

SUBJECT: SMOKING/TOBACCO USE**School Grounds**

~~Tobacco use shall not be permitted and no person shall use tobacco on school grounds at any time. For purposes of this policy, "school grounds" means any building, structure, and surrounding outdoor grounds contained within the District's preschool, nursery school, elementary or secondary school's legally defined property boundaries as registered in the County Clerk's Office; as well as any vehicles used to transport children or school personnel.~~

Tobacco use will not be permitted and no person will use tobacco on school grounds or within 100 feet of the entrances, exits, or outdoor areas of any public or private elementary or secondary schools. However, this does not apply to smoking in a residence, or within the real property boundary lines of residential real property. For purposes of this policy, "school grounds" means any building, structure, and surrounding outdoor grounds, including entrances or exits, contained within the District's preschool, nursery school, elementary or secondary school's legally defined property boundaries as registered in the County Clerk's Office; as well as all District vehicles, including vehicles used to transport children or school personnel.

~~For purposes of this policy~~ Similarly, tobacco is defined to include any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove cigarette, spit/spitless tobacco and any other smoking or tobacco product, ~~and spit tobacco~~ (smokeless, dip, chew and/or snuff) in any form.

It is the policy of the District that the use of e-cigarettes, vaporizers, and any other products containing nicotine, ~~except for current FDA approved smoking cessation products~~, are also prohibited.

Off-School Grounds

Tobacco use is prohibited by students at any school sponsored event or activity off school grounds.

Posting/Notification of Policy

In compliance with the New York State Clean Indoor Air Act, the District will prominently post its Smoking/Tobacco Use policy and signs prohibiting **all** forms of tobacco products in District buildings and other appropriate locations; and will supply a copy upon request to any current or prospective employee. The District will also designate a school official to tell individuals who smoke in a non-smoking area that they are in violation of the New York State Public Health Law, Education Law, the federal Pro-Children Act of 1994, and District policy.

The District ~~shall~~ will also ensure that this policy is communicated to staff, students, parents/guardians, volunteers, and visitors as deemed appropriate in order to orient all persons to the District's "No Smoking" Policy and environment.

Prohibition of Tobacco Promotional Items/Tobacco Advertising

Tobacco promotional items (e.g., brand names, logos and other identifiers) are prohibited:

(Continued)

SUBJECT: SMOKING/TOBACCO USE (Cont'd.)

- a) On school grounds;
- b) In school vehicles;
- c) At school-sponsored events, including those that take place off school premises and in another state;
- d) In school publications;
- e) On clothing, shoes, accessories, gear, and school supplies in accordance with the District Code of Conduct and applicable collective bargaining agreements.

This prohibition of tobacco promotional items ~~shall~~ will be ~~implemented~~ enforced in accordance with the *Code of Conduct* and applicable collective bargaining agreements.

In addition, tobacco advertising is also prohibited in all school-sponsored publications and at all school sponsored events. ~~The District will request, whenever possible, tobacco free editions of periodical publications for school libraries and classroom use.~~

Safe and Drug-Free Schools and Communities Act, 20 USC § 7101 et seq.
Pro-Children Act of 2001, as amended by the No Child Left Behind Act of 2001, 20 USC §§ 7181-7184
Education Law §§ 409, 2801(1) and 3020-a
Public Health Law Article 13-E

NOTE: Refer also to Policies #3780 -- Use of School Facilities, Materials and Equipment
#3410 -- Code of Conduct on School Property
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances
#8210 -- Safety Conditions and Prevention Instruction
District *Code of Conduct*

SUBJECT: RECORDS MANAGEMENT

A Records Management Officer ~~shall~~will be designated by the Superintendent, subject to the approval of, and appointment by, the Board ~~of Education~~. The Records Management Officer ~~shall~~will coordinate ~~the development of and oversee a program for the~~an orderly and efficient management ~~of records, including~~program. This program includes the legal disposition or destruction of obsolete records, ~~and shall be given the~~ and the storage and management of inactive records. The Records Management Officer will further be given the authority and responsibility to work with other local officials at all levels in the development and maintenance of the records management program.

In addition, a Records Advisory Board may be created to assist in establishing and supporting the records management program. The District's legal counsel, the fiscal officer, and the Superintendent or designee may comprise the Advisory Board.

Retention and Disposition of Records

The Superintendent ~~or designee~~ shallwill retain records for such a period and dispose of them in the manner described in Records Retention and Disposition Schedule ED-1., ~~established pursuant to Part 185, Title VIII of the Official Compilation of Codes, Rules and Regulations of the State of New York and Article 57-A of the Arts and Cultural Affairs Law.~~

Special Approvals for Disposition of Records Not Included in Schedule/Records Damaged by Natural or Manmade Disasters

Records not listed on a records retention and disposition schedule ~~shall~~will not be disposed of without the approval of the Commissioner of Education. ~~Similarly, r~~Records that have been damaged by natural or manmade disasters, ~~to the extent that the information contained in those records is substantially destroyed, or the records~~ and constitute a human health or safety risk also require the Commissioner's ~~prior~~ approval before disposition.

Replacing Original Records with Microforms or Electronic Images

Digital images of public records may be stored on electronic media, and these electronic records may replace paper originals or micrographic copies of these records. To ensure accessibility and intelligibility for the life of these records, the ~~School~~District shallwill follow the procedures prescribed by the Commissioner of Education.

Retention and Preservation of Electronic Records

The District ~~shall~~will ensure that records retention requirements are incorporated into any plan and process for design, redesign, or substantial enhancement of an information system that stores electronic records. ~~The District will also ensure that electronic records are not rendered unusable because of changing technology before their retention and preservation requirements are met.~~

Arts and Cultural Affairs Law § 57.19

8 NYCRR Part 185

Revised: 10/28/08;

SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION

The ~~School~~-District values the protection of private information of individuals in accordance with applicable law and regulations. ~~Further, t~~The District is required to notify affected individuals when there has been or is reasonably believed to have been a compromise of the individual's private information in compliance with the Information Security Breach and Notification Act and Board policy.

- a) "Private information" ~~shall~~ means **personal information in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

1. Social security number;
2. Driver's license number or non-driver identification card number; or
3. Account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account.

4. **Health Records**

"Private information" does not include publicly available information that is lawfully made available to the general public from federal, state or local government records.

**"Personal information" ~~shall~~ means any information concerning a person which, because of name, number, symbol, mark or other identifier, can be used to identify that person.

- b) "Breach of the security of the system," ~~shall~~ means unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the District. Good faith acquisition of personal information by an employee or agent of the District for the purposes of the District is not a breach of the security of the system, provided that private information is not used or subject to unauthorized disclosure.

~~Examples of Determining Factors~~ if a Breach Has Occurred

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or person without valid authorization, the District may consider the following factors, among others:

- a) Indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; ~~or~~
- b) Indications that the information has been downloaded or copied; ~~or~~

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SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)

- c) Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported; or
- d) System failures.

Notification Requirements

- a) For any computerized data owned or licensed by the School District that includes private information, the District ~~shall~~will disclose any breach of the security of the system following discovery or notification of the breach to any New York State resident whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure to affected individuals ~~shall~~will be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. The District ~~shall~~will consult with the State Office of ~~Cyber Security and Critical Infrastructure Coordination (CSCIC)~~ Information Technology Services to determine the scope of the breach and restoration measures.
- b) For any computerized data maintained by the District that includes private information which the District does not own, the District ~~shall~~will notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, acquired by a person without valid authorization.

The notification requirement may be delayed if a law enforcement agency determines that the notification impedes a criminal investigation. The required notification ~~shall~~will be made after the law enforcement agency determines that the notification does not compromise the investigation.

Methods of Notification

The required notice ~~shall~~will be directly provided to the affected persons by one of the following methods:

- a) Written notice;
- b) Electronic notice, provided that the person to whom notice is required has expressly consented to receiving the notice in electronic form; and a log of each such notification is kept by the District when notifying affected persons in electronic form. However, in no case ~~shall~~will the District require a person to consent to accepting such notice in electronic form as a condition of establishing any business relationship or engaging in any transaction;
- c) Telephone notification, provided that a log of each such notification is kept by the District when notifying affected persons by phone; or

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SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)

- d) Substitute notice, if the District demonstrates to the State Attorney General that the cost of providing notice would exceed \$250,000, or that the affected class of subject persons to be notified exceeds 500,000, or that the District does not have sufficient contact information. Substitute notice ~~shall~~will consist of **all** of the following:
1. Email notice when the District has an email address for the subject persons;
 2. Conspicuous posting of the notice on the District's website page, if the District maintains one; and
 3. Notification to major statewide media.

Regardless of the method by which notice is provided, the notice ~~shall~~will include contact information for the notifying District and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired.

In the event that any New York State residents are to be notified, the District ~~shall~~will notify the State Attorney General (AG), the ~~Consumer Protection Board~~New York State Department of State, and the New York State Office of ~~Cyber Security and Critical Infrastructure Coordination~~Information Technology Services as to the timing, content and distribution of the notices and approximate number of affected persons. ~~Such notice shall be made without delaying notice to affected New York State residents.~~

In the event that more than 5,000 New York State residents are to be notified at one time, the District ~~shall~~will also notify consumer reporting agencies, as defined ~~pursuant to~~in State Technology Law Section 208, as to the timing, content and distribution of the notices and approximate number of affected persons. This notice ~~shall~~will be made without delaying notice to affected New York State residents. A list of consumer reporting agencies ~~shall~~will be compiled by the State Attorney General and furnished upon request to school districts required to make a notification in accordance with State Technology Law Section 208(2), regarding notification of breach of security of the system for any computerized data owned or licensed by the District that includes private information.

State Technology Law §§ 202 and 208

Adopted: 3/14/06
Revised:

SUBJECT: DATA NETWORKS AND SECURITY ACCESS

The District values the protection of private information of individuals in accordance with applicable law, regulations, and best practice. Accordingly, District officials and Information Technology (IT) staff will plan, implement, and monitor IT security mechanisms, procedures, and technologies necessary to prevent improper or illegal disclosure, modification, or denial of sensitive information in the District Computer System (DCS). Similarly, such IT mechanisms and procedures will also be implemented in order to safeguard District technology resources, including computer hardware and software. District network administrators may review District computers to maintain system integrity and to ensure that individuals are using the system responsibly. Users should not expect that anything stored on school computers or networks will be private.

In order to achieve the objectives of this policy, the Board entrusts the Superintendent, or his or her designee, to:

- a) Inventory and classify personal, private, and sensitive information on the DCS to protect the confidentiality, integrity, and availability of information;
- b) Develop password standards for all users including, but not limited to, how to create passwords and how often such passwords should be changed by users to ensure security of the DCS;
- c) Ensure that the "audit trail" function is enabled within the District's network operating system, which will allow the District to determine on a constant basis who is accessing the DCS, and establish procedures for periodically reviewing such audit trails;
- d) Develop procedures to control physical access to computer facilities, data rooms, systems, networks, and data to only authorized individuals; such procedures may include ensuring that server rooms remain locked at all times and the recording of arrival and departure dates and times of employees and visitors to and from the server room;
- e) Establish procedures for tagging new purchases as they occur, relocating assets, updating the inventory list, performing periodic physical inventories, and investigating any differences in an effort to prevent unauthorized and/or malicious access to these assets;
- f) Periodically grant, change, and terminate user access rights to the overall networked computer system and to specific software applications and ensure that users are given access based on, and necessary for, their job duties;
- g) Limit user access to the vendor master file, which contains a list of vendors from which District employees are permitted to purchase goods and services, to only the individual who is responsible for making changes to such list, and ensure that all former employees' access rights to the vendor master list are promptly removed;

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SUBJECT: DATA NETWORKS AND SECURITY ACCESS (Cont'd.)

- h) Determine how, and to whom, remote access should be granted, obtain written agreements with remote access users to establish the District's needs and expectations, as appropriate, and monitor and control such remote access;
- i) Verify that laptop computer systems assigned to teachers and administrators use full-disk encryption software to protect against loss of sensitive data;
- j) Deploy software to servers and workstations to identify and eradicate malicious software attacks such as viruses and malware;
- k) Develop a disaster recovery plan appropriate for the size and complexity of District IT operations to ensure continuous critical IT services in the event of any sudden, catastrophic event, including, but not limited to fire, computer virus or deliberate or inadvertent employee action.

**Customize to District -- intended as a template that should be customized to District practices as applicable.*

Adoption Date

SUBJECT: SCHOOL SAFETY PLANS

The District considers the safety of its students and staff to be of the utmost importance and is keenly aware of the evolving nature of threats to schools. As such, it will address those threats accordingly through appropriate emergency response planning. The District-wide school safety plan and the building-level emergency response plan will be designed to prevent or minimize the effects of serious violent incidents and emergencies and to facilitate the coordination of schools and the District with local and county resources in the event of these incidents or emergencies.

These plans will be reviewed by the appropriate team on at least an annual basis and updated as needed by September 1. Specifically, the Board will make each District-wide school safety plan available for public comment at least 30 days prior to its adoption. The District-wide school safety plans may only be adopted by the Board after at least one public hearing that provides for the participation of school personnel, parents, students, and any other interested parties. Additionally, the District-wide school safety plan will designate the Superintendent or designee as the chief emergency officer responsible for coordinating communication between school staff and law enforcement and first responders, and for ensuring staff understanding of this plan. Similarly, the Superintendent will be responsible for ensuring the completion and yearly updating of building-level emergency response plans.

District-Wide School Safety Plan

District-wide school safety plan means a comprehensive, multi-hazard school safety plan that covers all school buildings of the District, addresses crisis intervention, emergency response and management at the District level, and has the contents as prescribed in Education Law and Commissioner's regulations.

The District-wide school safety plan will be developed by the District-wide school safety team appointed by the Board. The District-wide team will include, but not be limited to, representatives of the Board, *student, teacher, administrator, and parent organizations, school safety personnel, and other school personnel.

The plan will further address, among other items as set forth in Education Law and Commissioner's regulations, how the District will respond to implied or direct threats of violence by **students**, teachers, other school personnel as well as visitors to the school, including threats by students against themselves (e.g. suicide).

** Allowing a student member to participate on the safety team is now optional, not required. Please customize accordingly. A student may participate provided that no confidential information is shared with that student.*

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SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**Building-Level Emergency Response Plan**

Building-level emergency response plan means a plan that addresses crisis intervention, emergency response and management at the building level and has the contents as prescribed in Education Law and Commissioner's regulations. As part of this plan, the District will define the chain of command in a manner consistent with the National Incident Management System (NIMS)/Incident Command System (ICS).

