SUBJECT: WELLNESS

The North Rose-Wolcott Central School district considers student and staff wellness to be essential to the ability to realize individual potential and to contribute to the larger community. Wellness is effected by many different factors, which also influence the nature and extent of individual development: nutrition, physical activity and exercise, preventive health care, factual and accurate health information, health education and contextual decision-making in making healthy choices. The most critical aspect of wellness is having information and understanding the choices available, the consequences of each option and the impact it has on oneself and others. For this reason, the North Rose-Wolcott Central School District is committed to providing a safe and healthy learning environment, promoting positive nutrition choices and daily physical activity through out and after the school day. Consequently, this Wellness Policy has been designed and structured to address many different aspects of healthy human development.

~~The District is committed to providing a school environment that promotes and protects children's health, well-being, and the ability to learn by fostering healthy eating and physical activity before, during, and after the school day.~~

Wellness Task Force

The District has established a wellness committee that meets at least four times per year to establish goals for, and oversee the development of, the District's local wellness policy. The Committee will make policy recommendations for review and adoption by the Board. The District Wellness Committee includes, but is not limited to, representatives from each of the following groups:

a) Parents and caregivers;

b) Students;

c) ~~Physical Education teachers~~;

d) School health professionals;

e) District food service program;

f) ~~School Board;~~

g) School administrators;

h) ~~General Education teachers~~; Educators; and

i) Members of the public.

The District Wellness Committee will also be responsible for assessing current activities, programs, and policies available in the District, and providing mechanisms for implementation, evaluation, and revision of this policy. In so doing, the Wellness Committee will evaluate and make recommendations which reflect the specific needs of the District and its students.

The Superintendent will designate a District Wellness Coordinator to convene the District Wellness Committee in order to facilitate the development of, and any proposed updates to, the District's wellness policy, and will also ensure the District's compliance with this policy.

Goals to Promote Student Wellness

~~The District seeks to ensure all of its students obtain the knowledge and skills necessary to make nutritious food selections and enjoy life-long physical activity. To this end, the District sets forth the following goals relating to nutrition promotion and education, physical activity, and other school-based activities.~~

The North Rose-Wolcott Central School District supports a healthy environment where children participate in positive dietary and lifestyle practices. The district will ensure all of its students learn the knowledge and skills necessary to make nutritious food and beverage selections, safe & effective lifestyle practices and learn to enjoy life-long physical activity, as part of the total learning environment.

To this end, the District sets forth the following goals relating to nutrition promotion and education, physical activity and other school-based activities supporting the principle that improved health optimizes student performance and will best ensure every student succeeds.

SUBJECT: WELLNESS (Cont'd.)

Nutrition Promotion and Education

The District will model and encourage healthy eating by all students by engaging in nutrition education and promotion by:

a) Nutrition education will be integrated within the comprehensive health education curriculum and other instructional areas, as appropriate, and taught at every grade level, K through 12. Nutrition education will follow applicable New York State Standards and be designed to help students acquire:

1. Nutrition knowledge, including, but not limited to: the benefits of healthy eating; essential nutrients; nutritional deficiencies; principles of healthy weight management; the use and misuse of dietary supplements; and safe food storage, handling, and preparation.

2. Nutrition-related skills, including, but not limited to: planning healthy meals; understanding and using food labels; critically evaluating nutrition information, misinformation, and commercial food advertising; assessing personal eating habits; and setting and achieving goals related to these concepts.

b) Marketing and Promotion

1. The District will promote nutrition education activities that involve parents, students, and the community.

2. The District will promote healthy food and beverage choices for all students and encourage participation in school meal programs. This will occur by using Smarter Lunchroom techniques, which guide students toward healthful choices and ensuring that 100% of foods and beverages promoted to students meet the Smart Snacks in School nutrition standards, which can be found on the United States Department of Agriculture's (USDA) official website.

3. The District will promote school and community awareness of this policy through various means, such as publication on the District website.

4. ~~The District will encourage and promote wellness through social media, newsletters, and an annual family wellness event.~~ The District will encourage and promote wellness through advertising utilizing a variety of methods including but not limited to social media, newsletters and school events.

5. Marketing and advertising of foods and beverages on school campuses during the school day will be consistent with nutrition education and health promotion. As such, schools will restrict food and beverage marketing to the promotion of those foods and

beverages that meet the nutrition standards set forth by the Healthy, Hunger-Free Kids Act's "Smart Snacks in Schools" Rule and that are consistent with this policy.

~~(Continued)~~

SUBJECT: WELLNESS (Cont'd.)

6. The District is cognizant of the fact that certain scoreboards, signs, and other durable equipment it employs may market foods and beverages in a way that is inconsistent with the aims of this policy. While the immediate replacement of this equipment is not required, the District will replace or update this equipment over time to ensure the message it delivers to students regarding nutrition, health, and well-being is consistent. As the District reviews existing contracts, or considers new contracts, resulting decisions should reflect the marketing guidelines established by this policy.

c) ~~Additional provisions*~~ Celebrations Ideas

1. ~~Parents and teachers will be provided with a list of healthy party ideas, including non-food celebration ideas.~~

1. 2. ~~Parents will be provided with a list of classroom snacks and beverages that meet Smart Snacks nutrition standards.~~ Guardians and teachers can obtain a list of healthy party ideas, including non-food celebration ideas, which will be located on the district website and in each school within the district.

2. ~~Parents~~ Guardians can obtain a list of classroom snacks and beverages that meet Smart Snacks nutrition standards, which will be located on the district website and at each school within the district.

3. School personnel are strongly discouraged from using food as a reward or withholding food as punishment under any circumstance; teachers and other appropriate school staff will be provided with a list of alternative ways to reward students.

4. District staff will be encouraged to model healthy eating, drinking, and physical activity behaviors for students.

Physical Activity

a) The District will provide opportunities for every student to participate in physical education and, in an effort to comply with the recommendation that children and adolescents participate in at least 60 minutes of physical activity each day, is also committed to providing opportunities for physical activity before, during, and after school. In doing so, the District aims to promote among students, staff, and community members the development of knowledge and skills for specific physical activities, the maintenance of physical fitness, regular participation in physical activity, and an understanding of the short-term and long-term benefits from a physically active and healthy lifestyle. Physical activity opportunities will be in addition to, not in lieu of, physical education and will not be used as a punishment for students, but rather another means by which students may develop or maintain a healthy and active lifestyle.

