

( ) Required  
(X) Local  
( ) Notice

## STUDENT LEARNING STANDARDS AND INSTRUCTIONAL GUIDELINES

*NOTE: This policy is offered to replace the district's current policy. It reflects the State's learning standards as articulated in the Commissioner's Regulations (100.1 (t)) and in conformance with New York State's P-12 Learning Standards for English Language Arts & Literacy and Mathematics.*

**(OPTION 1 – NOTE: Develop a paragraph that mirrors those portions of the district's mission and/or vision statement that relate to student achievement.)**

**(OPTION 2 – NOTE: Below we have provided a sample introductory paragraph. If the Board develops a district vision statement along with members of the community, this paragraph should be revised to mirror those portions of the district's vision statement and goals that relate to student achievement.)**

The Board of Education is committed to working with the Superintendent of Schools, district staff, parents and students to develop a quality educational program designed to prepare all students to be college and/or career ready, so graduates can successfully meet the challenges of an economically competitive, technologically advanced, and culturally diverse twenty first century. Therefore, the Board adopts the following learning standards for all students in the district:

*NOTE: The following is not a word for word recitation, but instead attempt to capture the essence of both NYCRR 100.1(t). NYSSBA offers this in policy so that the Board can review it and adapt it. The Board may choose to omit the standards and simply indicate that the district will adhere to the state's learning standards.*

Standard 1: College and career readiness in reading marked by a steadily growing ability to discern more from and make fuller use of text, including making an increasing number of connections among ideas and between texts, considering a wider range of textual evidence, and becoming more sensitive to inconsistencies, ambiguities, and poor reasoning in text.

Standard 2: College and career readiness in writing, including the ability to plan, revise, edit and publish in a range of types of writing, such as argument, explanation and narrative.

Standard 3: College and career readiness in speaking and listening including skills necessary to make formal presentations. Students will learn to work together, express and listen carefully to ideas, integrate information from oral, visual, quantitative, and media sources, to evaluate what they hear, use media and visual displays strategically to help achieve communication, adapting speech to context and task.

Standard 4: College and career readiness in effective use of language, vocabulary and the essential rules of standard written and spoken English.

Standard 5: College and career readiness by achieving standards of mathematical practice characterized by the following abilities:

1. make sense of problems and persevere in solving them
2. reason abstractly and quantitatively
3. construct viable arguments and critique the reasoning of others
4. model with mathematics
5. use appropriate tools strategically
6. attend to precision
7. look for and make use of patterns/structure
8. look for and express regularity in repeated reasoning

Standard 6: Students will use a variety of intellectual skills to demonstrate their understanding of major ideas, eras, themes, developments and turning points in New York, United States, and world history; as well as understanding the United States constitution, the basic civil values of American democracy and the roles, rights and responsibilities of citizenship, including avenues for participation.

Standard 7: Students will be able to use a language other than English for communication, and will demonstrate cross-cultural skills and understanding.

Standard 8: Students will actively engage in processes that constitute creation and performance in the arts (visual arts, music, dance and theater) and participate in various roles in the arts, as well as respond critically to a variety of works in the arts. Students will develop an understanding of the personal and cultural forces that shape art and how art shapes diverse cultures and past and present society.

Standard 9: Students will acquire the knowledge, skills and ability to establish and maintain physical fitness, participate in physical activity, maintain personal health; as well as create and maintain a safe and healthy environment using personal and community resources.

Standard 10: Students will be knowledgeable about the world of work, explore career options and relate personal skills, aptitudes and abilities to career decisions. Students will demonstrate mastery of the foundation skills and competencies essential for success in the work place.

*NOTE: NYSSBA offers the following to establish the foundation that underlie the standards. If the Board chooses not to include the list of standards enumerated above, the following guidance can still be included.*

To facilitate achievement of the Board's articulated learning standards for all students, the district's administration and staff will be guided by the following:

1. All students will be subject to high academic standards and high academic performance expectations.
2. The district will implement measurable effective instructional strategies for closing the achievement gap among all students.
3. The district will align its core academic subject curricula with the state learning standards, and offer appropriate support services to enable all students to succeed.
4. The same core academic subject curricula will be used in all schools district-wide.
5. The district will use multiple general education approaches, including response to intervention strategies in accordance with Commissioner's regulations, to improve the academic performance of all students.
6. Instructional and professional development activities will be coordinated to reduce student failure rates in core academic subjects at all grade levels.
7. Steps will be taken to identify and address the cause(s) of student drop-out, and to reduce the student drop out rate.
8. The district will recruit, hire and retain highly qualified staff.
9. Staff professional development will be designed to enable achievement of the Board's articulated learning objectives and instructional goals.
10. The district will implement a process of on-going review to identify and address any obstacles to the achievement of the Board's articulated learning standards.

Cross-Ref: 0000, Mission Statement and Vision

Ref: 8 NYCRR §§100.1 (t); 100.2 (ii)

Adoption date:

**(X) Required**☐ Local☐ Notice**EQUIVALENCE IN INSTRUCTIONAL STAFF AND MATERIALS**

*NOTE: The following is offered to replace current district policy. If the district does not receive Title I funds, then the Board can retain its original policy.*

In accordance with the federal law, the Board of Education directs that services in Title I schools and programs, when taken as a whole, shall be substantially comparable to services in schools and programs that do not receive Title I funds. This includes curriculum materials, instructional supplies, and personnel (teachers, administrators, and other personnel).

The Superintendent of Schools shall follow the State Education Department guidelines in determining such equivalence on an annual basis, and report to the Board, upon request, on the status of district schools with regard to equivalence. The district shall maintain records, updated biannually, documenting this equivalence.

Complaints regarding the district's implementation of this equivalence requirement shall be addressed in accordance with Board policy 1400, Complaints from the Public.

Cross-ref: 1400, Complaints from the Public

Ref: 20 USC §6321(c)

Adoption date:

( ) Required  
( **X** ) **Local**  
( ) Notice

### SCHOOL CALENDAR

*NOTE: The following is the Board's current policy. Please review to ensure it represents current practice.*

Prior to presentation of the Annual School Calendar for adoption by the Board of Education, the Superintendent of Schools may solicit comments and suggestions from district employees concerning the proposed calendar.

Adoption date:

( ) Required  
(X) Local  
( ) Notice

## CURRICULUM MANAGEMENT

*NOTE: The following is offered to replace the Board's current policy. It is more encompassing.*

The Board of Education recognizes its responsibility for the development, assessment and improvement of the educational program of its schools. To this end, the Board is committed to establishing and maintaining a coordinated curriculum management process that:

- Defines how the district's curriculum is developed and approved.
- Ensures that the curriculum is taught and tested.
- Provides for the ongoing review and evaluation of the curriculum.

For purposes of this policy, "curriculum" means a series of planned instruction that is coordinated, articulated and implemented to result in achievement of specific knowledge and skills, and application of such knowledge and skills by all students.

### Curriculum Development

The Board views a centralized curriculum articulated among and between grade levels as essential to an effective instructional program designed to meet the learning standards established by the state and the Board.

The Superintendent of Schools, in coordination with the Assistant Superintendent for Instruction and Curriculum, shall be responsible for the development of a written curriculum designed to meet identified student needs. He/she shall establish procedures for curriculum development that provides for the effective participation of administrators, teacher curriculum leaders, students, parents, other community members and members of the Board.

The curriculum shall:

- Comply with state mandates regarding course offerings and essential knowledge and skills.
- Focus on the content standards of each discipline and ensure that what students learn is rigorous, challenging and represents the most important learning for students.
- Provide sufficient flexibility to meet individual student needs at each stage of development.

- Reflect current research, best practices and technological advancements within each discipline.
- Promote congruence among the written, taught and assessed content.

### Curriculum Adoption

The Superintendent shall present the written curriculum to the Board for its review and adoption annually. Prior to adoption, the Board will review the curriculum to ensure consistency with Board-adopted learning objectives. In addition, the Board will adopt instructional materials that support the adopted curriculum.

### Curriculum Implementation

Implementation of the curriculum rests primarily with the teaching staff. In carrying out this responsibility, the teaching staff shall work to ensure continuity between the written, taught and tested curriculum. The Building Principal shall be responsible for the management of the implementation of the aligned curriculum at the building level. He/she shall carry out this management function through activities including analyzing student assessment data; making classroom observations of teachers; and providing opportunities for teachers to discuss and share ideas and strategies. The district's curriculum for each subject or course shall be communicated to the teaching staff in a written curriculum guide developed annually by the Superintendent. Such guides will provide the necessary information to direct instruction and ensure continuity among and between grade levels. The guides shall also include a description of the essential knowledge and skills for the course, instructional philosophy, appropriate sequence, and correlation of major resources. Curriculum guides shall be made available to parents and community members upon request to promote understanding of district goals and objectives.

### Curriculum Review

The Board recognizes the need for and the value of a systematic, ongoing program of curriculum evaluation that includes collecting and analyzing data about student achievement. All aspects of the curriculum shall be subjected to a searching and critical analysis in an attempt to improve students' learning and growth. Such a program is essential to evaluate program effectiveness in each content area and to make judgements about resource allocation. The Superintendent shall develop guidelines to evaluate the instructional program to ensure its continued effectiveness. With prior Board approval, the Superintendent may conduct pilot programs deemed necessary to the continuing improvement of the instructional program.

The Superintendent shall report his/her findings regarding the effectiveness of the instructional program to the Board periodically, and, if necessary, shall recommend changes to the district's curriculum.

AVERILL PARK

**4200**

Ref: Education Law §§1709(3); 1711(2)

Adoption date:



**(X) Required**☐ Local☐ Notice**DISPLAY OF THE FLAG**

*NOTE: The following is offered to replace current policy and regulation. It is substantially the same.*

The Board of Education believes that the flag of the United States is a symbol of the values of our nation, the ideals embedded in our Constitution and the spirit that should animate our district.

The district shall purchase a United States flag, flag staff and the necessary appliances for its display upon or near every school building. There shall be a flag on display in every assembly room of every school.

The flag shall be flown at full- or half-staff pursuant to law. In addition, the flag may be flown at half-staff to commemorate the death of a present or former Board member or present employee.

Consistent with national and state law and regulations and this policy, the Superintendent of Schools shall develop rules and regulations for the proper custody, care and display of the flag.

Ref: 4 USC §§5-9 (display of the flag)  
Education Law §§418; 419; 420 (requirement for the school to purchase,  
display and develop rules and regulations for the care and custody of the flag)  
Executive Law §§400-403 (rules for display of the flag)  
8 NYCRR Part 108 (flag regulations)

Adoption date:

**DISPLAY OF THE FLAG REGULATION**

*NOTE: A recent question from the field triggered greater scrutiny of the various laws pertaining to flag display. While the flag must be flown on the holidays listed below even if school is not open to the public, that provision of law is only applicable to the main administration building. We also reiterate that flags must only be flown when weather permits. No changes are required for associated policy 4311.1.*

Flags Displayed Out-of-Doors and on Movable Hoists Indoors

A United States flag shall be displayed in, on or near every school building in the district during school hours every day that school is in session, weather permitting, and at such other times as the Superintendent of Schools shall direct. Unless otherwise stated, the flags shall be flown at full-staff. The flags may also be displayed at night upon special occasions, at the discretion of the Superintendent, when it is desired to produce a patriotic effect. During inclement weather, the flag shall be placed conspicuously in the main room of the school building.

Weather permitting, the flag will be displayed on or near the main administration building of the district whenever the building is open to the public, and on the following days: New Year's Day, Martin Luther King, Jr. Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Flag Day, the Fourth of July, Labor Day, September 11<sup>th</sup> Remembrance Day, POW/MIA Recognition Day, Columbus Day, Veterans Day, Thanksgiving Day, Pearl Harbor Day and Christmas Day. If any of these days (except Flag Day) falls on a Sunday, the flag shall be displayed on the next day. In addition, the flag shall be displayed on each general election day and each day appointed by the President of the United States or by the Governor of New York as a day of general thanksgiving or for displaying the flag.

Flags shall also be displayed in or near every polling place on election days.

Flags shall be flown at half-staff on Pearl Harbor Day, on September 11<sup>th</sup> Remembrance Day, on days commemorating the death of a personage of great importance, and on days designated by the President or the Governor.

*NOTE: The two paragraphs below are optional and offered for the Board's consideration. The Board has discretion in determining when the flag will fly at half-staff to commemorate the death of a local person. The Board's current regulation did not include this, but we offer it for consideration.*

Flags on individual buildings will be flown at half-staff for 30 days if a present employee or student in that building dies. The flag shall also be flown at half-staff the day of the funeral of any former employee well-known in the school. This will be at the discretion of the Superintendent.

All flags in the district are to be flown at half-staff when a present Board member dies and are kept at half staff for 30 days. All flags are put at half-staff on the day of the funeral of a former Board member. All flags in the district are flown at half staff on the day of the funeral of a present employee or a present student.

The flag will not be displayed on days when the weather is inclement.

#### Hoisting of the Flag

The flag shall be hoisted briskly and lowered ceremoniously.

In half staffing the flag, it first should be hoisted to the peak for an instant and then lowered to the half-staff position. The flag shall be again raised to the peak before it is lowered for the day. The flag shall never be put at half mast in the middle of the day. It must be put at half mast in the morning only.

#### Indoor Flags and Those Not on Movable Hoists

There shall be a United States flag in each assembly room of every school in the district. It is the duty of the teacher or other person in charge of each assembly room to ensure that the flag in the room is displayed from a staff standing at the audience's right as they face the stage. If the flag is placed on the platform, it should stand at the right of the speaker as he/she faces the audience and at the audience's left as they face the stage.

Adoption date:

( ) Required  
( ) Local  
(X) Notice

### AIDS INSTRUCTION

*NOTE: The following is substantially the same as the Board's current policy, with the exception noted below.*

The district will provide age appropriate classroom instruction in compliance with commissioner's regulations, for all students K-12 concerning Acquired Immune Deficiency Syndrome (AIDS). Instruction will be provided as part of the sequential and comprehensive health program and shall include the following information:

1. the nature of the disease;
2. methods of transmission of the disease; and
3. methods of prevention of the disease stressing abstinence as the most effective and appropriate protection against AIDS.

*NOTE: The paragraph below describes an "opt-out" procedure in accordance with Commissioner's regulations, where a student will be excused from instruction concerning methods of prevention of AIDS if the child's parents or guardians have filed a request with the Superintendent of Schools assuring that such instruction will be given at home. Commissioner's regulations are not written to provide for any Board discretion in this area, therefore we have stated that students shall be excused, rather than may be excused.*

A student shall be excused from that segment of AIDS instruction regarding methods of prevention of the disease if his/her parent/guardian files a request with the Building Principal. The request must give assurance that such instruction will be given at home.

The Board of Education shall be responsible for determining the content of the district's AIDS curriculum, approving its implementation and evaluating the AIDS instructional program. In addition, the Board will ensure appropriate training and curriculum materials are provided for the instructional staff providing AIDS instruction and to parents who request such materials.

The Board shall establish an advisory council which shall be responsible for making recommendations on content, implementation, and evaluation of the AIDS instructional program. The advisory council must consist of Board members, appropriate school personnel, parents and community representatives, including representatives from religious organizations.