The building-level emergency response plan will be developed by the building-level emergency response team. The building-level emergency response team is a building-specific team appointed by the building principal, in accordance with regulations or guidelines prescribed by the Board. The building-level team will include, but not be limited to, representatives of teacher, administrator, and parent organizations, school safety personnel and other school personnel, community members, law enforcement officials, fire officials, or other emergency response agencies, and any other representatives the Board deems appropriate.

Training Requirement

The District will submit certification to the New York State Education Department that all District and school staff have received annual training on the emergency response plan, and that this training included components on violence prevention and mental health. New employees hired after the start of the school year will receive training within 30 days of hire, or as part of the District's existing new hire training program, whichever is sooner.

Filing/Disclosure Requirements

The District will file a copy of its District-wide school safety plan and any amendments with the Commissioner of Education no later than 30 days after its adoption. A copy of each building-level emergency response plan and any amendments will be filed with the appropriate local law enforcement agency and with the state police within 30 days of its adoption. Building-level emergency response plans will be kept confidential and are not subject to disclosure under the Freedom of Information Law (FOIL) or any other provision of law.

Homeland Security Presidential Directives - HSPD-5, HSPD-8
Homeland Security Act of 2002, 6 USC § 101
Education Law §§ 807, 2801-a
Public Officers Law Article 6
8 NYCRR § 155.17

Adopted: 1992
Revised: 4/8/01; 1/9/07; 10/28/08;

Non-Instructional/Business
Operations

**SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN
PUBLIC SCHOOL FACILITIES**

The ~~School~~-District ~~shall~~~~will~~ provide and maintain on-site in each instructional school facility functional cardiac automated external defibrillator (AED) equipment as defined in Public Health Law Section 3000-b for use during emergencies. Each facility ~~shall~~~~will~~ have sufficient ~~automated-external defibrillator~~AED equipment available to ensure ready and appropriate access for use during emergencies in quantities and types as deemed by the Commissioner of Education, in consultation with the Commissioner of Health. Determination of the quantity and placement of AEDs must be made with consideration of at least the factors ~~enumerated~~~~described~~ in Commissioner's regulations. An instructional school facility means a building or other facility maintained by the ~~School~~-District where instruction is provided to students ~~pursuant to~~~~in accordance with~~ its curriculum.

Whenever an instructional ~~School~~-District facility is used for a school-sponsored or school-approved curricular or extracurricular event or activity and whenever a school-sponsored athletic contest is held at any location, the public school officials and administrators responsible for the school facility or athletic contest ~~shall~~~~will~~ ensure that AED equipment is provided on-site and that there is present during such event, activity or contest at least one staff person who is trained in accordance with Public Health Law in the operation and use of an AED. School-sponsored or school-approved curricular or extracurricular events or activities means events or activities of the ~~School~~-District that are, respectively, associated with its instructional curriculum or otherwise offered to its students. A school-sponsored athletic contest means an extraclass intramural athletic activity of instruction, practice and competition for students in grades 4 through 12 consistent with Commissioner's regulations Section 135.4.

Where a school-sponsored competitive athletic event is held at a site other than a ~~School~~-District facility, ~~School~~-District officials ~~shall~~~~will~~ ~~assure~~~~ensure~~ that AED equipment is provided on-site by the sponsoring or host district and that at least one staff person who is trained, in accordance with Public Health Law, in the operation and use of the AED is present during the athletic event. A school-sponsored competitive athletic event means an extraclass interscholastic athletic activity of instruction, practice and competition for students in grades 7 through 12 consistent with Commissioner's Regulations Section 135.4.

~~School-District facilities and District staff responsible for carrying out the duties enumerated in Education Law Section 917 are deemed a "public access defibrillation provider" as defined pursuant to Public Health Law Section 3000-b and subject to the Public Health Law requirements and limitations.~~

~~Therefore, i~~It is the policy of our ~~School~~-District to provide proper training requirements for District AED users, to ensure the immediate calling of 911 and/or the community equivalent ambulance dispatch entity whenever the AED is used, to ensure ready identification of the location of the AED units as ~~enumerated~~~~set forth~~ in the District's Public Access Defibrillation Collaborative Agreement.

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Non-Instructional/Business
Operations

**SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN
PUBLIC SCHOOL FACILITIES (Cont'd.)**

The District will provide for regular maintenance and checkout procedures of the AED unit(s) which meet or exceed manufacturer's recommendations. Appropriate documentation will be maintained in accordance with law and/or regulation. Further, the District will participate in the required Quality Improvement Program as determined by the Regional Emergency Medical Services Council.

The District ~~shall~~will post a sign or notice at the main entrance to the facility or building in which the AED unit(s) is stored, indicating the exact location where the unit(s) is stored or maintained on a regular basis.

~~Pursuant to Public Health Law Sections 3000-a and 3000-b, the School District (as a public access-defibrillation provider),~~ or any employee or other agent of the ~~School~~District who, in accordance with the provisions of law, voluntarily and without expectation of monetary compensation renders emergency medical or first aid treatment using an AED to a person who is unconscious, ill or injured, ~~shall~~will not be liable for damages for injury or death unless caused by gross negligence.

Education Law § 917
Public Health Law §§ 3000-a and 3000-b
8 NYCRR §§ 135.4 and 136.4

Adopted: 11/12/03
Revised: 10/28/08;

**SUBJECT: FIRE AND EMERGENCY DRILLS, BOMB THREATS, AND BUS
EMERGENCY DRILLS****Fire and Emergency Drills**

The administration of each school building will instruct and train students on appropriate emergency responses, through fire and emergency drills, in the event of a sudden emergency.

Fire and emergency drills will be held at least 12 times in each school year; eight of these will be completed by December 31. Eight of all drills will be evacuation drills, four will be through use of the fire escapes on buildings where fire escapes are provided or identified secondary exits. The other four drills will be lock-down drills. Drills will be conducted at different times of the school day. Students will also be instructed in the procedures to be followed in the event that a fire occurs during the regular school lunch period or assembly, however, this additional instruction may be waived if a drill is held during the regular lunch period or assembly.

Summer School

At least two additional drills will be held during summer school in buildings where summer school is held, and one of these drills will be held during the first week of summer school.

After-School Programs, Events, or Performances

The building principal or designee will require those in charge of after-school programs, events, or performances attended by any individuals unfamiliar with that school building, to announce at the beginning of these programs the procedures to be followed in the event of an emergency.

Bomb ThreatsSchool Bomb Threats

A bomb threat, even if later determined to be a hoax, is a criminal act. No bomb threat should be treated as a hoax when it is first received. Upon receiving any bomb threat, the school has an obligation and responsibility to ensure the safety and protection of the students and other occupants of the school. This obligation takes precedence over a search for a suspect object. Prudent action is dependent upon known information about the bomb threat-location, if any; time of detonation; etc. Specific procedures as to appropriate responses as a result of a bomb threat can be located in the building-level emergency response plan, as required by relevant law and regulation.

**SUBJECT: FIRE AND EMERGENCY DRILLS, BOMB THREATS, AND BUS
EMERGENCY DRILLS (Cont'd.)**Police Notification and Investigation

Appropriate law enforcement agencies must be notified by the building administrator or designee of any bomb threat as soon as possible after receiving the threat. Law enforcement officials will contact, as the situation requires, fire and/or county emergency coordinators according to the county emergency plan.

Implementation

The Superintendent or designee will develop written procedures to implement the terms of this policy. Additionally, these procedures will be incorporated in the District-wide school safety plan and the building-level emergency response plan, with provisions to provide written information to all staff and students regarding emergency procedures by October 1 of each school year, an annual drill to test the emergency response procedures under each of its building-level emergency response plans; and the annual review of the District-wide and building-level emergency response plans, along with updates as necessary, by September 1, as mandated by law or regulation.

Bus Emergency Drills

The administration will conduct a minimum of three emergency drills to be held on each school bus during the school year. The first drill will be conducted during the first seven days of school, the second drill between November 1 and December 31, and the third drill between March 1 and April 30. No drills will be conducted when buses are on routes.

Students who ordinarily walk to school will also be included in the drills. Students attending public and nonpublic schools who do not participate in regularly scheduled drills will also be provided drills on school buses, or as an alternative, will be provided classroom instruction covering the content of these drills.

Each drill will include practice and instruction in the location, use, and operation of the emergency door, fire extinguishers, first-aid equipment, and windows as a means of escape in the event of fire or accident. Similarly, students will be instructed on all topics mandated by relevant sections of the Education Law and Commissioner's regulations, including, but not limited to, the following:

- a) Safe boarding and exiting procedures with specific emphasis on when and how to approach, board, disembark, and move away from the bus after disembarking;
- b) Advancing at least ten feet in front of the bus before crossing the highway after disembarking; and
- c) Orderly conduct as bus passengers.

(Continued)

**SUBJECT: FIRE AND EMERGENCY DRILLS, BOMB THREATS, AND BUS
EMERGENCY DRILLS (Cont'd.)**Instruction on Use of Seat Belts

When students are transported on school buses equipped with seat safety belts, the District will ensure that all students who are transported on any school bus owned, leased, or contracted for by the District will receive instruction on the use of seat safety belts. This instruction will be provided at least three times each year to both public and nonpublic school students who are so transported and will include, but not be limited to:

- a) Proper fastening and release of seat safety belts;
- b) Acceptable placement of seat safety belts on students;
- c) Times at which the seat safety belts should be fastened and released; and
- d) Acceptable placement of the seat safety belts when not in use.

Education Law §§ 807, 2801-a and 3623
Penal Law §§ 240.55, 240.60 and 240.62
8 NYCRR §§ 155.17, 156.3(f), 156.3(g), and 156.3(h)(2)

SUBJECT: INFECTIONEXPOSURE CONTROL PROGRAM

The District ~~shall~~will establish an ~~infection~~exposure control program designed to prevent and control exposure to ~~infectious-disease~~bloodborne pathogens. According to the New York State Department of Labor's Division of Safety and Health and Occupational Safety and Health Administration (OSHA) standards, the program ~~shall~~will consist of:

- a) Guidelines for maintaining a safe, healthy school environment to be followed by staff and students alike;
- b) Written standard operating procedures for blood or body fluid clean-up;
- c) Appropriate staff education and training;
- d) Evaluation of training objectives;
- e) Documentation of training and any incident of exposure to blood or body fluids.;
- f) A program of medical management to prevent or reduce the risk of pathogens, specifically hepatitis B and HIV;
- g) Written procedures for the disposal of medical waste; and
- h) Provision of protective materials and equipment for all employees who perform job-related tasks involving exposure or potential exposure to blood, body fluids or tissues.

29 CFR § 1910.1030

Adopted: 1992
Revised:

SUBJECT: TRANSPORTATION OF STUDENTS**Requests for Transportation to and from Nonpublic Schools**

The parent or guardian of a parochial or private school child residing in the ~~School~~-District who desires that the child be transported to a parochial, ~~or~~ private, or charter school outside of the ~~School~~-District during the next school year, ~~should~~ must submit a written request to the Board of ~~Education~~ no later than April 1 of the preceding year, or within 30 days of moving into the District. The District will publish the April 1 date in its school calendar and/or local newspaper as a reminder to parents of this deadline. ~~No~~ Late requests ~~of a parent or guardian shall~~ will not be denied where a reasonable explanation is provided for the delay.

Transportation to Nonpublic Schools on Holidays

The District will share its calendar and start and dismissal times with nonpublic schools before the start of the school year. The District is not required to provide transportation to nonpublic schools on days on which the District's schools are not in session.

Transportation for Nonpublic School Students with Disabilities who are Parentally Placed

For students with disabilities, ages 5 through 21, who are parentally placed in nonpublic schools outside their district of residency, if special education services are to be provided to a student at a site other than the nonpublic school, the school district of location is responsible for providing the special education services, including, as applicable, arranging and providing transportation necessary for the student to receive special education services.

The district of residence remains responsible to provide transportation to parentally placed nonpublic school students from the student's home to the nonpublic school.

Transportation of Students with Disabilities

Transportation of ~~s~~Students with disabilities in the District ~~shall be transported up to~~ may not exceed 50 miles (one way) from ~~their~~ the student's home to the appropriate special service or program, unless the Commissioner certifies that no appropriate nonresidential special service or program is available within 50 miles. In that event ~~T~~ the Commissioner may then establish transportation arrangements.

Student Information

~~Any mode of transportation used on a regular basis to transport students with a disability on a regularly scheduled route shall, u~~ Upon written consent of the parent or person in parental relation, every school bus which is used to regularly transport students with disabilities will ~~have maintained on such mode of transportation~~ the following information about each student being transported:

(Continued)

SUBJECT: TRANSPORTATION OF STUDENTS (Cont'd.)

- a) Student's name;
- b) Nature of the student's disability;
- c) Name of the student's parent, guardian or person in ~~a position of loco parentis (person in parental relation)~~ and one or more telephone numbers where that person can be reached in an emergency; and/or
- d) Name and telephone number of any other person designated by such parent, guardian or person in ~~a position of loco parentis as a person~~ **parental relation** who can be contacted in an emergency.

This information **shall will** be used solely for the purpose of contacting the student's parent, guardian, person in ~~a position of loco parentis as a person~~ **parental relation**, or designee in the event of an emergency involving the student, **shall will** be kept in a manner which retains the privacy of the student, and **shall will** not be accessible to any person other than the driver or a teacher acting in a supervisory capacity. In the event that the driver or teacher is incapacitated, this information may be accessed by any emergency service provider. ~~for such purpose.~~

This information **shall will** be updated as needed, but at least once each school year and **shall will** be destroyed if parental consent is revoked, the student no longer attends the school, or the disability no longer exists.

~~Herein the term "disability" shall mean a physical or mental impairment that substantially limits one or more of the major life activities of the student, whether of a temporary or permanent nature.~~

Fire Extinguishers

School buses manufactured on or after January 1, 1990 fueled with other than diesel fuel and used to transport three or more students who use wheelchairs or other assistive mobility devices or with a total capacity of more than eight passengers and used to transport these students **shall will** be equipped with an **automatic** engine fire ~~extinguishing~~ **suppression** system.

School buses manufactured on or after September 1, 2007 fueled with diesel fuel and used to transport three or more students who use wheelchairs or other assistive mobility devices or with a total capacity of more than eight passengers and used to transport these students **shall will** be equipped with an **automatic** engine fire ~~extinguishing~~ **suppression** system.

~~The purchase of automatic engine fire extinguishing systems for school buses used to transport such students shall be deemed a proper School District expense. School buses will also be equipped with at least one hand fire extinguisher in the event of an emergency.~~

(Continued)

SUBJECT: TRANSPORTATION OF STUDENTS (Cont'd.)**Transportation of Non-Resident Students**

The District shall not extend its bus routes outside of the District to pick up non-resident students.