~~*District Option – This section should be customized in accordance with District practice.~~

~~(Continued)~~

SUBJECT: WELLNESS (Cont'd.)

b) The District will ensure that the following standards are met to achieve its goals relative to physical education and physical activity:

1. The District will have a Board-approved Physical Education Plan on file with the New York State Education Department that meets or exceeds the requirements set forth in Section 135.4 of the Commissioner's regulations.

2. The District recognizes the importance of physical education classes in providing students with meaningful opportunities for physical exercise and development. Consequently, the District will ensure:

(a) ~~All physical education classes are taught or supervised by a certified physical education teacher;~~ All physical education classes are taught or supervised by a certified physical education teacher; with current CPR/AED & First Aid certifications.

(b) All physical education staff receive professional development relevant to physical education on a yearly basis;

(c) Interscholastic sports, intramural sports, and recess do not serve as substitutes for a quality physical education program;

(d) Students are afforded the opportunity to participate in moderate to vigorous activity for at least 50% of physical education class time;

(e) It provides adequate space and equipment for physical education and conforms to all applicable safety standards;

(f) An age-appropriate, sequential physical education curriculum consistent with national and state standards for physical education is implemented, with a focus on students' development of motor skills, movement forms, and health-related fitness;

(g) A physical and social environment ~~is provided~~ that provides ~~that encourage~~ safe and enjoyable ~~activity~~ activities for all students;

(h) Activities or equipment are adapted to meet the needs of students who are temporarily or permanently unable to participate in the regular program of physical education. In doing so, the District will abide by specific provisions in 504 Plans and/or individualized education programs (IEP). To that end, the Committee on Special Education (CSE) will ensure that a certified physical education teacher participates in the development of a student's IEP, if the student may be eligible for adapted physical education;

~~(Continued)~~

SUBJECT: WELLNESS (Cont'd.)

(i) All students, including students in need of adaptive physical education, will be encouraged to participate in physical fitness programs and competitions.

3. All students will be required to fulfill the physical education requirements set forth in the Commissioner's regulations as a condition of graduating from the District's schools.

c) All classroom teachers, and particularly those engaged in the instruction of K through 5 students, are strongly encouraged to incorporate into the school day short breaks for students that include physical activity, especially after long periods of inactivity. Teachers are encouraged to incorporate kinesthetic learning approaches into core learning subjects when possible so as to limit sedentary behavior during the school day. Additionally, all elementary students will be offered one daily period of recess for a minimum of 20 minutes. This requirement will not apply on days where students arrive late, leave early, or are otherwise on campus for less than a full day. Outdoor recess will be offered when weather permits. In the event that indoor recess is necessary, it will be offered in a place that accommodates moderate to vigorous physical activity.

d) Physical activity during the school day, including, but not limited to, recess or classroom activity breaks, will not be withheld for disciplinary action unless the student is a danger to him or herself or others. Classroom teachers will be provided with a list of ideas for alternative ways to discipline students. Recess, physical education, or other physical activity time will not be cancelled for instructional make up time.

Other School-Based Activities

The District is committed to establishing a school environment that is conducive to healthy eating and physical activity for all. The District will therefore, adopt the following standards:

a) Federal School Meal Programs

1. The District will participate to the maximum extent practicable in available federal school meal programs (including the School Breakfast Program (SBP), National School Lunch Program (NSLP), and Summer Food Service Program). Food served through these programs will meet all applicable federal and state standards.

2. The District will ensure that food service directors, managers, and staff are provided with annual professional development in the areas of food and nutrition consistent with USDA Professional Standards for State and Local Nutrition Programs. District food service staff will meet with students in grades 4 through 12 twice annually to solicit feedback on the school breakfast and/or school lunch program(s).

~~(Continued)~~

SUBJECT: WELLNESS (Cont'd.)

b) Access to School Nutrition Programs

The District will utilize a system of student payment that ensures all eligible students have access to free/reduced meals in a non-stigmatizing manner.

c) Meal Environment

The District will ensure:

1. School dining areas have sufficient space for students to sit and consume meals;
2. School dining areas are clean, safe, and pleasant environments that reflect the social value of eating;
3. Enough serving areas are provided to ensure student access to school meals with minimum wait time;
4. All students have a scheduled lunch period;
5. Lunch times are scheduled near the middle of the school day;
6. Students are given adequate time to eat healthy meals;
7. Students and staff have access to free, safe, and fresh drinking water throughout the school day and where school meals are served.

d) Community Access to District Facilities for Physical Activities

School grounds and facilities will be available to students, staff, community members and organizations, and agencies offering physical activity and nutrition programs consistent with District policy, including provisions regarding conduct on school grounds and administrative approval of use by outside organizations.

e) Community Partnerships

~~The District will *[insert as appropriate to current and future efforts: develop, enhance, or continue] relationships with community partners in support of the implementation of this policy. Existing and new community partnerships will be evaluated to ensure they are consistent with this policy and its als.~~ The District will continue our relations with community partners, as well as develop new partnerships with surrounding communities in effort to strengthen our support network and increase available resources. Existing and new community partnerships will be evaluated to ensure they are consistent with the Wellness policy and its goals.

~~*District Option—District must customize further.~~

~~(Continued)~~

SUBJECT: WELLNESS (Cont'd.)

f) Community Involvement, Outreach, and Communications

The District will use its official website, along with other electronic and non-electronic means, to notify parents and the public, in culturally and linguistically appropriate ways, about the content, implementation of, and updates to this policy as well as how to become involved and support this policy. The District will use these same means to inform the community about the availability of the annual and triennial reports relative to this policy.

g) ~~Before and After School Activities*~~ The District will offer opportunities for students to participate in physical activity before and/or after the school day through various methods, such as physical activity clubs, intramurals and interscholastic sports.

~~The District will offer opportunities for students to participate in physical activity before and/or after the school day through various methods, such as physical activity clubs, intramurals, and interscholastic sports~~.

h) Active Transport~~*~~

~~The District supports active transport to and from school, i.e. walking or biking. The District will encourage this behavior by securing storage facilities for bicycles and equipment and instructing students on walking and bicycling safety~~. The District supports active, safe transport to and from school, i.e. walking or biking. The District will encourage this behavior by securing storage facilities for bicycles and equipment and instructing students on walking and bicycling safety.