Ref: Education Law §3204(5)  
8 NYCRR §135.3 (Health Education incl. AIDS instruction)  
*Ware v. Valley Stream High School District*, 75 NY2d 114 (1989)  
*New York State School Boards Association v. Sobol*, 168 AD2d 188 (1991)  
*Matter of Knowledge*, 32 EDR 451 (1993) (function of advisory councils)

Adoption date:

**(X) Required**☐ Local☐ Notice

**PROGRAMS FOR STUDENTS WITH DISABILITIES  
UNDER THE IDEA AND NEW YORK'S EDUCATION LAW ARTICLE 89**

*NOTE: This policy serves as a comprehensive overview of the Board's obligations regarding special education (the other policies that follow in the series offer more detail on specific requirements). The following is offered to replace the Board's current policy.*

The Board of Education shall make available a free appropriate public education to all students with disabilities who reside within its district and are eligible for special education and related services under the Individuals with Disabilities Education Act and Article 89 of New York's Education Law, and their implementing regulations. Special education and related services will be provided to resident eligible students with disabilities in conformity with their individualized education program (IEP) and in the least restrictive environment appropriate to meet their individual educational needs. Special education services or programs will be designed to enable a student with disabilities to be involved in and progress in the general education curriculum, to the extent appropriate to his/her needs.

The Board also shall make available special education and related services to eligible students with disabilities parentally placed in a nonpublic school located within the district, regardless of whether they are residents of the district. However, this obligation does not extend to resident students with disabilities who are placed by their parents in a nonpublic school within district boundaries because of a disagreement between the parents and the school district over the provision of a free appropriate public education. Nonpublic school students with disabilities who are not district residents but who reside within New York State will be provided programs and services in accordance with their individualized education services program (IESP). Nonpublic school students with disabilities who reside out-of-state will be provided services in accordance with their services plan (SP). (Refer to policy 4321.10, Programs and Services for Parentally-placed Nonpublic School Students with Disabilities under the IDEA and New York's Education Law Article 89 for more guidance on this topic).

In addition, to the maximum extent appropriate to their individual needs, eligible students with disabilities residing within the district and attending the district's public schools will be entitled to participate in school district academic, cocurricular and extracurricular activities available to all other students enrolled in the district's public schools. Such cocurricular and extracurricular activities may include athletics, transportation, recreational activities, school-sponsored special interest groups or clubs, and referrals to agencies that provide assistance to individuals with disabilities and the employment of students (including both employment by the school district and assistance in making outside employment available).

In providing a free appropriate public education to students with disabilities eligible under the IDEA and Article 89, the Board will afford the students and their parents the procedural safeguard rights they are entitled to under applicable law and regulations. The Board also will provide them with notice of such rights as required by law and regulation, using the form prescribed by the commissioner of education.

For purposes of this policy and others related to the provision of services to eligible students with disabilities, and consistent with applicable law and regulation, the word parent means a birth or adoptive parent, a legally appointed guardian generally authorized to act as the child's parent or authorized to make educational decisions for the child; a person in parental relationship to the child as defined in section 3212 of the Education Law; an individual designated as a person in parental relation pursuant to title 15-A of the General Obligations Law, including an individual so designated who is acting in the place of a birth or adoptive parent (including a grandparent, stepparent, or other relative with whom the child resides; or a surrogate parent who has been appointed in accordance with commissioner's regulations.

*NOTE: Students with disabilities who graduate with a local high school or Regents diploma; or a skills and achievement commencement or career development and occupational studies commencement credential remain eligible for services in districts that provide post-graduation services to non-disabled students under section 3202 of New York's Education Law.*

Eligible students with disabilities will be entitled to special education and related services until the end of the school year in which they turn 21 or until they receive a local high school or Regents diploma.

Students with disabilities may not be required to take medication as a condition for receiving a free appropriate public education.

To ensure the provision of a free appropriate public education to all eligible students with disabilities:

*NOTE: Item 1 below includes language about the district's special education services plan. This is not required to be in policy, but we believe the Board benefits from explicit mention of this plan, since its approval is an important aspect of the Board's responsibility in this area.*

1. The Board will adopt and maintain a district special education services plan in conformance with Commissioner's Regulations (8 NYCRR §200.2(c)). The plan will be available for public inspection and review by the Commissioner of Education.

2. School district staff will take steps to locate, identify, evaluate and maintain information about all children with disabilities within the district, including homeless children and children who are wards of the state, and children attending nonpublic school within the district (including religious schools), who are in need of special education.
3. The district will establish a plan and practice for implementing school-wide approaches and interventions in order to remediate a student's performance prior to referral for special education services. The district will provide general education support services, instructional modifications, and/or alternative program options to address a student's performance before referring the student to the Committee on Special Education (CSE). The **[name of district team that is responsible for RTI, i.e. Child Study Team]** will develop, implement and evaluate pre-referral intervention strategies (4321.2, School-wide Pre-referral Approaches and Interventions).
4. School district staff will initiate a request for evaluation of a student who has not made adequate progress after an appropriate period of time when provided instruction under a response to intervention program. In making the request the staff person will describe in writing intervention services, programs and methodologies used to remediate the student's performance prior to referral. In addition, the extent of parental contact will be described as well.
5. The Board will appoint a committee on special education (CSE), and, as appropriate, CSE subcommittees, to assure the timely identification, evaluation and placement of eligible students with disabilities.
6. The Board will arrange for special education programs and services based upon the recommendation of the CSE or CSE subcommittee.
7. The Superintendent shall establish a plan for the recruitment, hiring and retention of staff appropriately and adequately prepared to meet the needs of students with disabilities including, but not limited to, highly qualified special education teachers.
8. The Superintendent shall establish a comprehensive professional development plan designed to ensure that personnel necessary to carry out IDEA and Article 89 possess the skills and knowledge required to meet the needs of students with disabilities.
9. The Superintendent will establish a process for ensuring that district staff understand the right of students with disabilities to access and participate in the same academic, cocurricular and extracurricular programs and activities as all other students enrolled in the district's public schools, to the maximum extent appropriate to their individual needs.



*Locate and Identify Students with Disabilities*

The district will conduct an annual census to locate and identify all students with disabilities who reside in the district, and establish a register of such students who are entitled to attend the public schools of the district during the next school year, including students with disabilities who are homeless or wards of the State. The census shall be conducted, and the registry maintained, in accordance with the requirements established in Commissioner's regulations.

The Superintendent will determine what other activities might be appropriate to help locate and identify students with disabilities. These may include, but are not limited to, the mailing of letters to all district residents regarding the availability of special education programs and services and their right to access such services, and/or the publication of a similar notice in school newsletters and other publications.

(Refer to policy 4321.10, Programs and Services for Parentally-placed Nonpublic School Students with Disabilities under the IDEA and New York's Education Law Article 89, for more information regarding how to locate and identify nonpublic school students with disabilities).

*Evaluation of Students with Disabilities*

To initially determine a student's eligibility for a free appropriate public education under the IDEA and Article 89, the district will conduct a full evaluation of the student in accordance within legally prescribed time lines. As set forth in Commissioner's regulations, the initial evaluation will include, at least, a physical examination, an individual psychological evaluation unless the school psychologist determines it unnecessary, a social history, an observation of the student in the student's learning environment to document the student's academic performance and behavior in the areas of difficulty, and other appropriate assessments or evaluations (including a functional behavioral assessment for a student whose behavior impedes his or her learning or that of others) to ascertain the physical, mental, behavioral and emotional factors that contribute to the suspected disabilities.

Once a student has been determined eligible to receive a free appropriate public education, the district will reevaluate the student with a disability whenever the student's parent requests a reevaluation, and when the district determines the educational and related services needs (including improved academic achievement and functional performance) of the child warrant a reevaluation. However, a reevaluation must take place at least once every three years, unless the student's parent and the district agree it is unnecessary.

*Parental Consent for Student Evaluations*

Before conducting any type of evaluation, district staff will take steps to obtain written informed consent from a student's parent, as required by applicable law and regulations. They also will keep a detailed record of those attempts and their results, including phone calls and correspondence, visits to the parent's home and any responses received.

1. If a parent refuses to give consent for an initial evaluation, or fails to respond to such a request, the parent will be given an opportunity to attend an informal conference and ask questions about the proposed evaluation. Unless the referral for evaluation is withdrawn, if the parent continues to withhold consent, the Board will commence due process proceedings to conduct an initial evaluation without parental consent within the time lines established in Commissioner's regulations.
2. If a parent refuses to give consent for a reevaluation, or fails to respond to such a request, district staff will proceed with the reevaluation without parental consent if it has engaged in documented reasonable efforts to obtain such consent and the parent has failed to respond. If the district cannot document its efforts to obtain consent, the Board will commence due process proceedings to conduct a reevaluation without parental consent.
3. If district staff is unable to obtain consent for the initial evaluation or reevaluation of a home schooled or a parentally-placed nonpublic school student, the Board will not commence due process proceedings to conduct the evaluation without parental consent, and will consider the student as not eligible for special education.

*Conduct of Evaluations*

In conducting evaluations of students with disabilities, the district will use a variety of assessment tools and strategies, including parent-provided information, to gather relevant functional, developmental, and academic information for determining a student's eligibility for special education and related services, and the content of the student's individualized education program or individualized education services program or services plan in the case of nonpublic school students with disabilities (including information related to enabling the student to be involved in and progress in the general education curriculum).

The district also will assess a student in all areas of suspected disability, and the assessment and other evaluation used will not be discriminatory on a racial or cultural basis. In addition, students will be assessed in the language and form most likely to yield accurate information on what the student actually knows and can do academically, developmentally, and functionally, unless it is not feasible to do so.

In the case of students suspected of having a specific learning disability, the district will follow the procedures established in commissioner's regulations.

The district will notify a student's parent of any determination that no additional data is needed and the reasons for such a determination. It will also inform the parent of his or her right to request an assessment, notwithstanding that determination.

### *Eligibility Determination*

The CSE or CSE subcommittee will determine whether a student is eligible for special education and related services under the IDEA and Article 89, as well as the student's educational needs.

The CSE or CSE subcommittee may not determine that a student is eligible for special education and related services if the determining factor is lack of appropriate instruction in the essential components of reading, including phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills), and reading comprehension strategies; or lack of appropriate instruction in math; or limited English proficiency.

### *Committee on Special Education*

The members of the CSE and CSE subcommittees will include those individuals identified in applicable law and regulations, and their attendance at CSE and CSE subcommittee meetings will be required except as otherwise provided in law and regulations.

The parent of a student with disabilities is one of the mandated CSE and CSE subcommittee members and as such has a right to participate in CSE and CSE subcommittee meetings concerning the identification, evaluation, educational placement, and the provision of a free appropriate public education to their child. District staff will take steps to ensure the parent's participation, in accordance with the following:

1. CSE and CSE subcommittee meetings will be scheduled at a time and place that is mutually agreeable to the parent and the district.
2. The parent will be given at least five days notice of the time and place of a CSE or CSE subcommittee meeting, except as otherwise provided in law and regulation, along with notice of the purpose of the meeting, those who will attend (including name and title), and the parent's right to be accompanied to the meeting by person(s) the parent considers to have knowledge and special expertise about their child.
3. The parent and the district may agree to use alternative means of participation at CSE meetings, such as videoconferences or telephone conference calls.
4. District staff will take any action necessary to ensure that the parent understands the proceedings at CSE meetings, including arranging for an interpreter for deaf parents or parents whose native language is other than English.

The CSE or CSE subcommittee may meet without a student's parent only if district staff has been unable to obtain either parent's participation, and has a record of its attempts to arrange a mutually agreed upon time and place. Similarly, the CSE or CSE subcommittee may make a decision without the involvement of the student's parent only if district staff has been unable to obtain parental participation, even through the use of alternative means of participation, and has a record of its attempts to ensure parental involvement.

#### *Provision of Services*

The Board will arrange for appropriate special education and related services recommended by the CSE or CSE subcommittee within 60 school days of the district's receipt of parental consent to evaluate a student not previously identified as a student with a disability, or within 60 school days of referral for review of a student with a disability, except as otherwise provided in law and regulations.

All staff responsible for the implementation of a student's individualized education program, or an individualized education services program or services plan in the case of parentally placed nonpublic school students with disabilities, will be provided information regarding those responsibilities (Refer to policy 4321.5 for more information on this topic).

#### *Parental Consent for the Provision of Services*

The Board acknowledges that parental consent for initial evaluation does not constitute consent for placement for the provision of special education and related services. Therefore, district staff will take steps to obtain written informed consent for the initial provision of special education and related services to an eligible student. The Board will be precluded by applicable law and regulations from commencing due process proceedings to override the parent's refusal to provide such consent or override the parent's failure to respond to such a request.

#### *Transition Service and Diploma/Credential Options*

In accordance with law and regulation, the Board will ensure the provision of transition services, which are a coordinated set of activities for students with disabilities that facilitates movement from school to post-school activities, which may include but are not limited to post-secondary education, vocational education, integrated employment, continuing and adult education, adult services, independent living or community participation. At age 15, or younger if appropriate, the student's IEP will include a statement of transition service needs and will include undertaking activities in the following areas:

- Instruction
- Related services
- Community experiences

- The development of employment and other post-school adult living objectives; and
- When appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

In developing the plan for transition services, students and parents will be made aware of the range of diploma and credential options available and the requirements associated with each option.

*NOTE: One of the best resources available to school districts for understanding the overall and specific school district responsibilities in providing special education programs and services is the website maintained by the State Education Department's Office of Special Education. The address for the website is: <http://www.p12.nysed.gov/specialed>.*

Cross ref: 1900, Parental Involvement (Title I)  
4000, Student Learning Objectives and District Instructional Goals  
4773, Diploma and Credential Options for Students with Disabilities  
5500, Student Records  
6700, Purchasing  
9700, Staff Development

Ref: The Individuals with Disabilities Education Act (IDEA), 20 USC §§1400 *et seq.*;  
34 CFR Part 300  
N.Y. Education Law Article 89, §§4401 *et seq.*  
8 NYCRR Part 200

Adoption date:

**(X) Required**☐ Local☐ Notice

### **PROVISION OF SPECIAL EDUCATION SERVICES IN THE LEAST RESTRICTIVE ENVIRONMENT**

*NOTE: The following appears to be a new policy for the Board's consideration.*

The Board of Education recognizes its responsibility to ensure that students with disabilities eligible for special education programs and services under the IDEA and Article 89 of New York's Education Law receive those services in the least restrictive environment appropriate to meet their individual educational needs.

Therefore, the district will not place students with disabilities in special classes or separate schools, or otherwise remove them from the regular educational environment unless the nature or severity of their disability is such that their education cannot be achieved satisfactorily in regular classes, even with the use of supplementary aids and services. In addition, the district will provide special services or programs to enable students with disabilities to be involved in and progress in the general curriculum, to the extent appropriate to their needs.

To fulfill its responsibility to educate students with disabilities in the least restrictive environment, the district will implement the provisions of section 200.6 of commissioner's regulations.

Furthermore, and pursuant to those provisions, students with disabilities placed together for purposes of receiving special education will be grouped by similarity of individual needs including their range of academic achievement, functional performance and learning characteristics; social and physical development, and management needs.

The Superintendent will establish a process for ensuring that the CSE or CSE subcommittee Chairperson, as appropriate, obtains an up-to-date copy of those provisions at the beginning of each school year, and copies of any amendments that become effective during the school year.

The Board also recognizes that the least restrictive environment requirements established by applicable law and regulations also extend to nonacademic settings. Therefore, the district will provide students with disabilities the opportunity to participate with non-disabled students in school-sponsored cocurricular and extracurricular activities, to the maximum extent appropriate to each individual student's needs. The district also will provide students with disabilities with supplementary aids and services the CSE or CSE subcommittee, as applicable, determines to be appropriate and necessary for students to participate in such activities.

Ref: Individuals with Disabilities Education Act (IDEA), 20 USC §§1400 et seq.  
8 NYCRR §§200.2(b)(4); 200.6

Adoption date:

**(X) Required**

( ) Local

( ) Notice

**SCHOOL-WIDE PRE-REFERRAL APPROACHES AND INTERVENTIONS**

*NOTE: This appears to be a new policy for the Board's consideration.*

The Board of Education recognizes that the provision of academic and behavioral supports and targeted interventions for students who are not making academic progress at expected levels in the general curriculum may improve a student's performance, and help avert the need for referral for possible classification as a student with a disability. Therefore, the district will implement on a school-wide basis practices appropriate to enable all of the district's students to succeed in the general education environment.

