroom and school-wide celebrations where food and beverages are provided.
3. The district shall promote the use of food and beverage items which meet the standards for competitive foods and beverages, promote non-food activities, and discourage foods and beverages which do not meet those standards, at celebrations.
4. Encourage the use of healthy food as a natural part of celebrations.

F. Marketing of Foods and Beverages

1. Any food or beverage that is marketed on school grounds during the school day must meet at least the federal nutrition standards for competitive items.

2. This restriction applies to all school buildings (interior and exterior), school grounds, school buses and other vehicles used to transport students, athletic fields, structures, parking lots, school publications, and items such as vending machines, equipment, posters, garbage cans, or cups.
3. Marketing includes all advertising and promotions: verbal, written, or graphic, or promotional items.
4. This restriction does not apply to personal opinions or expression, or items used for educational purposes.
5. This restriction applies to all purchases and contracts made after the effective date of this provision.

## II. Physical Activity

Physical activity is an important factor in staying healthy and being ready to learn. The Board encourages every student to develop the knowledge and skills necessary to perform a variety of physical activities, to regularly participate in physical activity, and to appreciate and enjoy physical activity as an ongoing part of a healthy lifestyle. In addition, staff, families, and community are encouraged to participate in and model physical activity as a valuable part of daily life. The district's Physical Education program shall adhere to the curricular requirements of the Commissioner of Education and the New York State Learning Standards.

### A. Physical Education

1. Students shall engage in physical education for at least the minimum number of hours or days per week under State requirements.
2. Physical Education classes shall incorporate the appropriate NYS Learning Standards.
3. Promote, teach and provide opportunities to practice activities that students enjoy and can pursue throughout their lives (e.g., yoga, fitness walking, step aerobics).
4. The performance or withholding of physical activity shall not be used as a form of discipline or punishment.

### B. Recess

1. Maintain daily allotment of recess time for elementary school.
2. Recess shall not be used for punishment or reward.
3. Permit scheduling recess before lunch.
4. Recess will be held outdoors whenever possible, and indoors during the most inclement weather, at the discretion of the Building Principal.

### C. Physical Activity in the Classroom

1. Promote the integration of physical activity in the classroom, both as activity breaks and as part of the educational process (e.g., kinesthetic learning).

#### D. Extracurricular Opportunities for Physical Activity

1. Promote clubs and activities that meet the various physical activity needs, interests, and abilities of all students (e.g., walking, hiking and climbing, snowshoeing), including before and after school activities.
2. Promote students walking/biking to school (with proper storage of bicycles), safe routes to school, and “walking” school buses.
3. The setting of extracurricular activity eligibility participation requirements does not constitute withholding opportunities.

### III. Nutrition Promotion and Education

The Board believes that nutrition promotion and education is a key component in introducing and reinforcing healthy behaviors in students. Nutrition promotion and education that teaches the knowledge, skills, and values needed to adopt healthy eating behaviors shall be integrated into the curriculum. Nutrition promotion and education information shall be offered throughout the school campus including, but not limited to, school dining areas and classrooms. Staff members who provide nutrition promotion and education shall be appropriately certified and trained. The district’s broader Health Education program shall incorporate the appropriate New York State Learning Standards.

The Board’s goals for nutrition promotion and education include that the district will:

1. Include nutrition education as part of not only health education classes, but also classroom instruction in subjects such as math, science, language arts, social sciences and elective subjects.
2. Include enjoyable, developmentally appropriate, culturally relevant, participatory activities, such as contests, promotions, taste testing, farm visits, and school gardens.
3. Promote fruits, vegetables, whole grain products, low fat dairy products, safe and healthy food preparation methods, and health enhancing nutrition practices.
4. Emphasize caloric balance between food intake and energy expenditure.
5. Teach media literacy with an emphasis on food marketing.

### IV. Other School-Based Activities

The district may implement other appropriate programs that help create a school environment that conveys consistent wellness messages and is conducive to healthy eating and physical activity. Such activities may include, but are not limited to, health forums or fairs, health newsletters, parent outreach, employee health and wellness activities, limiting the use of food as a reward, reviewing food marketing and advertising in school, hosting or promoting community-wide events, and offering wellness-related courses in the district’s adult education program.

## V. Implementation

The Board shall designate the Director of Health and Physical Education as District Wellness Coordinator responsible for ensuring that the provisions of this policy are carried out throughout the district. The Board may also designate one person in each building as School Wellness Coordinator to ensure that the wellness activities and actions are being implemented at the building level.

## VI. Monitoring and Review

The Director of Health and Physical Education as District Wellness Coordinator, shall report every three years to the Board and the public on the implementation and effectiveness of this policy. Every three years, the District Wellness Coordinator, in consultation with appropriate personnel and advisory committees, shall monitor and review the district's wellness activities to determine the extent that district schools are complying with this policy, how this policy compares to model wellness policies, and the progress made toward attaining the goals of this policy and whether this policy is having a positive effect on increasing student wellness and decreasing childhood obesity in the district. Based on those results, this policy, and the specific objectives set to meet its goals, may be revised as needed.

Parents, students, food service professionals, physical education teachers, school health professionals, school administrators, the general public, and the school board shall be provided with the opportunity to participate in the development, implementation and periodic review and update of this wellness policy. To do this, the district shall establish an advisory committee, and invite participation via notices in school publications; and/or the district website.

The district shall inform and update the public (including parents, students and others in the community) about the content and implementation of this wellness policy by posting this policy (and any updates) on the district website.

The district shall monitor and review the implementation and effectiveness of this policy by conducting:

1. Periodic informal surveys of Building Principals, classroom staff, and school health personnel to assess the progress of wellness activities and their effects.
2. Periodic checks of the nutritional content of food offered in the cafeterias for meals and a la carte items, and sales or consumption figures for such foods.
3. Periodic checks of the nutritional content of food available in vending machines, and sales or consumption figures for such foods.
4. Periodic checks of the amount of time students spend in Physical Education classes, and the nature of those activities.
5. Periodic checks of extracurricular activities of a physical nature, in the number of offerings and rates of participation by students.
6. Periodic checks of student mastery of the nutrition education curriculum.

7. Periodic completion of relevant portions of the CDC School Health Index.
8. Periodic review of data currently collected by the district, including:
  - a. attendance data, particularly absences due to illness;
  - b. test scores;
  - c. rates of suspension, discipline, and violent incidents;
  - c. physical education scores on flexibility, endurance, and strength (i.e., fitness test results);
  - d. student BMI (Body Mass Index) statistics, as collected in accordance with the State Department of Health efforts; and
  - e. revenues generated from vending machines and a la carte food items.
9. Periodic surveys of student/parent opinions of cafeteria offerings and wellness efforts.
10. Periodic review of professional staff development offered which focuses on student wellness.
11. NYSSBA's Student Wellness Assessment Checklist [*every three years*] to review the effectiveness of this policy.

## VII. Recordkeeping

The district shall keep records as required by federal regulations, including documentation of the following: this policy; the district's community involvement activities described above; that the policy is made available to the public; the assessments done every three years; how the public is informed of the assessment results; and when and how the policy is reviewed and updated.

Ref: P.L. 111-296 (The Healthy, Hunger-Free Kids Act of 2010), §204 amending 42 USC §1758b  
 P.L. 108-265 (Child Nutrition and WIC Reauthorization Act of 2004), §204  
 42 USC §§1758(f)(1); 1766(a) (Richard B. Russell National School Lunch Act)  
 42 USC §1779 (Child Nutrition Act)  
 7 CFR §§210.10; 210.11; 210.12; 210.15; 210.18; 210.30 (National School Lunch Program participation requirements – nutrition standards for lunch and competitive foods; community involvement; recordkeeping; state review; local wellness policy)  
 7 CFR §§220.8; 220.12 (School Breakfast Program participation requirements – nutrition standards for meals and competitive foods)  
 8 NYCRR Part 135 (Health and Physical Education curricular requirements); §114.1 (School Breakfast Program Requirements)  
*Appeal of Phillips*, 37 EDR 204 (1997) (dec. no. 13,843) (physical education requirements)  
*Appeal of Williams*, 32 EDR 621 (1993) (dec. no. 12,934) (physical education requirements)

Adoption date: February 6, 2019

**STUDENT HEALTH SERVICES**

The Board of Education recognizes that good student health is vital to successful learning and acknowledges its responsibility, along with that of parent(s) or guardian(s), to protect and foster a safe and healthful environment for the students.

The school will work closely with students' families to provide detection and preventive health services. In accordance with law, the school will provide vision, hearing, dental inspection and scoliosis screening. Results will be referred to the parent(s) or guardian(s) who will be encouraged to have their family physician/dentist provide appropriate care.

In order to enroll in school a student must have a health exam and submit a health certificate within 30 calendar days after entering school, and upon entering prekindergarten or kindergarten, and first, third, fifth, seventh, ninth and eleventh grades. The examination, which must conform to state requirements, must have been conducted no more than 12 months before the first day of the school year in question. If a student is unable to furnish the health certificate, the school will provide a physical examination by a licensed provider. A request for exemption from the physical examination, or the requirement to provide a health certificate, must be made in writing to the school principal or designee, who may require documents supporting the request. The only basis for exemption is a claim that the physical examination is in conflict with the parent or guardian's genuine and sincere religious belief.

In order to enroll in school, students must also furnish documentation of required immunizations against certain communicable diseases, as set forth in state law and regulations, unless exempted from immunizations for medical reasons as permitted by state law and regulation.

Homeless students will be admitted to school even if they do not have the required health or immunization records, but may be temporarily excluded if they show actual symptoms of a communicable disease that poses a significant risk of transmission to others (see "Communicable Diseases" below).

The McKinney-Vento liaison will assist homeless students covered by that law in accessing health services described in this policy and accompanying regulation, including removing barriers for unaccompanied youth caused by a lack of parent/guardian permission.