Nutrition Guidelines

In an effort to encourage healthy life-long eating habits by providing foods that are high in nutrients, low in saturated fat and added sugars, have zero grams trans-fat per serving, and are of moderate portion size, the District Wellness Committee recommends nutrition standards to be set for all foods and beverages available on school campus. For purposes of this policy, the school day is defined as the period from the midnight before, to 30 minutes after the end of the official school day.

School Meals

All schools within the District participate in the USDA child nutrition programs, including the NSLP and the SBP. School meals will, at a minimum, meet the program requirements and nutrition standards of these programs. The District is committed to ensuring that meals through the SBP and NSLP are accessible to all students, are served in sanitary settings, are appealing to children, and meet or exceed those nutrition requirements established by local, state, and federal law and regulation. The USDA nutrition standards are available at:
http://www.fns.usda.gov/school-meals/nutrition-standards-school-meals.

~~*District Options — District must customize further.~~

~~(Continued)~~

SUBJECT: WELLNESS (Cont'd.)

Fundraising

a) All foods and beverages sold as or during a fundraiser during the school day will meet, or exceed, the nutritional requirements listed in the USDA Healthy, Hunger-Free Kids Act "Smart Snacks in Schools" Rule; these foods and beverages sold as fundraisers will not be sold until the end of the last lunch period, so as not to compete with the NSLP.

b) School-sponsored fundraisers conducted outside of the school day will be encouraged to support the goals of this policy by promoting the sale of healthy food items (fresh fruit and produce) and/or non-food items, such as water bottles, plants, etc., and by promoting events involving physical activity.

c) All school-sponsored fundraisers must be approved by the appropriate building principal prior to being conducted.

Competitive Foods and Beverages Sold and Served to Students During the School Day

Competitive foods--which include all foods and beverages sold to students outside of the school meal programs, on the school campus in student accessible areas, and at any time during the school day --will follow, at a minimum, the nutrition standards specified by the Healthy, Hunger-Free Kids Act. These standards will apply to all foods and beverages sold individually and outside of the reimbursable school meal, including vending machines, school stores, and cafeteria a la carte lines.

Competitive Foods and Beverages Served to Students During the School Day

The District will encourage staff and parents to provide students with healthy options at any event where foods and beverages are served to students (i.e., classroom and school-wide celebrations and rewards).

Foods and Beverages Sold or Served at Events Outside of the School Day

a) All foods and beverages sold or served at school-sponsored events will be in serving sizes which are in accordance with recommended dietary guidelines and/or nutrition standards.

b) At events where food and beverages are sold, 50% of items sold must meet the USDA Healthy, Hunger-Free Kids Act "Smart Snacks in Schools" Standards.

Professional Development

All school nutrition program directors, managers, and staff will meet or exceed hiring and annual continuing education and training requirements as specified in the USDA Professional Standards for School Nutrition Professionals. In order to locate the training that best fits their learning needs, school nutrition personnel will refer to the USDA's Professional Standards for School Nutrition Standards website.

SUBJECT: WELLNESS (Cont'd.)

Implementation and Evaluation of the Wellness Policy

a) The District will establish an implementation and evaluation plan for this policy in order to monitor its effectiveness and the possible need for modification over time. To this end, the District has designated the following individual(s) as District Wellness Coordinator to ensure that the District meets the goals and mandates of this policy [~~*District may use titles as opposed to individuals' names – recommended individuals include: building or district administrators*~~]:

_____

The contact information for this/these individual(s) is/~~are:~~ _____
~~*(email address is sufficient)*~~

Director of Health, PE and Athletics
11631 Salter-Colvin Road, Wolcott, NY 14590

b) This/these designated Wellness Coordinator(s) will also serve as liaison(s) with community agencies in providing outside resources to help in the development of nutritional education programs and promotion of physical activities.

c) The District will annually report on the progress each of its schools has made toward meeting the goals of this policy. This report will include:

1. The website address for the wellness policy and/or information on how the public can access a copy;

2. A description of each school's progress in meeting the wellness policy goals;

3. A summary of each school's local school wellness events or activities;

4. Contact information for the leader(s) of the Wellness Committee; and

5. Information on how individuals can get involved in the Wellness Committee's work.

d) Evaluation and feedback from interested parties, including an assessment of student, parent, teacher, and administration satisfaction with the wellness policy, are welcomed as an essential part of the District's evaluation program.

e) The District will document the financial impact, if any, to the school food service program, school stores, and vending machine revenues based on the implementation of the wellness policy.

f) Assessments of compliance with the District's wellness policy and implementation efforts will be repeated on a triennial basis. The assessment will include:

~~(Continued)~~

SUBJECT: WELLNESS (Cont'd.)

1. Compliance with the wellness policy;

2. How the wellness policy compares to model wellness policies; and

3. Progress made in attaining the goals of the wellness policy.

The position/person responsible for managing the triennial assessment is:

Director of Health, PE & Athletics

and his or her contact information is: *North Rose-Wolcott High School, 11631 Salter-Colvin Road Wolcott, NY 14590 (315) 594-3100*

~~and his or her contact information is:~~

g) The District will, as necessary, revise and update this wellness policy, but at least every three years following the triennial assessment, and develop work plans to facilitate its implementation.

h) The annual progress report, triennial assessments, and policy updates will be provided to the Board, posted on the District's official website, and distributed to the District Wellness Committee, parent-teacher organizations, building principals, and school health services personnel within the District. Printed copies will also be made available to community residents upon request.

Annual Notification

The District will inform families and the general public each year, via the District website and/or District-wide communications, of information about this policy, including, but not limited to, its content as well as any updates. The District will endeavor to share as much information as possible about its schools' nutrition environment, including a summary of school events or activities relative to this policy implementation. Each year, the District will also publicize the name and contact information of the District official leading and coordinating the wellness committee as well as how the community may get involved with the wellness committee.

Recordkeeping

The District will retain records relative to compliance with the requirements of this policy in the District Office and/or on the District's central computer network. Documentation maintained at this location includes, but is not limited to:

a) The written wellness policy;

b) Documentation demonstrating that this policy has been made available to the public;

c) Documentation of efforts to review and update this policy.

~~(Continued)~~

SUBJECT: WELLNESS (Cont'd.)

d) Documentation to demonstrate compliance with the annual public notification requirements;

e) The most recent assessment on the implementation of this policy;

f) Documentation demonstrating the most recent assessment on the implementation of this policy has been made available to the public.