The Superintendent will identify and take steps to implement a variety of practices appropriate to comply with this policy. Consistent with applicable law and regulation, those practices may include, for example:

1. Providing early intervention services with funds available under the IDEA, which may be coordinated with similar activities conducted under the Elementary and Secondary Education Act. Such services would be made available to students not currently identified as needing special education and related services, but who need additional support to succeed in a general education setting. This may include professional development that enables teachers and other staff to deliver scientifically based academic instruction and behavioral interventions, such as scientifically based literacy instruction and, where appropriate, instruction on the use of adaptive instructional software. It also may include educational and behavioral evaluations, services and supports.
2. Implementation of a response to intervention (RTI) program that includes the minimum requirements established by commissioner's regulations, and allows teachers and other staff to determine whether a student responds to scientific, research-based instruction or requires interventions beyond those provided to all students in the general education classroom.
3. Implementation of a positive behavioral intervention and support (PBIS) system that reduces school and classroom behavioral problems, and creates and maintains a safe and positive learning environment by promoting positive behavior in all students.

District implementation of any of the above practices will not impede or delay the appropriate evaluation of a student suspected of having a disability, and the student's right to a free appropriate public education.

Cross-ref: 4000, Student Learning Standards and Instructional Guidelines  
4325, Academic Intervention Services



Ref: Individuals with Disabilities Education Act, 20 USC §§1413(f); 1414(b)(6)(B)  
34 CFR §§300.226; 300.307(a)(2)  
8 NYCRR §§100.2(ii); 200.2(b)(7)

Adoption date:

( ) Required

**(X) Local**

( ) Notice

**ALLOCATION OF SPACE FOR SPECIAL EDUCATION PROGRAMS**

*NOTE: The following is offered to replace current policy 4321.1. Though it is not a required policy, NYSSBA continues to recommend it.*

*If the Board would like further guidance on this, visit the State Education Department's website at: <http://www.p12.nysed.gov/specialed/publications/spaceplan-requirements-oct13.htm> and/or consult with your school attorney.*

The Board of Education recognizes its responsibility to ensure that appropriate space is available for:

1. Special programs and services provided to meet the needs of students and preschool students with disabilities both within its own facilities, and in programs provided by the board of cooperative educational services (BOCES) and attended by district residents; and
2. Serving students with disabilities in settings with non-disabled peers, as well.

The district will address such space allocation needs as part of its annual budget cycle, during the annual or any more frequent re-evaluation of its long-range educational facilities plan, and as part of the district's special education services plan.

Through the Superintendent, the district also will share with the BOCES District Superintendent information relevant for the BOCES to determine the regional space needs for serving the district's resident students and preschool students with disabilities.

As part of the process for ensuring the allocation of appropriate space for special education programs and services and serving students with disabilities in settings with non-disabled peers, the Superintendent, in consultation with appropriate school personnel will, at a minimum:

1. Periodically gather information regarding the number of students and preschool students with disabilities presently participating and anticipated to continue to participate in the district's special education programs and services, the type of programming they presently receive and may receive in the future, as well as the setting in which those services are and/or will be provided.
2. Review the results of the district's latest census, and other district child find efforts, including child find activities conducted with respect to parentally-placed nonpublic school students with disabilities.

3. Anticipate any projected increase in the number of students and preschool students with disabilities the district will be responsible for providing special education programs and services to, the anticipated type of services they will be receiving and the settings in which those services will be provided.
4. Based on the above information, review current space capacity, and identify any additional space requirements to meet both current and future needs.

Cross-ref: 4321, Programs and Services for Students with Disabilities under the IDEA and New York's Education Law Article 89  
4321.10, Programs and Services for Parentally-Placed Nonpublic School Students with Disabilities under the IDEA and New York's Education Law Article 89

Ref: Individuals with Disabilities Education Act (IDEA) 20 USC  
Education Law §§3602(10)  
8 NYCRR §§155.1(a); 200.2(c)(2)(iv),(v); 200.2(g)

Adoption date:

( ) Required  
**(X) Local**  
 ( ) Notice

## INDEPENDENT EDUCATIONAL EVALUATIONS

*NOTE: NYSSBA recommends the following policy in lieu of current policy 4321.3, which includes provisions that may not be authorized under state and federal law (i.e., a 45 day timeline, a cap on expenses tied to the cost of evaluation by district professionals, etc.). If the Board wishes to maintain those requirements, please consult with the school district attorney.*

The Board of Education recognizes the right of parents or guardians of a student who has or is thought to have a disability to receive an independent evaluation at public expense if they disagree with the evaluation obtained by the Committee on Special Education (CSE) or the Committee on Preschool Special Education (CPSE).

The independent examination shall be conducted by a qualified examiner who is not employed by the school district responsible for the child's education. Upon request, parents will be provided with a list of public and private agencies and professional resources where independent evaluations may be obtained. These publicly-funded independent evaluations shall be limited to the same geographic and fiscal limitations as used by the district when it initiates an evaluation.

The district has the right to initiate an impartial hearing to demonstrate that its evaluation is appropriate. If the hearing officer determines that the district's evaluation was appropriate, a parent or guardian is not entitled to reimbursement at public expense.

The Board directs the Superintendent of Schools to develop regulations establishing maximum allowable fees for specific tests, the geographic area in which such evaluations may take place, and minimum qualifications of the professionals who administer and interpret various tests.

Cross-ref: 4321, Programs for Students with Disabilities

Ref: 20 USC §1415(d)(2)(A)  
 34 CFR §300.502  
 8 NYCRR §§200.1(z); 200.5(a); 200.5(b); 200.5(c); 200.5(g)

Adoption date:

**(X) Required**☐ Local☐ Notice

**CONFIDENTIALITY AND ACCESS TO INDIVIDUALIZED EDUCATION  
PROGRAMS, INDIVIDUALIZED EDUCATION SERVICES PROGRAMS AND  
SERVICE PLANS**

*NOTE: This policy appears to be new and is provided for the Board's consideration. It addresses sections 200.2, 200.4 and 200.16 of the Regulations of the Commissioner of Education concerning the provision of copies of the individualized education programs (IEPs, IESPs or SPs) prior to the implementation. The regulations clarify the format of the IEPs, the definition of "other service providers," and the level of access which must be provided.*

The Board of Education recognizes the importance of ensuring the confidentiality of personally identifiable data pertaining to a student with a disability. Personally identifiable data will not be disclosed by any school district employee or member of a CSE/CPSE to any person (other than the parent of such student), organization or agency unless the parent or guardian of the child provides written consent; there is a valid court order for such information; or disclosure is permitted by law.

Personally identifiable data is defined in the policy on Student Records, 5500.

The Board of Education, while acknowledging the confidentiality requirement, believes that in order for each student with disabilities to receive the full benefit of his/her Individualized Education Program (IEP), Individualized Education Services Program (IESP) or Service Plan (SP), individuals responsible for implementing the program or plan must, prior to the implementation, fully understand the scope of their responsibility and the specific accommodations, modifications and supports to be provided.

*NOTE: Pursuant to revised regulations, all persons with responsibility for implementing a student's IEP, IESP or SP must be informed of those responsibilities. In addition, teachers, related service providers and other service providers who have such responsibility must be given access to the IEP, IESP, or SP. Teaching aides, teaching assistants and other providers who assist in implementing an IEP must have ongoing access to a copy of the IEP.*

To this end, this policy establishes procedures to ensure that any person having both direct contact with a student with an IEP, IESP or SP and a responsibility to provide a service, accommodation or program modification for the student in accordance with that student's IEP, IESP or SP shall be informed of his/her responsibilities under the IEP, and shall receive or have access to a copy of the student's IEP, IESP or SP as specified below.

## I. IEP, IESP or SP Copies

*NOTE: According to SED's guidance document, one factor to consider in establishing procedures in the district's policy is the process that will be used to determine which staff have responsibility to implement the student's IEP, IESP or SP. The paragraph below sets a broad guideline noting that it will be done at a CSE, CSE Subcommittee or CPSE meeting. The district should modify it to reflect its own procedures.*

At a CSE, CSE Subcommittee or CPSE meeting for each student, a determination will be made as to which general education teachers, special education teachers, related service providers and other service providers have responsibility to implement the recommendations on the student's IEP, IESP or SP. "Other service provider" means a representative of another public school district, charter school, BOCES program, child care institution school, Special Act school district, State-supported school, approved private in-state or out-of-state school and an approved preschool provider where the student receives or will receive IEP, IESP or SP services.

The CSE, CSE Subcommittee and CPSE Chairpersons shall ensure that a paper or electronic copy of each student's IEP, IESP or SP is provided to each regular education teacher, special education teacher, related service provider and/or other service provider who is responsible for implementation of the program or plan. These individuals responsible for implementing an IEP, IESP or SP shall, in turn, ensure that all paraprofessionals (teacher aides and teacher assistants) and other providers responsible for assisting in implementation are given the opportunity to review their copy of the IEP, IESP or SP prior to program implementation as well as have ongoing access to such copy.

## II. Notification of Responsibilities

In addition to disseminating copies of a student's IEP, IESP or SP, CSE, CSE Subcommittee and CPSE Chairpersons must designate one or more professional employees of the district with knowledge of the student's disability and program to inform each regular education teacher, special education teacher, related service provider, other service provider, paraprofessional, and other provider and support staff person of his or her responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP, IESP or SP. In selecting the professional staff person(s), the chairperson could select him/herself for this responsibility, another administrator, or a teacher, related service provider or other professional, as appropriate.

## III. Confidentiality

*NOTE: The Board should review and modify the confidentiality section of their student records policy as appropriate. It would also be appropriate for the Board to adopt as policy a provision for training on student records confidentiality requirements, and the consequences for violation of those requirements.*

All copies of a student's IEP, IESP or SP provided or made accessible under this policy must remain confidential, and shall not be redisclosed to any other person, except in accordance with the Individuals with Disabilities Education Act (IDEA) and the Family Educational Rights and Privacy Act (FERPA). To ensure such confidentiality, the CSE and CPSE Chairpersons shall include with each IEP, IESP or SP copy provided or made accessible under this policy, a copy of the Board's policy on student records (Policy 5500). All IEP, IESP or SP copies must remain in a secure location on school grounds at all times. If IEP copies are transmitted and/or provided electronically, security systems (e.g., password protect a file or folder) must be implemented to prevent unauthorized internal and external access to the student's IEP, IESP or SP.

#### IV. Documentation

*NOTE: Although not required by law or regulation, it is recommended that the Board include a means to document the district's compliance with Board policy. By obtaining the signature of each person who receives an IEP, views an IEP, or is informed of his or her IEP responsibilities, the district has a record of its proof of compliance with law and Board policy.*

The designated professional employee(s) defined in section II above shall obtain the signature of each person covered by this policy, indicating that he or she:

1. has received either a copy of the student's IEP, IESP or SP or the opportunity to review the IEP, IESP or SP prior to its implementation, as required under state law and regulation;
2. has been informed of their responsibilities for implementation;
3. has knowledge of where the IEP, IESP or SP is to be maintained; and
4. has an understanding of the confidentiality requirements.

Cross-ref: 4321, Programs for Students with Disabilities Under IDEA and Article 89 5500, Student Records

Ref: Individuals with Disabilities Education Act (IDEA), 20 USC §§1400 et seq.  
Family Educational Rights and Privacy Act (FERPA), 20 USC §1232g; 34 CFR Part 99  
Education Law §4402(7)  
8 NYCRR §§200.2(b)(11); 200.4(e)(3); 200.16(e)(6)  
New York State Education Department, Office of Special Education, Guidance Document, Providing copies of the IEPs for Students with Disabilities, 5/13/03,  
[www.p12.nysed.gov/specialed/publications/policy/chap408final.htm](http://www.p12.nysed.gov/specialed/publications/policy/chap408final.htm)

Adoption date:

**(X) Required**

( ) Local

( ) Notice

**AVAILABILITY OF ALTERNATIVE FORMAT INSTRUCTIONAL MATERIALS FOR STUDENTS WITH DISABILITIES**

*NOTE: This is a new policy for the Board's consideration.*

The Board of Education recognizes its responsibility to ensure that all the instructional materials used in the district's schools are made available in a usable alternative format for students with disabilities in accordance with their individual educational needs and course selection at the same time as those materials are available to non-disabled students. In accordance with applicable law and regulations, any such alternative format procured by the district will meet the National Instructional Materials Accessibility Standard.

For purposes of this policy, alternative format will mean any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a student with a disability enrolled in the school district, including but not limited to Braille, large print, open and closed captioned, audio, or an electronic file. An electronic file must be compatible with at least one alternative format conversion software program.

The Superintendent will develop a plan to ensure the availability of alternative format materials in accordance with the timeliness requirements of this policy. Such a plan will provide for:

1. Preference to vendors who agree to provide instructional materials in alternative formats, and to reflect this requirement in the bidding specifications used for the procurement of instructional materials. The same preference will be given to vendors of instructional materials ordered for the school library.
2. Consultation with appropriate school personnel regarding how students will access electronic files. The district's technology staff will be notified of any need to convert electronic files into an accessible format such as Braille, large print, audio, or alternative display.
3. The availability of hardware and/or software a student with disabilities in need of alternative format materials might require to access the instructional material.
4. The yearly review of the district's ordering timelines for the purchase of instructional materials to ensure sufficient lead time for obtaining needed alternative format materials.
5. Notification to appropriate school personnel by the CSE, CSE subcommittee, CPSE and Section 504 Committee Chairperson whenever it is determined that a student needs instructional materials in alternative format. Such notice also will identify the particular alternative format needed, and any assistive technology devices or services the student might need to access the alternative format materials.



6. Notification by classroom teachers of the books they will be using in class and any list of required readings with sufficient lead time in anticipation of the district's timelines for the purchase of instructional materials.
7. Consultation with the school librarian to make sure that specific library resources required by a student in need of alternative format materials to participate and progress in his or her selected courses are made available to the student in an accessible format.
8. Timely request of state assessments in alternative format.

Cross-ref: 6700, Purchasing

Ref: Individuals with Disabilities Education Act (IDEA), 20 USC §§1474(e)(3)(B)  
Education Law §§1604(29-a); 1709(4-a) 1950(4-a); 2503(7-a); 2554(7-a);  
3602(10)(b)  
8 NYCRR §§200.2(b)(10)  
State Education Department, Office of Special Education, Policy 02-05 Amendment  
to Section 200.2 of the Regulations of the Commissioner Implementing Chapter  
377 of the Laws of 2001: Plans to Provide Instructional Materials in Alternative  
Formats for Students with Disabilities, May 2002, available electronically from the  
SED website at  
[www.p12.nysed.gov/specialed/publications/policy/alterformat502.htm](http://www.p12.nysed.gov/specialed/publications/policy/alterformat502.htm)

Adoption date:

**(X) Required**☐ Local☐ Notice

## **DISTRICTWIDE AND STATEWIDE ASSESSMENTS OF STUDENTS WITH DISABILITIES**

*NOTE: This is a new policy for the Board's consideration. A policy on Universal Design Principles is required by federal law. A good source for understanding the overall and specific district responsibilities for providing students with disabilities testing accommodations necessary to measure their academic achievement and functional performance in the administration of districtwide assessments is the following SED website: <http://www.p12.nysed.gov/specialed/assessment.html>.*

The Board of Education recognizes the importance of offering access and appropriate testing accommodations to eligible students so that they can participate in assessment programs on an equal basis with their nondisabled peers. Two elements that contribute to an effective assessment program are proper use of use of accommodations and use of universal design principles in developing and administering tests.