Transportation to School Sponsored Events

Where the District has provided transportation to students enrolled in the District to a school sponsored field trip, extracurricular activity or any other similar event, it ~~shall~~**will** also provide transportation back to either the point of departure or to the appropriate school in the District unless ~~the~~**a student's** parent or legal guardian ~~of a student participating in such event~~ has provided the District with written notice, consistent with District policy, authorizing an alternative form of return transportation for the student ~~or unless intervening circumstances make such transportation impractical~~. In cases where intervening circumstances make transportation of a student back to the point of departure or to the appropriate school in the District impractical **and the parent has not authorized alternative return transportation**, a representative of the ~~School~~-District ~~shall~~**will** remain with the student until the student's parent or legal guardian has been contacted and informed of the intervening circumstances ~~which make such transportation impractical~~; and the student has been delivered to his or her parent ~~or legal guardian~~.

Transportation in Personal Vehicles

Personal cars of teachers and staff ~~shall~~**will** not be used to transport students except in the event of extenuating circumstances and authorized by the administration.

Education Law §§ 1604, 1709, 1804, 1903, 1950, 2503, 2554, 2590-e, 3242, 3602-c, 3621(15), 3623-a(2c), 3635, 4401-a, 4401(4), 4402, 4404, 4405, and 4410-6
Vehicle and Traffic Law § 375(20)(1) and 375(21-i)

NOTE: Refer also to Policy #7133 -- Education of Homeless Children and Youth

Adopted: 1992

Revised: 11/12/03; 1/9/07;

SUBJECT: IDLING SCHOOL BUSES ON SCHOOL GROUNDS

The Board ~~of Education~~ recognizes the need to promote the health and safety of District students and staff and to protect the environment from harmful emissions found in bus and vehicle exhaust. ~~In accordance with Education Law and Commissioner's Regulations, the District will minimize, to the extent practicable, the idling of all school buses and other vehicles owned or leased by the District while such bus or vehicle is parked or standing on school grounds or in the front of any school. This policy also applies to contractor owned and operated school buses under contract with the District.~~ The District ~~shall~~will ensure that each driver of a school bus or other vehicle owned, leased or contracted for by the District turn off the engine of the bus or vehicle while waiting for passengers to load or off load on school grounds, or while the vehicle is parked or standing on school grounds or in front of or adjacent to any school.

Exceptions

Unless otherwise required by State or local law, the idling of a school bus or vehicle engine may be permitted to the extent necessary to achieve the following purposes:

- a) For mechanical work; or
- b) To maintain an appropriate temperature for passenger comfort; or
- c) In emergency evacuations where necessary to operate wheelchair lifts.

Private Vendor Transportation Contracts

All contracts for pupil transportation services between the ~~School~~District and a private vendor ~~that are entered into on or after August 21, 2008, shall~~will include a provision requiring the vendor's compliance with the provisions of reducing idling in accordance with Commissioner's regulations Section 156.3(h).

Education Law § 3637
Vehicle and Traffic Law § 142
8 NYCRR § 156.3(h)

Adopted: 11/14/06
Revised: 2/10/09;

SUBJECT: SCHOOL BUS SAFETY PROGRAM

The safe transportation of students to and from school is of primary concern in the administration of the school bus program. All state laws and regulations pertaining to the safe use of school buses shall be observed by drivers, students and school personnel.

~~To assure the safety and security of students boarding or exiting school buses on school property, it shall be unlawful for a driver of a vehicle to pass a stopped school bus when the red bus signal is in operation.~~

Use of Portable Electronic Devices Prohibited

For purposes of this policy, and in accordance with applicable law, the terms below will be defined as follows:

- a) "Portable electronic device" means any mobile telephone (hand held or "hands free"), personal digital assistant (PDA), portable device with mobile data access, laptop computer, pager, two-way messaging device, electronic game, or portable computing device.
- b) "Using" means holding a portable electronic device while viewing, taking or transmitting images, playing games, or composing, sending, reading, viewing, accessing, browsing, transmitting, saving, or retrieving email, text messages, or other electronic data.
- c) "In operation" means that the bus engine is running, whether in motion or not.

The use of portable electronic devices by a school bus driver at times the vehicle is in operation on the roadway poses a potential safety risk. All school bus drivers are prohibited from using portable electronic devices while the bus is in operation.

All school bus drivers' personal portable electronic devices are to be placed in the "off" position when in the possession of the school bus driver while the bus is in operation. Portable electronic devices, including cell phones, may be used in case of emergency.

The Transportation Supervisor, in cooperation with the principals, has the responsibility of developing and publishing safety rules to be followed by drivers and passengers, including rules of student conduct. In order to ensure maximum safety to those riding school buses, it is necessary that students and drivers cooperate in this effort. There is no substitute for training to develop safe habits in pedestrian and vehicular traffic.

All buses and other vehicles owned and operated by the ~~School~~-District will have frequent safety inspections, and will be serviced regularly. The Transportation Supervisor will maintain a comprehensive record of all maintenance performed on each vehicle.

(Continued)

Non-Instructional/Business
Operations

SUBJECT: SCHOOL BUS SAFETY PROGRAM (Cont'd.)

Every bus driver is required to report promptly to the Transportation Supervisor any school bus accident, regardless of the severity, involving death, injury, or property damage. ~~All accidents, regardless of damage involved, must be reported at once to the Transportation Supervisor.~~

Education Law § 3623

Vehicle and Traffic Law §§ 509-a(7), 509-1(1-b), 1174(a), 1174(b) and 1225-c

8 NYCRR § 156.3

NOTE: Refer also to Policies #5683 -- Fire and Emergency Drills, Bomb Threats and Bus Emergency Drills
#5741 -- Drug and Alcohol Testing for School Bus Drivers and Other Safety-Sensitive Employees

Revised: 6/24/97;

Personnel

SUBJECT: EVALUATION OF PERSONNEL**All Staff Members**

The administration shall undertake the continuous program of supervision and evaluation of all personnel, including support staff, in the School District. The primary purposes of the evaluation shall be to encourage and promote improved performance and to make decisions about the occupancy of positions.

Teachers and Administrators

The North Rose - Wolcott Central School District is committed to supporting the development of effective teachers and administrators. To this end, the District shall provide procedures for the evaluation of all professional staff. District plans for Annual Professional Performance Review (APPR) of teachers and principals shall be developed in accordance with applicable laws, Commissioner's Regulations, and Rules of the Board of Regents.

The primary purposes of these evaluations are:

- a) To encourage and promote improved performance;
- b) To guide professional development efforts; and
- c) To provide a basis for evaluative judgments by applicable school officials.

APPR Ratings

~~For those teachers and Principals subject to Education Law 3012-c, the Annual Professional Performance Review (APPR) will result in a single composite effectiveness score and final quality rating of "highly effective," "effective," "developing," or "ineffective." The composite score will be determined as follows:~~

- ~~a) 20% student growth on state assessments or other comparable measures of student growth (increases to 25% upon implementation of a value-added growth model);~~
- ~~b) 20% locally selected measures of student growth or achievement that are determined to be rigorous and comparable across classrooms as defined by the Commissioner (decreases to 15% upon implementation of a value-added growth model); and~~
- ~~c) 60% other measures of teacher/principal effectiveness consistent with standards prescribed by the Commissioner in regulation.~~

~~The ratings scale based on composite scores has been established as follows:~~

(Continued)

Personnel

SUBJECT: EVALUATION OF PERSONNEL (Cont'd.)

- a) ~~Highly Effective = composite effectiveness score of 91-100~~
- b) ~~Effective = composite effectiveness score of 75-90~~
- c) ~~Developing = composite effectiveness score of 65-74~~
- d) ~~Ineffective = composite effectiveness score of 0-64~~

~~If a teacher or principal is rated "developing" or "ineffective," the School District will develop and implement a teacher or principal improvement plan (TIP or PIP). Tenured teachers and principals with a pattern of ineffective teaching or performance, defined as two consecutive annual "ineffective" ratings, may be charged with incompetence and considered for termination through an expedited hearing process.~~

~~The School District will ensure that all evaluators are appropriately trained consistent with standards prescribed by the Commissioner and that an appeals procedure is locally developed.~~

Disclosure of APPR Data

~~Consistent with Chapter 68 of the Laws of 2012, which amends Education Law 3012-c, the Commissioner is required to disclose professional performance review data for teachers and principals on the New York State Education Department (NYSED) website and in any other manner to make such data widely available to the public. However, the release of such aggregate data may not include personally identifiable information for any teacher or principal. Such public disclosure of final quality ratings and composite effectiveness scores will be suitable for research, analysis and comparison of APPR data for teachers and principals across the state.~~

~~Upon request, the District will release to parents/legal guardians the final quality ratings and composite effectiveness scores for teachers and principals to which their student is currently assigned. The District's obligation to disclose this information is limited to those teachers and building principals subject to Education Law 3012-c. The District will provide conspicuous notice to parents/legal guardians of their right to obtain such information and the methods by which the data can be obtained. Upon request, parents will receive an oral or written explanation of the composite effectiveness scoring ranges for final quality ratings and be offered the opportunity to understand such scores in the context of teacher evaluation and student performance. When a request for this information is received, reasonable efforts will be made to verify that it is a bona fide request by a parent/legal guardian entitled to review the data.~~

~~Annual professional performance reviews of individual teachers and principals shall not be subject to disclosure under the Freedom of Information Law (FOIL).~~

The Commissioner is required to disclose professional performance review data for teachers and building principals on the New York State Education website and in any other manner to make this data widely available to the public. The District will provide notice to parents or legal guardians of their right to obtain this information and the methods by which the data can be obtained.

Education Law §§ 3012-c, 3012-d
Public Officers Law §§ 87 and 89
8 NYCRR §§ 80-1.1 and 100.2(o)
Adopted: 1992
Revised: 11/12/03; 4/14/15;

Personnel

SUBJECT: ~~SAFETY OF STUDENTS (FINGERPRINTING CLEARANCE OF NEW HIRES)~~

Unless otherwise authorized, the District will not employ or utilize a prospective school employee unless the prospective school employee has been granted "full" clearance for employment by the State Education Department (SED). The District will require a prospective school employee who is not in the SED criminal history file database to undergo a fingerprint supported criminal history record background check. "Criminal history record" means a record of all criminal convictions and any pending criminal charges maintained on an individual by the Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI). The District will obtain the applicant's consent to the criminal history records search.

The SED joined the Statewide Vendor Management System (SVMS) operated by MorphoTrust in conjunction with DCJS for the capture and transmission of the fingerprint application, fee, and digital fingerprint images. The District will use the SVMS as directed by SED. The District will still request clearance for employment, view information regarding an applicant's status, and enter hire or termination dates through SED's Web-based application known as TEACH.

Safety of Students

The District will develop internal building and/or program procedures to help ensure the safety of students who have contact with an employee holding conditional appointment or emergency conditional appointment. These procedures will address the safety of students in the classroom, students attending off-campus activities under the supervision of the District, and students participating in extracurricular and/or co-curricular activities (including sports and athletic activities).

Safety procedures to be addressed include, but are not limited to supervision of the employee holding conditional appointment or emergency conditional appointment as determined appropriate by the applicable building or program administrator and periodic visitations by the building or program administrator to the classroom, program, and/or activity assigned to the employee holding conditional appointment/emergency conditional appointment.

Correction Law Article 23-A

Education Law §§ 305(30), 305(33), 1604, 1709, 1804, 1950, 2503, 2554, 2590-h, 2854, 3004-b, 3004-c and 3035

Executive Law § 296(16)

Social Services Law Article 5, Title 9-B

8 NYCRR § 80-1.11 and Part 87

Adopted: 9/11/01

Revised: 1/9/07; 10/16/12;

SUBJECT: EMPLOYMENT OF RELATIVES OF BOARD OF EDUCATION MEMBERS

~~A probationary or permanent appointment of a teacher who is related by blood or marriage to any member of the Board of Education shall be subject to the consent of two-thirds of the members of the Board of Education to be determined at a Board meeting and to be entered upon the proceedings of the Board.~~

~~The Board shall take the same stance in the hiring of professional staff other than teachers, and the hiring of nonprofessional staff, as well.~~

~~Education Law Section 3016
General Municipal Law Sections 800-809~~

The District will not employ any ~~teacher~~ person who is related by blood or marriage to any Board member unless two-thirds of the Board members consent at a Board meeting. The vote will be recorded in the Board's meeting minutes.

Education Law § 3016
General Municipal Law §§ 800-809

Adopted: 1992
Revised:

SUBJECT: CERTIFICATION AND QUALIFICATIONS

The following provisions will govern certification and qualifications of District personnel:

- a) In accordance with applicable statutes, Rules of the Board of Regents, and ~~Regulations of the Commissioner's regulations of Education~~, each employee whose employment requires certification or other licensure shall inform the Superintendent of Schools immediately of any change in the status of his/her certification or licensure. The changes shall include, but not be limited to, the granting, revocation, upgrading, expiration, conversion and/or extension of these documents as to their periods of validity or their titles.
- b) Commissioner's regulations extend the expiration dates for various certificate holders engaged in active military service for the period of active service and an additional 12 months from the end of such service. The regulations also reduce the professional development requirements for certification holders called to active duty for the time of such active service.
- b)c) The original certificates and/or licenses must be presented for examination and copying in the office of the Superintendent of Schools as soon as they are available to the employee. The copies will be maintained in the employee's personnel file in support of the legitimate employment of each affected employee. The failure of any such employee to possess the required certification or other licensure may result in the discharge of that employee.
- e)d) Whether or not the District verifies an individual's certification or licensure does not waive the responsibility of the employee to maintain what is required for his/her assignment.

Qualifications of Teachers

- a) The District must ensure that all newly hired teachers in Title I programs who teach core academic subjects are highly qualified per ~~Regulations of the Commissioner's regulations of Education~~. The term "core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography. A "highly qualified" teacher is one who has obtained full state certification as a teacher, or has passed the state teacher licensing examination, holds a license to teach in the state and has at least a bachelor's degree, and also must show subject matter competency in the subjects they teach.
- b) The District is also required to provide to teachers who are not new to the profession the opportunity to meet the ~~NCLB~~ requirement to be highly qualified, in part, through passing a High Objective Uniform State Standard of Evaluation (HOUSSE). The HOUSSE ~~shall~~will be an evaluation, prescribed by the New York State Education Department and conducted locally either during a pre-employment review or at the time of an Annual Professional Performance Review (APPR), that enables a teacher who is beyond the first year of teaching to demonstrate subject matter competency in all core academic subjects that the teacher teaches. The evaluation ~~shall~~will be based upon objective, coherent information as prescribed by the department, and ~~shall~~will include, but not be limited to, information on the teacher's education, credentials, professional experience, and professional development.