The Board recognizes that the State of New York may authorize and require the collection of data from health certificates in furtherance of tracking and understanding health care issues that affect children. The Board supports these efforts and expects administrators to cooperate and to observe the appropriate laws and regulations in carrying out those responsibilities, including those that relate to student privacy.

In addition, students will be asked to provide a dental health certificate when they enroll in school and in accordance with the same schedule as the health certificate.

A permanent student health record will be part of a student's cumulative school record and should follow the student from grade to grade and school to school along with the academic record. This record folder will be maintained by the school nurse.

### Emergency Care

Each school in the district will include in its emergency plan a protocol for responding to health care emergencies, including anaphylaxis, and head injury. Parents/guardians will be notified of any emergency medical situation as soon as is practicable. Parents/guardians will receive notification of non-emergent medical situations that have been reported to the nurse in a timely manner.

Schools will also provide emergency care for students in accidental or unexpected medical situations. The district will stock epinephrine auto-injectors for non-patient specific use. The district will ensure that designated staff are properly trained.

The district permits emergency administration of opioid antagonists, such as naloxone, by trained volunteer responders and/or the school nurse to prevent opioid overdose.

### Communicable Diseases

It is the responsibility of the Board to provide all students with a safe and healthy school environment. To meet this responsibility, it is sometimes necessary to exclude students who have been diagnosed with or are showing symptoms of any contagious and infectious diseases, as defined in the Public Health Law, from attendance in school. Students will be excluded during periods of contagion for time periods indicated on a chart developed by the school nurse.

During an outbreak of these communicable diseases, if the Commissioner of Health or their designee so orders, the district will exclude students from school who have an exemption from immunization or who are in the process of obtaining immunization. The district will provide additional protections to students who are otherwise medically vulnerable.

It is the responsibility of the Superintendent of Schools, working through district health personnel, to enforce this policy and to contact the county or local health department when a reportable case of a communicable disease is identified in the student or staff population.

### Administering Medication to Students

Neither the Board nor district staff members are responsible for the diagnosis or treatment of student illness. The administration of prescribed medication to a student during school hours will be permitted only when failure to take such medicine would jeopardize the health of the student, or the student would not be able to attend school if the medicine were not made available to them during school hours, or where it is done pursuant to law requiring accommodation to a student's special medical needs (e.g., Section 504 of the Rehabilitation Act of 1973). "Medication" will include all medicines prescribed by an authorized medical provider.

Before any medication may be administered to or by any student during school hours, the Board requires:

1. the written request of the parent(s) or guardian(s), which gives permission for such administration and relieve the Board and its employees of liability for administration of medication;
2. the written order of the prescribing authorized medical provider, which will include the purpose of the medication, the dosage, the time at which or the special circumstances under which medication will be administered, the period for which medication is prescribed, and the possible side effects of the medication; and
3. that in order for a student to carry and use a rescue inhaler, an epinephrine auto-injector, insulin, or glucagon and associated testing supplies, written permission must be provided both by the parent and the prescribing authorized medical provider in accordance with state law and regulation.

Students are allowed to carry and apply parentally provided sunscreen without a prescription from a medical provider, assuming that the sunscreen is FDA approved and that the sunscreen is not treating a medical condition. Parents need to provide the district with written permission for students to use sunscreen.

Permission slips and medical orders will be kept on file in the office of the school nurse.

The school stocks albuterol in the form of metered dose inhalers for students who are in need of emergency dosing when their personal prescription is empty. The district will develop procedures in collaboration with school health personnel that is approved by the district medical director and the Board of Education.

### Life-Threatening Allergies and Anaphylaxis Management

The Board recognizes its role and responsibility in supporting a healthy learning environment for all students, including those who have, or develop, life-threatening allergies. The district will work cooperatively with the student, their parent/guardian and healthcare provider to allow the child to participate as fully and as safely as possible in school activities. When a student has a known life-threatening allergy reported on their health form or if the district has been informed by the parent of the presence of a life-threatening allergy, the district

will assemble a team, which may include the parent, the school nurse, the child's teacher, the building principal and other appropriate personnel, which will be charged with developing an individual health care plan and/or an emergency action plan. The plan(s) will be maintained by the school nurse. The plan(s) will guide prevention and response. If the student is eligible for accommodations based upon the IDEA, Section 504 or the Americans with Disabilities Act, the appropriate procedures will be followed regarding identification, evaluation and implementation of accommodations.

## Training

Training to support the fulfillment of staff responsibilities in regard to student health services will be provided as part of the district's ongoing professional development plan and in conformity with Commissioner's regulations.

## Regulations

The Superintendent will develop comprehensive regulations governing student health services. Those regulations will include the provision of all health services required by law, procedures for the maintenance of health records, and procedures for the administering of medication to students. The Superintendent will also develop protocols, in consultation with the district medical director and other appropriate district staff, for the management of injury, with particular attention to concussion.

Cross-ref: 4321, Programs for Students with Disabilities  
5020.3, Students with Disabilities and Section 504  
5151, Homeless Students  
5280, Interscholastic Athletics  
5550, Student Privacy  
8121.1, Opioid Overdose Prevention  
8130, School Safety Plans and Teams  
9700, Staff Professional Development

Ref: Education Law §§310 (provisions for appeal of child denied school entrance for failure to comply with immunization requirements); 901 et seq. (medical, dental and health services, BMI reporting); 916 (student self-administration of rescue inhalers); 916-a (student self-administration of epinephrine); 916-b (students with diabetes); 919 (provide and maintain nebulizers); 921 (epinephrine auto-injectors; training of unlicensed personnel); 922 (naloxone); 6527 (emergency treatment: anaphylaxis; naloxone); 6909 (emergency treatment: anaphylaxis; naloxone)  
Public Health Law §§613 (annual survey); 2164 (immunization requirements); 3000-c (emergency epinephrine); 3309 (naloxone)  
8 NYCRR §§ 64.7 (anaphylaxis; naloxone); 135.4 (Physical Education); Part 136 (school health services program; concussion, anaphylaxis, medication, naloxone)  
10 NYCRR Part 66-1 (immunization requirements); § 80.138 (naloxone)

*Guidelines for Medication Management in Schools*, State Education Department, December 2017, [www.p12.nysed.gov/sss/documents/MedicationManagement-DEC2017.pdf](http://www.p12.nysed.gov/sss/documents/MedicationManagement-DEC2017.pdf)  
*Immunization Guidelines: Vaccine Preventable Communicable Disease Control*, State Education Department, revised August 2000  
*Making the Difference: Caring for Students with Life-Threatening Allergies*, New York State Department of Health, New York State Education Department, New York Statewide School Health Service Center, June 2008  
*Concussion Management Guidelines and Procedures*, [www.nysphsaa.org](http://www.nysphsaa.org)  
*New Policy for Stocking Albuterol Metered Dose Inhalers (MDIs)*, State Education Department, August 2011, [www.p12.nysed.gov/sss/schoolhealth/schoolhealthservices/Albuterol2011memo.pdf](http://www.p12.nysed.gov/sss/schoolhealth/schoolhealthservices/Albuterol2011memo.pdf).

Adoption date: February 6, 2019  
Revision date: August 14, 2019,  
September 6, 2020

## STUDENT HEALTH SERVICES REGULATION

This regulation provides specific details about major areas of the district’s student health services, such as immunization, medications, medical exams, medical care, emergency records, and return to school after injury/illness. For purposes of this regulation, the McKinney-Vento liaison will assist homeless students covered by that law in accessing school health services. District regulation 5151-R covers unaccompanied youth who lack otherwise required parent/guardian permission.

### A. Immunization Against Communicable Diseases

Under state Public Health Law 2164, in order to be enrolled in or attend district schools, children must be fully immunized against certain communicable diseases. Those diseases are: poliomyelitis, mumps, measles, diphtheria, rubella, varicella (chicken pox), hepatitis B, pertussis, tetanus, and, where applicable, Haemophilus influenzae type b (Hib), pneumococcal disease, and meningococcal disease.

“Fully immunized” means that the child has either (1) received the required vaccinations for these diseases as set forth in state regulations; or (2) demonstrated having immunity:

- a. for measles, mumps, and rubella – by showing a positive blood test for the disease antibodies;
- b. for varicella – by showing (1) a positive blood test for the disease antibodies, (2) laboratory confirmation of the disease, or (3) verification by a doctor, nurse practitioner, or physician’s assistant that the student had the disease;
- c. for hepatitis B – by showing a positive blood test for the disease antibodies; and
- d. for poliomyelitis – by showing a positive blood test for the disease antibodies for all three types (limited to tests performed prior to 9/1/19).

Children who are not fully immunized may only be admitted to school if they (1) are in the process of receiving immunization or obtaining blood tests (as described in state law and regulations); or (2) have been granted a medical exemption.

Medical exemptions may be issued if immunization is detrimental to a child’s health. Medical exemptions must be on the medical exemption form approved by the New York State Department of Health or the New York City Department of Education, signed by a physician licensed to practice medicine in New York State indicating the specific immunization, the medical contraindication, and the length of time the exemption is for. Medical exemptions

must be re-issued annually to remain valid. The Building Principal may require supporting documents for medical exemptions.

All students must present appropriate documentation of their immunization status, as set forth in the Regulations of the Commissioner of Health 10 NYCRR Subpart 66-1. Homeless students will be admitted to school even if they do not have the required immunization records, but may be temporarily excluded if they show actual symptoms of a communicable disease that poses a significant risk of transmission to others.

The Building Principal may permit students without adequate documentation to attend school up to 14 calendar days while the parent/guardian furnishes the necessary documents. This time period may be extended to 30 days for students transferring from another state or country, as long as they show a good faith effort to obtain the necessary documentation, or the child has received at least the first dose in an immunization series and has scheduled appointments to complete the series according to the recommended age schedules.