### Testing Accommodations

Testing accommodations provide an opportunity for students with disabilities to:

- Participate in the instructional and assessment program;
- Demonstrate their strengths, knowledge and skills without being restricted by their disability; and
- Provide an accurate measure of the standards being assessed so that appropriate instruction and services can be provided.

Testing accommodations are changes made in the administration of the test in order to remove obstacles to the test-taking process that are presented by the disability without changing the constructs being tested. Examples of testing accommodations are: flexibility in scheduling/timing; flexibility in the setting for the administration of the test; changes in the method of presentation and changes in the method of response. Testing accommodations are neither intended nor permitted to: alter the construct being measured or invalidate the results, provide an unfair advantage for students with disabilities over students taking the test under standard conditions or substitute for knowledge or abilities that the student has not attained.

The Committee on Special Education, the Subcommittee on Special Education or the Committee on Preschool Special Education is responsible for recommending the appropriate test accommodations and including those recommendations on the student's Individualized Education Program (IEP), Individualized Education Services Program (IESP) or Service Plan (SP). If it is determined that a student should participate in alternative assessments instead of the standard statewide or districtwide tests, the CSE must indicate the reasons for doing so on the IEP, IESP or SP. **[Insert appropriate title, i.e., The 504 multidisciplinary committee]** will include the appropriate test accommodations as part the 504 plan.

The recommendations will be reviewed annually by the CSE, CSE subcommittee, CPSE or 504 team. The Board acknowledges the importance of integrating the assessment program with the instructional program and, to that end, encourages effective communication among district staff so that implementation is consistent and fair. The goal is to provide effective assessments that allow students to benefit from their educational program.

In some situations, a building principal may authorize the use of testing accommodations in accordance with this policy. Those instances are limited to cases where a regular education student incurs a disability, such as, but not limited to, a broken arm, without sufficient time for the CSE, CPSE and/or Section 504 Committee to make a recommendation prior to a test. They do not include cases where the student is already being evaluated to determine his or her eligibility for status as a student with a disability. In exercising this authority, the building principal will rely on his or her professional judgment. He or she also may confer with CSE, CPSE and/or Section 504 Committee members.

#### Universal Design Principles in Districtwide Assessments

The Board of Education recognizes the benefits of using the principles of universal design to further the goal of ensuring equal access to districtwide assessments and to ensure the most accurate measure of the performance of all students. The Board directs the Superintendent, in consultation with appropriate school staff, to examine how universal design principles can be incorporated into the district's assessment program, and to facilitate its use to the extent feasible. Any steps taken in this regard will be consistent with this policy and applicable State Education Department policy and/or guidance on the use of universal design principles.

At a minimum, the Superintendent will explore how district assessments can be:

1. Made more usable by students with diverse abilities.
2. Designed to better accommodate a wide range of individual preferences and abilities.
3. Made more understandable.
4. Made to communicate necessary information to students more effectively.
5. Designed to minimize adverse consequences of accidental or unintended actions.

6. Used more efficiently and comfortably and with a minimum of student fatigue.

Cross-ref: 4321, Programs for Students with Disabilities  
4321.5, Confidentiality and Distribution of IEP, IESP and SP  
5020.3 Students with Disabilities and Section 504

Ref: Individuals with Disabilities Education Act (IDEA), 20 USC §§1401(35);  
1412(a)(16)(E);  
34 CFR §§ 300.44  
Assistive Technology Act, 29 USC 3002(19)  
8 NYCRR §§ 200.1(jjj); 200.2(b)(13,14); 200.4(d)(2)(vi)

Adoption date:

**(X) Required**☐ Local☐ Notice**IMPARTIAL HEARING OFFICER APPOINTMENT AND COMPENSATION**

*NOTE: This is the Board's current policy adopted in 2015. Please review to ensure it reflects current practice.*

Pursuant to applicable federal and State law and regulations, the Board of Education adopts the following policy governing the selection and compensation of Impartial Hearing Officers (“IHOs”) to conduct impartial hearings involving the provision of a Free Appropriate Public Education pursuant to Education Law 4404(1), Part 200 of the Regulations of the Commissioner of Education and the Individuals with Disabilities Education Improvement Act (IDEIA):

1. Maintenance of Impartial Hearing Officer (IHO) List – The District shall utilize the New York State Education Department’s Impartial Hearing Reporting System (IHRS) rotational list as maintained by the State Education Department, pursuant to the Regulations of the Commissioner of Education. The Superintendent shall designate the individual responsible to secure and report required information relating to the impartial hearing process into the IHRS web-based reporting system.
2. Selection if IHO – The Superintendent’s Designee shall obtain a username and password to access the IHRS list, on behalf of the District, to identify the next available IHO on the rotational list who is (i) certified by the Commissioner of Education pursuant of §200.1(x)(4) of the Regulations of the Commissioner; (ii) available to serve as defined in the Commissioner’s Regulations; and (iii) who accepts the Board’s policy and procedures governing such appointments as set forth herein.
3. Upon receipt of a Complaint for Due Process, the recipient shall forward immediately such request, to the Superintendent and if necessary, to the Chairperson of the Committee on Special Education (CSE). The Superintendent of Schools shall ensure that a copy is transmitted to the Designee assigned to canvass the IHRS for the appointment of a hearing officer.
4. No later than two business days from the date of the District’s receipt of a Complaint for Due Process, the Superintendent’s Designee shall commence the appointment process and shall inform the next available IHO on the IHRS list of the Board’s regulation governing compensation and reimbursement of expenses both orally and in writing. A IHO shall not be deemed available without written confirmation of his/her availability (1) to rule on a Sufficiency Complaint within five (5) days of a timely receipt of such a complaint, (2) his/her availability to initiate the hearing within 14 days after the Resolution process is complete, and

- (3) acceptance of the terms and conditions of such appointment as set forth herein. Should a prospective IHO decline appointment or fail to respond within 24 hours from the time first contacted by the Designee, the Designee shall offer the appointment to the next IHO named on the rotational list until an IHO accepts the appointment.
5. The Board of Education designates and authorizes the President of the Board of Education to appoint the impartial hearing officer immediately upon selection.
  6. Compensation of IHOs – The District shall compensate IHOs on the following terms: compensation of \$100.00 per hour for pre-hearing, hearing and post-hearing activities. Such activities shall not include travel time. (See paragraph 8 for reimbursement for travel)
  7. Cancellation Fees – Upon the request of an IHO, the Board authorizes a cancellation fee of up to \$500.00 per day when a hearing date is cancelled less than 2 business days prior to a scheduled hearing date with the Board's consent.
  8. Reimbursement for Related Expenses – An IHO shall be reimbursed for the cost of mailing, duplication costs, the cost of long distance telephone calls and automotive travel expenses at the IRS approved rate for one-way travel up to a maximum of 150 miles per day of hearing or up to the same amount for alternative travel arrangements and pre-approved overnight lodging where round trip travel to and from the hearing is more than 300 miles.
  9. Additional Expenses or Fees – Pursuant to this policy, payment and reimbursement is limited to those items specifically listed.
  10. Unless otherwise approved, payment for services rendered shall be made within 30 days following the parties' receipt of the final decision and receipt of an itemized bill identifying those activities authorized for payment with the date and time spent and receipts for claimed reimbursement of authorized expenses.

Ref: 8 NYCRR §§200.2; 200.5; 200.21

Adoption date:

**(X) Required**☐ Local☐ Notice**DECLASSIFICATION OF STUDENTS WITH DISABILITIES**

*NOTE: This is a new policy for the Board's consideration.*

The Board of Education recognizes that it may be appropriate to declassify some students with disabilities. A student may mature and develop skills such that they no longer require the special program, support services or accommodations offered by an Individualized Education Program (IEP), Individualized Education Services Program (IESP) or Services Plan (SP). The Committee on Special Education (CSE), the CSE Subcommittee or, the Committee on Preschool Special Education (CPSE), as applicable, is responsible for making this judgment, while adhering to the requirements of federal and state law and regulation.

*Reevaluation*

Prior to determining that a student is no longer eligible for special education services and should be placed in a full-time regular education program, the CSE, CSE subcommittee, or CPSE, as applicable, will conduct a declassification evaluation of the student in accordance with the process and procedures prescribed for the evaluation and reevaluation of students with disabilities, by applicable law and regulations. However, the CSE, CSE subcommittee, or CPSE members may determine after reviewing existing evaluation data that no additional information is needed to determine the student's continued eligibility for services.

When a determination is made that no additional data is needed for reviewing a student's continued eligibility for special education services, the CSE, CSE subcommittee, or CPSE Chairperson, as applicable, will notify the student's parents of that determination and the reasons for it, and of their right to nonetheless request an assessment. Unless the student's parents make such a request, the district will not conduct any further assessments.

The district will provide the student's parents with a copy of the reevaluation report and documentation regarding the eligibility determination.

Consistent with applicable law and regulation, the district will not conduct a declassification evaluation if the reason why a student is determined to be ineligible for special education services is that he or she has either:

1. Graduated with a regular high school or Regents diploma; or
2. Exceeded the age of eligibility for services.

However, in such an instance the district will provide the student with a summary of his or her academic achievement and functional performance that also includes recommendations on how to assist the student in meeting his or her post-secondary goals.

*Declassification Support Services*

It is the goal of the Board of Education to provide an opportunity for the student to succeed in the transition to the regular education program. In order to facilitate that success, the CSE/CPSE may offer educational and support services for a period of time, not to exceed one year. Declassification support services may include:

1. For the student, psychological services, social work services, speech and language improvement services, non-career counseling, and other appropriate support services.
2. For the student's teachers, the assistance of a teacher aide or a teaching assistant, and consultation with appropriate personnel.

The CSE/CPSE will ensure that the appropriate teachers and service providers are informed of the need for the transition services, and will specify the nature and duration of those services.

Cross-ref: 4321, Programs for Students with Disabilities

Ref: 8 NYCRR §§100.1 (q); 200.2 (b)(8), 200.4 (b)(4-6), (c)(3)

Adoption date:



( ) Required  
**(X) Local**  
 ( ) Notice

## **PROGRAMS AND SERVICES FOR PARENTALLY-PLACED NONPUBLIC SCHOOL STUDENTS WITH DISABILITIES**

*NOTE: This is a new policy for the Board's consideration. Although this is not a required policy, NYSSBA recommends it since it is a contentious subject.*

The Board of Education recognizes its responsibility to provide special education services to eligible students with disabilities enrolled by their parents in nonpublic schools located within its district, regardless of whether such students are residents of the district. The scope of that responsibility affects:

1. The district's child find activities for locating, identifying, and evaluating parentally-placed nonpublic school students with disabilities;
2. CSE and CSE subcommittee responsibilities for the development of an individualized education services program (IESP), or a services plan (SP), in the case of an out of state resident, for any such student determined to be eligible for special education services under the IDEA and Article 89;
3. The provision of services to such students;
4. The relationship between the district and nonpublic school officials and nonpublic school parents of students with disabilities, with whom the district is required to consult;
5. The district's data collection and reporting responsibilities; and
6. The district's use of federal funds available under the IDEA.

(Refer to policy 4321, Programs for Students with Disabilities under the IDEA and Article 89 for more information regarding the provision of special education services to students with disabilities enrolled in the district's public schools).

Consistent with applicable law and regulations, this policy does not apply to resident students with disabilities enrolled by their parents in a nonpublic school located within the district's boundaries because of a dispute over the provision of a free appropriate public education. Neither does it apply to charter school students, or to students placed in or referred to private schools by public agencies such as school district placements in approved private schools, Special Act school districts, and state-supported or state-operated schools.

District staff will obtain prior consent from the parent of a parentally-placed nonpublic school student with disabilities, or the student if the student is 18 years or older, for the release of personally identifiable information about the student from records collected or maintained pursuant to the IDEA between the district and the student's district of residence.

*Location, Identification and Evaluation of Parentally-placed Nonpublic School Students with Disabilities:*

The district's activities for locating and identifying parentally-placed nonpublic school students with disabilities will be comparable to those undertaken for students attending the district's public schools, and will be completed in a comparable time period, as well. However, district staff will consult with nonpublic school representatives and representatives of parents of parentally-placed students with disabilities regarding these activities, in order to ensure the equitable participation and an accurate count of such students.

The district will use the same procedures that apply to the evaluation of the district's public school students to evaluate and reevaluate parentally-placed nonpublic school students with disabilities. (Refer to policy 4321, Programs for Students with Disabilities under the IDEA and Article 89, for more information on those procedures).

*CSE Responsibilities:*

Once a parentally-placed nonpublic school student with disabilities is determined to be eligible for special education services under the IDEA and Article 89, the CSE or CSE subcommittee will develop an IESP or SP for the student in accordance with the following:

1. If the student is a New York State resident, the CSE or CSE subcommittee will develop an IESP based on the student's individual needs in the same manner and with the same contents as an individualized education program prepared for a public school student.
2. If the student is an out-of-state resident, the CSE or CSE subcommittee will develop an SP for the student in accordance with the IDEA and its implementing regulations.

*Provision of Services:*

Parents of nonpublic school students with disabilities eligible for special education services under this policy must submit to the Board a written request for such services on or before June 1 preceding the school year for which they want the district to provide services. However, if the student has not been first identified as a student with a disability until after June 1, the parent may submit the written request for services within 30 days after the identification, and the student will be entitled to services during the current year if the request is submitted before April 1.

The district will provide special education programs and services to parentally-placed nonpublic school students with disabilities with an IESP on an equitable basis, as compared to special education programs and services provided to other students with disabilities attending public and nonpublic schools within the district.

The district will provide special education programs and services to parentally-placed nonpublic school students with disabilities with an SP to the extent required by the IDEA and its implementing regulations, and in consultation with nonpublic school officials and representatives of parents of parentally-placed nonpublic school students with disabilities. In this regard, the district will expend a proportionate amount of the federal funds it receives under the IDEA to provide such services.

The district will provide parentally-placed nonpublic school students with disabilities only services, including materials and equipment, that are secular, neutral, and non-ideological.

*Consultation:*

The district will consult in a timely and meaningful manner with nonpublic school officials and representatives of parents of parentally-placed nonpublic school students with disabilities regarding the following issues:

1. The process that will be used to locate and identify parentally-placed nonpublic school students with disabilities, including who parents, teachers, and nonpublic school officials will be informed of the process, and how the process will work throughout the school year to ensure that the students can participate in special education and related services.
2. How, where and by whom special education and related services will be provided to such students, and with respect to students with an SP, the types of services that will be provided.
3. With respect to students with an SP, how a proportionate share of the federal funds the district receives under the IDEA will be spent on special education services to such students.
4. The determination of the proportionate amount of the district's IDEA funds available to serve parentally-placed private school students with disabilities, including how that amount was calculated.
5. How services will be apportioned if the proportionate amount of the district's available IDEA funds is not sufficient to serve all parentally-placed nonpublic school students with an SP, and how and when these decisions will be made. Notwithstanding, the district will provide services to students with an IESP, regardless of the apportionment of such federal funds.

The Superintendent will establish a process for obtaining from nonpublic school officials a written affirmation of their participation in the consultation process. If that affirmation is not secured within a reasonable time, the Superintendent will submit to the State Education Department documentation of the consultation process.

*Data Collection and Reporting:*

The Superintendent will establish a process for maintaining records and report to the commissioner of education on the number of parentally-placed nonpublic school students who are evaluated, and determined to have a disability, and receive special education services from the district.