(Continued)

SUBJECT: CERTIFICATION AND QUALIFICATIONS (Cont'd.)

- c) The District must ensure that ~~on or after September 2, 2009~~ a candidate for a teaching certificate or license as a special education teacher ~~shall~~will, in addition to all other certification or licensing requirements, have completed enhanced course work or training in the area of children with autism.
- d) Enhanced training in the needs of autistic children ~~shall~~must also be completed by each certified school administrator or supervisor assigned ~~on or after September 2, 2009~~ to serve as a special education administrator. Such training shall be provided prior to, or as soon as practicable following, assignment as a special education administrator. ~~Individuals serving as special education administrators as of September 2, 2009 shall complete such training by such date.~~The enhanced course work or training shall be obtained from an institution or provider approved by the department except that a school district or a Board of Cooperative Educational Services (BOCES) may provide this training as part of its professional development program.

Parent Notification

~~In accordance with the federal No Child Left Behind Act,~~†The District is required to provide parents, upon request, with specific information about the professional qualifications of their children's classroom teachers. The following ~~shall~~will be provided by the District upon these requests:

- a) If the teacher has met New York State qualifications and licensing criteria for the grade levels and subject areas he or she teaches;
- b) Whether the teacher is teaching under emergency or other provisional status through which the State qualification or licensing criteria have been waived;
- c) The teacher's college major; whether the teacher has any advanced degrees and, if so, the subject of the degrees; and
- d) If the child is provided services by any instructional aides or similar paraprofessionals and, if so, their qualifications.

All requests ~~shall~~will be honored in a timely manner.

20 USC § 7801(23)
 34 CFR §§ 200.55 and 200.56
 Education Law §§ 210, 305, 3001, 3001-a, 3004, 3006 and 3008
 8 NYCRR Subparts 57-3, 80-1, 80-2, 80-3, 80.4, and 80.5
 8 NYCRR §§ 100.2(dd) and 100.2(o)

Adopted: 1992
 Revised: 1/9/07; 10/28/08; 4/9/13;

SUBJECT: REGISTRATION AND PROFESSIONAL DEVELOPMENT**Registration**

All employees holding a lifetime certificate in classroom teaching, teaching assistant, or educational leadership service (school building leader, school district leader, or school district business leader) must register with the State Education Department (SED) every five years through the TEACH system. Only registered employees may teach or supervise in the District.

Teachers and administrators with a permanent, professional, or a Level III teaching assistant certificate issued before July 1, 2016 must apply for initial registration during the 2016-2017 school year during their birth month. These certificate holders must thereafter renew their registration every five years during their birth month.

Teachers and administrators with a professional or a Level III teaching assistant certificate issued on or after July 1, 2016 will be automatically registered. These certificate holders must thereafter renew their registration every five years during their birth month.

Certificate holders who do not timely register may not be employed and may be subject to monthly late fees after the first, transitional five-year registration period. Employees who change their name or address must also update SED within 180 days through the TEACH system.

Continuing Teacher and Leader Education (CTLE) Credit Hours

All District teachers and educational leaders with a professional or Level III teaching assistant certificate must complete 100 hours of acceptable CTLE during each five-year registration period to maintain a valid certificate. This requirement may be completed at any time over the course of a five-year period. Credit hours cannot carry over, however, to subsequent registration periods.

SED sets high standards for courses, programs, and activities that qualify for CTLE credit, and it must approve all CTLE sponsors. Generally, acceptable CTLE will be in the content area of any certificate title held by an individual or in pedagogy. Further, the CTLE will be aligned with professional development standards created by the New York Professional Standards and Practices Board for Teaching.

The District will describe opportunities for teachers and administrators to engage in CTLE in its Professional Development Plan. The District will provide CTLE opportunities that improve student performance and the teacher's or administrator's pedagogical or leadership skills, and that promote professionalism. A peer-review teacher or principal acting as an independent trained evaluator who conducts a classroom observation as part of a teacher evaluation under relevant sections of the Education Law may apply the observation time to fulfilling CTLE requirements. Time spent mentoring may also be counted toward required CTLE credit hours.

(Continued)

SUBJECT: REGISTRATION AND PROFESSIONAL DEVELOPMENT (Cont'd.)**Language Acquisition CTLE and Exemption**

Employees holding an English to speakers of other languages certificate or bilingual extension annotations are required to complete 50 CTLE hours in language acquisition aligned with the core content area of instruction taught, including a focus on best practices for co-teaching strategies, and integrating language and content instruction for English Language Learner (ELL) students. All other certificate holders must complete at least 15 CTLE hours dedicated to language acquisition addressing the needs of ELLs, including a focus on best practices for co-teaching strategies and integrating language and content instruction for ELLs. Employees holding a Level III teaching assistant certificate must complete at least 15 CTLE hours in language acquisition addressing the needs of ELLs and integrating language and content instruction for ELLs.

Employees may be eligible for a waiver of language acquisition CTLE requirements. Each school year when there are fewer than 30 ELL students enrolled in the District or ELLs make up less than 5% of the total student population, the District may obtain an exemption. If the District obtains this exemption, employees would be exempt from the language acquisition CTLE requirement for each year that they are employed in the District.

CTLE Adjustments

The Commissioner may adjust an employee's number of CTLE hours or time to complete them due to poor health, as certified by a health-care provider; extended active duty in the Armed Forces; or other acceptable good cause.

Any employee who obtains certification from the National Board for Professional Teaching Standards will be considered CTLE-compliant for the registration period in which he or she obtains this certification. The employee must still meet any language acquisition requirements, however.

Recordkeeping and Reporting Requirements

Employees must maintain a record of completed CTLE for at least three years from the end of the applicable registration period. The District will maintain a record of any professional development it conducts or provides for at least seven years from the date of completion. The District will also submit all required reports to SED each year.

Education Law §§ 3006, 3006-a, 3012-d
8 NYCRR §§ 80-6, 100.2(dd)

NOTE: Refer also to Policy #6160 -- Professional Growth/Staff Development

Adopted: 11/27/07
Revised:

SUBJECT: PROBATION AND TENURE**Probation**

Certified staff members will be appointed to a probationary period by a majority vote of the Board upon recommendation of the Superintendent.

~~Full-time certified staff members~~ Teachers, all other members of the teaching staff, administrators, directors, supervisors, principals, and all other members of the supervisory staff, except associate, assistant, and other superintendents, will be appointed to a probationary period of four years. The probationary period will not exceed three years for teachers previously appointed to tenure in this or another school district or BOCES within the state, provided that the teacher was not dismissed from the prior district or BOCES and met the required annual professional performance review (APPR) rating in his/her final year of service there. Additionally, up to two years of service as a regular substitute teacher may be applied toward probationary service. (This is sometimes referred to as Jarema Credit.)

During the probationary period, a staff member will be given assistance in adjusting to the new position, but the essential qualifications for acceptable performance will be assumed because the staff member attained the required certification or license.

A staff member's appointment may be discontinued at any time during his/her probationary period upon the recommendation of the Superintendent and by majority vote of the Board. Any person not recommended for tenure appointment will be notified in writing by the Superintendent no later than 60 days before his/her probationary period expires.

Tenure

The Board will follow all applicable laws and regulations regarding tenure.

At the expiration of the probationary period or within six months prior, the Superintendent will make a written report to the Board recommending for appointment to tenure 1) those non-teaching certified staff members who successfully completed their probationary period in the District, and 2) teachers and principals who have been found competent, efficient, and satisfactory, and who have received the APPR rating of efficient or highly efficient in at least three of the preceding four years. If a teacher or principal receive an APPR rating of ineffective in their final probationary year, the Board may not award tenure, but may extend that teacher's or principal's probationary time by an additional year. The teacher or principal may be eligible for immediate tenure if he or she successfully appeals the ineffective rating. The Board may then —by a majority vote —appoint to tenure any or all of the persons recommended by the Superintendent.

When their initial probationary period expires, the teacher or principal will remain on probationary status until the end of the school year in which he or she received APPR ratings of effective or highly effective. The Board may also grant tenure contingent upon a teacher's or principal's receipt of a minimum APPR rating in the final year of the probationary period.

(Continued)

SUBJECT: PROBATION AND TENURE (Cont'd.)**Resolutions Making Appointments**

Each Board resolution making a probationary appointment or an appointment on tenure will specify:

- a) The name of the appointee;
- b) The tenure area or areas in which the professional will devote a substantial portion of his/her time;
- c) The date ~~of commencement of~~ probationary service or service on tenure **commences** in each area;
- d) The ~~certification status~~ **expiration date** of the ~~appointee in reference to the position to which the individual is appointed~~ **appointment**, if made on a probationary basis. For appointments of classroom teachers and principals, the resolution must state that:

~~In addition, resolutions confirming a probationary appointment must include a statement that:~~

- ~~a) —The probationary expiration date will depend on the individual's APPR ratings.~~
- ~~b)1.~~ **1.** To receive tenure, the individual must receive **composite or** overall APPR ratings of effective or highly effective in at least three of **the** four preceding years; **and**
- ~~e)2.~~ **2.** If the teacher or principal receives an ineffective composite or overall APPR rating in ~~their~~ **his or her** final year of probation, ~~they~~ **he or she** will not be eligible for tenure at that time; **and**
- e) **The certification status of the appointee in reference to the position to which the individual is appointed.**

Education Law §§ 2509, 2573, 3012, 3012-c, 3012-d, 3014, and 3031
8 NYCRR §§ 30-1.3, 80-3.6, 80-3.9, and 80-3.10

Adopted: 2/9/16
Revised:

Personnel

SUBJECT: DISCIPLINING A TENURED TEACHER OR CERTIFIED PERSONNEL

The District may discipline tenured teachers and certain certified personnel in accordance with applicable law, regulations, or applicable contract provisions.

Ineffective Personnel

The District or Board may bring incompetence charges against a teacher or building principal who receives two or more consecutive ineffective ratings under the APPR; the District or Board must bring incompetence charges against anyone who receives three consecutive ineffective APPR ratings. A single hearing officer from the American Arbitration Association's labor arbitration panel will govern the competency hearing. The hearing may be public or private, at the employee's discretion. The employee will have a reasonable opportunity to defend himself or herself, but will not be required to testify. Each party has the right to be represented by counsel, to subpoena witnesses, to cross-examine witnesses, and to make motions or applications. There will be a full and fair disclosure of witnesses and evidence to be offered by both the District and the employee. A record of the proceeding will be kept.

Allegations of Abuse

The Board may suspend, without pay, an employee charged with physically or sexually abusing a student pending an expedited probable-cause hearing. A single hearing officer will conduct the probable-cause hearing.

Child Witnesses

A child under 14 may be allowed to testify through live, two-way, closed-circuit television if the hearing officer determines by clear and convincing evidence that the child would suffer serious mental or emotional harm that would substantially impair his or her ability to communicate if required to testify live, and that using closed-circuit television would diminish the likelihood or extent of the child suffering serious mental or emotional harm. In making this decision, the hearing officer will consider applicable factors, including: whether the offense was particularly heinous, the child's age and vulnerability, the child's susceptibility to psychological harm due to an underlying physical or mental condition, whether the accused occupied a position of authority over the child, if the offense charged was part of an ongoing course of conduct committed by the accused against the child over an extended period of time, use of a dangerous or deadly weapon, whether the child suffered serious physical injury, threats made against the child, the accused's access to the child, and expert testimony that the child would be particularly susceptible to psychological harm if required to testify in open court or to be in the physical presence of the accused.

(Continued)

Personnel

**SUBJECT: DISCIPLINING A TENURED TEACHER OR CERTIFIED PERSONNEL
(Cont'd.)****Automatic Revocation of Teacher and Administrative Certificates by the Commissioner of Education**

The Commissioner will revoke and annul the certificate of a teacher, teaching assistant, pupil personnel services professional, school administrator or supervisor, or superintendent convicted of:

- a) A sex offense for which registration as a sex offender is required under the Sex Offender Registration Act; or
- b) Any other violent felony offense committed against a child when the child was the intended victim of the offense.

These offenses include, but are not limited to, sexual misconduct, sexual abuse, rape, statutory rape, assault, various other criminal sexual acts, and certain kidnapping offenses.

In addition, the Commissioner will revoke and annul the certificate of a school district administrator, school administrator or supervisor, or school business administrator convicted of fraud.

Criminal Procedure Law §§ 65.00, 65.20, 65.30, and 380.95
Education Law §§ 305(7-a), 305(7-b), 2573(8), 2590-j(7), 3012, 3020-a, and 3020-b
Penal Law § 195.20
8 NYCRR Subpart 82-3
Correction Law Article 6-C

Adopted: 1992
Revised: 4/9/13;

SUBJECT: TEMPORARY PERSONNEL

District's ~~needs~~ may sometimes ~~require~~ utilize temporary appointments. The terms of these appointments shall will be defined by the Board of Education on a case by case basis.

Student Teachers

The North Rose-Wolcott School District shall will cooperate with teacher training institutions in the placement of student teachers in order to provide beginning teachers with the best possible student teaching experience.

Schools are required to allow student teachers to videotape themselves providing instruction in a classroom to meet ~~their instruction component for their~~ part of their performance assessment requirement for teaching certification. The video must remain confidential, is a confidential record of the New York State Education Department (SED), and is not subject to viewing or disclosure to an individual or entity other than the student teacher applicant and relevant SED personnel.

Student teachers shall will be protected from liability for negligence or other acts resulting in accidental injury to any person by the School District, as provided by law.

Substitute Teachers

A ~~substitute teacher~~ fully qualified substitute teacher to teach in the North Rose-Wolcott School District shall will be employed, whenever possible, by the Superintendent of Schools in the absence of a regular teacher. It is recognized that fully certified persons will not always be available for employment as substitute teachers.

Eligibility for Service

~~Per Commissioner's Regulations Section 80-5.4, t~~ There shall be are three categories of substitutes as follows:

- a) Substitutes with valid teaching certificates or certificates of qualification. ~~Service may be rendered~~ serve in any capacity, for any number of days. If employed on more than an itinerant basis, ~~such persons~~ these substitutes will be employed in ~~an~~ their certification area ~~for which they are certified~~.
- b) Substitutes without a valid certificate, but who are completing collegiate study towards certification at the rate of not less than six semester hours per year. ~~Service may be rendered~~ serve in any capacity, for any number of days, in any number of school districts. If employed on more than an itinerant basis, ~~such persons~~ these substitutes will be employed in ~~the~~ their anticipated certification area ~~for which they are seeking certification~~.
- c) Substitutes without a valid certificate and who are not working towards certification. ~~Service may be rendered~~ serve for no more than 40 days per school year. In extreme circumstances—where there is an urgent need for a substitute teacher—however, the District may employ this substitute teacher beyond the 40-day limit, for up to an additional 50 days (90 days total in a school year), if the Superintendent certifies that the District conducted a good-faith recruitment search and there are no certified teachers available who can perform the duties of the position.