District schools may access the New York State Immunization Information System (NYSIIS) or the New York City Citywide Immunization Registry (CIR) to verify the immunization history of students entering or registered in that school.

When a child is excluded from school for immunization reasons, the Building Principal must notify the parent/guardian of their responsibility to have the child immunized, and the public resources available for doing so. The Principal must also notify the local health authority of the child's name and address and the immunization(s) the child lacks, and cooperate with that authority to provide a time and place for the required immunization(s) to be administered.

The district will maintain a list of all students who have been exempted from immunization for medical reasons, or who are in the process of receiving immunization, and will exclude such students from school when so ordered by the Commissioner of Health, in the event of an outbreak in school of the vaccine-preventable diseases listed in Public Health Law 2164 and the first paragraph of this section. The district will provide additional protections to students who are otherwise medically vulnerable. Students who are excluded or additionally protected will be provided with alternate instruction or remote learning opportunities to continue their education.

When a student transfers out of the district, the parent/guardian will be provided with an immunization transfer record showing the student's current immunization status which will be signed by the school nursing personnel or the school physician. A transcript or photocopy of the immunization portion of the cumulative health record will be provided to the new educational institution upon request.

## B. Administering Medication to Students in School

The administration of prescribed medication to a student during school hours is permitted only when the medication is necessary to allow the student to attend school or failure to administer the medication would seriously affect the student's health.

Parent(s) or guardian(s) must present the following information:

1. a written order from a NYS licensed health care provider (e.g. physician, nurse practitioner or physician assistant) containing the following: student's name, the date and name of the medicine, dosage and time to be administered, and list of possible side effects; and
2. A written note from the parent/guardian giving appropriate licensed school personnel permission to administer the medication to their child during school or for trained unlicensed personnel to assist their child in taking their own medication.

### Students who may carry and use certain medications

Students are permitted to self-administer medication under certain circumstances, in accordance with state law and regulation. A student is authorized to carry and use the following medications: rescue inhaler, epinephrine auto-injector, insulin, glucagon (and associated diabetes testing supplies), if the following conditions are met:

1. An authorized medical provider must provide written permission that includes an attestation that the student's diagnosis requires the medication; the student has demonstrated that they can self-administer the prescribed medication effectively; the name of the medication, the dose, the times when it is to be taken, the circumstances which may warrant use and the length of time during which the student may use it.
2. Written parental permission.

If a student is authorized to carry and use medication as described above, the parent/guardian is permitted to give extra medication and supplies that the district will maintain in accordance with the written directions submitted by the authorized medical provider. Such extra medication and supplies will be readily accessible to the student.

All documents pertaining to student medication will be kept on file in the nurse's office.

The school nurse will develop procedures for the administration of medication, which require that:

1. all medications will be administered by a licensed person unless the child is a “supervised student” (able to self-administer with assistance and supervision) or an “independent student” (able to self-administer and self-carry);
2. medications, other than as noted above, will be securely stored in the office and kept in their original labeled container, which specifies the type of medication, the amount to be given and the times of administration;
3. the school nurse will maintain a record of the name of the student to whom medication may be administered, the prescribing physician, the dosage and timing of medication, and a notation of each instance of administration; and
4. all medications will be brought to school by the parent(s) or guardian(s) and picked up by the parent(s) or guardian(s) at the end of the school year or the end of the period of medication, whichever is earlier. If not picked up within five days of the period of medication, the medication will be discarded.

An adult must bring the medication to school in the original container. The administering staff member should clearly label the medication with the time to be given and dosage.

Sunscreen. Students are permitted to carry and apply sunscreen without a medical provider’s order under the following conditions:

1. the sunscreen is used to avoid overexposure to the sun and not for medical treatment of an injury or illness, if sunscreen is required to treat a medical condition, the procedures for administering medication (above) apply;
2. the sunscreen is FDA approved for over the counter use;
3. the student’s parents or guardians provide written permission annually for the student to carry and use the sunscreen.

The school nurse will keep written permission for students on file and develop procedures pertaining to this policy.

#### Administering Medication on Field Trips and At After-School Activities

Taking medication on field trips and at after-school activities is permitted if a student is an “independent student” described above in administering their own medication. On field trips or at other after-school activities, teachers or other school staff may carry the medication (if the student does not need it on hand for rapid administration) so that the independent student can take it at the proper time. If a student is a “supervised student” described above, unlicensed school personnel who have been trained by a licensed school health professional may assist the student in taking his/her medication. The student’s parent/guardian, if attending the trip, may also perform these activities, but may not be required to do so.

If a student is “nurse dependent” (i.e., requires a licensed health professional to administer their medication), then the student must have their medication administered by a licensed health professional, or the district may:

- permit the parent or guardian to attend the activity and administer the medication.
- permit the parent to personally request another adult friend or family member to voluntarily administer the medication on the field trip or activity and inform the school district in writing of such request.
- allow the student’s health care provider to be consulted and, as the provider permits, order the medication time to be adjusted or the dose eliminated.

If no other alternative can be found, the trip will be canceled or rescheduled.

### Administering Epi-Pen in Emergency Situations

The administration of epinephrine by epi-pen has become an accepted and extremely beneficial practice in protecting individuals subject to serious allergic reactions (e.g., individual has an anaphylactic reaction to a wasp sting or the ingestion of peanut butter).

Pursuant to Commissioner’s regulations, registered professional nurses may carry and administer agents used in non-patient specific emergency treatment of anaphylaxis.

Additionally, the district will stock epinephrine auto-injectors to be used on any student or staff member having symptoms of anaphylaxis, whether or not there is a previous history of severe allergic reaction. The medical director will oversee use of the auto-injectors, ensuring that designated staff are appropriately trained. However, any school personnel may be directed in a specific instance to use an auto-injector by the nurse or medical director.

In addition, pursuant to SED guidelines, school nurses may provide training to unlicensed school staff in administering epi-pens, epinephrine auto-injectors and glucagon prescribed by a licensed medical provider, to a child who has been diagnosed with the associated disease in accordance with the process described in this policy and regulation.

Use of Albuterol Metered Dose Inhalers. Students diagnosed with asthma whose personal albuterol prescription is empty may receive an emergency dose of school-stocked albuterol under the following conditions:

- The student has a prescription ordering albuterol MDI or nebulized albuterol from their licensed health care provider which must include an order allowing the student to use the school’s stocked albuterol MDI if their personal prescription is empty;

- The student's parent/guardian must provide written permission for the student to be administered dosing from the school's stocked albuterol MDI if their personal prescription is empty;
- The school's stock supply of albuterol is not to be used in place of the parent/guardian providing the medication for their child to the school. The school's stock supply is for use only in the event that the student's personal supply is empty while awaiting the parent/guardian to provide the school with a new one; and
- The student must have their own labeled spacer, tubing and facemask, or mouthpiece provided by the parent/guardian that is used when administering their own or the school's stock albuterol MDI.

Specific procedures will be developed by school health personnel that will outline the following:

1. The process for obtaining and replacing the stock albuterol;
2. The maintenance and cleaning of the school's stock MDI and nebulizer; individual students' MDIs and spacers; and/or students nebulizer tubing, facemask or mouthpiece;
3. The protocol for informing parents that the school stock albuterol was used; and
4. The protocol for informing parents/guardians of the need for replacement of their child's albuterol medication along with any district imposed deadlines for doing so.

This procedure will be approved by both the district medical director and the board of education.

### C. Student Medical Exams

In accordance with Sections 903 and 904 of the state Education Law, each student will have a physical exam given by the school doctor or licensed health provider (including a physician, physician assistant or nurse practitioner) upon entrance to school and upon entering pre-kindergarten or kindergarten, and first, third, fifth, seventh, ninth, and eleventh grades. Findings are to be kept on record at the school on forms that can be obtained from the school nurse. In addition, the school will request a dental health certificate according to the same schedule.

A student may be excluded from the medical examination requirements because the child's parent/guardian holds a genuine and sincere religious belief which is contrary to medical examinations. The request for exemption must be in writing to the principal or designee.

In the event that the student's medical history reveals that they have a known life-threatening allergy, the school nurse, in conjunction with the family, student, child's teacher, and other appropriate staff, will develop and implement an individual health care plan which will guide prevention and response.

The district will work with students in the self-management of their life-threatening allergy, or other chronic health conditions, by:

1. Adequately training staff involved in the care of the child.
2. Assuring the availability of the necessary equipment and/or medications.
3. Providing appropriately licensed and trained persons on school premises, as required by law.
4. Providing ongoing staff and student education.

D. Illness or Injury in School

If a student becomes ill or injured in school:

1. The nurse will determine if the student should receive further medical attention, remain in the nurse's office, or return to class.
2. The nurse will call the parent, guardian or designated emergency contact if they feel the student should go home. In general, a parent or guardian will pick up the student from school.
3. The nurse will contact the Building Principal if they feel the child should be transported by bus to the home.
4. If there is to be a change in bus routing in order to carry the student home, that decision will be made by the administrator and the transportation supervisor.
5. If the route is to be changed, the transportation supervisor will inform the bus driver.
6. If no parent, guardian or designated emergency contact picks up the student at school, or if no parent/guardian or designated emergency contact will be home, the student will remain in the nurse's office until such time as a parent, guardian or designated emergency contact becomes available to assume responsibility for the child.
7. While in the nurse's office, to the extent possible, students showing symptoms of communicable diseases will be kept separate from students with non-transmissible illness or injuries, and the district will take measures necessary to minimize disease transmission (e.g., physical barriers, face coverings, heightened hygiene procedures).
8. If the nurse determines that the child can return to class, but needed some type of medical attention (i.e., a bandage for a minor scratch, a brief rest, etc.), the nurse will notify the parent using district form 5420-E.1.
9. The nurse will maintain appropriate records of all student visits.