*NOTE: The Board should visit the website of the State Education Department's Office of Special Education at <http://www.p12.nysed.gov/specialed> for the most up-to-date guidance on school district responsibilities toward parentally-placed nonpublic school students with disabilities.*

Cross-ref: 4321, Programs for Students with Disabilities under the IDEA and New York's Education Law Article 89

Ref: Individuals with Disabilities Education Act (IDEA), 20 USC §612(a)(10)(A); 34 CFR \*\*\*  
Education Law §§3602-c  
8 NYCRR §2002.2 (a)(7)

Adoption date:

(X) Required

( ) Local

( ) Notice

**PUBLIC REPORT ON REVISIONS TO DISTRICT POLICIES, PRACTICES  
AND PROCEDURES UPON A FINDING OF SIGNIFICANT  
DISPROPORTIONALITY**

*NOTE: This is a new policy for the Board's consideration.*

The Board of Education recognizes that, despite the district's best efforts, there may be times when there might be a disproportionate representation of racial and ethnic groups in its special education programs and services, and/or with respect to the suspension of students with disabilities. To minimize the risk of such an occurrence, the Board has endeavored to adopt policies, practices and procedures for the district that are consistent with the IDEA and Article 89 of New York's Education Law, and their implementing regulations.

Nonetheless, upon learning of a significant disproportionality either in the suspension, identification, classification and/or placement of the district's students with disabilities, the Board will immediately review the district's policies, practices and procedures to determine whether they are fully compliant with the requirements of the IDEA and Article 89, or require revisions. If changes are needed, the Board will take immediate steps to adopt and implement any and all necessary revisions.

The Board will inform the public of any revisions to the district's policies, practices and procedures undertaken as a result of a finding of significant disproportionality. The Superintendent will notify school personnel responsible for implementing the revisions.

Cross-ref: 4321 *et seq.* as appropriate.

Ref: Individuals with Disabilities Education Act, 20 USC §§1412(a)(24); 1418(d);  
34 CFR §§300.173; 300.646  
8 NYCRR §§200.2(b)(15).

Adoption date:

( ) Required  
 (X) Local  
 (X) Notice

## USE OF TIME OUT ROOMS, PHYSICAL RESTRAINTS AND AVERSIVES

*NOTE: This is a new policy for the Board's consideration. If the school district has a time out room, they should adopt a policy that regulates its use. The district should modify this to reflect its practice.*

*This policy charges the administrator in charge of special education with developing regulations for time out rooms. To be responsive and helpful, NYSSBA has developed the accompanying regulation which provides more details on the use of time-out rooms. If your district has its own administrative or school-level procedures, they may be attached to this policy. The section on aversive behavioral interventions reflects that they are being phased out under state regulations.*

*If a school proposes to use aversive behavioral intervention pursuant to a child-specific exception, the district must submit its policies and procedures to SED for prior approval. If a district does not use aversives, there is no need to have a policy that includes it.*

The Board of Education recognizes that students with disabilities sometimes exhibit inappropriate behaviors that impede learning. As a result, students with disabilities may require unique approaches to discipline so that they can continue to benefit from their educational program. The Board further acknowledges that the use of aversive behavioral intervention, as defined in §19.5 of the Commissioner's regulations, is prohibited unless the district has followed the procedures outlined below to allow for their use in a child-specific case.

The use of a time out room, physical restraint or aversive intervention will be in conformance with a child's individual education program (IEP). Staff will adhere to federal and state statute and regulation in the administration of these measures.

### *Time Out Room*

*NOTE: The paragraph below clarifies that time out rooms can be used where it is not part of a behavioral intervention plan in unanticipated situations for student safety. While your district may wish to ban the use of time out rooms entirely, we recommend keeping this policy "just in case." For example, if a student moves into the district with a behavioral intervention plan already in his/her IEP that includes use of a time out room, having a policy in place makes implementing the IEP that much easier.*

A time out room is an area for a student to safely deescalate, regain control and prepare to meet expectations to return to his/her educational program. The room will only be used in conjunction with a behavioral intervention plan, as part the student's IEP, or when it is necessary to remove a student from a potentially dangerous situation in unanticipated situations that pose an immediate concern for the physical safety of a student or others. The room will provide a supervised area in order to facilitate self- control. The location, size and access to the time out room will be in conformance with

applicable laws and regulations. The **[insert appropriate title, i.e., Director of Pupil Personnel Services, Administrator of Special Education]** will be responsible for the development and implementation of regulations covering the use of a time out room, as well as monitoring compliance with those regulations.

The **[insert appropriate title]** will inform parents prior to the initiation of a behavioral intervention plan that will incorporate the use of a time out room. Upon request, the parent will be shown the space that will be utilized. In addition, the parent will be provided a copy of this policy.

#### *Physical Restraint: Emergency Interventions*

Staff will not use physical restraint as a substitute for systematic intervention to modify inappropriate behavior. Staff who may be called upon to physically restrain a student will be trained on safe and effective ways to do so. Physical restraint may be used in an emergency where no other approach would be effective in controlling the student's behavior.

*NOTE: The following two paragraphs summarize the provisions of state regulations sections 19.5(a)(3) and 200.22(d). Regarding parent/guardian notification (the last sentence of the second paragraph), state regulations do not specify how parents/guardians must be notified. This could be verbally or in writing, but if specified in this policy, it is important to make sure the district is following it. State regulations also do not specify when parents/guardians must be notified. Again, if you specify a time period and then do not follow it, you would be out of compliance with your own rules.*

During emergencies, immediate intervention by staff involving the use of reasonable physical force may be necessary, either to protect people or property from injury or damage, or to restrain or remove a student whose behavior is interfering with the orderly functioning of the school, if that student has refused to comply with a request to refrain from further disruptive acts.

The district shall document the use of emergency interventions for each student. This shall include the student's name and date of birth, the setting and location of the incident, the staff members involved, other persons involved, a description of the incident and the intervention used, the duration of the incident, a statement as to whether the student has a current behavioral intervention plan, and details of any injuries sustained by either the student or others as a result of the incident. Documentation of emergency interventions shall be reviewed by school supervisory personnel and, as necessary, the school nurse or other medical personnel. The student's parents/guardians shall be notified of each incident of emergency intervention.

#### *Aversive Behavioral Intervention*

*NOTE: If aversive behavioral intervention is not used in the district, omit the following paragraphs.*

Aversive behavioral intervention, as defined in §19.5 of the Commissioner's regulations, shall not be the sole or primary approach to modifying inappropriate behavior, and is generally prohibited, unless a child-specific exception was granted by the Commissioner of Education in the 2008-2009 school year, and each subsequent year thereafter, and incorporated into the student's IEP. This approach will be limited to self-injurious or aggressive behaviors identified on the child's IEP.

The IEP shall identify the specific targeted behavior, the aversive intervention to be used and, if applicable, the device to be utilized. The parent must provide informed written consent for the use of the aversive intervention.

The district will establish a Human Rights Committee to monitor the use of aversive behavior interventions. The committee will be comprised of individuals not employed by the school district and its membership will be in conformance with Commissioner's regulations.

### *Training*

Training for staff on the policies and procedures related to the use of time out rooms, physical restraint, aversives, and related behavior management practices, will be provided annually or as needed.

The **[insert appropriate title]** will be responsible for implementation and oversight of this policy.

Ref: 8 NYCRR §§19.5; 200.15; 200.22

Adoption date:



**USE OF TIME OUT ROOMS REGULATION**

*NOTE: We have developed this regulation to address use of time out rooms. State regulations require each school using a time out room to have “policy and procedures” on their use, which must address certain elements outlined in state regulations:*

- 1. The physical and monitoring requirements of state regulations;*
- 2. Parental rights;*
- 3. IEP requirements for students with disabilities;*
- 4. Prohibiting placing a student in a locked room or space or in a room where the student cannot be continuously observed and supervised;*
- 5. Factors which may precipitate the use of the time out room;*
- 6. Time limitations for the use of the time out room;*
- 7. Staff training on the policies and procedures related to the use of time out room;*
- 8. Data collection to monitor the effectiveness of the use of time out rooms; and*
- 9. Information to be provided to parents.*

*Because individual schools do not adopt policies in the same way that school boards do, we suggest the use of an administrative regulation instead of a board policy. Your district may wish to balance the desire to have uniform procedures throughout the district with the need to be developmentally-, age-, and grade level-appropriate. Additional detailed school-level procedures may be necessary.*

A time out room is a supervised area for a student to safely deescalate, regain control and prepare to meet expectations to return to his/her educational program. Time out rooms may only be used when needed for unanticipated situations that pose an immediate concern for the physical safety of a student or others, or in conjunction with a behavioral intervention plan in a student's Individualized Education Program (IEP). The district's use of time out rooms shall conform to applicable state regulations.

1. Physical requirements

Time out rooms shall allow for continuous visual and auditory monitoring of the student. The room shall be large enough to allow a student to move freely and lay down comfortably. Wall and floor coverings shall be designed to prevent student injury where possible, and there shall be adequate lighting and ventilation. The temperature of the room shall be within the normal comfort range, and consistent with the rest of the building. The room shall be clean and free of objects and fixtures that could be potentially dangerous to a student, and shall meet all local fire and safety codes.

2. Monitoring, Observation and Supervision

School staff shall continuously monitor the student in a time out room. The staff must be able to see and hear the student at all times.

3. Prohibition on Locks

Time out rooms or spaces shall be unlocked, and the door must be able to be opened from the inside.

#### 4. IEP Requirements

A student's IEP shall specify when a behavioral intervention plan includes the use of a time out room for a student with a disability, including the maximum amount of time a student will need to be in a time out room as a behavioral consequence, as determined on an individual basis, in consideration of the student's age and individual needs. The behavioral intervention plan shall be designed to teach and reinforce alternative appropriate behaviors.

#### 5. Precipitating Factors

The factors that may lead to a student being temporarily placed in a time out room will depend on the particular student. Generally, time out rooms are to be used when a student needs to deescalate, regain control and prepare to meet expectations to return to his or her education program. A student in need of a time out room may be unable to control his/her actions, overwhelmed, overstimulated, exhibiting violent actions, or posing a danger to self or others.

#### 6. Time Limitations

*NOTE: Maximum time specified in a behavioral intervention plan reflects the state regulations. The paragraph below contains suggested language to meet the regulatory requirements for addressing time limitations where used in emergency situations, but should be modified as appropriate for your district. The last sentence is included to provide guidance to school staff in order to minimize use of time-out rooms and bring students back to the learning environment.*

The amount of time a student may spend in a time out room will vary with the student's age, individual needs, behavioral intervention plan, and the specific circumstances. Students shall spend only as much time in the time out room as is necessary for them to deescalate, regain control, return to their educational programs, or no longer pose a concern for the physical safety of themselves or others. Students shall not be in a time out room for more than the maximum amount of time specified in their behavioral intervention plans. For emergency use, where a time out room is not specified in a student's behavioral intervention plan, but where such emergency use is not inconsistent with the student's IEP, the maximum time to be spent in a time out room shall be [*insert time period, such as:* 30 minutes]. If a student is not ready to return to the educational program after that period of time, he/she shall be provided with further interventions consistent with his/her behavioral intervention plan or IEP, or actions reasonably calculated to assist the student.

#### 7. Staff Training

*NOTE: We have provided the following paragraph to fulfill state regulations requiring the school's policy and procedures to include "staff training on policies and procedures related to the use of time out room."*

All staff authorized to place a student in a time out room shall receive training on the procedures for placing a student in a time out room, including situations warranting use of a time out room, IEP requirements, continuous monitoring, time limitations, and data collection. Only trained staff authorized by the school principal may place a student in a time out room. Staff not authorized to place a student in a time out room shall receive training on what to do and who to contact if a student is exhibiting behaviors indicating the need for use of the time out room.

## 8. Data Collection to Monitor Effectiveness

*NOTE: State regulations require “procedures to document the use of the time out room, including information to monitor the effectiveness of the use of the time out room to decrease specified behaviors.” The text below related to data collection is suggested language, which should be modified as appropriate for your district. Reporting to the Director of Special Education, Superintendent and Board is not specifically required by state law/regulation, but could be kept if desired.*

The district shall document the use of time out rooms, and monitor the effectiveness of the use of time out rooms to decrease the behaviors that led to the use of the rooms. Such documentation will include a record for each student placed in a time out room. Each record shall show, for each use of the time out room, the date, time, duration of stay, precipitating factors, staff members involved, and the student’s behaviors/condition before, during and after use of the time out room. Copies of these records shall be sent to the student’s teachers, CSE chairperson, Director of Special Education, and Building Principal. Appropriate staff shall meet regularly as needed to review the effectiveness of the time out room for each student placed in one. Building Principals shall periodically report on the use and effectiveness of time out rooms to the Director of Special Education and Superintendent, who shall report to the Board annually.

## 9. Parent/Guardian Rights and Information

*NOTE: State regulations require the district’s policies and procedures address the actions in the first three sentences. While not required, we recommend including the last sentence, notifying parents/guardians every time the student has been placed in a time out room.*

The district shall inform parents/guardians prior to the initiation of a behavioral intervention for their child which will incorporate the use of a time out room. Parents/guardians shall be given the opportunity to see the physical space used as a time out room. Parents/guardians shall be given a copy of this policy and regulation on time out rooms. The district shall notify parents/guardians each time a student is placed in the time out room.

Adoption date:

(X)Required

( ) Local

( ) Notice

**PRESCHOOL SPECIAL EDUCATION**

*NOTE: The following is an updated version of the Board's current policy, 4321.2. If the Board wishes to include its regulation (4321.2-R), please review and ensure it is consistent with the new policy.*

The Board of Education recognizes the value of early intervention to address the needs of preschool children with disabilities. The Board further recognizes its responsibility to ensure that all resident preschool children with disabilities have the opportunity to participate in preschool programs, approved by the Commissioner of Education, from which they may benefit educationally. The Board authorizes the Superintendent of Schools to establish administrative practices and procedures which shall include:

1. locating, identifying, evaluating, referring and placing all preschool children (generally ages three and four) with disabilities. The register of children eligible to attend a preschool program is to be maintained and revised annually by the Committee on Preschool Special Education (CPSE);
2. ensuring that the parent(s)/guardian(s) of preschool age children with disabilities have received and understand the request for consent for evaluation of their child;
3. developing an individualized education program (IEP) for each preschool age child with a disability;
4. appointing and training appropriately qualified personnel, including the members of the CPSE; **[or, if the district doesn't provide preschool programming directly, insert the following: appointing appropriately qualified personnel to the CPSE, and ensuring that preschool education providers with whom the district contracts have appropriately trained and qualified personnel.]**
5. maintaining lists of impartial hearing officers and of State Education Department-approved special education programs within the county and adjacent counties in which the district is located;
6. preparing and keeping on file summary reports of student data including the number of preschool students with disabilities served, as well students referred but not served and the reasons why they are not served; and
7. reporting to the State Education Department the data on preschool children with disabilities as required, on a form prescribed by the Commissioner.

The duties described above will be carried out within the timeframes established by statute and regulation.

The Board of Education hereby establishes the CPSE as required under the Education Law. Its responsibilities will include the evaluation and recommendation for placement in appropriate approved programs and the provision of appropriate special education programs and services for each preschool child with a disability. The CPSE shall review, at least annually, the status of each preschool child with a disability. It is ultimately the responsibility of the Board to arrange for the appropriate approved preschool program and services for the district's children. Should the Board disagree with the CPSE's recommendations, it shall send the recommendation back to the CPSE so that they may schedule a timely meeting to review the Board's concerns and to revise the IEP, as deemed appropriate.

In the event that a parent/guardian files a due process complaint, a meeting must be convened between the parent/guardian and representatives of the district to try and resolve the complaint within 15 days of receiving the notice, and before the initiation of an impartial hearing. Parents/guardians and the district will jointly determine who should be present at this meeting.