(Continued)

Personnel

SUBJECT: TEMPORARY PERSONNEL (Cont'd.)

In even more rare circumstances, the District may hire this substitute teacher beyond the 90 days only if the Superintendent attests that the District conducted a good-faith recruitment search, but there are still no certified teachers available who can perform the duties of the position and that the District needs a particular substitute teacher to work with a specific class or group of students until the end of the school year.

The Board ~~of Education shall~~will annually establish the ordinary rate for per diem substitute teachers.

Reporting

The Superintendent will submit an annual report to the Commissioner concerning the employment of all uncertified teachers. The report will include:

- a) The number of substitute teachers authorized to be employed beyond the 40-day limit.
- b) The number of substitute teachers authorized to be employed beyond the 90-day limit.
- c) The required good-faith recruitment certifications for all teachers employed beyond the 40-day and 90-day limits.

Education Law § 3023
8 NYCRR §§ 80-1.5 and 80-5.4

Revised: 6/24/97; 1/9/07; 4/14/15;

**SUBJECT: STAFF ~~USE OF COMPUTERIZED INFORMATION~~
RESOURCES ACCEPTABLE USE POLICY**

The Board ~~of Education~~ will provide staff with access to various computerized information resources through the District's computer system (DCS ~~hereafter~~) consisting of software, hardware, computer networks, wireless networks/access and electronic communication systems. This may include access to electronic mail, ~~so-called~~ on-line services and the Internet. It may also include the opportunity for staff to have independent access to the DCS from their home or other remote locations, and/or to access the DCS from their personal devices. All use of the DCS and the wireless network, including independent use off school premises and use on personal devices, shall be subject to this policy and accompanying regulations.

The Board encourages staff to make use of the DCS to explore educational topics, conduct research and contact others in the educational world. The Board anticipates that staff access to various computerized information resources will both expedite and enhance the performance of tasks associated with their positions and assignments. To that end, the Board directs the Superintendent or designee(s) to provide staff with training in the proper and effective use of the DCS.

Staff use of the DCS is conditioned upon written agreement by the staff member that use of the DCS will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the DCS. All such agreements ~~shall~~ will be kept on file in the District Office.

Generally, the same standards of acceptable staff conduct which apply to any aspect of job performance ~~shall~~ will apply to use of the DCS. Employees are expected to communicate in a professional manner consistent with applicable District policies and regulations governing the behavior of school staff. Electronic mail and telecommunications are not to be utilized to share confidential information about students or other employees.

Access to confidential data is a privilege afforded to District employees in the performance of their duties. Safeguarding this data is a District responsibility that the Board of Education takes very seriously. Consequently, District employment does not automatically guarantee the initial or ongoing ability to use mobile/personal devices to access the DCS and the information it may contain.

This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate staff conduct and use as well as proscribed behavior.

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

Staff members who engage in unacceptable use may lose access to the DCS and may be subject to further discipline under the law and in accordance with applicable collective bargaining agreements. Legal action may be initiated against a staff member who willfully, maliciously or unlawfully damages or destroys property of the District.

(Continued)

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

Social Media Use by Employees

The ~~School~~District recognizes the value of teacher and professional staff inquiry, investigation and communication using new technology tools to enhance student learning experiences. The School District also realizes its obligations to teach and ensure responsible and safe use of these new technologies. Social media, including social networking sites (SNS), have great potential to connect people around the globe and enhance communication. Therefore, the Board ~~of Education~~ encourages the use of District approved social media tools and the exploration of new and emerging technologies to supplement the range of communication and educational services.

~~For purposes of this Policy, the definition of p~~**Public social media networks or Social Networking Sites (SNS)** are defined to include: websites, Web logs (blogs), wikis, social networks, online forums, virtual worlds, video sites and any other social media generally available to the ~~School~~District community which do not fall within the District's electronic technology network (e.g., Facebook, MySpace, Twitter, LinkedIn, Flickr, Vine, Instagram, SnapChat, ~~blog sites~~, etc.). The definition of District approved password-protected social media tools are those that fall within the District's electronic technology network or which the District has approved for educational use. Within these internal forums, the District has greater authority and ability to protect minors from inappropriate content and can limit public access.

The use of social media (whether public or internal) can generally be defined as Official District Use, Professional/Instructional Use and Personal Use. ~~The definitions, uses and responsibilities will be further defined and differentiated in the Administrative Regulation. The School District takes no position on an employee's decision to participate in the use of social media or SNS for personal use on personal time. However, p~~Personal use of ~~these~~social media or SNS by employees during District time or on District-owned equipment is allowed on a limited basis and should not interfere with professional duties. All data and communications on District-owned devices are subject to professional review and scrutiny. In addition, employees are encouraged to maintain the highest levels of professionalism when communicating, whether using District devices or their own personal devices, in their professional capacity as educators. They have a responsibility to address inappropriate behavior or activity on these networks, including requirements for mandated reporting and compliance with all applicable District Policies and Regulations.

Confidentiality, Private Information and Privacy Rights

Confidential ~~and~~or private data, including but not limited to, protected student records, employee personal identifying information, and District assessment data, ~~shall~~will only be loaded, stored or transferred to District-owned devices which have encryption and/or password protection. This restriction, designed to ensure data security, encompasses all computers and devices within the DCS, any mobile devices, including flash or key drives, and any devices that access the DCS from remote locations. Staff will not use email or personal cloud-based storage services to transmit confidential files in order to work at home or another location. Staff will not use cloud-based storage services (such as Dropbox, GoogleDrive, SkyDrive, etc.) for confidential files.

(Continued)

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

In addition, sStaff will not leave any devices unattended with confidential information visible. All devices ~~are required to~~ must be locked down while the staff member steps away from the device, and settings enabled to freeze and lock after a set period of inactivity.

Staff data files and electronic storage areas ~~shall~~ will remain District property, subject to District control and inspection. The Technology Coordinator may access all such files and communications without prior notice to ensure system integrity and that users are complying with requirements of this policy and accompanying regulations. Staff should NOT expect that information stored on the DCS will be private.

Implementation

~~Administrative regulations will be developed to implement the terms of this policy, addressing general parameters of acceptable staff conduct as well as prohibited activities so as to provide appropriate guidelines for employee use of the DCS.~~

NOTE: Refer also to Policies #5672 -- Information Security Breach and Notification
#6411 -- Use of Email in the District
#7243 -- Student Data Breaches
#7316 -- Student Use of Personal Technology
#8271 -- Internet Safety/Internet Content Filtering

Adopted: 7/22/97
Revised: 2/24/98; 4/3/12; 6/9/15;

Personnel

SUBJECT: USE OF EMAIL IN THE SCHOOL DISTRICT

~~Electronic mail or e~~Email is a valuable business communication tool, ~~and~~however, users ~~shall~~must use this tool in a responsible, ~~effective~~ and lawful manner. Every employee and authorized user has a responsibility ~~to maintain the District's image and reputation,~~ to be knowledgeable about the inherent risks associated with email usage and to avoid placing the ~~School~~District at risk. ~~Although email seems to be less formal than other written communication,~~ ~~†~~The same laws and business records requirements apply to email as to other forms of written communication. ~~School~~District employees and authorized users ~~shall~~will use the District's designated email system, ~~such as Lotus Notes or Microsoft Exchange,~~ for all business email, including emails in which students or student issues are involved. Personal accounts and instant messaging will not be used to conduct official business.

Employee Acknowledgement

All employees and authorized users ~~shall acknowledge annually and follow the District's policies and regulations on acceptable use of computerized information resources, including email usage.~~ will be required to review a copy of the District's policies on staff use of computerized information resources and any regulations established in connection with those policies. Each user must annually acknowledge this employee and authorized user agreement before establishing an account or continuing in his or her use of email.

Classified and Confidential

District employees and authorized users may not:

- a) Provide lists or information about District employees or students to others and/or classified information without approval. Questions regarding usage and requests for such lists or information should be directed to a Principal/supervisor.
- b) Forward emails with confidential, sensitive, or secure information without Principal/supervisor authorization. Additional precautions, such as encryption, should be taken when sending documents of a confidential nature.
- c) Use file names that may disclose confidential information. Confidential files should be password protected and encrypted. File protection passwords shall not be ~~communicated~~transmitted via email correspondence.
- d) Use email to transmit any individual's personal, private and sensitive information (PPSI). PPSI includes social security number, driver's license number or non-driver ID number, account number, credit/debit card number and security code, or any access code/password that permits access to financial accounts or protected student records.
- e) Send or forward emails with comments or statements about the District that may negatively impact it; or

(Continued)

SUBJECT: USE OF EMAIL IN THE SCHOOL DISTRICT (Cont'd.)

- f) Send or forward email that contains confidential information subject to Health Insurance Portability and Accountability Act (HIPAA), Family Educational Rights and Privacy Act (FERPA), and other applicable laws.

Personal Use

Employees and authorized users may use the District's email system for limited personal use. However, ~~there is~~ employees and authorized users have no expectation of privacy in email use. Personal use ~~should~~ does not include chain letters, junk mail, and jokes. Employees and authorized users ~~shall~~ will not access any other email account or system (Yahoo, Hotmail, AOL, etc.) via the District's network or use the District's email programs to conduct job searches, post personal information to bulletin boards, blogs, chat groups and list services, etc. without specific permission from the Principal or supervisor. The District's email system ~~shall~~ will not be used for personal gain or profit.

Email Accounts

~~All email accounts on the District's system are the property of the School District. Employees and authorized users shall not access any other email account or system (Yahoo, Hotmail, AOL, etc.) via the District's network. Personal accounts and instant messaging shall not be used to conduct official business.~~

Receiving Unacceptable Mail

Employees and authorized users who receive offensive, unpleasant, harassing or intimidating messages via District email or instant messaging ~~shall~~ should inform their Principal/supervisor immediately.

Records Management and Retention

~~Retention of email messages are covered by the same retention schedules as records in other formats, but are of a similar program function or activity.~~ Email ~~shall~~ will be maintained and archived in accordance with the NYS Records Retention and Disposition Schedule ED- I and as outlined in the Records Management Policy. Email records may consequently be deleted, purged or destroyed after they have been retained for the requisite time period established in the ED-I schedule.

Archival of Email

~~All email sent and received to an employee's email account should be archived by the District for a period of no less than six years. This time period was determined based on the possibility of emails that are the official copy of a record according to schedule ED-I. Depending on the District's archival system, employees may have access to view their personal archive, including deleted email.~~

(Continued)

SUBJECT: USE OF EMAIL IN THE SCHOOL DISTRICT (Cont'd.)**Training**

Employees or authorized users should receive regular training on the following topics:

- a) The appropriate use of email with students, parents and other staff to avoid issues ~~of~~ regarding harassment and/or charges of fraternization;
- b) Confidentiality of emails;
- c) Permanence of email: email is never truly deleted, as the data can reside in many different places and in many different forms; and
- d) No expectation of privacy: email use on District property is NOT to be construed as private.

Sanctions

The Computer Coordinator may report inappropriate use of email by an employee or authorized user to the employee or authorized user's Principal/supervisor who ~~will~~ may take appropriate disciplinary action. Violations may result in a loss of email use, access to the technology network and/or other disciplinary action. When applicable, law enforcement agencies may be ~~involved~~ contacted.

Notification

~~All employees/authorized users will be required to access a copy of the District's policies on staff and student use of computerized information resources and the regulations established in connection with those policies. Each user will acknowledge this employee/designated user agreement before establishing an account or continuing in his/her use of email.~~

Confidentiality Notice

A standard confidentiality notice will automatically be added to each email as determined by the District.

NOTE: Refer also to Policies #3320 -- Confidentiality of Computerized Information
 #3420 -- Non-Discrimination and Anti-Harassment in the School District
 #5670 -- Records Management
 #6410 -- Staff Acceptable Use Policy
 #8271 -- Internet Safety/Internet Content Filtering

Adopted: 5/5/15
 Revised:

SUBJECT: EMPLOYEE PERSONNEL RECORDS AND RELEASE OF INFORMATION**Personnel Records**

~~The Board of Education directs the Superintendent to maintain a personnel file for each teacher, administrator and support staff member employed by the District.~~

~~The Board also directs the Superintendent to maintain regulations and procedures governing the inspection by District employees of their personnel files.~~

The District will maintain a personnel file for each teacher, administrator, and support staff member employed by the District. Employees may review or inspect their personnel files in accordance with District procedure or practice.

Release of Personnel Information

All steps shall be taken to protect the privacy of the employees of the Board of Education. To ensure the individual's privacy, directory or confidential information should not be shared with a third party except in the following situations:

- a) When members of the Board ~~of Education~~ need information from the employee's personnel record to aid them in performing their legal responsibilities in matters such as appointments, assignments, promotions, demotions, remuneration, discipline, dismissal or to aid in the development and implementation of personnel policies.
- b) When the employee grants permission.
- c) When the third party needs to contact a particular staff member in case of an emergency during non-school hours.

Procedures for obtaining consent for release of records to third parties ~~shall~~will be developed by the administration.

Release of Information Concerning Former Employees

The District ~~shall~~will not release information concerning the employment records, personnel file or past performance of a former employee, unless that information is required to be disclosed by law. Only the initial and final dates of employment and the position held ~~shall~~will be provided through a written response to a written request. The former employee may authorize the release of any additional information.

Commissioner's Regulations, Part 84
Public Officers Law Section 87

Adopted: 1992
Revised:

SUBJECT: EMPLOYEE POLITICAL ACTIVITIES**Political Activities**

The Board ~~of Education~~ recognizes the right of its employees, as citizens, to engage in political activities and to exercise their constitutionally protected rights to address matters of public concern.

However, a District employee's constitutional rights to raise matters of public concern are limited when the speech or action occurs on school grounds or during school times. When the speech or action occurs on school grounds or during school time, the Board ~~of Education~~ can impose reasonable restrictions on the time, place and manner of the speech or action, and can further regulate the content of the speech when it materially imperils the efficient operation of the school.