The district permits the administration of opioid antagonists, such as naloxone, to prevent opioid overdose, pursuant to policy 8121.1, Opioid Overdose Prevention. District staff must follow all regulations regarding the storage, accessibility, administration, recordkeeping, and reporting of naloxone use.

E. Medical Emergency Record

All students will have on file a medical emergency record which states the name and telephone numbers of the following:

1. the student's parent(s) or guardian(s) at home and work;
2. the student's next of kin;
3. a neighbor;
4. the student's licensed health care provider;
5. preferred hospital;
6. any allergies or serious health conditions.

Students diagnosed with diabetes will have a written diabetes management plan maintained as part of the student's cumulative health record. The management plan will be developed in accordance with state regulation and district procedures. Students diagnosed with asthma or other respiratory disease requiring a rescue inhaler, students diagnosed with life-threatening allergy or diabetes may have an emergency action plan maintained as part of the student's cumulative medical record. The emergency action plan will be developed in accordance with state regulation and district procedures.

#### F. Student Return to School after Illness/Injury

In general, students should be symptom-free before returning to school and resuming normal activities. In the case of communicable diseases, students must no longer be contagious. In some instances, students may be asked to provide a note from their licensed health care provider or meet specific indicators before they return to school or participate in the full range of school activities. The final decision to permit participation rests with the school physician. The Superintendent, in consultation with public health authorities, the school physician, nurse and other appropriate staff, will develop protocols to address a student's return to activities when there has been a serious illness or injury.

Adoption date: February 6, 2019

Revision date: August 14, 2019,

September 16, 2020

## CONCUSSION MANAGEMENT

The Board of Education recognizes that concussions and head injuries are commonly reported injuries in children and adolescents who participate in sports and recreational activity and can have serious consequences if not managed carefully. A sports concussion or Mild Traumatic Brain Injury (MTBI) is any injury to the brain as a result of traumatic forces such as a direct blow to the head, face, neck or body. Signs and symptoms include but are not limited to loss of consciousness, dizziness, headache, vomiting, blurred vision, amnesia, convulsions and seizures as well as personality changes, short-term memory deficits and difficulties with problem solving and general academic functioning in certain cases. Signs and symptoms can be subtle and may not be readily apparent to the student or other individuals without training or may not be reported by students due to the desire to continue participation and lack of awareness of the effects of concussion. The effects of repeated concussions can be cumulative and, after a concussion, there is a period in which the brain is particularly vulnerable to further injury which can result in severe injury and even death.

Therefore, it is the policy of this District to support the proper evaluation and management of head injuries and concussions, whether as a result of participation in sports (interscholastic athletics and intramurals) and other school-related activities or attendance in school. It is the further policy of this District that it shall require the immediate removal of a student who is believed to have suffered or is determined to have suffered a concussion from return to play, practice or participation in physical education classes, recess and other athletic activities until he or she has been evaluated and cleared by a licensed physician and has been symptom free for at least 24 hours (returning to practice or play, or other participation after remaining symptom free for at least 24 hours and after being evaluated and receiving written, signed authorization from a licensed physician.) Prior to return to practice or play, or other participation, the School Nurse must receive a written and signed physician's statement that the student has been asymptomatic for at least 24 hours along with any other notations regarding limitations and restrictions. The note will be kept in the student's medical file. For purposes of this policy, the school district's Chief Medical Officer has the final authority to determine whether or not a student may return to practice or play, or other participation.

### Concussion Management Team

In recognition of the importance of appropriately managing head injuries, the Board authorizes the creation of a Concussion Management Team (CMT). The CMT will be comprised of athletic director, a school nurse, a physical education teacher, a coach, the district's athletic trainer and other appropriate personnel designated by the Superintendent. The CMT is charged with overseeing compliance with state training requirements, developing guidelines for use by coaches and physical education teachers and developing information for distribution to parents and students.

All district coaches (including volunteer coaches), physical education teachers, nurses, the Athletic Trainer and the Athletic Director will be required to participate in a course of instruction regarding the recognition and management of concussions on a biennial basis as required by Section 136.5 of the Commissioner's Regulations.

The district will annually provide information for parents and students regarding concussions, including but not limited to: (1) the definition of the term "concussion"; (2) signs and symptoms of simple and complex concussions; (3) how these injuries occur; and (4) guidelines for return to school and athletic, physical education or other activity participation after suffering a concussion. This information will be made available on the District website as well as communicated to parents and students, at the start of each sports season, prior to a student's participation in interscholastic athletics.

### Management

Any student who is believed to have sustained or who has sustained a concussion or other mild traumatic brain injury shall be immediately removed from the athletic or other activity and monitored. If there is any doubt as to whether a student has sustained a concussion, it will be presumed that the student has suffered a concussion until proven otherwise. In an appropriate case, 911 shall be called. The student's parents will be contacted as soon as is practicable with a recommendation for evaluation by a licensed physician and the student shall not be permitted to resume athletic activity until he or she has been symptom free for at least 24 hours, and has been evaluated and has received written and signed authorization from the District's Chief Medical Officer. This authorization shall be kept on file in the student's permanent health record. The District's Chief Medical Officer has the final authority to decide whether or not the student may return to practice or play, or other participation.

### Reporting

All incidences of concussion or suspected concussion shall be immediately reported by the coach, advisor or other supervising staff member to the District Health Office and Athletic Director within 24 hours. This person shall complete and file a written incident report no later than the following school day.

If a student sustains a concussion at a time other than when in school or engaged in a school sponsored activity, the District expects the parent/guardian to report the condition to the School Nurse and/or the coach so that the District can support the appropriate management of the condition.

The Superintendent shall develop procedures, in collaboration with the Athletic Director and School Physician, to implement this policy, consistent with the "Guidelines for Concussion Management in the School Setting" New York State Education Department, June 2012.

Adoption date: February 6, 2019

## **AUTOMATED EXTERNAL DEFIBRILLATORS**

The Board of Education recognizes that cardiac emergencies may arise that justify the use of an Automated External Defibrillator (AED). To this end, the district shall provide and maintain AED equipment for use by qualified personnel.

The Board shall designate the School Physician to serve as an Emergency Health Care Provider to monitor the program and ensure that all designated responders are properly trained and that AEDs are properly maintained. The district and the Emergency Health Care Provider shall develop a written collaborative agreement which contains all the provisions for administration and use of this equipment including training requirements, location of AED units, the maintenance and inspection of AEDs, the identification of local emergency response providers and assurances that 911 will be called immediately for emergency assistance.

The Superintendent of Schools shall ensure that AED equipment is available on-site in each instructional school facility in quantities adequate to ensure ready and appropriate access for use during emergencies. School administrators shall ensure the presence of at least one staff person who is trained in the operation and use of an AED:

- whenever public school facilities are used for school-sponsored or school-approved curricular or extracurricular events or activities, or
- whenever a school-sponsored athletic contest is held at any location.

Where a school-sponsored competitive athletic event is held at a site other than a public school facility, the public school officials must assure that AED equipment is provided on-site.

Ref: Education Law §§912; 917  
Public Health Law §§3000-a(2); 3000-b  
Cardiac Automated External Defibrillators (AEDs) in Public School Facilities, Office of Regional and School and Community Services, State Education Department, July 2002

Adoption date: February 6, 2019

## NOTIFICATION OF SEX OFFENDERS

The Board of Education acknowledges the efforts of local law enforcement to notify the district when a person with a history of sex offenses against a child is being paroled or released into the community, in accordance with the provisions of the Sex Offender Registration Act, commonly known as Megan's Law. The purpose of this notification is to protect members of the community, particularly children, by notifying them of the presence of individuals in their midst who may present a danger. Consistent with its duty to protect students under its care, the district shall cooperate with local law enforcement agencies in this endeavor.

Any information provided by local law enforcement officials pursuant to Megan's Law shall be posted in an appropriate location in all school buildings. In addition, the Superintendent of Schools shall ensure the dissemination of any such information to all staff who might come into contact with the offender in the course of doing their jobs, including Building Principals, staff who issue visitors' passes, bus drivers, custodians, playground monitors, security personnel, and coaches. All other staff members and community residents shall be informed of the posting requirement for such information established by this policy and of the availability of the information, upon request. Community residents shall also be reminded of the security measures and personal safety instruction provided at school. All staff requests for information provided by the law enforcement agencies shall be directed to the Building Principal. Requests for information from community residents shall be directed to the District Clerk.

The Superintendent shall establish any necessary regulations for implementing this policy with the advice of the school attorney.

Ref: Correction Law, Article 6-C (Sex Offender Registration Act)  
*Doe v. Pataki*, 3 F. Supp. 2d 456 (SDNY 1998)  
*Doe v. Pataki*, 120 F. 3d 1263 (2d. Cir. 1997), *cert. denied*, 522 U.S. 1122 (1998)

Adoption date: February 6, 2019

## STUDENT AUTOMOBILE USE

The Board of Education regards the use of motor vehicles for travel to and from school by students as an assumption of responsibility on the part of those students; a responsibility in the care of property, in the observation of safety rules and in the display of courtesy and consideration toward others.

In order for a student to be allowed to drive to school daily, he/she must possess valid driver's license.

The Board permits the use of motor vehicles by students in accordance with the rules of the District.

Students are required to have administrative permission before they drive on school grounds by registering their motor vehicle with the Main Office. Students are required to observe the parking lot speed limit and are required to park in the student area of the parking lot. Student driving permission forms must be signed by the student, the student's parent/guardian and the High School Principal and submitted to the Main Office. Attendance at a CAPE presentation by the student and an accompanying parent is a requirement for the student to attain driving privileges on school grounds. While on school property, student owned vehicles are subject to inspection for weapons and illegal contraband that are in plain view, as well as to compartmental searches when the school authorities have reasonable suspicion to believe that weapons or illegal contraband are concealed within the vehicle. Students may not use their cars or go to the parking lot without permission from the Main Office once they report to school until the school day is over. Violations of the above procedures will result in the following penalties:

Violations of the above procedures will result in the following penalties:

- a. First Offense: The student will be prohibited from bringing a vehicle to the school grounds for a period of one month.
- b. Second Offense: The student will be prohibited from bringing a vehicle to the school grounds for the remainder of the school year, or six (6) school months (whichever is longer).