National School Lunch Act, 42 USC § 1758(b)
National School Lunch Program and School Breakfast Program regulations, 7 CFR § 210.11
Local School Wellness Policy Implementation Under the Healthy, Hunger-Free Kids Act of 2010, 79 FR 10693
Education Law § 915
8 NYCRR § 135.4

NOTE: Refer also to Policy # 5660 -- School Food Service Program (Lunch and Breakfast)

Adopted: 6/27/06
Revised:

SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES

~~The Board of Education contends that a student shall not be denied the right to attend school or continue his/her education nor shall an employee be denied the right to continue his/her employment who has been diagnosed or identified as having a positive blood test for the antibodies to the Human Immunodeficiency Virus (HIV). The Board further contends that under current law and regulations, the disclosure of confidential HIV-related information shall be strictly limited.~~

A student will not be denied the right to attend school or continue his or her education because he or she has been diagnosed with AIDS or any other human immunodeficiency virus (HIV)-related illness. In addition, an employee who has been similarly diagnosed will not be denied the right to continue his or her employment with the District based solely upon their AIDS/HIV status. The disclosure of confidential HIV-related information will be strictly limited.

Administrative ~~regulations and~~ procedures ~~shall~~will be developed and implemented by the administration based on recommendations from the New York State Education Department and from consultation with appropriate professional and medical staff in the District.

The Superintendent ~~shall~~will also establish protocols for routine sanitary procedures for dealing with the cleaning and handling of body fluids in school, with special emphasis placed on staff awareness.

This policy should be reviewed on an annual basis and revised as legislation warrants.

Public Health Law, Article 27-F

Revised: 6/24/97;

SUBJECT: ~~HEALTH~~EMPLOYEE MEDICAL EXAMINATIONS

Pre-employment Medical Examinations

In accordance with the Americans with Disabilities Act, as amended, the District will not require applicants for positions to undergo a medical examination prior to an offer of employment. Further, the District will not make inquiries of a job applicant as to whether the applicant is an individual with a disability or as to the nature or severity of a disability. However, the District may make pre-employment inquiries into the ability of an applicant to perform job-related functions.

~~**Employment Entrance Examinations**~~

~~*All entering employees are required to obtain a medical examination after an offer of employment has been made and prior to the commencement of his or her employment duties. The District may condition an offer of employment on the results of the examination in accordance with law.~~

~~When the examination is made by the school physician or nurse practitioner, the cost of the examination will be borne by the District. A staff member, however, may elect to have a medical examination at his or her own expense by a physician of his or her own choice.~~

Examinations During Employment

The Board reserves the right to request a medical examination at any time during employment, at District expense, in order to determine whether any employee can perform the essential functions of the position with or without reasonable accommodation.

Annual or more frequent examinations of any employee may be required, when, in the judgment of the school physician or nurse practitioner and the Superintendent, the procedure is deemed necessary.

**All *(Each vendor or contract bus company will ensure that its)* bus drivers and substitute bus drivers must have yearly physical examinations. Each bus driver initially employed by the District *(vendor or contract bus company)* will have a physical examination within the four weeks prior to the beginning of service. In no case will the interval between physical examinations exceed a 13-month period.

The final acceptance or rejection of a medical report with reference to the health of an employee lies within the discretion of the Board. The decision of the physician designated by the Board as the determining physician will take precedence over all other medical advice.

All medical and health related information will be kept in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

**Customize to District -- Per law, District may not "single out" one particular group of employees - if District does not require medical examinations for all staff after an offer of employment has been made, remove first and second paragraphs.*
***Customize to District*

(Continued)

SUBJECT: ~~HEALTH~~EMPLOYEE MEDICAL EXAMINATIONS (Cont'd.)

Examinations and Inquiries

Acceptable

The District will conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees at that work site. The District may make inquiries into the ability of an employee to perform job-related functions.

Prohibited

The District will not require a medical examination and will not make inquiries as to whether the employee is an individual with a disability or as to the nature or severity of the disability, unless the examination or inquiry is shown to be job related and consistent with business necessity.

Americans with Disabilities Act Amendments Act (ADAAA) of 2008, Public Law 110-325)
Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191
45 CFR Parts 160 and 164
Education Law §§ 913 and 3624
8 NYCRR § 156.3(2)
10 NYCRR Part 14
15 NYCRR Part 6

Adopted: 1992
Revised: 1/9/07;

DIPLOMA OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES

Policy type: Required.

Suggested policy number: 7222

Action Steps: Review. Compare to your current policy. Accept, modify, or reject changes. The Board of Education must adopt any revised policies.

Tracked-change version: Provided.

Zachary's Law

In late November 2017, Governor Cuomo signed a law that requires districts to allow students with disabilities to participate in graduation ceremonies and related activities with their graduating class. The legislation has been commonly referred to as Zachary's Law. While many districts previously allowed students with disabilities to graduate with peers who started ninth grade with them, the law now requires districts to have a formal policy and procedures confirming this participation. The law is codified in Education Law section 4402(9).

As a result, we slightly revised our Diploma or Credential Options for Students with Disabilities policy to add a section confirming graduation-participation eligibility. More specifically, students are allowed to participate if they have been issued a skills and achievement (SA) commencement credential or a career development and occupational studies (CDOS) commencement credential, but have not otherwise qualified for a Regents or local diploma. These students also must have an IEP that prescribes special education, transition planning or services, or related services beyond their four years of high school.

In addition to these specific details, our policy confirms the district's general obligation to provide written annual notice of this policy. It also acknowledges the student's own preferences related to participation, as students may decline to participate in any or all activities, as well as the CSE's recommendations on participation.

Expanded Superintendent's Determination

You may also be aware of the latest emergency action at the state level that expanded the superintendent's determination for students seeking to graduate with a local diploma. The amendment to Commissioner's regulation section 100.5(d)(12) allows students with disabilities to meet this graduation option by completing CDOS commencement credential requirements. While the Board of Regents implemented this regulation on an emergency basis—so that it is currently in effect—the Board is currently accepting public comments before permanently adopting the changes. We anticipate that the Board will finalize the language at its March 2018 meeting, making it effective on a permanent basis in late March. We will apprise you of any developments following the March Board of Regents meeting.

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 up to two~~a~~ Regents exams, successfully appeal those~~at~~ scores, and meet ~~all appeal~~other applicable 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)

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. (Students with a Section 504 accommodation plan may not use this option.)

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 confirming that he or she has attained the standards-based knowledge, skills, and abilities necessary for entry-level employment.

c) Skills and Achievement (SA) 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.