Teachers may not use their classrooms or school surroundings as a means to promote their personal political views and beliefs. However, teachers are encouraged to address issues of current events for their instructional and informational value to students, to invite public and/or political figures to visit the classroom as a community resource, and to motivate students to participate in the political process.

~~Solicitations by Staff Personnel~~

~~Staff members shall not be engaged in advertising or commercial solicitations on school time, except as authorized by the Superintendent and/or designee.~~

NOTE: Refer also to Policies #3271 -- Solicitation of Charitable Donations
#3272 -- Advertising in the Schools
#5560 -- Use of Federal Funds for Political Expenditures

Personnel

SUBJECT: LEAVES OF ABSENCE

In general, leaves of absence will be administered by the Superintendent. The Board reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in the policy statement. Where a leave of absence is falsely requested or improperly used, the Board may undertake appropriate disciplinary action. The purpose or conditions of a leave of absence may not be altered except by permission of the Superintendent, as expressed in writing.

~~a) — In general, leaves of absence:~~

- ~~1. Shall be administered by the Superintendent.~~
- ~~2. The Board reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in the policy statement.~~
- ~~3. Under laws and rules governing such action, the Board may undertake appropriate disciplinary action where a leave of absence is falsely requested or improperly used.~~
- ~~4. Except by permission of the Superintendent, as expressed in writing, the purpose or conditions of a leave of absence may not be altered.~~

~~b) — Leaves of absence, contractual, et al:~~

~~1-a) Employees who are members of a negotiating unit:~~

Authorization is granted to approve requests for leaves of absence submitted ~~pursuant to~~ **in accordance with** provisions of contracts in effect between the District and each bargaining unit.

~~2-b) Employees who are not members of a negotiating unit:~~

Authorization is granted to approve requests for leaves of absence submitted by such employees where the requests are consistent with provisions of contracts in effect between the District and the bargaining unit most compatible with the employment status of the employee.

~~3-c) Employees who are under contract to the District:~~

Authorization is granted to implement provisions for leaves of absence contained in each contract.

~~e) — Leaves of absence, unpaid, not covered in b) 1. above:~~

~~1-a) Subject to limitations enumerated in this policy statement, authorization is granted for the following unpaid leaves of absence.~~

- ~~(a) 1. For a period of time not to exceed one school year for approved graduate study, such leave to include any required internship experience.~~

(Continued)

Personnel

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

~~(b)~~2. At the expiration of a paid sick leave of absence, ~~to extend such a leave of absence~~ ~~this leave may be extended~~ for a period of time not ~~to exceed~~ ~~longer than~~ the end of the school year ~~next—succeeding~~ ~~after~~ the school year in which the paid leave of absence ~~commenced~~ ~~began~~.

~~2~~-b) Unpaid leaves of absence ~~shall~~ ~~will~~ not be used to extend vacation periods, to take vacations, to engage in other occupations, or to provide additional personal leaves, except that the Superintendent ~~shall~~ ~~will~~ have discretion, where circumstances warrant, to approve leaves of absence for those purposes.

~~3~~-c) Unpaid leaves of absence ~~shall~~ ~~will~~ not be granted unless the services of a substitute employee, satisfactory in the discretion of the Superintendent, can be secured.

~~4~~-d) Except where it interferes with an employee's legal or contractual rights, the timing of unpaid leaves of absence will be granted at the convenience of the District.

~~e~~) ~~—~~ Other leaves of absence:

~~1~~-a) Emergency Service Volunteer Leave

Upon presentation of a written request from the American Red Cross and with the approval of the Superintendent, employees certified by the American Red Cross as disaster volunteers ~~shall~~ ~~will~~ be granted leave from work with pay for up to 20 days in any calendar year to participate in specialized disaster relief operations. This leave ~~shall~~ ~~will~~ be provided without loss of seniority, compensation, sick leave, vacation leave or other overtime compensation to which the volunteer is otherwise entitled.

~~2~~-b) Screenings for Breast Cancer and Prostate Cancer

Employees ~~shall~~ ~~will~~ be granted up to four hours of paid leave on an annual basis to undertake a screening for breast cancer; employees ~~shall~~ ~~will~~ be granted up to four hours of paid leave on an annual basis to undertake a screening for prostate cancer (i.e., male employees are entitled to a total of eight hours for both screenings). This leave ~~shall~~ ~~will~~ be excused leave and ~~shall~~ ~~will~~ not be charged against any other leave to which the employee is entitled.

~~3~~-c) Blood Donation

The ~~School~~ District must either, at its option:

~~(a)~~1. Grant three hours of leave of absence in any 12-month period to an employee who seeks to donate blood. According to Commissioner's Guidelines, leave granted to employees for off-premises blood donation is not required to be paid leave.

The leave may not exceed three hours unless agreed to by the Superintendent or designee;
or

(Continued)

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

- (b)2. Allow its employees without use of accumulated leave time to donate blood during work hours at least two times per year at a convenient time and place set by the Superintendent or designee, including allowing an employee to participate in a blood drive at the District.

Leave taken by employees at a District-designated donation alternative (such as a District-sponsored blood drive at the workplace) must be paid leave that is provided without requiring the employee to use accumulated vacation, personal, sick, or other leave time.

The District **shall will** not retaliate against an employee for requesting or obtaining a leave of absence under this section. Additional leaves for the purpose of blood donation under any other provision of law **shall will** not be prevented.

4.d) Bone Marrow Donation

Employees seeking to undergo a medical procedure to donate bone marrow **shall will** be granted leaves to do so, the combined length of the leaves to be determined by the physician, but may not exceed 24 work hours unless agreed to by the Superintendent or designee. The District **shall will** require verification for the purpose and length of each leave requested by the employee for this purpose.

5.e) Nursing Mothers

The District **shall will** provide reasonable unpaid break time or permit the use of paid break time or meal time each day to allow an employee to express breast milk for her nursing child for up to three years following child birth. The District **shall will** make reasonable efforts to provide a room or other location in close proximity to the work area where the nursing mother can express milk in privacy. The District **shall will** not discriminate against an employee who chooses to express breast milk in the workplace.

Reasonable unpaid break time is generally no less than 20 minutes and no more than 30 minutes dependent upon the proximity of the designated location for expressing breast milk. In most situations, the District is required to provide unpaid break time at least once every three hours if requested by the employee. At the employee's option, the District **shall will** allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid break time(s) so long as such additional time requested falls within the District's normal work hours.

The District **shall will** provide written notice to employees who are returning to work following the birth of a child of their right to take unpaid leave for the purpose of expressing breast milk. This notice may either be provided individually to affected employees or to all employees generally through publication of the notice in the employee handbook or posting of the notice in a central location.

(Continued)

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

Any employee wishing to avail herself of this benefit is required to give the District advance notice, preferably prior to her return to work, to allow the District an opportunity to establish a location and schedule leave time to accommodate employees as needed.

6-f) Victims of Domestic Abuse

Employers are required to provide employees with an unpaid leave to appear as a witness, consult with the District attorney, or exercise the employee's statutory rights as the victim of, or witness to a crime of domestic violence. ~~In addition, a~~ victim of domestic violence may need one or more of these types of leave.

To use this leave, the employee ~~shall~~ must provide notice of the need for leave at any time prior to the actual day of leave. Employers are permitted to ask the employee who sought the attendance or testimony of the employee to provide verification of the employee's service. ~~Employees will not be p~~Penalized ~~ing~~ or discharged ~~ing an employee~~ for absences by reason of a required appearance as a witness in a criminal proceeding, or consultation with the District attorney, or exercising his/her rights as provided under the law. ~~constitutes a Class B misdemeanor by the employer.~~

7-g) Military Leave

The District will comply with state and federal laws regarding military leave and re-employment.

h) Jury Duty

As provided by law, any employee who is summoned to serve as a juror and who notifies the District to that effect prior to his or her term of service will not, on account of absence by reason of jury service, be subject to discharge or penalty. The District will ensure that all absences for this purpose are granted in accordance with law and the terms of any applicable collective bargaining agreement.

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 USC §§ 4301-4333
Civil Service Law §§ 71-73, 159-b and 159-c
Education Law §§ 1709(16), 3005, 3005-a and 3005-b
General Municipal Law § 92-c
Judiciary Law §§ 519 and 521
Labor Law §§ 202-a, 202-c, 202-I, 202-j and 206-c
Military Law §§ 242 and 243
Penal Law § 215.14

Adopted: 1992

Revised: 11/12/03; 1/9/07; 5/13/08; 4/9/13;

SUBJECT: FAMILY AND MEDICAL LEAVE ACT

The Board of Education, in accordance with the Family and Medical Leave Act of 1993 (as amended) (FMLA), gives "eligible" employees of the District the right to take unpaid leave for a period of up to 12 workweeks in a twelve-month period as determined by the District. The School District must compute the time frame of the 12-month period for which FMLA leave is being requested.

The District uses a "rolling" 12-month period measured backward from the date of any FMLA leave usage as its method for calculating the leave year period for the commencement of the FMLA leave period. In certain cases, FMLA leave may be taken on an intermittent or reduced schedule basis rather than all at once. ~~, or the employee may work a part-time schedule.~~

The entitlement to leave for the birth or placement of a child will expire at the end of the 12-month period beginning on the date of the birth or placement.

Employees are "eligible" if they have been employed by the District for at least 12 months and for at least 1,250 hours of service during the previous twelve-month period. Full-time teachers are deemed to meet the 1,250 hour test. However, a break in employment for military service (i.e., call to active duty) should not interrupt the 12 month/1,250 hours of employment requirement and should be counted toward fulfilling this prerequisite. The law covers both full-time and part-time employees.

Qualified employees may be granted leave for one or more of the following reasons:

- a) The birth of a child and care for the ~~infant~~child;
- b) Adoption of a child and care for the ~~infant~~child;
- c) The placement with the employee of a child in foster care;
- d) To care for a spouse, child or parent who has a "serious health condition" as defined by the FMLA; ~~and/or~~
- e) To care for an adult child who is also incapable of self-care due to a disability (regardless of date of the onset of disability) and has a "serious health condition" as defined by the FMLA; and/or
- f) A "serious health condition" of the employee, as defined by the FMLA, that prevents the employee from performing his or her job.

~~e)A "serious health condition" of the employee, as defined by the FMLA, that prevents the employee from performing his/her job.~~ A "serious health condition" is defined as an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider that renders the employee incapacitated for more than three consecutive calendar days. Furthermore, the first visit to a health care provider for an employee claiming a "serious health condition" under FMLA must occur within seven days of the aforementioned incapacity with the second

(Continued)

Personnel

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

required visit occurring within 30 days of the incapacitating event. In order for an employee to claim the need for continuous treatment under FMLA for a chronic serious health condition, the condition must require a minimum of two visits per year to a healthcare provider, continue over an extended period of time, and may cause episodic rather than a continuing period of incapacity. ~~and where the employee is required to see the health care provider at least twice.~~ A "serious health condition" is also defined as any period of incapacity related to pregnancy or for prenatal care.

Military Family Leave EntitlementsMilitary Caregiver Leave

~~An eligible employee who is the spouse, son, daughter, parent, or next of kin (defined as the nearest blood relative of that individual) of a "covered service member" who is recovering from a serious illness or injury sustained in the line of duty while on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during a single 12-month period during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave. Military Caregiver Leave may be combined with other forms of FMLA-related leave providing a combined total of twenty-six (26) weeks of possible leave for any single twelve (12) month period; however, the other form of FMLA leave when combined cannot exceed twelve (12) of the twenty-six (26) weeks of combined leave.~~

~~Military Caregiver Leave has a set "clock" for calculating the twelve (12) month period for when FMLA leave begins and tolling starts at the first day of leave taken.~~

~~The term "covered service member" means a member of the Armed Forces, including a member of the National Guard or Reserves.~~

An eligible employee who is the spouse, son, daughter, parent, or next of kin (defined as the nearest blood relative) is entitled to up to 26 weeks of leave in a single 12-month period to care for a "military member" who is:

- a) Recovering from a service-connected serious illness or injury sustained while on active duty; or
- b) Recovering from a serious illness or injury that existed prior to the service member's active duty and was aggravated while on active duty; or
- c) A veteran who has a qualifying injury or illness from service within the last five years and aggravates that illness or injury.

This military caregiver leave is available during a single 12-month period during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave. Military Caregiver Leave may be combined with other forms of FMLA-related leave providing a combined total of 26 weeks of possible leave for any single twelve (12) month period; however, the other form of FMLA leave when combined cannot exceed twelve (12) of the twenty-six (26) weeks of combined leave.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

weeks of possible leave for any single 12-month period; however, the other form of FMLA leave when combined cannot exceed 12 of the 26 weeks of combined leave. Military Caregiver Leave has a set "clock" for calculating the 12-month period for when FMLA leave begins and tolling starts at the first day of leave taken.

The term "military member" means:

- a) A member of the Regular Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- b) A veteran (discharged or released under any condition other than dishonorable) who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

"Qualifying Exigency" Leave/Call to Active Duty

An "eligible" employee is entitled to FMLA leave because of "a qualifying exigency" arising out of circumstances where the spouse, son, daughter, or parent of the employee is serving in either the National Guard or the Reserves and is on active duty during a war or national emergency called for by the President of the United States or Congress, or has been notified of an impending call to active duty status, in support of a contingency operation.

A "qualifying exigency" related to families of the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve and Coast Guard Reserve personnel on (or called to) active duty to take FMLA protected leave to manage their affairs is defined as any one of the following reasons:

- a) Short-notice deployment;
- b) Military events and related activities;
- c) Childcare and school activities;
- d) Parental care leave;
- e) Financial and legal arrangements;
- f) Counseling;
- g) Rest and recuperation (for up to 15 calendar days);
- h) Post-deployment activities; and
- i) Any additional activities where the employer and employee agree to the leave.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

In any case in which the necessity for leave due to a qualifying exigency is foreseeable, the employee shall provide such notice to the employer as is reasonable and practicable. This military-related leave is for up to 12 weeks during a single 12-month period.

Concurrent (Substitute) Leave

Employees must use paid leave concurrently with periods of FMLA leave.

~~Medical Treatment for Serious Health Conditions~~

~~The first visit to a health care provider for an employee claiming a "serious health condition" under FMLA must occur within seven (7) days of the aforementioned incapacity with the second required visit occurring within thirty (30) of the incapacitating event.~~

~~If the employee claiming FMLA under the "serious health condition" rationale is sustaining continuous treatment, their first visit to a health care provider must take place within seven (7) days of the claimed incapacitating event.~~

~~Chronic "serious health conditions" require periodic visits; the employee must see a health care provider a minimum of two (2) times per year.~~

Implementation/Benefits/Medical Certification

At the Board's ~~of Education's~~ or employee's option, certain types of paid leave may be substituted for unpaid leave.