### Student Transportation to and from BOCES Vocational Programs

Students enrolled in the BOCES vocational program are provided transportation to and from the technical center on Salt Point Road by the Pine Plains Central School District. The following are two circumstances for which a student may request to drive to and from the BOCES technical center:

- a. A student who participates in an athletic program may wish to return for practice or an athletic contest in a more timely manner than the bus allows.
- b. A student who is employed after school may be scheduled to arrive at work before the bus would allow him or her to do so.

In these cases, the student must submit a form (available in the Main Office) requesting permission to drive to and from the BOCES site. The permission form must be signed by the student, his or her parent/guardian, the High School Principal and the BOCES Principal before a student may drive to BOCES. No passengers are allowed to travel with students who drive to BOCES. Only students in the afternoon BOCES program are eligible to request driving privileges, as morning BOCES students return to school for afternoon classes. Special circumstances may exist whereby a morning BOCES student may request a per diem permission from the High School Principal to drive to BOCES. Such requests must be signed by the student's parent/guardian and submitted to the High School Principal prior to the requested date.

Misuse of driving privileges may lead to revocation of the parking permit.

The Board will not be responsible for motor vehicles which are lost, stolen or damaged.

Cross-ref: 8240, Operation of Motor-Driven Vehicles on District Property

Adoption date: February 6, 2019

## **CHILD ABUSE, MALTREATMENT OR NEGLECT IN A DOMESTIC SETTING**

The Board of Education recognizes that because of their sustained contact with school-aged children, employees are in an excellent position to identify abused, maltreated or neglected children and refer them for treatment and protection. The Board further recognizes the specific dictates of law which require school officials to report suspected instances of child abuse, maltreatment (which includes neglect) in a domestic setting.

The purpose of mandatory reporting is to identify suspected abused and maltreated children as soon as possible, so that such children determined to be abused or maltreated can be protected from further harm and, where appropriate, can be offered services to assist him or her and his or her family.

School officials, who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment, must immediately report this to the New York State Central Register for Child Abuse and Maltreatment (Central Register), as required by law. No conditions may be imposed which limit their responsibility to report. A school official is defined as:

- Teacher
- Guidance counselor
- Psychologist
- Nurse
- Social Worker
- Full or part-time paid athletic coach
- Administrator
- Any school personnel required to hold a teaching or administrative license or certificate.

The school official will also report the matter to the Building Principal.

The report shall be made by telephone or by telephone facsimile machine on a form supplied by the Commissioner of Social Services. A written report shall be made within forty-eight hours to the appropriate local child protective service, and to the statewide Central Register.

School employees who are not school officials, as defined above, but who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment are encouraged to report to the Central Register. However, the school employee must report the matter to the Building Principal. If the matter has not yet been reported to the Central Register, the Building Principal shall make the report, in accordance with state law. In being required to file such report, the Building Principal does not have discretion.

School employees or officials may not contact the child's family or any other person to determine the cause of the suspected abuse or maltreatment. It is not the responsibility of the school official or employee to prove that the child has been abused or maltreated.

Any school official or employee who has cause to suspect that the death of any child is a result of child abuse or maltreatment must report that fact to the appropriate medical examiner or coroner.

In accordance with the law, any school official who fails to report an instance of suspected child abuse or maltreatment may be guilty of a Class A misdemeanor and may be held liable for the damages caused by the failure to report. The law grants immunity to persons who, in good faith, report instances of child abuse from any liability.

School employees will not be subject to retaliatory action, as defined in state law, as a result of making a report when they reasonably suspect that a child has been abused or maltreated.

The Board recognizes that knowingly reporting a false claim of child abuse is a violation of state law and this policy acknowledges that it is a crime to do so. The district will make every reasonable effort to ensure the integrity of the district's child abuse reporting process and procedure.

#### School District Relationship with Local Social Service District

The school district will cooperate to the extent possible with authorized child protective services workers in investigations of alleged child abuse. The Superintendent, or his or her designee, will represent the district when collaborating with local social service agencies to address instances of abuse or maltreatment, and in the development of policy and procedures regarding abuse or maltreatment (including educational neglect). In addition, the Superintendent will share a copy of the district's attendance policy, 5100, with the local social service district.

The school district shall maintain an ongoing training program which will address the identification and reporting of child abuse and maltreatment, including the legal implications of reporting and not reporting. Attendance at sessions of this training program shall be required of all school officials.

Attendance records shall be kept, and notations will be made in personnel files as to the dates of attendance.

The Superintendent shall develop, with input from appropriate personnel, a plan for implementation of such a training program, to be approved by the Board. In addition, the policy and regulations will be included in all employee handbooks and distributed annually to all school officials who are not covered under existing

handbooks. The Superintendent will prepare and implement all regulations as are necessary to accomplish the intent of this policy

Cross-ref: 5100, Attendance

Ref: Child Protective Services Act of 1973, Social Services Law §§411 et seq.  
Social Services Law §34-a  
Family Court Act §1012  
Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, 45 CFR §99.36  
Education Law §§3209-a, 3036  
Penal Law 240.50

Adoption date: February 6, 2019

## **CHILD ABUSE, MALTREATMENT OR NEGLECT IN A DOMESTIC SETTINGREGULATION**

New York State Law (Child Protective Service Act of 1973, as amended) provides for reporting of suspected cases of child abuse by school officials. These regulations are designed to implement this law within the district and to help protect students from the harmful effects of child abuse.

### Definitions

The definition of child abuse and maltreatment is established by law.

Abused Child, according to Social Services Law and the Family Court Act, is a child less than 18 years of age whose parent or other person legally responsible for his or her care:

1. inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; or
2. creates or allows to be created a substantial risk of physical injury to such a child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ; or
3. commits, or allows to be committed, a sex offense against such child, as defined in the penal law, provided, however, that the corroboration requirements contained therein shall not apply to proceedings under this article.

Neglected or maltreated child, according to the Family Court Act, is a child less than 18 years of age:

- a. whose physical, mental, or emotional condition has been impaired or is in danger of becoming impaired as a result of the failure of his or her parents or other person legally responsible for his care to exercise a minimum degree of care:
  - (1) in supplying the child with adequate food, clothing, shelter, or education in accordance with provisions of Part One, Article 65 of the Education Law, or medical, dental, optometrical or surgical care though financially able to do so or offered financial or other reasonable means to do so; or

In order for a report of educational neglect to be accepted, three elements need to be established:

- a. Excessive absence from school by the child
  - b. Reasonable cause to suspect that the parent is aware or should have been aware of the excessive absenteeism and the parent has contributed to the problem or is failing to take steps to effectively address the problem, and;
  - c. Reasonable cause to suspect educational impairment or harm to the child or imminent danger of such impairment or harm.
- (2) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or by using a drug or drugs; or by using alcoholic beverages to the extent that he/she loses self-control of his/her actions; or by any other acts of a similarly serious nature requiring the aid of the court; or
- b. who has been abandoned by his/her parent(s) or other person legally responsible for his/her care.

Person legally responsible includes the child's custodian, guardian, or any other person responsible for the child's care at the relevant time. Custodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

Impairment of emotional health and impairment of mental or emotional condition includes a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as failure to thrive, control of aggressive or self-destructive impulses, ability to think and reason, or acting out of misbehavior, including incorrigibility, un-governability, or habitual truancy; provided, however, that such impairment must be clearly attributable to the unwillingness or inability of the parent, guardian, or custodian to exercise a minimum degree of care toward the child.

Reporting procedures and related information:

1. All school officials must, when they have reasonable cause to suspect that a child is abused or maltreated, report it to the New York State Central Register for Child Abuse and Maltreatment (800-342 3720). A school official, under state law, is defined as:

Teacher  
Guidance counselor

Psychologist  
 Nurse  
 Social Worker  
 Full or Part-time athletic coach  
 Administrator

Any school personnel required to hold a teaching or administrative license or certificate.

Personnel have the right to request that information which would identify the individual making the report be withheld if furnishing such data might prove detrimental to the safety or interest of that individual.

2. The school official must also report the matter to the Building Principal who will determine if any additional steps need to be taken by the school district (for instance, contacting the school physician, social worker or other support services).
3. In the event that a school employee, who is not required to report under the law (such as a bus driver, custodian, cafeteria monitor, etc.), has reasonable cause to suspect that a child is abused or neglected, he/she is encouraged to make a report to the Central Register. The employee must, by district policy, report the matter to the Building Principal.
4. If the Building Principal is informed of a case of suspected child abuse or maltreatment that has not yet been reported to the Central Register, the Building Principal is required to:
  - (a) phone the New York State Central Register for Child Abuse and Maltreatment (800-342 3720) and inform them verbally of the problem; or
  - (b) contact the above agency by telephone facsimile machine on a form supplied by the Commissioner of Social Services; and
  - (c) file a written report with the local child protective services agency and the Central Register within forty-eight hours after the above report; and,
  - (d) determine if additional steps need to be taken by the school district, as outlined in step 2 above.
5. The Building Principal may take color photographs or cause photographs to be taken of the areas of visible trauma on the child, and/or, if medically indicated, cause an examination to be performed. Such actions may be performed at public expense if they will provide appropriate documentation when filing the report. Photographic equipment shall be kept at the school and be available for this purpose.