If an agreement cannot be reached, parent/guardians shall be offered mediation to resolve complaints regarding the education of preschool children with disabilities at the same time notice of the availability of an impartial hearing is provided.

The CPSE shall make an annual report on the status of each preschool child with a disability and report on the adequacy of preschool special education programs and services to the Board.

The Board directs the Superintendent to develop and maintain a plan which incorporates information concerning the provision of services for preschool children with disabilities, pursuant to the Regulations of the Commissioner of Education.

Cross-ref: 4321, Programs for Students with Disabilities  
4321.3, Allocation of Space for Special Education Programs  
4321.4, Independent Educational Evaluations  
4321.5, Confidentiality and IEP Distribution  
4321.8, Hearing Officer Appointment and Compensation  
4321.14, Special Education Personnel

Ref: Individuals with Disabilities Education Act, 20 U.S.C. §§1400 et seq.  
34 CFR §§300.12; 300.503  
Education Law §4410  
8 NYCRR Part 200, 200.2, 200.5, 200.16

Adoption date:

(X) Required

( ) Local

( ) Notice

**SPECIAL EDUCATION PERSONNEL**

*NOTE: This is a new policy for the Board's consideration.*

The Board acknowledges its responsibility to recruit, hire, train and retain highly qualified personnel, as defined in the federal Individuals with Disabilities Education Act (IDEA) and its accompanying regulations and in Article 89 of New York State Education law and its accompanying regulations, to provide special education programs and services. In addition, the Board is committed to appointing appropriately qualified personnel to the Committee (and subcommittee) on Special Education (CSE) and Committee (and subcommittee) on Preschool Special Education (CPSE).

The Board will fulfill its obligation with regard to special education personnel by taking measurable steps including, but not limited to the following:

1. Actively recruit personnel who possess prior experience working with students with disabilities.
2. Solicit resumes from graduates of institutions of higher education that offer programs in special education.
3. Seek candidates for teaching positions who are dually certified, to the extent possible.
4. Ensure that every member of the professional staff participates in annual professional performance reviews and professional development plans.
5. Provide appropriate on-going training and professional development to CSE and CPSE members, and other special education program and service providers to ensure their continuing awareness of their obligations and responsibilities under the law.

The Superintendent is responsible for ensuring that the professional staff is appropriately certified, licensed and trained and that they meet the "highly qualified" standard established in federal and state law. In the event that highly qualified individuals are not available, despite the best efforts of the administration, the Board recognizes its responsibilities to meet the alternative standards established by the State Education Department. *NOTE: The following statement is optional, it is not required by law. NYSSBA, however, recommends that the Board and Superintendent take the following approach in order to meet their joint responsibilities and to support a successful and legally-compliant special education program.* The Superintendent, in consultation with the **[insert appropriate title: i.e., Director of Pupil Personnel Services or Administrator for Special Education]**, shall prepare an annual report to the Board which provides information about the certifications and qualifications of the special education professional personnel, as well as a summary of the professional development opportunities offered.

Cross-ref: 4321, Programs for Students with Disabilities  
9240, Recruiting and Hiring  
9700, Staff Development

Ref: Individual with Disabilities Education Act, 20 USC §§ 1412(a)(14), 1413(a)(3)  
34 CFR §§ 300.156, 300.207  
Education Law §4410  
8 NYCRR §§ 200.2(b)(3), (12)

Adoption date:

( ) Required  
(X) Local  
( ) Notice

### PROGRAMS FOR THE GIFTED AND TALENTED

*NOTE: The following is the Board's current policy, adopted in 2002. Please review to ensure that it reflects current philosophy and practice. If it does not, it can be omitted or replaced with a NYSSBA alternative that is more general.*

The Board of Education encourages educational programs which challenge and promote the realization of individual potential in all students. The Board also recognizes that further efforts are necessary to extend educationally and in a cost-effective manner the allocation of resources towards appropriate programs for students identified as academically gifted and talented. Consistent with district efforts to develop a continuum of learning experiences which addresses the special gifts and talents of students, the Superintendent of Schools, with input from appropriate school personnel, will develop a district plan for education of the gifted and talented. The Superintendent or designee will submit a written annual update to the Board a status report which will include:

1. the criteria for student participation in programs;
2. status of ongoing programs;
3. recommendations for new programs;
4. the identification and allocation of resources for all ongoing and recommended programs;
5. provisions for staff development to promote effective implementation of programs; and
6. provisions for ongoing monitoring and evaluation of students and programs.

The Board believes that programs traditionally viewed as for the gifted and talented greatly benefit the entire school program and encourages programs that provide enrichment opportunities for all students. The Board also recognizes the value of community support for program success and encourages the use of community resources for special programs and periodic reporting of activities through the district newsletter.

Ref: Education Law §3208(5)  
8 NYCRR Part 142; §§117.3(g)

Adoption date:



( ) Required  
 (X) Local  
 (X) Notice

## ACADEMIC INTERVENTION SERVICES

*NOTE: The following is offered to update and replace current policy, Compensatory Education (4325).*

*As a reminder, Response to Intervention (RtI) can be used in lieu of AIS (8 NYCRR 100.2 (ee)(7)), as long as the RtI program otherwise meets the requirements applicable to AIS. If the district's RtI program meets these requirements, the Board may wish to rescind its AIS policy, or modify it to reflect the relationship between the two programs. If the Board rescinds its AIS policy, it should ensure that it has an adequate RtI policy in place. HOWEVER, districts must still ensure that there is a district-developed procedure for determining student eligibility for academic intervention services.*

The Board of Education is committed to providing academic intervention services to students at risk of not meeting the state learning standards. Such services may include additional instruction supplementing the instruction provided in the general curriculum and/or student support services such as guidance, counseling, attendance and study skills needed to support improved academic performance.

Eligibility for academic intervention services will be determined based on a student's performance on state assessment exams and/or in accordance with the uniformly applied district-developed district-adopted procedures, which are attached to this policy. Eligible students will receive services consistent with law and regulations which shall commence no later than the beginning of the semester following a determination that a student is eligible for such services.

### Parental Notification and Involvement

*NOTE: This section on Parental Notification and Involvement was taken directly from Commissioner's Regulations §100.2(ee)(6), which relates to written notifications. However, there is an additional requirement from §100.2(ee)(2) that relates to parent notification of the district's eligibility process for grades 3-8, which must be either posted on the district website or distributed in writing to parents. We have drafted the language below for the website option, and have provided language for the written notice option. Your district could exercise both options, and should modify the language accordingly. However, we recommend extending parent notice of AIS eligibility procedures for all grade levels, not just grades 3-8. Guidance on implementation of the ongoing parental notification requirement.*

*Notification of district eligibility procedures.* The district shall post on its website [**alternate text:** distribute to district parents in writing] a description of the district-developed procedures for determining which students are eligible for academic intervention services, as specified in state regulations.

*Notification on Commencement of Services.* The Building Principal will notify the parents of a student determined to be in need of academic intervention services, in writing, upon the commencement of such services. Such notification will include:

- A summary of the academic intervention services to be provided;
- The reason the student needs such services; and
- Consequences of not achieving expected performance levels.

*Notification on Ending of Services.* The Principal will notify the parent in writing when academic intervention services are no longer needed. Such notification will include:

- The criteria for ending services; and
- The performance levels obtained on district selected assessments, if appropriate.

In addition, the district/schools will provide for ongoing communication with parents which must include opportunities to consult with teachers and other professional staff, regular reports on the student's progress and information on ways to monitor and work with educators to improve the student's performance.

All parental notifications and communications will be done in English and translated, when appropriate, into the native language or mode of communication of the parents.

#### Description and Review of Academic Intervention Services

The Superintendent of Schools, in consultation with each Building Principal, shall maintain a description of academic intervention and/or student support services for each school. This description will include any variations in services in schools within the district and will specifically delineate:

*NOTE: The contents of the description of the district's academic intervention services listed below are the mandatory elements of the plan listed in Commissioner's Regulations, but we have added text to the first bullet to reiterate that the eligibility procedures should be attached to the policy.*

- the district-wide procedures used to determine the need for academic intervention services, which are attached to this policy;
- the academic intervention instructional and/or support services to be provided;
- whether instructional services and/or support services are offered during the regular school day or during an extended school day or year; and
- the criteria for ending services, including, if appropriate, performance levels that students must obtain on district-selected assessments.

Beginning July 1, 2002 and every two years thereafter, the Superintendent shall review and revise the description of academic intervention services based on student performance results and present such revised description to the Board for approval.

Ref: 8 NYCRR §§100.1(g); 100.2(r), (ee); 100.4(b)(2)(vi), (c)(5), (h)

Adoption date:

( ) Required  
( ) Local  
(X) Notice

## PROGRAMS FOR ENGLISH LANGUAGE LEARNERS

*NOTE: The following is offered to replace current policy, 4326, Limited English Proficiency Instruction. NYSSBA has provided some sample forms as exhibits for the policy. Please review them and modify, as appropriate. In addition, NYSSBA has not brought forward the regulations that accompanied that policy which were adopted in 2002. If the district has an updated version, we will insert it.*

The Board of Education believes that students who, by reason of foreign birth or ancestry, have limited English proficiency (referred to here as “English Language Learners” or ELLs), will be more effective learners of both the language and the curriculum if they receive instruction in both their native language and English. The district will therefore take steps to identify ELL students and provide ELL students with an appropriate program of either Bilingual Education or English as a New Language.

Pursuant to this policy and the regulations of the Commissioner of Education, the Superintendent of Schools is directed to develop appropriate administrative regulations to ensure that students are:

1. screened to determine if the student is an ELL, in accordance with Parts 117 and 154 of the Commissioner's Regulations, a process that will include interviews and assessments and will assign each ELL student to the appropriate subpopulation (newcomer, developing, long term, former or inconsistent/interrupted formal education);
2. identified, as appropriate, as an ELL student with a disability;
3. annually evaluated to determine continued ELL eligibility. Included in the evaluation shall be each student's performance in English language proficiency and academic progress in content areas;
4. assured of access to appropriate instructional and support services, including guidance programs within the timeframes provided by Commissioner's Regulations; and
5. assured of having equal opportunities to participate in all school programs and extracurricular activities as non-ELL students.

The Superintendent shall be responsible for ensuring that the Commissioner of Education is provided with a comprehensive plan that describes the district's ELL program and includes all information specified in the Commissioner's Regulations, before the start of each school year. The district will also provide assurances that the district is providing appropriate school- related information to the parents (or persons in parental relation) of ELL students in English and the language they best understand.

The district will provide an orientation program annually for parents of newly enrolled ELL students. In addition, the district will meet individually with ELL parents at least once a year to discuss the goals of the ELL program, and their child's language development (in both their native language and English), in addition to regular parent/teacher meetings.

In addition, the Superintendent shall ensure that all teachers employed in any Bilingual and/or English as a New Language program are properly certified in accordance with the Commissioner's Regulations, and that all staff receive appropriate professional development on ELL students.

Cross-ref: 4321, Programs for Students with Disabilities  
9700, Professional Development

Ref: Education Law §3204  
English Acquisition, Language Enhancement, and Academic Achievement Act, 20 USC §§6801 et seq.  
Equal Educational Opportunities Act of 1974, §§201 et seq., 20 U.S.C. §§1701 et seq.  
8 NYCRR §§80-2.9; 80-2.10; 117; Part 154  
*Lau v. Nichols*, 414 U.S. 563 (1974)  
*Rios v. Read*, 480 F. Supp. 14 (1978)  
*Cintron v. Brentwood UFSD*, 455 F. Supp 57 (1978)  
*Aspira of New York v. Board of Educ. (City of New York)*, 394 F. Supp. 1161 (1975)

Adoption date:

**PROGRAMS FOR ENGLISH LANGUAGE LEARNERS EXHIBIT  
PLACEMENT IN A LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM  
FOR NEW STUDENTS – PARENTAL NOTIFICATION**

Dear Parent/Guardian:

Your child (insert child's name) has been identified as an "English Language Learner;" a student in need of help to learn English and the district is recommending placement in a (insert name of program). We have determined (insert child's name) eligibility, and placed (him or her) in such a program based on (insert reasons). Please review this letter, choose one of the options (see below) and sign and return the attached form within 10 school days.

(Child's name) is performing at (insert status of child's academic achievement). We have determined (his or her) level of English proficiency at (insert level) based on (insert how the district assessed that level).

We believe that placement in a (insert name of English instruction program) will help (insert child's name) both to learn English and increase (his/her) level of academic performance. Attached is a series of questions and answers we hope will help you better understand the program in which we have placed (insert child's name) and the benefits of that program.

The district will offer an orientation session for parents. We encourage you to attend. At the meeting, we will provide you with information about New York State's Learning Standards and the school's expectations that will help you to better understand the goals of your child's program, and suggest ways you can help (insert child's name). In between meetings we are always ready to listen and respond to any questions and recommendations you might have. District staff will also meet with you individually once a year, in addition to regular parent/teacher meetings, to discuss your child's language development progress, English language proficiency assessment results, and language development needs in all content areas.

However, you should know that you have the right to:

1. request that (insert child's name) be immediately withdrawn from the instructional bilingual program that the district has offered your child and schedule a meeting with the building principal and the district supervisor of bilingual education. At a minimum, however, (insert child's name) must participate in an English as a New Language program;
2. request placement in another available district program; or
3. accept the district's recommended placement.

Whatever your decision, we encourage you to help (insert child's name) attain English proficiency and high academic achievement levels. Some ways in which you can do this include: (insert some examples).

If you have any questions about this notice or the attached information, please contact (insert the name of the Building Principal or the program's coordinator). All of us in the district look forward to working with you to help (insert child's name) improve (his or her) English and overall academic skills.

Sincerely,

Building Principal

\* \* \*

### **Questions and Answers About Your Child's English Instruction Educational Program**

*NOTE: In this exhibit, the district/school will have to fill in the answers to the questions below. Those answers will be specific to the individual child involved. If the district receives Title I or Title III funds, the district is required to provide parents information found in the exhibit below. The district can provide this information in another way, but federal regulations require that it be provided to parents/guardians. These questions closely correspond to the text of the federal regulations.*

1. What methods of instruction will be used in my child's program?
2. Does the district offer any other programs for English language learners?
3. How do these other programs differ from the one offered my child in terms of methods of instruction, content, instructional goals and the use of English and a native language in instruction?

4. How will this program meet the educational strengths and needs of my child?
5. How will my child's program specifically help (him or her) learn English and meet age appropriate academic achievement standards for grade promotion and graduation?
6. What are the specific exit requirements of my child's program? What is the expected rate of transition into non-ELL classrooms? What is the expected graduation rate from high schools receiving Title I funds?
7. My child is classified as a student with a disability. How will my child's English learning program meet the objectives set out in (his or her) individualized education program?

Adoption date:



**PROGRAMS FOR ENGLISH LANGUAGE LEARNERS EXHIBIT  
PLACEMENT IN A LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM  
– PARENT RESPONSE FORM.**

*NOTE: This form must be returned within 10 school days.*

I, as parent/guardian of \_(insert child's name)\_, acknowledge receipt of the district's notification regarding my child's eligibility for an English Language Learner program. I elect the following option:

*(check one box)*

- ☐ I accept the district's recommended placement.
- ☐ I decline the district's recommended placement and request a meeting with the building principal and ELL program supervisor.
- ☐ I request my child's placement in a different district ELL program, (insert the name of the preferred program).