An employee on FMLA leave is also entitled to have health benefits maintained while on leave. If an employee was paying all or part of the premium payments prior to leave, the employee will continue to pay his/her share during the leave period.

In most instances, an employee has a right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave.

The Board ~~of Education~~ has a right to 30 days advance notice from the employee where practicable. In addition, the Board may require an employee to submit certification from a health care provider to substantiate that the leave is due to the "serious health condition" of the employee or the employee's immediate family member. Under no circumstance should the employee's direct supervisor contact any health care provider regarding the employee's condition; all contact in this manner must be made by a health care provider (employed at the employer), a human resource professional, a leave administrator or a management official. If the medical certification requested by the employer is found to be deficient, the employer must indicate where the errors are, in writing, and give the employee seven days to provide corrected materials to cure any deficiency prior to any action being taken.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)**Special Provisions for ~~School~~ District Employees**

An instructional employee is an employee whose principal function is to teach and instruct students in a class, a small group, or an individual setting (e.g., teachers, coaches, driving instructors, special education assistants, etc.). Teaching assistants and aides who do not have instruction as the principal function of their job are not considered an "instructional employee."

Intermittent Leave Taken by Instructional Employees

FMLA leave that is taken at the end of the school year and resumes at the beginning of the next school year is not regarded as intermittent leave [or leave on a reduced schedule](#) but rather continuous leave. The period in the interim (i.e., summer vacation) is not counted against an employee and the employee must continue to receive any benefits that are customarily given over the summer break.

Intermittent leave may be taken but must meet certain criteria. If the instructional employee requesting intermittent leave will be on that leave for more than 20% of the number of working days during the period for which the leave would extend, the following criteria may be required by the employer:

- a) Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- b) Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

Appropriate notice for foreseeable FMLA leave still applies and all employees must be returned to an equivalent position within the School District. Additional work-related certifications, requirements and/or training may not be required of the employee as a contingent of their return to work.

Leave Taken by Instructional Employees Near the End of the Instructional Year

There are also special requirements for instructional employees taking leave and the leave's relation to the end of the term. If the instructional employee is taking leave more than five weeks prior to the end of the term, the District may require that the employee take the leave until the end of the term if the leave lasts more than three weeks and the employee was scheduled to return prior to three weeks before the end of the term.

If the instructional employee is taking leave less than five weeks prior to the end of the term for any of the [following previous](#) FMLA-related reasons except qualifying exigency, the District may require that the employee remain out for the rest of the term if the leave lasts more than two weeks and the employee would return to work during that two-week period at the end of the instructional term.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

If the instructional employee begins taking leave during the three weeks prior to the end of the term for any reason except qualifying exigency, the District may require that the employee continue leave until the end of the term if the leave is scheduled to last more than five working days.

Any additional time that is required by the ~~employer~~District due to the timing of the end of the school year, will not be charged against the employee as FMLA leave because it was the ~~employer~~District who requested that the leave extend until the end of the term.

FMLA Notice

A notice which explains the FMLA's provisions and provides information concerning the procedures for filing complaints of violations of the FMLA ~~shall~~will be posted in each school building and a notice of an employee's FMLA rights and responsibilities ~~shall~~will be either placed in the employee handbook of the employer or furnished to each new employee upon hire. The employer has five days to supply such notice from the date of hire.

~~Administration is directed to develop regulations to implement this policy, informing employees of their rights and responsibilities under the FMLA.~~

Family and Medical Leave Act of 1993 (as amended), Public Law 103-3
National Defense Authorization Act of 2008, Public Law 110-181
10 USC 101(a) (13)
29 USC 1630.1 and 2611-2654
29 CFR Part 825 and Part 1630
42 USC 12102
Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191
45 CFR Parts 160 and 164

Adopted: 6/24/97
Revised: 7/1/08; 4/7/09; 2/12/13;

Personnel

SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR

~~—Regulations recently promulgated by the Office of the State Comptroller provide guidance to school districts to help them determine whether an individual is an employee, and therefore eligible for membership in the New York State and Local Retirement System (NYSLRS) and for service credit, or an independent contractor who is not eligible for membership.~~

A certification of the determination that an individual is an employee will now be required when the ~~School~~District initially reports to the [New York State and Local Retirement System \(NYSLRS\)](#) certain covered professionals -- those persons providing services as an attorney, physician, engineer, architect, accountant or auditor.

Employee ~~shall~~ [shall](#) means an individual performing services for the ~~School~~District for which the District has the right to control the means and methods of what work will be done and how the work will be done. Independent contractor ~~shall~~ [shall](#) means a consultant or other individual engaged to achieve a certain result who is not subject to the direction of the employer as to the means and methods of accomplishing the result. ~~(Guidance from the New York State Education Department emphasizes that School Districts and BOCES do not have the authority to~~[The District will not](#) enter into agreements with independent contractors for instructional services).

Employees to be Reported to NYSLRS

Only persons who are active members of NYSLRS and who have been assigned a registration number ~~shall~~[will](#) be included in the reporting requirements. In the case of employees who are in the process of being registered to membership, all service, salary and deductions data and mandatory contributions ~~shall~~[will](#) be accumulated by the District and the accumulation ~~shall~~[will](#) be included with the first monthly report which is due after the employee's registration number has been assigned.

An individual serving the District as an independent contractor or consultant is not an employee and should not be reported to the retirement system.

The District has the primary responsibility for determining whether an individual is rendering services as an employee or as an independent contractor. When making ~~such a~~[this](#) determination the District must consider the factors ~~enumerated~~[set forth](#) in State Regulations.

The District ~~shall~~[will](#) also complete, as necessary, a Certification Form for Individuals Engaged in Certain Professions (Form RS2414) as promulgated by the Office of the New York State Comptroller. ~~As noted on the Certification Form instructions, w~~[When](#) making a determination as to an individual's status as an employee or independent contractor, no single factor ~~should~~[will](#) be considered to be conclusive of the issue. All factors ~~should~~[will](#) be considered in making an assessment of an individual's status when engaged to perform services.

(Continued)

Personnel

SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR (Cont'd.)**Written Explanation by District: Certain Professions**

In the case of an individual whose service has been engaged by the ~~School~~-District in the capacity of attorney, physician, engineer, architect, accountant or auditor and the District has determined that the individual is rendering service as an employee and, therefore, may be eligible for credit with a retirement system, the District ~~shall~~will submit to the retirement system, in a form prescribed by the Comptroller and certified by the Chief Fiscal Officer of the District, an explanation of the factors that led to the conclusion that the individual is an employee and not an independent contractor or consultant.

Legal ServicesCharging for Legal Services

An attorney will not simultaneously be an independent contractor and an employee of the District for the purpose of providing legal services to the District.

An attorney who is not an employee of the District will not seek to be or be considered, treated or otherwise reported by the District as an employee thereof for purposes of compensation, remuneration, health insurance, pension, and all associated employment-related benefits and emoluments.

Reports Regarding Attorneys

The District will, on or before the 45th day after the commencement of its fiscal year, file with the State Education Department, the State Comptroller, and the Attorney General a report specifying:

- a) All attorneys who provide legal services to the District or Board;
- b) Whether the District or Board hired those attorneys as employees; and
- c) All remuneration and compensation paid for legal services.

Protection Against Fraud

Any person who knowingly makes any false statement, or falsifies or permits to be falsified any record or records of the retirement system in any attempt to defraud the system, or who receives certain benefits or payments in excess of statutory limits, as a result of those acts, will be guilty of criminal conduct, and will be punished under the laws of New York State.

Education Law §§ 525, 2050-2054
Retirement and Social Security Law §§ 11, 34, 311, and 334
2 NYCRR §§ 315.2 and 315.3

Adopted: 7/1/08
Revised: 4/9/13;

SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS

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

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

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

~~Such diagnostic screening will be utilized to determine which students:~~

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

The diagnostic screening ~~shall~~will be conducted:

- a) By persons appropriately trained or qualified;
- b) By persons appropriately trained or qualified in the student's ~~native~~home language if the language of the home is other than English;
- c) In the case of new entrants, prior to the school year, if possible, but no later than December 1 of the school year of entry or within 15 days of transfer of a student into a New York State public school should the entry take place after December 1 of the school year;
- d) In the case of students with low test scores, within 30 days of the availability of the test scores.

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

~~New Entrants~~

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

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

(Continued)

Students

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

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

Students with Low Test Scores

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

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

Results and Reports

The results of the diagnostic screening ~~shall~~**will** be reviewed and a written report of each student screened ~~shall~~**will** be prepared by appropriately qualified ~~School~~**School**-District staff. ~~The report shall include a description of diagnostic screening devices used, the student's performance on those devices and, if required, the appropriate referral. If the screening indicates a possible disability, a possibly gifted child, or a child identified as possibly being an ELL, the District will refer the child for the appropriate programs or services.~~

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

~~If such screening indicates a possibly gifted child, the name and finding shall be reported to the Superintendent of Schools and to the parents/legal guardians no later than fifteen (15) calendar days after completion of such screening. The term gifted child is defined as a child who shows evidence of high performance capability and exceptional potential in areas such as general intellectual ability, special academic aptitude and outstanding ability in visual and performing arts. Such definition shall include those children who require educational programs or services beyond those normally provided by the regular school program in order to realize their full potential.~~

(Continued)

Students

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

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

Reporting to Parents

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

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

Confidentiality of Information

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

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

NOTE: Refer also to Policies #7133 -- Education of Homeless Children and Youth
#7512 -- Student Physicals
#8240 -- Instructional Programs: Driver Education, Gifted and Talented Education and Physical Education

Revised: 6/24/97; 11/12/03; 1/9/07; 5/13/08; 4/9/13;

Students

SUBJECT: NON-RESIDENT STUDENTS

Non-resident students will not be admitted in the North Rose-Wolcott Central School District.

~~Current tuition-paying students will be allowed to graduate but their status will be evaluated annually. Continuance will be dependent on class size and past disciplinary record. Cooperative agreements with other school districts may be entered into.~~

~~Education Law Sections 2045 and 3202
Commissioner's Regulations Section 174.2~~

~~The Board affirms its primary responsibility to educate children who are residents of the District and who are of legal age to attend school. Non-resident families who wish to enroll children in the District must submit a request in writing to the Superintendent. The Superintendent will review these requests and make recommendations regarding non-resident student admission to the Board. The Board will have final authority to approve or deny such requests.~~

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

- ~~a) — There is sufficient space to accommodate the non-resident student;~~
- ~~b) — No increase in the size of faculty or staff will be necessary; and~~
- ~~c) — Admittance will not result in the establishment of a new section.~~

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

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

- ~~a) — Parents or guardians must work out transfer conditions with the home school district or provide their own transportation;~~
- ~~b) — All rules and regulations in effect for District students will be applicable to non-District students; and~~
- ~~c) — Tuition may be charged to families of non-resident students in accordance with formulas approved by the State Education Department.~~

Future Students

~~— The children of families who have signed a contract to buy or build a residence in the District may be enrolled for the semester in which they expect to become residents. Non-resident tuition will be charged, payable in advance, with an adjustment to be made when the family becomes a resident in the District.~~

(Continued)

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

In the following limited circumstances, children who are not District residents ~~will~~ may be permitted to attend the District ~~schools without payment of tuition~~:

- a) Students of any grade who move from the District during the school year may be given permission to finish the semester in which the move occurs.
- b) Students who move from the District after completion of the first semester of the year preceding their anticipated graduation year may be given permission to remain in the District until graduation.

Foreign Exchange Students

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

~~Reservation of Claims~~

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

~~Tuition Fees~~

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

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

~~Legal Residence~~

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

(Continued)

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Students

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

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

NOTE: Refer also to Policies #7130 -- Entitlement to Attend -- Age and Residency
#7133 -- Education of Homeless Children and Youth

Revised: 6/24/97;

Students

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH

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

As defined in Commissioner's regulations, a "homeless child" means a child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child who is:

- a) Sharing the housing of other persons due to a loss of housing, economic hardship, or a similar reason;
- b) Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
- c) Abandoned in hospitals; or
- d) A migratory child who qualifies as homeless in accordance with Commissioner's regulations. The term "migratory child" includes a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who has moved from one school district to another in the preceding 36 months, in order to obtain, or accompanies his or her parent or spouse in order to obtain, temporary, or seasonal employment in agricultural or fishing work; or
- e) A child or youth who has a primary nighttime location that is:
 1. A supervised, publicly, or privately operated shelter designed to provide temporary living accommodations, including, but not limited to, shelters operated or approved by the state or local department of social services, and residential programs for runaway and homeless youth established in accordance with Executive Law Article 19-H; or
 2. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting.

An "unaccompanied youth" means a homeless child not in the physical custody of a parent or legal guardian. This term does not include a child or youth who is residing with someone other than a parent or legal guardian for the sole reason of taking advantage of the schools of the District.

(Continued)

Students

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

A designator will decide which school district a homeless child or unaccompanied youth will attend. A designator is:

- a) The parent or person in parental relation to a homeless child; or
- b) The homeless child, together with the homeless liaison designated by the District, in the case of an unaccompanied youth; or
- c) The director of a residential program for runaway and homeless youth, in consultation with the homeless child, where the homeless child is living in that program.

The designator may select either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child will attend. However, the designated school district must determine whether the designation made by the parent, guardian, or youth, in the case of an unaccompanied youth, is consistent with the best interest of the child by considering certain student-centered factors, including factors related to the impact on education and the health and safety of the child or youth.

A homeless child is entitled to attend the school district of origin for the duration of his or her homelessness and also through the remainder of the school year in which he or she locates permanent housing in accordance with his or her best interest.

The term "school district of origin" includes preschool and feeder schools as defined by applicable law.

Enrollment, Retention, and Participation in the Educational Program

The District will immediately enroll children and youth who are homeless even if the child missed any relevant application or enrollment deadlines during any period of homelessness. The ability of a homeless child or youth to continue or participate in the educational program will similarly not be restricted due to issues such as:

- a) Transportation;
- b) Immunization requirements;
- c) Residency requirements;
- d) Birth certificates, medical records, individualized education programs (IEPs), school records, and other documentation;
- e) Guardianship issues;

(Continued)

Students

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

- f) Comprehensive assessment and advocacy referral processes;
- g) Resolution of disputes regarding school selection;
- h) Proof of social security numbers;
- i) Attendance requirements;
- j) Sports participation rules;
- k) Inability to pay fees associated with extracurricular activities such as club dues and sports uniforms; or
- l) Other enrollment issues.