6. The written report that must be filed shall include all information which the Commissioner of Social Services may require.
7. If it should be necessary for Child Protective Services to interview a child at school to ascertain whether he/she has been abused or maltreated, or to obtain documentation of such acts, the interview should be conducted in the presence of a school official, unless circumstances require otherwise. The school official shall examine and verify the credentials of Child Protective Services worker(s) before allowing such worker(s) to either interview the child or to examine the child's records. If sexual abuse is indicated, the presence of a same-sex staff member during the interview is appropriate.
8. The Building Principal shall request a summary report of the investigation of a case referred to Child Protective Services so the district can take appropriate next steps.
9. The district shall maintain an ongoing training program which will address identification and reporting of child abuse and maltreatment. Attendance at sessions of this training program shall be required of all school officials and mandated annually to all staff.
10. Employee handbooks shall include a copy of these regulations and the related Board policy concerning child abuse and reporting requirements.
11. Only one report of any suspected abuse is required.
12. School personnel who, in good faith, make a report or take photographs of injuries and bruises have immunity from any liability, civil or criminal. The good faith of any person required to report cases of child abuse or maltreatment is presumed.
13. School personnel who have reasonable cause to suspect that a child has died as a result of child abuse or maltreatment shall report that fact to the appropriate medical examiner or coroner.
14. Any person required to report suspected cases of child abuse or maltreatment and who fails to do so may be found guilty of a class A misdemeanor and may be held civilly liable for the damages caused by this failure.
15. Any school employee who fails to comply with this policy is subject to discipline in accordance with collective bargaining agreements and/or policy.

Adoption date: February 6, 2019

## STUDENT RECORDS

The Board of Education recognizes its legal responsibility to maintain the confidentiality of student records. As part of this responsibility, the Board will ensure that eligible students and parents/guardians have the right to inspect and review education records, the right to seek to amend education records and the right to have some control over the disclosure of information from the education record. The procedures for ensuring these rights will be consistent with state and federal law, including the Family Educational Rights and Privacy Act of 1974 (FERPA) and its implementing regulations.

The Board also recognizes its responsibility to ensure the orderly retention and disposition of the district's student records in accordance with Schedule ED-1 as adopted by the Board in policy 1120.

The District will use reasonable methods to provide access to student educational records only to those authorized under the law and to authenticate the identity of the requestor. The district will document requests for and release of records, and retain the documentation in accordance with law. Furthermore, pursuant to Chapter 56 of the Laws of 2014, the district will execute agreements with third-party contractors who collect, process, store, organize, manage or analyze student personally identifiable information (PII) to ensure that the contractors comply with the law in using appropriate means to safeguard the data.

The Superintendent of Schools is responsible for ensuring that all requirements under law and the Commissioner's regulations are carried out by the district.

### Definitions

**Authorized Representative:** an authorized representative is any individual or entity designated by a State or local educational authority or a Federal agency headed by the Secretary, the Comptroller General or the Attorney General to carry out audits, evaluations, or enforcement or compliance activities relating to educational programs.

**Education Record:** means those records, in any format, directly related to the student and maintained by the district or by a party acting on behalf of the district, except:

- (a) records in the sole possession of the individual who made it and not accessible or revealed to any other person except a substitute (e.g. memory joggers);
- (b) records of the district's law enforcement unit;
- (c) grades on peer-graded papers before they are collected and recorded by a teacher.

Eligible student: a student who has reached the age of 18 or is attending postsecondary school.

Legitimate educational interest: a school official has a legitimate educational interest if they need to review a student's record in order to fulfill their professional responsibilities.

Personally identifiable information (PII): as it pertains to students, is information that would allow a reasonable person in the school or its community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. Such data might include social security number, student identification number, parents' name and/or address, a biometric record, etc. This term is fully defined in federal regulations at 34 CFR 99.3.

School official: a person who has a legitimate education interest in a student record who is employed by the district as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a member of the Board of Education; a person or company with whom the district has contracted to perform a special task (such as attorney, auditor, medical consultant or therapist); or a parent or student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official performing their tasks. The district prohibits volunteers from accessing student information. The district expects that if volunteers discover any information about students in the course of their volunteer duties, they will not re-disclose such information to anyone other than a school official with a legitimate educational interest.

Third party contractor: is any person or entity, other than an educational agency (which includes schools, school districts, BOCES, or the State Education Department), that receives student or teacher/principal PII from an educational agency pursuant to a contract or other written agreement for purposes of providing services to such educational agency, including but not limited to data management or storage services, conducting studies for or on behalf of such educational agency, or audit or evaluation of publicly funded programs. This includes educational partnership organizations that receive student or teacher/principal PII from a school district to carry out responsibilities under Education Law §211-e (for persistently lowest-achieving schools or schools under registration review) and is not an educational agency. This also includes not-for-profit corporations or other nonprofit organizations, other than an educational agency.

### Annual Notification

At the beginning of each school year, the district will publish a notification that informs parents, guardians and students currently in attendance of their rights under FERPA and New York State Law and the procedures for exercising those rights. A 'Parents' Bill of Rights for Data Privacy and Security' will be posted on the district website and included in any agreements with third-

party contractors.(see 8635-E) The notice and ‘Bill of Rights’ may be published in a newspaper, handbook or other school bulletin or publication. The notice and ‘Bill of Rights’ will also be provided to parents, guardians, and students who enroll during the school year.

The notice and Parents’ Bill of Rights will include a statement that the parent/guardian or eligible student has a right to:

1. inspect and review the student’s education records;
2. request that records be amended to ensure that they are not inaccurate, misleading, or otherwise in violation of the student’s privacy rights;
3. consent to disclosure of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent; and
4. file a complaint with the United States Department of Education alleging failure of the district to comply with FERPA and its regulations; and/or file a complaint regarding a possible data breach by a third party contractor with the district and/or the New York State Education Department’s Chief Privacy Officer for failure to comply with state law.

The annual notice and Parents’ Bill of Rights will inform parents/guardians and students:

1. that it is the district’s policy to disclose personally identifiable information from student records, without consent, to other school officials within the district whom the district has determined to have legitimate educational interests. The notice will define ‘school official’ and ‘legitimate educational interest.’
2. that, upon request, the district will disclose education records without consent to officials of another school district in which a student seeks to or intends to enroll or is actually enrolled.
3. that personally identifiable information will be released to third party authorized representatives for the purposes of educational program audit, evaluation, enforcement or compliance purposes.
4. that the district, at its discretion, releases directory information (see definition below) without prior consent, unless the parent/guardian or eligible student has exercised their right to prohibit release of the information without prior written consent. The district will not sell directory information.
5. that, upon request, the district will disclose a high school student’s name, address and telephone number to military recruiters and institutions of higher learning unless the parent or secondary school student exercises their right to prohibit release of the information without prior written consent.
6. of the procedure for exercising the right to inspect, review and request amendment of student records.
7. that the district will provide information as a supplement to the ‘Parents’ Bill of Rights’ about third parties with which the district contracts that use or have access to personally identifiable student data.

The district may also release student education records, or the personally identifiable information contained within, without consent, where permitted under federal law and regulation. For a complete list of exceptions to FERPA's prior consent requirements see accompanying regulation 5500-R, Section 5.

The district will effectively notify parents, guardians and students who have a primary or home language other than English.

In the absence of the parent or secondary school student exercising their right to opt out of the release of information to the military, the district is required to, under federal law, release the information indicated in number five (5) above.

### Directory Information

The district has the option under FERPA of designating certain categories of student information as "directory information." The Board directs that "directory information" include a student's:

- Name
- ID number, user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems (only if the ID cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the student's identity),
- Address (except information about a homeless student's living situation, as described below)
- Telephone number
- Date and place of birth
- Major course of study
- Participation in school activities or sports
- Weight and height if a member of an athletic team
- Dates of attendance,
- Degrees and awards received
- Most recent school attended
- Grade level
- Photograph
- E-mail address
- Enrollment status

Information about a homeless student's living situation will be treated as a student educational record, and will not be deemed directory information. A parent/guardian or eligible student may elect, but cannot be compelled, to consent to release of a student's address information in the same way they would for other student education records. The district's McKinney-Vento liaison will take reasonable measures to provide homeless students with information on

educational, employment, or other postsecondary opportunities and other beneficial activities.

Social security numbers or other personally identifiable information will not be considered directory information.

Students who opt out of having directory information shared are still required to disclose their student ID cards.

Once the proper FERPA notification is given by the district, a parent/guardian or student will have 14 days to notify the district of any objections they have to any of the “directory information” designations. If no objection is received, the district may release this information without prior approval of the parent/guardian or student for the release. Once the student or parent/guardian provides the “opt-out,” it will remain in effect after the student is no longer enrolled in the school district.

The district may elect to provide a single notice regarding both directory information and information disclosed to military recruiters and institutions of higher education.

Cross-ref: 1120, School District Records  
4321, Programs for Students with Disabilities Under IDEA and Part 89  
4532, School Volunteers  
5550, Student Privacy  
5151, Homeless Children  
8635, Information and Data Security, Breach and Notification

Ref: Family Educational Rights and Privacy Act, as amended, 20 USC 1232g; 34 CFR Part 99  
No Child Left Behind Act, 20 USC §7908 (Military Recruiter Access)  
10 USC §503 as amended by §544 of the National Defense Reauthorization Act for FY 2002  
Education Law §§ 2-a; 2-b; 2-c; 2-d; 225;  
Public Officers Law §87(2)(a)  
Arts and Cultural Affairs Law, Article 57-A (Local Government Records Law)  
8 NYCRR Part 121 (Data Privacy)  
8 NYCRR §185.12 (Appendix I) Records Retention and Disposition, Schedule ED-1 for Use by School Districts and BOCES  
“Guidance for Reasonable Methods and Written Agreements,”  
[http://www2.ed.gov/policy/gen/guid/fpco/pdf/reasonablemtd\\_agreement.pdf](http://www2.ed.gov/policy/gen/guid/fpco/pdf/reasonablemtd_agreement.pdf)  
Parents’ Bill of Rights for Data Privacy and Security, July 29, 2014:  
<http://www.p12.nysed.gov/docs/parents-bill-of-rights.pdf>

Family Policy Compliance Office/Student Privacy Policy Office website:  
<http://www2.ed.gov/policy/gen/guid/fpc/index.html>

Adoption date: February 6, 2019

Revision date: June 3, 2020

## STUDENT RECORDS REGULATION

It is recognized that the confidentiality of student records must be maintained. The terms used in this regulation are defined in the accompanying policy. The following necessary procedures have been adopted to protect the confidentiality of student records.