\_\_\_\_\_  
*Print Name (Parent)*

\_\_\_\_\_  
*Parent Signature*

\_\_\_\_\_  
*Date*

*Mail to: (district provide mailing address)*  
*Or email to: (provide district email address)*

Adoption date:

( ) Required  
 (X) Local  
 (X) Notice

### HOMEBOUND INSTRUCTION

*NOTE: NYSSBA offers the following to replace the Board's current policy. NYSSBA recommends including a provision that addresses the quality and effectiveness of homebound instruction. Research shows that students who are out of school, often for disciplinary reasons, fall behind academically and have difficulty returning successfully to school. NYSSBA suggests that Boards consider addressing this by including the underlined paragraph below. The language should be customized to reflect the Board's philosophy, in consultation with administration and possibly students as well.*

*The regulation that accompanied this policy has not been brought forward. If the Board wishes to include it, please review and update it (it was adopted in 2002) and provide it to NYSSBA.*

Homebound instruction is a service provided to students who are unable to attend school due to medical, emotional or disciplinary problems. Secondary students receive instruction for two hours per day and elementary students receive one hour per day. Students receive credit for their work while on homebound instruction.

The district makes provisions for homebound instruction upon referral from the Medical Director or the Director of Pupil Personnel Services following the guidelines established by the Superintendent of Schools for placing a student on homebound instruction.

Homebound instruction will strive to keep the student on pace to rejoin his/her class and maintain academic progress. The Board recognizes that students who are out of school for extended periods of time are at risk of falling behind academically and/or losing connection to the school community. The Board directs the administration to evaluate periodically whether homebound instruction is effective in keeping students on track to graduate, and if not, to take steps to improve instruction and implement approaches and/or offer services that support the transition back to school.

Ref: Education Law §§1709(24); 4401 et seq.  
 8 NYCRR §175.21

Adoption date:

( ) Required  
(X) Local  
( ) Notice

### ADULT EDUCATION PROGRAMS

*NOTE: The following is the Board's current policy, adopted in 2002. We have incorporated policy 4341, Use of Surplus Adult Education Funds. Neither of these policies are required. Please review to determine if it reflects current philosophy and practice.*

The Board of Education shall endeavor to establish an adult education program providing a broad scope of courses to meet the intellectual, social, vocational, and recreational interests and needs of the community.

The mission of the district's adult education program shall be as follows:

1. to promote life-long learning as a component of an individual's growth;
2. to provide activities which enable people to develop their full potential;
3. to provide a learning environment that encourages personal growth, autonomy and self-confidence;
4. to contribute to the development of an aware and responsible community.

The adult education program will be administered by the Superintendent or his/her designee and shall be self-supporting (except costs for the use of school facilities) through the collection of appropriate fees as well as through state and federal aid.

The Board authorizes the use of surplus adult education funds to update and replace regular school equipment and supplies used by or during adult education classes.

Ref: 8 NYCRR §§157.1; 157.2  
Education Law §§4602; 4604  
20 USCA §§1203 et seq

Adoption date:

☐ Required  
☒ **Local**  
☐ Notice

### INDIVIDUAL HELP/TUTORING

*NOTE: We have kept the district's prior policy as is. No changes are necessary as long as this reflects current district practice.*

No tutoring for which a teacher receives a fee from a parent will be carried on in the school building. The Superintendent will develop tutoring guidelines for staff tutoring district students to avoid potential conflicts of interest.

Adoption date:

**TUTORING GUIDELINES**

*NOTE: We have kept the district's prior regulation as is, except that we have changed instances of the term "should" to more definitive language ("may" "will" or "must"). No changes are necessary as long as this reflects current district practice.*

Often parents request extra tutoring support beyond the classroom in particular subject areas.

*Following are guidelines for tutoring not provided by the district. These guidelines are intended to avoid potential conflicts of interest for the teacher, school and parent.*

1. During the school year, a teacher may not tutor a child assigned to his/her own classroom for additional compensation.
2. When a unique situation occurs, the Building Principal must be consulted to review the situation in relationship to these guidelines. Exceptional cases will be referred to the Superintendent for review.
3. Tutoring for pay may not occur on school premises.

Adoption date:

( ) Required  
(X) Local  
(X) Notice

## TEXTBOOK SELECTION AND ADOPTION

*NOTE: The following is an expanded version of the Board's current policy.*

The Board of Education is responsible for the selection and designation of all textbooks to be used in the district schools. The Superintendent of Schools, in cooperation with the Assistant Superintendent for Instruction, shall recommend suitable lists of textbooks to be used in the schools for the Board's consideration.

A textbook is any book, or a book substitute, including hard-covered or paperback books, work books, or manuals, as well as any courseware or other content-based instructional materials in an electronic format, which students are required to use as a text, or a text-substitute, in a particular class or program in the school they legally attend.

Texts, once approved by the Board, shall not be superseded for a period of five years, except by a three-fourth's vote of the Board.

The Superintendent shall establish procedures for the selection and recommendation of textbooks and a method for selecting staff members who shall serve in the selection and recommendation process.

The following criteria are to be considered in the selection of textbooks:

1. textbook or material should have been copyrighted within the past five years, except for literary works;;
2. qualifications of the author(s) on the subject;
3. adaptability to existing instructional program;
4. accuracy of the information presented;
5. sufficient scope to meet the requirements of the curriculum as developed locally and approved by the State Education Department;
6. objectivity and impartiality in treatment of subject matter and freedom from bias and prejudice;
7. high quality format in respect to typography, arrangement of materials or pages, cover design, size and margins;
8. appropriateness to grade level as to vocabulary, sentence structure, and organization;
9. textbook series should meet grade-to-grade requirements. They should contain supplementary aids to learning, when desirable and necessary, such as a table of contents, introduction, study activities, exercises, questions, problems, selected references, bibliography, index glossary and appendices;
10. texts should include appropriate illustrative materials--pictures, maps, charts, graphs, diagrams, etc., which clarify the text and enrich the content;

11. materials should fairly represent the many ethnic and cultural groups and their contribution to American heritage; and
12. a reasonable balance of viewpoints regarding controversial issues should be presented.

The following criteria are to be considered in the selection of literary works for classroom use in teaching literature, as well as the assignment of such works to particular grade levels:

1. use of a compositional style which contributes to the reader's critical and appreciative understanding of the work;
2. sophisticated use of literary devices (i.e., metaphor, point of view, tone) to further student understanding of written concepts;
3. levels of student maturity and experience necessary for empathic reading of literature;
4. capacity of a work to capture student interest;
5. thematic treatment which promotes sound and healthy values for students;
6. intrinsic qualities that establish a work as a significant part of the literary heritage; and
7. variety to avoid duplication of theme, plot, setting, etc., unless such duplication affords opportunities for comparison and contrast or serves to reinforce understanding.

Cross-ref: 1420, Complaints about Curricula or Instructional Materials

Ref: Education Law §§701 et seq.; 1711; 2508; 2566

Adoption date:

( ) Required  
(X) Local  
(X) Notice

### LIBRARY MATERIALS SELECTION

*NOTE: The following is an updated version of the Board's current policy.*

The Board of Education supports the establishment and maintenance in each building of library-media centers which provide services to students and staff. The Board delegates the responsibility to the Superintendent or his/her designee for the selection and purchase of materials and equipment.

The library-media staff will work closely with students, staff and administrative personnel in the selection and evaluation of materials for purchase.

In order to provide the Superintendent and his/her staff with guidance in the acquisition of instructional resource material, such as library books, references, audiovisuals, maps, etc., the Board endorses the following guidelines that such resources:

1. provide information that will enrich and support the curriculum, taking into consideration the varied interests, abilities, and maturity levels of the students served;
2. provide information that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards;
3. provide information that will enable students to make intelligent judgments in their daily lives;
4. provide information on opposing sides of controversial issues so that young citizens may develop under guidance the practice of critical reading and thinking;
5. provide information representative of the many religious, ethnic, and cultural groups and their contributions to our American heritage; and
6. place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive collection appropriate for the users of the library.

The Superintendent shall be responsible for the selection of resource materials within the aforesaid guidelines and for the determination of factual accuracy, readability, authoritativeness, integrity and quality of format. To assist in the selection process, reputable, unbiased professionally prepared aids (such as the Horn Book, School Library Journal, etc.) shall be consulted as guides.



*Maintenance and Inventory*

In order to maintain the quality of the collection, obsolete and unused materials are removed from the working collection on a continual basis. Criteria for removal may include one or more of the following: appearance and condition, obsolescence, and value to the collection. Materials withdrawn from the collection are to be given away or discarded.

All collections will be inventoried periodically to ensure that the record of the collection actually reflects what is available to the user. Regular inventories provide valuable information for the selection process.

*Lost Materials*

Students will be held accountable for lost library materials as stipulated in Board policy 5680, Student Fees, Fines and Charges. Replacement of materials lost through inter-library loan will be the responsibility of the borrowing library.

*Inter-Library Loan*

To provide better service to students and staff, all library media centers within the district frequently share resources.

The district also participates in the Info-Share Network of the Rensselaer-Columbia-Greene BOCES. Utilizing inter-library loan procedures, Info-Share membership provides access to library collections throughout the tri-county region and New York State.

As a liaison, a district Media Specialist represents the district's interests at Info-Share meetings. As members of Info-Share, the district participates in cooperative curriculum collection development which will further enhance our resource sharing.

*Challenges to Materials*

In order to respond to any complaints about, or challenges to, the selection of library materials, the district has adopted regulations (1420-R, Complaints About Curricula or Instructional Materials Regulation) establishing a complaint procedure and providing for a committee to review such complaints or challenges.

If any person wishes to permanently remove materials from a school district library, he/she must seek the formal approval of the Board. The Board may determine that such materials should be removed. Such determination must not be based upon official suppression of ideas, but rather upon the educational suitability of the materials in question. Only the Board and/or the Superintendent may authorize said permanent removal of instructional materials, pursuant to the decision of the Board.

Cross-ref: 1420, Complaints about Curricula or Instructional Materials  
5680, Student Fees, Fines and Charges

Ref: Education Law §§1709(15); 1711(5)(f)  
*Board of Educ., Island Trees UFSD v. Pico*, 457 US 853 (1982)

Adoption date:

( ) Required  
(X) Local  
(X) Notice

### COMPUTER USE IN INSTRUCTION (or ACCEPTABLE USE POLICY)

*NOTE: The following is an updated version of the Board's current policy. NYSSBA recommends including the district's current acceptable use guidance as either part of this policy or as regulation to accompany this policy and then referencing it in the code of conduct.*

The Board of Education is committed to optimizing student learning and teaching. The Board considers student access to a computer network, including the Internet, to be a powerful and valuable educational and research tool, and encourages the use of computers and computer-related technology in district classrooms for the purpose of advancing and promoting learning and teaching.

The computer network can provide a forum for learning various software applications and through online databases, bulletin boards and electronic mail, can significantly enhance educational experiences and provide statewide, national and global communication opportunities for staff and students.

The Board authorizes student use of personal devices to access the district's computer network if the student complies with the district's registration process, as well as the provisions of this policy and regulation. Failure to register or abide by this policy and regulation will result in revocation of access and possibly disciplinary action in accordance with the Code of Conduct.] *NOTE: The Board, if it has adopted policy 5695, Student Use of Personal Electronic Devices, should review that policy to ensure it is consistent with this one.*

All users of the district's computer network and the Internet must understand that use is a privilege, not a right, and that use entails responsibility. The district reserves the right to control access to the Internet for all users of its computers and network. The district may either allow or prohibit certain kinds of online activity, or access to specific websites.

*NOTE: When addressing the kinds of online activities allowed or prohibited on district computers/network, consider the following: news sites (e.g., Student News Net, Scholastic News); social networking sites (e.g., Facebook), gaming sites (e.g., World of Warcraft), shopping sites (e.g., Amazon), video sites (e.g., YouTube), or personal financial sites (e.g., paying bills). The Board may choose to insert specific language here, or it may address it in regulation. The Board may also wish to insert language directing the Superintendent to get student input.*

Regulations and handbooks, to be developed by the Superintendent, *in consultation with [insert titles or groups to be included or appropriate staff]*, will provide specific guidance on this, as well as rules governing the use and security of the district's computer network. All users of the district's computer network and equipment shall comply with this policy and regulation. Failure to comply may result in disciplinary action as well as suspension and/or revocation of computer access privileges.

The Superintendent shall be responsible for designating a computer network coordinator to oversee the use of district computer resources. The computer coordinator will prepare in-service programs for the training and development of district staff in computer skills, and for the incorporation of computer use in appropriate subject areas.

With increased concern about identity theft, unwarranted invasion of privacy and the need to protect personally identifiable information, prior to students being directed by staff to use any cloud-based educational software/application, staff must get approval from the *(insert appropriate title, such as district network coordinator)*. The *(insert title)* will determine if a formal contract is required or if the terms of service are sufficient to address privacy and security requirements, and if parental permission is needed.

The Superintendent, working in conjunction with the designated purchasing agent for the district, the computer network coordinator and the instructional materials planning committee, will be responsible for the purchase and distribution of computer software and hardware throughout district schools. They shall prepare and submit for the Board's approval a comprehensive multi-year technology plan which shall be revised as necessary to reflect changing technology and/or district needs.

Cross-ref:      5300, Code of Conduct  
                     5695, Student Use of Personal Electronic Devices

Adoption date:

## COMPUTER USE IN INSTRUCTION REGULATION

*NOTE: This regulation is offered as an alternative to the Board's current Acceptable Use Guidelines.*

The following rules and regulations govern the use of the district's computer network system and access to the Internet.

### I. Administration

- The Superintendent of Schools shall designate a computer network coordinator to oversee the district's computer network.
- The computer network coordinator shall monitor and examine all network activities, as appropriate, to ensure proper use of the system.
- The computer network coordinator shall be responsible for disseminating and interpreting district policy and regulations governing use of the district's network at the building level with all network users.
- The computer network coordinator shall provide employee training for proper use of the network and will ensure that staff supervising students using the district's network provide similar training to their students, including providing copies of district policy and regulations governing use of the district's network.
- The computer network coordinator shall ensure that all disks and software loaded onto the computer network have been scanned for computer viruses.
- The **computer network coordinator** will review staff requests to use 'cloud-based' educational software/applications to ensure that personally identifiable information (PII) is protected in accordance with district standards prior to student use.
- All student agreements to abide by district policy and regulations and parental consent forms shall be kept on file in the district office.

### II. Internet Access

*NOTE: The district must customize these access provisions as appropriate for the district. For example, the district should decide whether to allow access to social networking sites on school computers (and if so, during what time during the day). The district should consult with its IT staff to determine if there would be any additional network security problems (perhaps an increased risk for spam or viruses to affect the district).*

- Students will be provided Internet access: **during class time only; during the school day when the students are not in class; before or after school hours, or only during instructional time in a controlled environment. [select as many as may apply]**
- Students will be provided with individual access accounts (**students will share a classroom access account**).
- Students may have Internet access for educational purposes only. Student Internet access may be restricted depending on the grade level.
- In order to access the Internet, students must use the district's network

- All users will be prohibited from: *accessing social networking sites; playing online games; purchasing or selling anything online (unless authorized for district purposes); personal email services; and watching videos online (unless authorized for a school purpose). [select as many as may apply or modify as appropriate]*
- Students are (*are not*) to participate in chat rooms.
- Students may (*may not*) construct their own web pages using district computer resources.
- Students will have individual (*group*) e-mail address. *[delete if students are not provided email addresses]*

A staff member will be required to monitor all (*some; a combination*) of these activities.

### III. Acceptable Use and Conduct

- Access to the district's computer network is provided for educational purposes and research consistent with the district's mission and goals.
- Use of the district's computer network is a privilege, not a right. Inappropriate use may result in the suspension or revocation of that privilege.
- Each individual in whose name an access account is issued is responsible at all times for its proper use.
- All network users will be issued a login name and password. Passwords must be changed periodically.
- Only those network users who have properly registered their device with the computer network coordinator, or who have been issued a district-owned device, may access the district's system from off-site (e.g., from home).
- All network users are expected to abide by the generally accepted rules of network etiquette. This includes being polite and using only appropriate language. Abusive or sexual language or images, vulgarities and swear words are all inappropriate.
- Network users identifying a security problem on the district's network must notify the appropriate teacher, administrator or computer network coordinator. Under no circumstance should the user demonstrate the problem to anyone other than to the district official or employee being notified.
- Any network user identified as a security risk or having a history of violations of district computer use guidelines may be denied access to the district's network.