Graduation

The District allows any student with a disability to participate in the graduation ceremony of his or her high school graduating class and all related graduation activities if the student:

a) Met the eligibility criteria for an SA or CDOS commencement credential;

b) Has not otherwise qualified to receive a Regents or local diploma; and

c) Has an IEP that prescribes special education, transition planning, transition services, or related services beyond the student's four academic years after entering high school.

The Superintendent will consider any recommendation of the student's Committee on Special Education as well as the student's own expressed preference regarding participation; a student with a disability may decline to participate in any or all graduation-related activities. The District will provide annual written notice of this policy to applicable students and their parents or guardians.

(Continued)

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

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

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

Adoption Date

SUBJECT: STUDENT DIRECTORY INFORMATION

Pursuant to the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 C.F.R. Part 99) ("FERPA"), educational institutions may disclose directory information concerning student(s) to third parties without first receiving written consent authorizing such disclosure from a student's parent or from an eligible student (*i.e.*, a student eighteen (18) years of age or older). Directory information is defined as information contained in a student's education records that is generally not considered harmful or an invasion of privacy if disclosed to third parties, such as a student's membership on an athletic team, academic honors, photographs, etc.

The District shall publish an annual public notice informing parents or eligible students that states the categories of information the District deems to be directory information that it may release to a third party or an outside group without receiving prior consent from a parent or eligible student. Such annual notice shall also advise parents and eligible students of the right to require the District first receive prior written consent from the parent or eligible student before disclosing one or more categories of directory information to a third party, and that if the parent or eligible student notifies the District of such an election within 60 days of the date of the notice, the District shall require prior written consent before disclosing any directory information specified by the parent or eligible student. The District shall publish the annual notice by such means as are reasonably likely to inform parents and eligible students of these rights, and shall provide effective notice to parents or eligible students who are disabled and to parents who have a primary or home language other than English.

FERPA provides examples of the following types of information that may be properly considered student directory information: name; address; telephone listing; date and place of birth; major field of study; grade level; participation in officially recognized activities and sports; weight and height (regarding members of athletic teams); dates of attendance; honors, degrees and awards received; electronic mail address; photograph; and the name of the educational agency or institution most recently previously attended by the student. However, the District defines student directory information to include only the following information: name; address; telephone listing; date and place of birth; major field

of study; grade level; participation in officially recognized activities and sports; weight and height (regarding athletic team members); dates of attendance; honors, degrees and awards received; electronic mail address; photograph; and the name of the educational agency or institution most recently previously attended by the student.

Directory information shall **not** include:

a) Any student's social security number; or

b) Any student's identification (ID) number, except as provided below; or

c) Information that, alone or with in combination with other information, is linked to a specific students or would allow a reasonable person in the school community, without any personal knowledge of the relevant circumstances, to identify a student with reasonable certainty; or

d) Information requested by a person who is reasonably believed to know the identity of the student about whom information relates.

Directory information includes a student ID number, user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems, but *only if* the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user.

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

Family Educational Rights and Privacy Act of 1974, 20 United States Code (U.S.C.) Section 1232g; 34 Code of Federal Regulations (CFR), Part 99.

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

Adopted: 1992
Revised: 11/12/03; 119107; 10/28/08; 10/16/12

SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS

The parent of a child with a disability, or a child suspected of having a disability, has the right to obtain an independent educational evaluation of their child.

Definitions:

Fort the purpose of this regulation the following definitions apply:

1) Independent Education Evaluations (IEE): An evaluation conducted by a qualified examiner who is not employed by the School District responsible for the education of the child.
2) Public Expense: The School District either pays the full cost of the IEE, or ensures that the IEE is otherwise provided at no cost to the parent. (A parent is entitled to only one [1] IEE at public expense each time the School District conducts an evaluation with which the parent disagrees).
3) Evaluation: The process of information gathering and analysis necessary to make a decision regarding education program, including, but not limited to, psychological assessment, achievement assessment, and/or specific assessments in listed service areas such as occupational therapy, physical therapy, and speech.

Parent's right to an IEE at Public Expense

A parent has the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the School District.

If a report covers more than one evaluation or assessment, the parent must specify which evaluation or assessment they disagree with. A parent is entitled to only one [1] IEE at public expense each time the School District conducts an evaluation with which the parent disagrees.

In order for a parent to request an IEE at public expense, there must be a completed District evaluation of the aspect or aspects of evaluation to which the parent disagrees.

If a parent requests an IEE, the School District must without unnecessary delay, notify the parent in writing, of its decision to either:

1) File a due process complaint to request a hearing to show the School District's evaluation is appropriate; or
2) Ensure that an IEE is provided at public expense, unless the School District demonstrates in an impartial hearing that the evaluation obtained by the parent did not meet the School District's criteria.

If a parent requests an IEE, the School District may ask the parent's reason for objecting to the public evolution. However, an explanation by the parent is not required and the School District may not unreasonably delay either providing the IEE at public expense or filing a due process complaint to request a hearing to defend the public evaluation.

If the School District files a due process complaint notice to request a hearing and the hearing officer's final decision is that the School District's evaluation is appropriate, or that the evaluation obtained by the parent did not meet the School District's criteria, then the parent still has the right to an independent educational evaluation, but not at public expense.

It is assumed that there is no disagreement with a District evaluation if the parent does not express a disagreement within one year of the date of the meeting held to review the evaluation with the parent. This assumption is subject to rebuttal, but a request for an IEE at public expense must, in any event, be made within the applicable statute of limitations (i.e., 3 years).

The results of any IEE, which meets the School District's criteria, must be considered by the School District in any decisions made regarding the provision of a free appropriate public education to the child and may be presented as evidence by any party at an impartial hearing for that child.

School Districts Criteria for the IEE at Public Expense

If requested by the parent, the School District shall provide the parent with information about where an IEE may be obtained and the School District's criteria for IEEs. These criteria, including the location of the evaluation and the qualifications of the examiner, shall be the same as the criteria the School District uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an IEE. Such criteria are as follows:

1) <u>Location</u>

   An evaluation must be conducted in the immediate geographic area (within 40-70 miles) in which the School District is located. A parent will have the opportunity to demonstrate that their child's unique circumstances justify an IEE that exceeds the School District's location criterion;

2) <u>Qualifications</u>
   The examiner must possess, at a minimum, a current license or certification from the New York State Education Department in the area of evaluation, and an examiner who conducts any psychological assessment must possess a certification or license in the area of psychology.