Section 1. Pursuant to the Family Educational Rights and Privacy Act (FERPA) and state law it is the policy of this school district to permit parents/guardians and eligible students to inspect and review any and all official records, files and data directly related to that student, including all materials that are incorporated into each student's cumulative record folder.

The rights created by FERPA and state law transfer from the parents/guardians to the student once the student attains eligible student status. However, districts can disclose information to parents of eligible students under certain circumstances, including when the student is a dependent under the IRS tax code, when the student has violated a law or the school's rules regarding alcohol or substance abuse (and the student is under 21); when the information is needed to protect the health or safety of the student or other individuals.

Section 2. Parents/guardians or the eligible student will have an opportunity for a hearing to challenge the content of the student's school records, to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

Section 3. A letter will be sent annually to parents/guardians of students currently in attendance and students currently in attendance informing them of their rights pursuant to FERPA and state law, and will include a Parents' Bill of Rights. See Exhibits 5500-E.1 and 8635-E. The district will effectively notify parents, guardians and students who have a primary or home language other than English.

Section 4. To implement the rights provided for in sections 1 and 2, the following procedures are adopted:

1. A parent/guardian or an eligible student who wishes to inspect and review student records must make a request for access to the student's school records, in writing, to the Building Principal. Upon receipt of such request, once the district verifies the identity of the parent/guardian or eligible student, arrangements will be made to provide access to such records within 45 days after the request has been received. If the record to which access is sought contains information on more than one student, the parent/guardian

or eligible student will be allowed to inspect and review only the specific information about the student on whose behalf access is sought.

1. Before providing access to student records, the district will verify the identity of the parent/guardian or eligible student.
  2. The district may provide the requested records to the parent/guardian or eligible student electronically, as long as the parent/guardian or eligible student consents. The district will transmit PII electronically in a way that maintains its confidentiality, using safeguards such as encryption and password protection.
2. A parent/guardian or an eligible student who wishes to challenge the contents of the student's school records must submit a request, in writing, to the Building Principal identifying the record or records which they believe to be inaccurate, misleading or otherwise in violation of the privacy or other rights of the student together with a statement of the reasons for their challenge to the record.
  3. Upon receipt of a written challenge, the Building Principal will provide a written response indicating either that they:
    - a. finds the challenged record inaccurate, misleading or otherwise in violation of the student's rights and that the record will be corrected or deleted; or
    - b. finds no basis for correcting or deleting the record in question, but that the parent/guardian or eligible student will be given an opportunity for a hearing. The written response by the Building Principal will be provided to the parent/guardian or eligible student within 14 days after receipt of the written challenge. The response will also outline the procedures to be followed with respect to a hearing regarding the request for amendment.
  4. Within 14 days of receipt of the response from the Building Principal, a parent/guardian or eligible student may request, in writing, that a hearing be held to review the determination of the Building Principal.
  5. The hearing will be held within 10 days after the request for the hearing has been received. The hearing will be held by the Superintendent of Schools, unless the Superintendent has a direct interest in the outcome of the hearing, in which case the Superintendent will designate another individual who does not have a direct interest in the outcome of the hearing to hold the hearing.
  6. The parent/guardian or eligible student will be given a full and fair opportunity to present evidence at the hearing. The parent/guardian or eligible student may, at their own expense, be assisted or represented by one or more individuals of their own choice, including an attorney.

7. The Superintendent or other individual designated by the Superintendent will make a decision in writing within 14 days after the hearing.
8. After the hearing, if the Superintendent or the individual designated by the Superintendent decides not to amend the record, the district will inform the parent/guardian or eligible student that they have the right to place a statement in the record commenting on the contested information or stating why they disagree with the decision of the district. Any statement placed in the record will be maintained with the contested part of the student record for as long as the record is maintained. Further, the statement will be disclosed by the district whenever it discloses the portion of the record to which the statement relates.

Section 5. Except to the extent that FERPA authorizes disclosure of student records without consent, student records, and any material contained therein which is personally identifiable, are confidential and will not be released or made available to persons other than parents/guardians or eligible students without the prior written consent of the parents/guardians or eligible student.

Exceptions to FERPA's prior consent requirement include, but are not limited to disclosure:

1. To other school officials within the district who have been determined to have legitimate educational interests.
2. To officials of another school, school system or post-secondary institution where the student seeks or intends to enroll.
3. To authorized representatives of the Comptroller General of the United States, the U.S. Secretary of Education, the U.S. Attorney General, or state and local education authorities in connection with an audit or evaluation of a federal- or state-supported education program or in compliance with legal requirements related to those programs.
4. In connection with the student's application for or receipt of financial aid.
5. To state and local officials or authorities in compliance with state law that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are being released.
6. To organizations conducting studies for, or on behalf of, education agencies or institutions, in order to develop tests, administer student aid, or improve instruction.
7. To accrediting organizations to carry out their accrediting functions.
8. To parents of a dependent student, as defined by the Internal Revenue Code.
9. To comply with a judicial order or lawfully issued subpoena, including ex parte court orders under the USA Patriot Act. Prior to complying with a judicial order or subpoena, the district will make a reasonable effort to notify the parent/guardian or eligible student, unless the district has been ordered not to disclose the existence or content of the order or subpoena, or unless the parent is the subject of a court proceeding involving child

dependency or child abuse and neglect matters, and the order is issued in context of that proceeding.

10. In connection with a health or safety emergency, the district will disclose information when, taking into account the totality of circumstances, a determination is made that there is an articulable and significant threat to the health or safety of the student or other individuals.
11. To teachers and school officials in other schools who have legitimate educational interests in the behavior or the student when the information concerns disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.
12. To provide information that the district has designated as “directory information.”
13. To provide information from the school’s law enforcement unit records.
14. To a court, when the district is involved in legal action against a parent or student, those records necessary to proceed with the legal action.
15. To the U.S. Secretary of Agriculture, its’ authorized representatives from the Food and Nutrition Service, or contractors acting on its behalf, to monitor, evaluate and measure performance of federally-subsidized school food programs, subject to certain privacy protections.
16. To any caseworker or representative of a state or local child welfare agency or tribal organization who has the right to access a student’s case plan, where the agency or organization is legally responsible for the care and protection of that student, not to be re-disclosed except as permitted by law.

The district will use reasonable methods to provide access to student educational records to only those authorized under the law and to authenticate the identity of the requestor. The district will use an array of methods to protect records, including physical controls (such as locked cabinets), technological controls such as role-based access controls for electronic records, password protection, firewalls, encryption, and administrative procedures. The district will document requests for and release of records, and retain the documentation in accordance with law.

If the district enters into a contract with a third party that calls for receipt of student PII by the contractor, the agreement will include a data security and privacy plan that includes a signed copy of the Parents’ Bill of Rights and addresses the following, among other contractual elements:

1. training of vendor employees regarding confidentiality requirements;
2. limiting access to PII to those individuals who have a legitimate educational interest or need access to provide the contracted services;
3. prohibiting the use of PII for any other purpose than those authorized under the contract;
4. prohibiting the disclosure of PII without the prior written consent of the parent/guardian or eligible student, unless it is to a

subcontractor in carrying out the contract, or unless required by statute or court order, in which case they must provide notification to the district (unless notice is prohibited by the statute or court order);

5. maintaining reasonable administrative, technical and physical safeguards to protect PII;
6. using encryption technology to protect PII while in motion or in its custody to prevent unauthorized disclosure;
7. breach and notification procedures.

The district will, via written agreements, designate authorized representatives who have access to educational records. The written agreement will specify how the work falls within the exception, what personally identifiable information is to be disclosed, how the educational record will be used, and that the records will be destroyed by the authorized representative once they are no longer needed for that purpose or the agreement expires.

Section 6. Whenever a student record or any material contained therein is to be made available to third persons, other than those covered by the exceptions authorized by FERPA, the parent/guardian or eligible student must file a written consent to such action. The written consent must specify the records to be released, the reasons for such release, and to whom. If the parent or eligible student so requests, the district will provide them with a copy of the records disclosed. In addition, if the parent of a student who is not an eligible student so requests, the district will provide the student with a copy of the records disclosed.

Section 7. Unless specifically exempted by FERPA, all persons requesting access to such records will be required to sign a written form which indicates the legitimate educational interest that such person has in inspecting the records. Such form will be kept with the student's file and will be maintained with the student's file as long as the file is maintained.

#### Additional Rights Under New York State Law Related to the Protection of Student Data and Third Party Contractors

New York State Law offers parents additional rights beyond FERPA in regard to third party contractors and student PII. The district will post on its website and distribute a 'Parents' Bill of Rights for Data Privacy and Security.' The 'Parents' Bill of Rights' will establish the following:

- Educational purpose: The use of student personally identifiable information (PII) is for educational or related purposes only.
- Transparency: Disclosure of third party contracts and their privacy provisions.
- Authorization: Assurance that proper authorization will be secured prior to the release of PII.
- Security: A description of the measures in place to protect PII, without compromising the security plan.
- Data Breach Notification: An explanation of the procedures in the event of a data breach.
- Complaint Procedure: The district offers a complaint procedure in the event that a parent suspects a breach of student data by a third party contractor and provides information about lodging a complaint with the New York State Education Department's Chief Privacy Officer.