Educational Programs and Services

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

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

Transportation

In order to ensure immediate enrollment, and so as not to create barriers to the attendance, retention, and success of homeless students, transportation must be promptly provided. If the local social service district or the Office of Children and Family Services is not required to provide transportation, the designated district is responsible for the provision and the cost of the student's transportation through the remainder of the school year in which the homeless student becomes permanently housed.

(Continued)

Students

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

Where a homeless student designates the school district of current location as the district the student will attend, then that district will provide transportation to the student on the same basis as a resident student. Where the homeless student designates the school district of origin or a school district participating in a regional placement plan, then that district must provide transportation to and from the homeless child's temporary housing and school, not to exceed 50 miles each way unless the Commissioner certifies that the transportation is in the best interests of the child.

Transportation is required even if the school of origin is located in another local educational agency (LEA) as long as attendance at the school of origin is in the best interest of the child or youth, even if it requires students to cross district lines. If two school districts are involved, the districts must agree on a method to apportion the cost and responsibility of transportation, or they must split it equally.

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

District Liaison for Homeless Children and Youth

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

Training

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

Outreach

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

(Continued)

Students

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

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

In the event of a dispute regarding eligibility, school selection, or enrollment, the homeless child or youth will be entitled to immediate or continued enrollment and transportation pending final resolution of the dispute, including all available appeals.

Record and Reporting Requirements

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

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

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

Student Privacy

Any information pertaining to the living situation of a homeless student, such as his or her homeless status or temporary address, is considered a student educational record and is not subject to disclosure as directory information under the Family Educational Rights and Privacy Act (FERPA).

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

NOTE: Refer also to Policy #7511 -- Immunization of Students

Adopted: 1/27/04
Revised: 1/9/07; 10/28/08;

SUBJECT: STUDENT EVALUATION, PROMOTION AND PLACEMENT**Grade Promotion and Placement**

Grade promotion and the placement of students within the District's instructional system will be at the discretion of the school administration and will be subject to review at any time. In making these decisions, the administrator or building principal will be guided by: performance in class; past records, including various measures of student growth; recommendations from parents, persons in parental relation to District students, and teachers; and any other appropriate sources of information. With regard to student placement decisions, parents or persons in parental relation to District students may submit written requests for teacher attributes that would best serve their child's learning needs; however, requests for specific teachers will not be honored.

Testing Program

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

Alternative Testing Procedures

The use of alternative testing procedures will be limited to:

- a) Students identified by the Committee on Special Education and/or Section 504 Team as having a disability. Alternative testing procedures will be specified in a student's Individualized Education Program or Section 504 Accommodation Plan; and
- b) Students whose native language is other than English (i.e., English language learners) in accordance with State Education Department (SED) Guidelines.

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

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

(Continued)

Students

SUBJECT: STUDENT EVALUATION, PROMOTION AND PLACEMENT (Cont'd.)**Reporting to Parents or Persons in Parental Relation to Students**

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

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

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

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

Revised: 6/24/97; 11/12/03;

Students

SUBJECT: GRADUATION OPTIONS/EARLY GRADUATION/ACCELERATED PROGRAMS

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

Pathways to Graduation

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

Early Graduation

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

Accelerated ProgramsEighth Grade Acceleration for Diploma Credits

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

Advanced Placement (AP)

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

(Continued)

Students

SUBJECT: GRADUATION OPTIONS/EARLY GRADUATION/ACCELERATED PROGRAMS (Cont'd.)**Dual Credit for College Courses**

Students who have demonstrated intellectual and social maturity may choose to matriculate at any one of the colleges that have a cooperative agreement with the District. Students who wish to enroll in college-level coursework must meet all academic, grade level, and coursework requirements. These opportunities may include early admission to college, collegiate-level work offered in the high school, or other means of providing advanced work. The administration will review and approve any college courses before they are taken during the school day. The Board will not pay tuition and other related costs for those high school students enrolled in college courses.

Online Coursework

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

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

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

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

Revised: 6/24/97; 10/28/08; 4/14/15;

Students

SUBJECT: DIPLOMA OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES

The District will provide students with disabilities appropriate opportunities to earn a diploma or other exiting commencement credential in accordance with Commissioner's regulations. During the student's annual review, the District will evaluate graduation opportunities and identify the means to achieve them. As part of this process, the District:

- a) Will coordinate activities with guidance personnel and BOCES staff to ensure that students meet credit and sequence requirements and to consider them for vocational opportunities.
- b) May modify instructional techniques and materials. Any modifications will be included on a student's Individual Education Plan (IEP) so that they can be implemented consistently throughout the student's program.
- c) Will review special education instructional programs to ensure equivalency with the same courses taught in the general education program.
- d) Will coordinate communication between special and general education staff so that all staff members understand required skills and competencies, and to establish equivalency of instruction in special education classes.

Graduation and transition plans will take into account the various pathways available to these students. For students with IEPs, the District will plan transition services for post-secondary life as early as possible, but no later than the school year in which the student turns age 15. The transition activities will be focused on improving both the student's academic and functional achievement. The plan will explore post-secondary opportunities and employment options and, if applicable, connection with adult service agencies that may provide the student with services after exiting school.

The District may award these diplomas or credentials, or both:

- a) Local diploma: available to students with an IEP or a Section 504 accommodation plan that specifies a local diploma. Students must comply with credit requirements. The available assessments to earn a local diploma include:
 1. Low-pass safety net option: students must achieve a score of 55 or higher on five required Regents exams.
 2. Low-pass safety net and appeal: available to students who score 52-54 on a Regents exam, successfully appeal that score, and meet all appeal conditions.
 3. Regents Competency Test (RCT) safety net option: a student who enters grade 9 before September 2011 must pass a corresponding RCT if he or she does not attain a score of 55 or higher on the Regents examination.

(Continued)

Students

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

4. Compensatory safety net option: except for scores on ELA and math exams, students may use one Regents exam score of 65 or above to compensate for a Regents exam score of 45-54. Students must score at least 55 (or successfully appeal a score of 52-54) on both the ELA and a math exam.
 5. Superintendent's determination: students who are unable to demonstrate their proficiency on standard state assessments because of one or more disabilities may be able to graduate upon the Superintendent's review and written certification of their eligibility. The Superintendent will make a determination after receiving a written request from an eligible student's parent or guardian.
- b) Career Development and Occupational Studies commencement credential (CDOS): any student who is not assessed using the New York State Alternate Assessment (NYSAA) may earn the CDOS commencement credential as a supplement to a Regents or local diploma or as his or her only exiting credential if the student attended school for at least 12 years, excluding kindergarten. The student must meet criteria specified by the State Education Department (SED) confirming that he or she has attained the standards-based knowledge, skills, and abilities necessary for entry-level employment.
- c) Skills and Achievement commencement credential: students with severe disabilities who are assessed using the NYSAA may earn the SA commencement credential. They must attend school for at least 12 years, excluding kindergarten. The District must document the student's skills, strengths, and levels of independence in academic, career development, and foundation skills needed for post-secondary life.

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

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

Adopted: 1992
Revised: 1/9/07; 10/28/08; 11/18/14;

Students

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE

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

Education Records

The term "education records" is defined as all records, files, documents and other materials containing information directly related to a student; and maintained by the education agency or institution, or by a person acting for such agency or institution (34 Code of Federal Regulations (CPR) Section 99.3). This includes all records regardless of medium, including, but not limited to, handwriting, videotape or audiotape, electronic or computer files, film, print, microfilm, and microfiche.

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

Personal notes made by teachers or other staff, on the other hand, are not considered education records if they are:

- a) Kept in the sole possession of the maker;
- b) Not accessible or revealed to any other person except a temporary substitute; and
- c) Used only as a memory aid.

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

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

Access to Student Records

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

(Continued)

Students

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

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

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

Exceptions

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

- a) Directory Information and Limited Directory Information

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

- b) To School Officials who have a Legitimate Educational Interest

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

- c) To Another Educational Institution

The District may disclose any and all educational records, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of IDEA, to another school or postsecondary institution at which the student seeks or intends to enroll, or after the student has enrolled or transferred, so long as the disclosure is

(Continued)

Students

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

for purposes related to the student's enrollment or transfer. Parental consent is not required for transferring education records if the school's annual FERPA notification indicates that such disclosures may be made. In the absence of information about disclosures in the annual FERPA notification, school officials must make a reasonable attempt to notify the parent about the disclosure, unless the parent initiated the disclosure. Additionally, upon request, schools must provide a copy of the information disclosed and an opportunity for a hearing.

d) For Health and Safety Emergency Reasons

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

e) To Juvenile Justice Systems

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

f) To Foster Care Agencies

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

(Continued)

Students

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

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

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

1. Based on a subpoena in which the court orders, for good cause shown, not to reveal to any person the existence or contents of the subpoena or any information furnished pursuant to the subpoena;
2. Pursuant to a judicial order in cases where the parents are a party to a court proceeding involving child abuse or neglect or dependency matters, and the order is issued in the context of that proceeding; or
3. Made to a court (with or without an order or subpoena) when a District is involved in a legal action against a parent or student and the records are relevant to the matter.

h) For Financial Aid Purposes

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

i) To Accrediting Organizations

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

j) To Parents of a Dependent Student

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

k) For Audit/Evaluation Purposes

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

(Continued)

Students

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

("FERPA permitted" entities). Under this exception, PII from education records must be used to audit or evaluate a federal or state supported education program, or to enforce or comply with federal legal requirements that relate to those education programs (audit, evaluation, or enforcement or compliance activity).

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

l) For Conducting Studies

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

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

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

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

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

(Continued)

Students

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**~~State Exception for Student Teacher Videotaped Instruction~~**

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

Challenge to Student Records

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

Release of Information to the Noncustodial Parent

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

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

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

Adopted: 1992
Revised: 1/9/07; 10/28/08; 4/7/09; 12/18/12; 4/14/15;

Students

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

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

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

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

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

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

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

(Continued)

Students

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

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

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

National Defense Authorization Act § 544, 10 USC § 503

34 CFR § 300.571

Education Law § 2-a

8 NYCRR § 3.33

Adopted: 11/12/03

Revised: 10/28/08;

Students

SUBJECT: STUDENT DATA BREACHES

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

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

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

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

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

Adoption Date

SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION

~~In accordance with General Obligations Law Title 15-A, a~~A parent of a minor or incapacitated person may designate another person as a person in parental relation to that minor or incapacitated person for certain health care and educational decisions for a period not exceeding six months. However, this parental designation is conditioned upon there being no prior order of any court in any jurisdiction currently in effect that would prohibit the parent from exercising the same or similar authority; and provided further that, in the case where a court has ordered that both parents must agree on education or health decisions regarding the child, a designation pursuant to this law ~~shall~~will not be valid unless both parents have given their consent.

The designation of a person in parental relation must be in writing in the form prescribed by ~~General Obligations Law Title 15-A~~law, and ~~shall~~must include specified information as ~~enumerated~~set forth in law for designations of 30 days or less, as well as additional information required for designations of more than 30 days. The designation of a person in parental relation may be presented to any school that requires the designation by either the parent or designee. The designation may specify a period of time less than six months for which the designation ~~shall~~will be valid unless earlier revoked by the parent in accordance with law. However, a designation specifying a period of more than 30 days ~~shall~~must be notarized.

If no time period is specified in the designation, it ~~shall~~will be valid until the earlier of: ~~revocation; or~~

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

Scope of Designation

A designation made ~~pursuant to~~in accordance with this law may specify:

- a) The treatment, diagnosis or activities for which consent is authorized;
- b) Any treatment, diagnosis or activity for which consent is not authorized; or
- c) Any other limitation on the duties and responsibilities conveyed by the designation.

Form of DesignationDesignations in General

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

- a) The name of the parent;

(Continued)

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

- b) The name of the designee;
- c) The name of each minor or incapacitated person with respect to whom the designation is made;
- d) The parent's signature; and
- e) The date of the signature.

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

Designations for More Than 30 Days

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

- a) An address and telephone number where the parent can be reached;
- b) An address and telephone number where the designee can be reached;
- c) The date of birth of each minor or incapacitated person with respect to whom the designation is made;
- d) The date or contingent event on which the designation commences;
- e) The written consent of the designee to the designation; and
- f) A statement that there is no prior order of any court in any jurisdiction currently in effect prohibiting the parent from making the designation.

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

Revocation of Designation

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

A designee who receives notification from a parent of any such revocation ~~shall~~will immediately notify any school to which a designation has been presented. A parent may directly notify the school of the revocation, in which case the failure of the designee to notify the school of such revocation ~~shall~~will not make the revocation ineffective.

(Continued)

SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)**Effect of Designation**

- a) A designee ~~shall~~will possess all the powers and duties of a person in parental relation ~~pursuant to Public Health Law Sections 2164 and 2504 and Education Law Sections 2 and 3212,~~ unless otherwise specified in the designation.
- b) A designation ~~shall~~will not impose upon a designee a duty to support ~~pursuant to Family Court Act Section 413~~the child.
- c) A designation ~~shall~~will not cause a change in the school district of residence of the child for purposes of the Education Law, and during the period of validity of the designation, the child ~~shall~~will be presumed to be a resident of the school district in which the parent resided at the time the designation was made.
- d) A designation ~~shall~~will terminate and be revoked upon the death or incapacity of the parent who signed the designation.
- e) The decision of a designee ~~shall~~will be superseded by a contravening decision of a parent.

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

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

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

Adopted: 3/14/06
Revised:

~~SUBJECT: — RELEASE OF INFORMATION TO THE NONCUSTODIAL PARENT~~

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

~~20 USC 1232g(b)(4)(A)
34 CFR, Part 99~~

SUBJECT: RIGHTS OF NON-CUSTODIAL PARENTS

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

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

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

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

Adoption Date

Students

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

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

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

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

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

Standards of Acceptable Use

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

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

(Continued)

Students

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

Students who engage in unacceptable use may lose access to the DCS in accordance with applicable due process procedures, and may be subject to further discipline ~~under the District's school conduct and discipline policy and~~ in accordance with the District *Code of Conduct*. The District reserves the right to pursue legal action against a student who willfully, maliciously or unlawfully damages or destroys property of the District. Further, the District may bring suit in civil court against the parents/guardians of any student who willfully, maliciously or unlawfully damages or destroys District property ~~pursuant to General Obligations Law Section 3-112.~~

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

Notification/Authorization

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

Student use of the DCS is conditioned upon written agreement by all students and their parents/guardians that student use of the DCS will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the DCS. All such agreements shall be kept on file in the District Office. (Affirmative consent). (Option to remove or retain)

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

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

Adopted: 7/22/97

Revised: 1/9/07, 1/11/11, 7/12/11;