3) <u>Reasonable Cost</u>

   The School District may refuse to pay, or provide reimbursement for any evaluation which exceeds the competitive rate for applicable services within the immediate geographic area. A parent will have the opportunity to demonstrate that their child's unique circumstances justify an IEE that exceeds the School District's reasonable cost criterion. If there is no such justification, the IEE will be publicly funded only to the extent of the School District's maximum allowable charge.

Maximum Allowable Costs, including, but not limited to, preparation, assessment, report writing and parent conference:

Psycho-educational evaluation	$1,000.00
Psychological (Cognitive, Social/Emotional Learning, Executive Functioning)	$600.00
Achievement	$400.00
Related Services	$350.00

Request for Evaluation by Hearing Officers

If a Hearing Officer requests an IEE as part of an impartial hearing, the cost of the evaluation must be as public expense.

LEVEL 2 SERVICE
QUARTERLY SUMMARY OF RECOMMENDED POLICY REVISIONS
October - December 2017

NON-INSTRUCTIONAL/BUSINESS OPERATIONS

#5741 Drug and Alcohol Testing for School Bus Drivers and Other Safety-Sensitive Employees – Revised – the Department of Transportation published a final rule in November 2017 that added four semi-synthetic opioids (hydrocodone, oxycodone, hydromorphone, oxymorphone) to the drug-testing panel for these employees, to harmonize it with U.S. Department of Health and Human Services mandatory guidelines for federal drug-testing programs. We slightly revised our policy to remove the now-outdated reference to opiates, in favor of the adopted, broader term, opioids.

STUDENTS

#7313 Suspension of Students – Revised – the Commissioner of Education recently issued a decision that affects the way districts advise students and parents about long-term-suspension appeal rights. Although districts typically address these rights and procedures in correspondence to the disciplined student's parent or guardian, to be able to continue relying on an exhaustion-of-administrative-remedies defense, the Commissioner indicated that this information should be in a policy or procedure. As a result, we updated our policy to ensure that districts can continue to rely upon this important procedural defense by specifying the period for taking an appeal—30 days—and by identifying the district clerk as the recipient of these appeals. As with all of our policies, if your district practices differ, including, in this instance, utilizing a different person or timeframe, modify the policy language accordingly.

#7320 Alcohol, Tobacco, Drugs, and Other Substances – Revised – to assist districts with disciplinary action related to possession of drug-like products, we slightly revised this policy so that the unauthorized use or misuse of vitamins, supplements, herbs, and similar substances is covered. Absent a specific mention of these substances in a policy or a Code of Conduct, districts run the risk of being unable to discipline students for using or misusing them.

If you need assistance updating your Code of Conduct to reflect the most recent disciplinary situations that arise in districts, please contact us.

Non-Instructional/Business Operations

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES

In accordance with federal regulations, employees in safety-sensitive positions who are required to have and use a commercial driver's license (CDL), are subject to random testing for alcohol, marijuana, cocaine, amphetamines, ~~opiates (including heroin)~~opioids, and phencyclidine (PCP). The District will adhere to federal law and regulations requiring the implementation of a drug and alcohol testing program for those employees in safety-sensitive positions.

*The District will *(ensure that vendors/contract bus companies)* either establish and manage its *(their)* own program, by contract, or through a consortium for the provision of alcohol and drug testing of employees in safety-sensitive positions. Safety-sensitive employees (SSEs), including school bus drivers and other employees, who drive a vehicle which is designed to transport 16 or more passengers (including the driver), will be subject to this requirement.

Federal regulations require that school bus drivers and other SSEs be tested for alcohol and drugs at the following times:

a) Drug testing will be conducted after an offer to hire, but before actually performing safety-sensitive functions for the first time. This pre-employment testing will also be required when employees transfer to a safety-sensitive position.

b) SSEs are also subject to a random drug and/or alcohol test on an unannounced basis just before, during, or just after performance of safety-sensitive functions.

c) In addition, testing will be ordered if a trained supervisor has a "reasonable suspicion" that an employee has engaged in prohibited use of drugs and/or alcohol.

d) There will also be post-accident testing conducted after accidents on employees whose performance could have contributed to the accidents.

e) Finally, return-to-duty and follow-up testing will be conducted when an individual who has violated the prohibited alcohol or drug conduct standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six tests must be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return-to-duty.

All employee drug and alcohol testing will be kept confidential and will only be revealed without the driver's consent to the employer, a substance abuse professional, drug testing laboratory, medical review officer, and any other individual designated by law.

**Customize to District*

(Continued)

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)

The following alcohol and controlled substance-related activities are prohibited by the Federal Highway Administration's drug use and alcohol misuse rules for drivers of commercial motor vehicles (CMV) and other SSEs:

a) Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If testing shows an alcohol concentration of 0.02 or greater but less than 0.04, the employee must be removed from performing safety-sensitive activities for 24 hours, but no punitive action will be taken by the employer.

b) Being on duty or operating a CMV while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.

c) Using alcohol while performing safety-sensitive functions.

d) New York State law prohibits using alcohol six hours or less before duty.

e) When required to take a post-accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.

f) Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion, or follow-up testing requirements.

g) Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the SSE uses any controlled substance. This prohibition does not apply when instructed by a physician who has advised the SSE that the substance does not adversely affect the SSE's ability to safely operate a CMV.

h) Reporting for duty, remaining on duty, or performing a safety-sensitive function, if the SSE tests positive for controlled substances.

Drivers and other SSEs who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substances are subject to disciplinary action and penalties in accordance with **District policy (the vendors' or contract bus companies' policies)* and collective bargaining agreements, as well as the sanctions provided for in federal law. SSEs who have engaged in prohibited behavior will not be allowed to perform safety-sensitive functions until they are:

**Customize to District*

(Continued)

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)

a) Evaluated by a substance abuse professional (SAP).

b) Complete any requirements for rehabilitation as set by the District and the SAP.

c) Pass a return-to-duty test with the result below 0.02 if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved controlled substance use.

d) The SSE will also be subject to unannounced follow-up alcohol and controlled substance testing. The number and frequency of the follow-up testing will be as directed by the SAP, and consist of at least six tests in the first 12 months.