See policy 8635 (and regulation 8635-R), Information and Data Privacy, Security, Breach and Notification for more information on data security and breaches of PII, and 8635-E for the Parent's Bill of Rights for Data Privacy and Security.

#### Retention and Disposition of Student Records

The Board has adopted the Records Retention and Disposition Schedule ED-1 issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, which contains the legal minimum retention periods for district records. The Board directs all district officials to adhere to the schedule and all other relevant laws in retaining and disposing of student records. In accordance with Article 57-A, the district will dispose of only those records described in the schedule after they have met the minimum retention periods set forth in the schedule. The district will dispose of only those records that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond the established legal minimum periods.

Adoption date: February 6, 2019

Revision date: June 3, 2020

## STUDENT PRIVACY

The Board recognizes its responsibility to enact policies that protect student privacy, in accordance with law. This is particularly relevant in the context of the administration of surveys that collect personal information, the disclosure of personal information for marketing purposes and in conducting physical exams.

### Surveys

The Board of Education recognizes that student surveys are a valuable tool in determining student needs for educational services. In accordance with law and Board policy, parental consent is required for minors to take part in surveys which gather any of the following information:

1. political affiliations or beliefs of the student or the student's parent;
2. mental or psychological problems of the student or the student's family;
3. sex behavior or attitudes;
4. illegal, anti-social, self-incriminating or demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
7. religious practices, affiliations or beliefs of the student or the student's parent; or
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

In the event that the district plans to survey students to gather information included in the list above, the district will obtain written consent from the parent/guardian in advance of administering the survey. The notification/consent form will also apprise the parent/guardian of their right to inspect the survey prior to their child's participation.

### Marketing

It is the policy of the Board not to collect, disclose, or use personal information gathered from students for the purpose of marketing or selling that information or providing it to others for that purpose. This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to students or educational institutions such as:

- a. College or other postsecondary education recruitment, or military recruitment;

- b. Book clubs, magazines and programs providing access to low-cost literary products;
- c. Curriculum and instructional materials used in schools;
- d. Tests and assessments used to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information for students or to generate other statistically useful data for the purpose of securing such tests and assessments, and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- e. Student recognition programs; and
- f. The sale by students of products or services to raise funds for school-related activities.

In the event that such data is collected by the district, disclosure or use of student personal information will be protected by the district pursuant to the requirements of the Family Educational Rights and Privacy act (FERPA). [For guidance regarding the disclosure of “directory information,” rather than personal information, see policy 5500, Student Records.]

#### Inspection of Instructional Material

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

A parent/guardian who wishes to inspect and review such instructional material shall submit a request in writing to the Building Principal. Upon receipt of such request, arrangements shall be made to provide access to such material to within 30 calendar days after the request has been received.

#### Invasive Physical Examinations

Prior to the administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school not necessary to protect the immediate health or safety of the student or other students and not otherwise permitted or required by state law, a student’s parent/guardian will be notified and given an opportunity to opt their child out of the exam. Hearing, vision and scoliosis screenings are not subject to prior notification.

#### Notification

Parents/guardians and eligible students shall be notified at least annually, at the beginning of the school year, and when enrolling students for the first time

in district schools of this policy. The school district shall also notify parents/guardians within a reasonable period of time after any substantive change to this policy.

Cross-ref: 5420, Student Health Services  
5500, Student Records

Ref: 20 USC §1232h (No Child Left Behind Act)  
34 CFR Part 98  
Education Law §903

Adoption date: February 6, 2019

## VOTER REGISTRATION FOR STUDENTS

The Board of Education believes that getting young people involved in the election process helps to secure the future of democracy by preparing young people to be educated, engaged voters who have formed the habit of voting and contributing to civic life early.

In an effort to promote student voter registration, the Board directs the Superintendent to offer such registration to all students who are at least 17 years old (but will not be 18 years old by the next election). These students must be otherwise qualified to register to vote. These pre-registrations will be automatically registered upon reaching the age of eligibility following verification of the person's qualifications and address.

The district will do so by offering registration materials at a participation in government program.

Students who do not wish to pre-register to vote do not have to do so. There will be no penalty (including participation grades or credits) for choosing not to do so.

Ref: Election Law § 5-507

Adoption date: May 8, 2019

## STUDENTS AND PERSONAL ELECTRONIC DEVICES

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 electronic devices during instructional time can enable students to explore new concepts, personalize their learning experience and expand their global learning opportunities. 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.

The District, via the one-to-one initiative, provides technological devices to its students in grades 5 through 12. The only permitted personal device is a cell phone. Personal cell phones may not be connected to the District network at any time. Cell phone use and regulations are outlined in each building's Student Handbook.

### 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.

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 cell phones 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. Cell phones may not, at any time, connect to the District's network.

### 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 personal devices into a classroom or other location where a New York State assessment is being administered. Test proctors, test monitors and school officials shall have the right to collect prohibited personal 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.

### Permission

Students will not be permitted to use personal technology devices in school or at school functions, unless as outlined above.

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 has developed 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.

### Disciplinary Actions

Students who display and/or use an electronic device and/or cellphone in violation of this policy and/or fail to follow the directions of a staff member regarding electronic devices will be subject to disciplinary action, including but not limited to the following:

- a: 1<sup>st</sup> Offense: Confiscation of the electronic device for the remainder of the school day. The device may be returned to the student in the main office at the end of

- the school day. Notice of the offense in the form of a referral will be sent home to the parent/guardian.
- b. 2<sup>nd</sup> Offense: Confiscation of the electronic device and detention for insubordination. The device must be retrieved from the main office by a parent/guardian. Notice of the offense in the form of a referral will be sent home to the parent/guardian.
  - c. 3<sup>rd</sup> Offense: Confiscation of the electronic device and a full day of in school suspension for insubordination. The electronic device will be returned to the parent/guardian during a conference regarding the repeated behavior.
  - d. 4<sup>th</sup> & Consequent Offenses: Confiscation of the electronic device and out of school suspension for 1-3 days for insubordination. The electronic device will be returned to the parent/guardian during a conference regarding the repeated behavior.

Cross-ref: 4526, Computer Use in Instruction  
5300, Code of Conduct

Ref: *Price v. New York City Board of Education*, 16 Misc.3d 543 (2007).

Adoption date: February 6, 2019

## SCHOOL SAFETY AND EDUCATIONAL CLIMATE REPORTING

The Board of Education is committed to promoting and maintaining the safety of all students, staff and visitors to the schools. Consistent with this commitment and in accordance with state law and regulation, the district shall submit an annual report to the Commissioner of Education regarding violent and disruptive incidents, as well as incidents of, discrimination, harassment, bullying, and cyberbullying. In addition, the Board shall use this data to assess the safety of its schools and, where appropriate, identify and take steps to improve the safety and security of its students, staff and visitors.

### Reporting Requirement

Each Building Principal, or his/her designee, shall be responsible for preparing on regular basis a report of all the violent and disruptive incidents that have occurred on school grounds, at a school function, or at a school-sponsored event and forwarding the report to the Superintendent of Schools. The Superintendent or designee shall be responsible for compiling the reports received from the Building Principals into the annual report and submitting the report to the Commissioner. The summary report shall contain all the information required by law and shall be filed with the Commissioner on or before a date set by the Commissioner. The Superintendent shall also present this summary report to the Board at its first meeting following the filing of the report with the Commissioner.

The district is responsible for assuring that copies of each DASA and VADIR report, both individual and summary reports, are retained until the youngest person involved in a reported incident is 27 years old.

### Confidentiality

Any violent or disruptive incident report prepared in accordance with law shall be available for inspection by the State Education Department upon request. All names and other personally identifiable information included in any report shall be confidential and shall not be disclosed to any person for use by any person for purposes other than the reporting purposes in Education Law §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 [www.emsc.nysed.gov/irts/](http://www.emsc.nysed.gov/irts/).

Ref: Education Law §2802 (Uniform Violent Incident Reporting System)  
8 NYCRR §100.2(gg) (Uniform Violent Incident Reporting System)  
8 NYCRR §185.11 (Appendix I) (Records Retention and Disposition  
Schedule ED-1)

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## STUDENT CONTESTS, AWARDS AND SCHOLARSHIPS

The Board of Education mandates that all students regardless of race, color, creed, sex and national origin, religion, marital status or disability shall be eligible for all awards and scholarships given or disseminated by the school district.

Eligible candidates for academic or other achievement awards will be selected on the basis of academic achievement, school citizenship, and/or co-curricular performance, as applicable to the type of award being given. Recipients of academic awards shall be selected by the Building Principal from a list of eligible candidates prepared in consultation with appropriate school staff.

Scholarships to high school graduates will be awarded on the basis of the student's academic achievement, his/her potential for success at an institution of higher learning, financial need, and the student's inability to pursue higher education without the scholarship, or other criteria established by the donor or scholarship committee.

### Donations

The Board, having been entrusted by law, will hold in trust gifts, grants, bequests and legacies given or bequeathed to the district and shall apply the same and/or their interest and proceeds according to the instruction of the donors and according to the procedures established by the administration.

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 shall be necessary for the donating person or organization to define the criteria for the selection of the recipient.

### Student Contests

Distribution of educational competition 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 must accompany the request. Upon the judgment of the Principal, the request may be forwarded to the Superintendent and the Board for approval.

### Jean Hart Educational Trust Fund

The Board accepts the responsibility to act as trustee for the Jean Hart Educational Trust Fund.

The Board shall annually appoint one of its members to act as its representative on the Board of Trustees of the Jean Hart Educational Trust Fund.

Ref: Education Law §§404; 1709  
*Matter of Wilson*, 59 NY2d 461

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