***If District owns buses (use following three paragraphs):**

The Superintendent will ensure that each SSE receives a copy of District policy, educational materials that explain the requirements of the alcohol and drug testing regulations, and any regulations and/or procedures developed by the District with respect to meeting those requirements. The Superintendent or designee will ensure that a copy of these materials is distributed to each SSE, who will sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of alcohol and controlled substance testing as well as at the beginning of each school year or at the time of hire for any SSEs. Representatives of applicable collective bargaining units will be notified of the availability of this information.

The Superintendent or designee will arrange for training of all supervisors who may be utilized to determine whether "reasonable suspicion" exists to test a driver for prohibited conduct involving alcohol or controlled substance use or abuse.

Any violation of this policy and/or District procedures, and applicable federal and state laws by a covered employee will be grounds for disciplinary action including, but not limited to, fines, suspension, and/or discharge in a manner consistent with District policy, collective bargaining agreements, and applicable law.

***If District contracts out for buses (use following three paragraphs):**

The Superintendent will ensure that each vendor or contract bus company receives a copy of District policy, educational materials that explain the requirements of the alcohol and drug testing regulations, and any regulations and/or procedures developed by the District with respect to meeting those requirements. The Superintendent or designee will ensure that a copy of these materials is distributed to each vendor or contract bus company, and the vendor or bus company will sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of

**Customize to District*

(Continued)

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)

alcohol and controlled substance testing as well as at the beginning of each school year or at the time of hire for any SSEs.

The Superintendent or designee can assist vendors/contract bus companies with arrangements for training of all supervisors who may be utilized to determine whether "reasonable suspicion" exists to test a driver for prohibited conduct involving alcohol or controlled substance use/abuse.

Any significant violation of this policy or District procedures, and applicable federal and state laws by vendors/contract bus companies and other employees will result in revocation of their contract for the transportation of students.

Omnibus Transportation Employee Testing Act of 1991 (Public Law 102-143) 49 USC §§ 31136 and 31306
49 CFR Parts 40, 172, 382, 383, 391, 392 and 395
Vehicle and Traffic Law § 509-L

Adoption Date

SUBJECT: SUSPENSION OF STUDENTS

The Superintendent or the principal may suspend the following students from required attendance upon instruction:

a) A student who is insubordinate or disorderly; or

b) A student who is violent or disruptive; or

c) A student whose conduct otherwise endangers the safety, morals, health, or welfare of others.

Suspension

Five School Days or Less

The Superintendent or the principal of the school where the student attends has the power to suspend a student for a period not to exceed five school days. In the absence of the principal, the designated "acting principal" may then suspend a student for a period of five school days or less.

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

When suspension of a student for a period of five school days or less is proposed, the Superintendent or principal will also immediately notify the parent or person in parental relation in writing that the student may be suspended from school.

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

The notice will provide a description of the incident(s) for which suspension is proposed and will inform the student and the parent or person in parental relation of their right to request an immediate informal conference with the principal in accordance with the provisions of Education Law Section 3214(3)(b). Both the notice and the informal conference will be in the dominant language or mode of communication used by the parents or persons in parental relation. At the informal conference, the student ~~and/~~or parent or person in parental relation will have the opportunity to present the student's version of the event(s) and to ask questions of the complaining witnesses.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

The notice and opportunity for informal conference will take place prior to suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference will take place as soon after the suspension as is reasonably practical.

Teachers will immediately report or refer a violent student to the principal or Superintendent for a violation of the District's *Code of Conduct* and a minimum suspension period.

More Than Five School Days

In situations where the Superintendent determines that a suspension in excess of five school days may be warranted, the student and parent or person in parental relation, upon reasonable notice, will have ~~had~~ an opportunity for a fair hearing. At the hearing, the student ~~will have~~ has protected due-process rights such as the right ~~of representation~~ to be represented by counsel, the right to question witnesses against him or her, and the right to present witnesses and other evidence on his or her behalf.

Where the basis for the suspension is, in whole or in part, the possession on school grounds or school property by the student of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto or any of the weapons, instruments or appliances specified in Penal Law Section 265.01, the hearing officer or Superintendent will not be barred from considering the admissibility of the weapon, instrument, or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of the weapon, instrument, or appliance was the result of an unlawful search or seizure.

Minimum Periods of Suspension

In accordance with law, Commissioner's regulations, and the District's *Code of Conduct*, minimum periods of suspension will be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations:

a) Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a firearm to school or possessed a firearm on school premises will be suspended for a period of not less than one calendar year. However, the Superintendent has the authority to modify this suspension requirement on a case-by-case basis.

b) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce the period on a case-by-case basis to be consistent with any other state and federal law. The definition of "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority" is set forth in Commissioner's regulations.

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SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

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

Suspension of Students with Disabilities

Generally, disciplinary action against a student with a disability or presumed to have a disability will be in accordance with procedures set forth in the District's *Code of Conduct* and in conjunction with applicable law, and the determination of the Committee on Special Education (CSE).

For suspensions or removals up to ten school days in a school year that do not constitute a disciplinary change in placement, students with disabilities must be provided with alternative instruction or services on the same basis as non-disabled students of the same age.

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten consecutive school days or is a pattern of removals which constitutes a change of placement, a manifestation determination must be made. The District determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

Manifestation Determinations

A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made by a manifestation team immediately, if possible, but in no case later than ten school days after a decision is made:

a) By the Superintendent to change the placement to an interim alternative educational setting (IAES);

b) By an Impartial Hearing Officer (IHO) to place the student in an IAES; or

c) By the Board, District Superintendent, Superintendent, or building principal to impose a suspension that constitutes a disciplinary change of placement.

The manifestation team will include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the CSE as determined by the parent and the District. The parent must receive written notice prior to the meeting to ensure that the parent has an opportunity to attend. This notice must include the purpose of the meeting, the names of those expected to attend and notice of the parent's right to have relevant members of the CSE participate at the parent's request.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

The manifestation team will review all relevant information in the student's file including the student's individualized education program (IEP), any teacher observations, and any relevant information provided by the parents to determine if: the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or the conduct in question was the direct result of the District's failure to implement the IEP. If the team determines the conduct in question was the direct result of failure to implement the IEP, the District must take immediate steps to remedy those deficiencies.

Finding of Manifestation

If it is determined, as a result of this review, that the student's behavior is a manifestation of his or her disability, the CSE will conduct a functional behavioral assessment (FBA), if one has not yet been conducted, and implement or modify a behavioral intervention plan (BIP).

An FBA is the process of determining why the student engages in behaviors that impede learning and how the student's behavior relates to the environment. An FBA must be developed consistent with the requirements of Commissioner's regulations Section 200.22(a) and will include, but not be limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors), and the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

BIP is a plan that is based on the results of an FBA and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.

Unless the change in placement was due to behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, the student must be returned to the placement from which the student was removed unless the parent and the District agree to a change of placement as part of the modification of the BIP.

No Finding of Manifestation

If it is determined that the student's behavior is not a manifestation of his or her disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration for which they would be applied to students without disabilities, subject to the right of the parent or person in parental relation to request a hearing objecting to the manifestation determination and the District's obligation to provide a free, appropriate public education to the student.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

Provision of Services Regardless of the Manifestation Determination

Regardless of the manifestation determination, students with a disability will be provided the services necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP as delineated below:

a) During suspensions or removals for periods of up to ten school days in a school year that do not constitute a disciplinary change in placement, students with disabilities of compulsory attendance age will be provided with alternative instruction on the same basis as nondisabled students. Students with disabilities who are not of compulsory attendance age will be entitled to receive services during suspensions only to the extent that services are provided to nondisabled students of the same age who have been similarly suspended.

b) During subsequent suspensions or removals for periods of ten consecutive school days or less that in the aggregate total more than ten school days in a school year but do not constitute a disciplinary change in placement, students with disabilities will be provided with services necessary to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP and to receive, as appropriate, an FBA, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress in meeting the goals set out in the student's IEP.

c) During suspensions or other disciplinary removals, for periods in excess of ten school days in a school year which constitute a disciplinary change in placement, students with disabilities will be provided with services necessary to enable the student to continue to participate in the general education curriculum, to progress toward meeting the goals set out in the student's IEP, and to receive, as appropriate, an FBA, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. The IAES and services will be determined by the CSE.

Interim Alternative Educational Setting (IAES)

Students with disabilities who have been suspended or removed from their current placement for more than ten school days may be placed in an IAES which is a temporary educational setting other than the student's current placement at the time the behavior precipitating the IAES placement occurred.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

Additionally, an Impartial Hearing Officer in an expedited due process hearing may order a change in placement of a student with a disability to an appropriate IAES for up to 45 school days if the Hearing Officer determines that maintaining the current placement is substantially likely to result in injury to the students or others.

There are three specific instances when a student with a disability may be placed in an IAES for up to 45 school days without regard to a manifestation determination:

a) Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the District; or

b) Where a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the District; or

c) Where a student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District. Serious bodily harm has been defined in law to refer to one of the following:

   1. Substantial risk of death;

   2. Extreme physical pain; or

   3. Protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

School function means a school sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place in another state.

School premises means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

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

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

a) Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress towards the goals set out in the student's IEP, and

b) Receive, as appropriate, an FBA and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

The period of suspension or removal may not exceed the amount of time a non-disabled student would be suspended for the same behavior.

Suspension from BOCES

The BOCES principal may suspend District students from BOCES classes for a period not to exceed five school days when student behavior warrants that action.

In-School Suspension

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

BOCES Activities

BOCES activities, such as field trips and other activities outside the building itself, are considered an extension of the school program. Therefore, an infraction handled at BOCES will be considered as an act within the District itself.

A student who is ineligible to attend a District school on a given day may also be ineligible to attend BOCES classes. The decision rests with the Superintendent or designee.

Exhaustion of Administrative Remedies

If a parent or person in parental relation wishes to appeal the decision of the building principal ~~and/~~or Superintendent to suspend a student from school, regardless of the length of the student's suspension, the parent or person in parental relation must appeal to the Board ~~prior to~~ before commencing an appeal to the Commissioner of Education. Any appeal to the Board must be commenced within 30 days from the date of the Superintendent's decision. To be timely, the appeal must be received by the District Clerk within this 30-day period.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

Procedure After Suspension

When a student has been suspended and is of compulsory attendance age, immediate steps will be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

When a student has been suspended, the suspension may be revoked by the Board whenever it appears to be for the best interest of the school and the student to do so. The Board may also condition a student's early return to school and suspension revocation on the student's voluntary participation in counseling or specialized classes, including anger management or dispute resolution, where applicable.

18 USC § 921
Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
Gun Free Schools Act, 20 USC § 7151, as amended by the Every Student Succeeds Act (ESSA) of 2015
34 CFR Part 300
Education Law §§ 310, 2801(1), 3214, and 4402
Penal Law § 265.01
8 NYCRR §§ 100.2(l)(2), 200.4(d)(3)(i), 200.22, 275.16, and Part 201

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

Adoption Date

SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES

The Board recognizes that the misuse of alcohol, drugs, tobacco, electronic cigarettes (e-cigarettes), and other illegal substances is a serious problem with legal, physical, emotional, and social implications for our students, as well as the entire community. Therefore, the consumption, sharing, selling, use, or possession of alcoholic beverages, tobacco products, e-cigarettes, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of these drugs is prohibited at any school-sponsored function, on school grounds, and on school buses at all times. The unauthorized use or misuse of prescription and over-the-counter drugs, vitamins, supplements, herbs, or other similar substances is also prohibited.

Students are not permitted to be under the influence of alcohol or other prohibited substances on school grounds or at school-sponsored events. A school-sponsored function includes a school sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place.

Smoking

Smoking is not permitted and no person is permitted to smoke within 100 feet of the entrance, exits, or outdoor areas of any public or private elementary or secondary schools. However, this prohibition does not apply to smoking in a residence or within the real property boundary lines of residential real property. Similarly, the use of e-cigarettes is prohibited on school grounds, as defined in Public Health Law.

Non-Medical Use of Prescription Drugs

Non-medical use of prescription drugs is prohibited. If a student is found to be in possession of these substances, he or she will be disciplined in accordance with the District *Code of Conduct*.

Disciplinary Measures

Disciplinary measures for students consuming, sharing, selling, using, or possessing alcoholic beverages, tobacco products, e-cigarettes, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of these drugs are outlined in the District *Code of Conduct*.

Education Law §§ 409 and 2801(1)
Public Health Law § 1399-o

NOTE: Refer also to Policies #3280 -- Use of School Facilities, Materials, and Equipment
#3410 -- Code of Conduct
#5640 -- Smoking/Tobacco Use
#8210 -- Safety Conditions and Prevention Instruction
District *Code of Conduct*

Adoption Date