### IV. Prohibited Activity and Uses

The following is a list of prohibited activity concerning use of the district's computer network. Violation of any of these prohibitions may result in discipline or other appropriate penalty, including suspension or revocation of a user's access to the network.

- Using the network for commercial activity, including advertising.

- Infringing on any copyrights or other intellectual property rights, including copying, installing, receiving, transmitting or making available any copyrighted software on the district computer network.
- Using the network to receive, transmit or make available to others obscene, offensive, or sexually explicit material.
- Using the network to receive, transmit or make available to others messages that are racist, sexist, abusive or harassing to others.
- Using another user's account or password.
- Attempting to read, delete, copy or modify the electronic mail (e-mail) of other system users and deliberately interfering with the ability of other system users to send and/or receive e-mail.
- Forging or attempting to forge e-mail messages.
- Engaging in vandalism. Vandalism is defined as any malicious attempt to harm or destroy district equipment or materials, data of another user of the district's network or of any of the entities or other networks that are connected to the Internet. This includes, but is not limited to, creating and/or placing a computer virus on the network.
- Using the network to send anonymous messages or files.
- Using the network to receive, transmit or make available to others a message that is inconsistent with the district's Code of Conduct.
- Revealing the personal address, telephone number or other personal information of oneself or another person.

*NOTE: Please make sure that if the district decides to keep the following bullet prohibiting personal messages, that it is consistent with the district's actual practices, especially if the district chooses to allow use of social networking sites.*

- Using the network for sending and/or receiving personal messages.
- Intentionally disrupting network traffic or crashing the network and connected systems.
- Installing personal software or using personal disks on the district's computers and/or network without the permission of the appropriate district official or employee.
- Using district computing resources for commercial or financial gain or fraud.
- Stealing data, equipment or intellectual property.
- Gaining or seeking to gain unauthorized access to any files, resources, or computer or phone systems, or vandalize the data of another user
- Wastefully using finite district resources.
- Changing or exceeding resource quotas as set by the district without the permission of the appropriate district official or employee.
- Using the network while access privileges are suspended or revoked.
- Using the network in a fashion inconsistent with directions from teachers and other staff and generally accepted network etiquette.

## V. No Privacy Guarantee

Students using the district's computer network should not expect, nor does the district guarantee privacy for electronic mail (e-mail) or any use of the district's computer network. If a student is using his/her personal device to access the district's network, the student must keep school work separate from personal files, since school work is subject to district access. The district reserves the right to access and view any material stored on district equipment or any material used in conjunction with the district's computer network.

## VI. Sanctions

All users of the district's computer network and equipment are required to comply with the district's policy and regulations governing the district's computer network. Failure to comply with the policy or regulation may result in disciplinary action as well as suspension and/or revocation of computer access privileges.

In addition, illegal activities are strictly prohibited. Any information pertaining to or implicating illegal activity will be reported to the proper authorities. Transmission of any material in violation of any federal, state and/or local law or regulation is prohibited. This includes, but is not limited to materials protected by copyright, threatening or obscene material or material protected by trade secret. Users must respect all intellectual and property rights and laws.

## VII. District Responsibilities

The district makes no warranties of any kind, either expressed or implied, for the access being provided. Further, the district assumes no responsibility for the quality, availability, accuracy, nature or reliability of the service and/or information provided. Users of the district's computer network and the Internet use information at their own risk. Each user is responsible for verifying the integrity and authenticity of the information that is used and provided.

The district will not be responsible for any damages suffered by any user, including, but not limited to, loss of data resulting from delays, non-deliveries, mis-deliveries, or service interruptions caused by its own negligence or the errors or omissions of any user. The district also will not be responsible for unauthorized financial obligations resulting from the use of or access to the district's computer network or the Internet.

Further, even though the district may use technical or manual means to regulate access and information, these methods do not provide a foolproof means of enforcing the provisions of the district policy and regulation.

Adoption date:



**(X) Required**

( ) Local

( ) Notice

**INTERNET SAFETY**

*NOTE: A policy on internet safety has been a required policy under federal law – the Children’s Internet Protection Act (CIPA) – since 2001, as a condition of receiving E-Rate discounts. CIPA was modified under the Broadband Data Services Improvement Act/Protecting Children in the 21<sup>st</sup> Century Act of 2008 (P.L. 110-385). Under that Act, school districts and BOCES must, as part of their Internet Safety Policy, educate minors about appropriate online behavior, including:*

- *Interacting with other individuals on social networking sites and in chat rooms; and*
- *Cyberbullying awareness and response.*

*The policy must apply to all computers with Internet access, even if they are not accessible by the public. Prior to adoption, the school board must provide reasonable public notice and hold at least one public hearing or meeting to address the proposed policy. This appears to be a new policy for the Board’s consideration.*

The Board of Education is committed to undertaking efforts that serve to make safe for children the use of district computers for access to the Internet and World Wide Web. To this end, although unable to guarantee that any selected filtering and blocking technology will work perfectly, the Board directs the Superintendent of Schools to procure and implement the use of technology protection measures that block or filter Internet access by:

- adults to visual depictions that are obscene or child pornography, and
- minors to visual depictions that are obscene, child pornography, or harmful to minors, as defined in the Children’s Internet Protection Act.

Subject to staff supervision, however, any such measures may be disabled or relaxed for adults conducting bona fide research or other lawful purposes, in accordance with criteria established by the Superintendent or his or her designee.

*NOTE: As indicated above, when adults are using school computers, a teacher or administrator may disable the filtering software to enable access for bona fide research or other lawful purposes. However, the law does not require that a school district afford adults unfiltered access to the Internet, even for a bona fide request. It is for the Board to determine whether wishes to permit such an exception.*

The Superintendent or his or her designee also shall develop and implement procedures that provide for the safety and security of students using electronic mail, chat rooms, and other forms of direct electronic communications; monitoring the online activities of students using district computers; and restricting student access to materials that are harmful to minors.

In addition, the Board prohibits the unauthorized disclosure, use and dissemination of personal information regarding students; unauthorized online access by students, including hacking and other unlawful activities; and access by students to inappropriate matter on the Internet and World Wide Web. The Superintendent or his or her designee shall establish and implement procedures that enforce these restrictions.

The computer network coordinator designated under the district's policy on the acceptable use of district computers (policy 4526) shall monitor and examine all district computer network activities to ensure compliance with this policy and accompanying regulation. He or she also shall be responsible for ensuring that staff and students receive training on their requirements.

All users of the district's computer network, including access to the Internet and World Wide Web, must understand that use is a privilege, not a right, and that any such use entails responsibility. They must comply with the requirements of this policy and accompanying regulation, in addition to generally accepted rules of network etiquette, and the district's policy on the acceptable use of computers and the internet (policy 4526). Failure to comply may result in disciplinary action including, but not limited to, the revocation of computer access privileges.

As part of this policy, and the district's policy on acceptable use of district computers (policy 4526), the district shall also provide age-appropriate instruction regarding appropriate online behavior, including:

1. interacting with other individuals on social networking sites and in chat rooms, and
2. cyberbullying awareness and response.

Instruction will be provided even if the district prohibits students from accessing social networking sites or chat rooms on district computers.

Cross-ref: 4526, Computer Use in Instruction

Ref: Children's Internet Protection Act, Public Law No. 106-554  
Broadband Data Services Improvement Act/ Protecting Children in the 21<sup>st</sup> Century Act, Public Law No. 110-385  
18 USC §2256  
20 USC §6777  
47 USC §254

Adoption date:

## INTERNET SAFETY REGULATION

The following rules and regulations implement the Internet Safety Policy adopted by the Board of Education to make safe for children the use of district computers for access to the Internet and World Wide Web.

### I. Definitions

In accordance with the Children's Internet Protection Act,

- *Child pornography* refers to any visual depiction, including any photograph, film, video, picture or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where (a) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; (b) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from that of a minor engaging in sexually explicit conduct; or (c) such visual depiction has been created, adapted or modified to appear that an identifiable minor is engaging in sexually explicit conduct
- *Harmful to minors* means any picture, image, graphic image file, or other visual depiction that (a) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; (b) depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and (c) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

### II. Blocking and Filtering Measures

- The Superintendent or his or her designee shall secure information about, and ensure the purchase or provision of, a technology protection measure that blocks access from all district computers to visual depictions on the Internet and World Wide Web that are obscene, child pornography or harmful to minors.
- The district's computer network coordinator shall be responsible for ensuring the installation and proper use of any Internet blocking and filtering technology protection measure obtained by the district.
- The computer network coordinator or his or her designee may disable or relax the district's Internet blocking and filtering technology measure only for adult staff members conducting research related to the discharge of their official responsibilities.

- The computer network coordinator shall monitor the online activities of adult staff members for whom the blocking and filtering technology measure has been disabled or relaxed to ensure there is not access to visual depictions that are obscene or child pornography.

### *III.*     Monitoring of Online Activities

- The district's computer network coordinator shall be responsible for monitoring to ensure that the online activities of staff and students are consistent with the district's Internet Safety Policy and this regulation. He or she may inspect, copy, review, and store at any time, and without prior notice, any and all usage of the district's computer network for accessing the Internet and World Wide Web and direct electronic communications, as well as any and all information transmitted or received during such use. All users of the district's computer network shall have no expectation of privacy regarding any such materials.
- Except as otherwise authorized under the district's Computer Network or Acceptable Use Policy, students may use the district's computer network to access the Internet and World Wide Web only during supervised class time, study periods or at the school library, and exclusively for research related to their course work.
- Staff supervising students using district computers shall help to monitor student online activities to ensure students access the Internet and World Wide Web, and/or participate in authorized forms of direct electronic communications in accordance with the district's Internet Safety Policy and this regulation.
- The district's computer network coordinator shall monitor student online activities to ensure students are not engaging in hacking (gaining or attempting to gain unauthorized access to other computers or computer systems), and other unlawful activities.

### *IV.*     Training

- The district's computer network coordinator shall provide training to staff and students on the requirements of the Internet Safety Policy and this regulation at the beginning of each school year.
- The training of staff and students shall highlight the various activities prohibited by the Internet Safety Policy, and the responsibility of staff to monitor student online activities to ensure compliance therewith.
- The district shall provide age-appropriate instruction to students regarding appropriate online behavior. Such instruction shall include, but not be limited to: positive interactions with others online, including on social networking sites and in chat rooms; proper online social etiquette; protection from online predators and personal safety; and how to recognize and respond to cyberbullying and other threats.

- Students shall be directed to consult with their classroom teacher if they are unsure whether their contemplated activities when accessing the Internet or Worldwide Web are directly related to their course work.
- Staff and students will be advised to not disclose, use and disseminate personal information about students when accessing the Internet or engaging in authorized forms of direct electronic communications.
- Staff and students will also be informed of the range of possible consequences attendant to a violation of the Internet Safety Policy and this regulation.

V. Reporting of Violations

- Violations of the Internet Safety Policy and this regulation by students and staff shall be reported to the Building Principal.
- The Principal shall take appropriate corrective action in accordance with authorized disciplinary procedures.
- Penalties may include, but are not limited to, the revocation of computer access privileges, as well as school suspension in the case of students and disciplinary charges in the case of teachers.

Adoption date:

( ) Required

(X) Local

(X) Notice

## FIELD TRIPS AND EXCURSIONS

*NOTE: The following is an expanded version of the Board's current policy. NYSSBA recommends adding provision regarding transportation and medication. The State Education Department issued guidance ("Guidelines for Medication Management in Schools" (Sept. 2015), available at <http://www.p12.nysed.gov/sss/documents/MedicationManagement-final2015.pdf>), which includes a section on Medication that addresses the impact of students' medical needs on field trips.*

The Board of Education recognizes the desirability of providing off-campus experiences which will enhance the educational program of the school system. The Building Principal will determine the frequency and content of class field trips. Each student must secure the permission of his/her parent or guardian before participating in such activity.

Factors relevant in consideration of approval of such field trips may include the relationship to the curriculum, the distance of the trip, availability of transportation, the cost involved, weather conditions, and full utilization of transportation. In order to make necessary transportation arrangements, all requests for day field trips must be submitted to the appropriate Building Principal at least two weeks prior to the trip date.

### *Extended Field Trips*

Trips in excess of one day involving overnight travel should be approved by the Building Principal at least one month prior to the trip. Upon preliminary approval of the Principal the request shall be submitted to the Superintendent of Schools and then to the Board for approval. No planning, discussion or announcements of such trip shall occur prior to receiving the Board's approval.

### *Transportation*

When the district provides transportation to students on a school-sponsored field trip, extracurricular activity or any other similar event, it shall provide transportation back to either the point of departure or to the appropriate school in the district unless:

1. the parent or legal guardian of a student participating in such event has provided the district with a written notice authorizing an alternative form of return transportation for the student; or
2. intervening circumstances make such transportation impractical.

Where intervening circumstances have made transportation back to the point of departure or to the appropriate school in the district impractical, a representative of the district shall remain with the student until such student's parent or legal guardian has been contacted and the student has been delivered to his/her parent or legal guardian.

### *Medications*

*NOTE: The text below follows the SED guidance document referenced above. While not stated in the guidance, we believe it is possible that the student's health care provider could modify the medication schedule to accommodate the trip. Additionally, a trip could be rescheduled rather than canceled.*

The district shall accommodate the needs of students who must take medications during a field trip. Depending on the student's needs and abilities to administer and carry their own medications, district staff or other appropriate adults (e.g., the voluntary participation of the student's parents/guardians or a designee appointed by them) may need to be available during the trip for assistance. Regulation 5420-R, Student Health Services Regulation, outlines the requirements and responsibilities for these scenarios. If no district staff or other appropriate adult is available, and if the medication schedule cannot be adjusted by the student's prescriber, the trip will either be rescheduled or canceled.

Cross-ref: 5420, Student Health Services

Ref: Education Law §§1604; 1709; 1804; 1903; 2503; 2554; 2590-e  
Guidelines for Medication Management in Schools (Sept. 2015),  
<http://www.p12.nysed.gov/sss/documents/MedicationManagement-final2015.pdf>

Adoption date:

**EXTENDED FIELD TRIP REGULATION**

*NOTE: This is the district's current regulation. Please review to ensure it reflects current practice.*

**I. Prior To Preliminary Board Approval**

Any requests for trips which are to extend for a period of time in excess of one day must be approved by the building principal, normally three months prior to the trip. Upon preliminary approval of the principal, the request shall be submitted to the superintendent. Upon conceptual approval of the superintendent, the request shall be submitted to the board of education. No planning, discussion or announcements except those required in the approval process concerning a proposed extended trip, shall occur within the school or during the normal school day prior to conceptual approval of the trip by the board of education.

To receive permission to proceed with trip planning, a group's request for approval shall include:

1. Educational purpose and relationship of the trip to the educational program
2. Beginning and ending dates of the trip (trips not to conflict with important scheduled activities of students)
3. General itinerary-please note that there is to be no unsupervised time for students on a field trip. Teachers and chaperones are required to supervise students at all times during the trip.
4. Number of students
5. Nature of school group (district students only, except in unusual circumstances); age/grade level
6. Cost to students (transportation, living accommodations, food, tours, tuition, etc.) and affordability of the trip to all students eligible to participate
7. Teachers in charge. The teacher in charge takes overall responsibility for the field trip including supervising all chaperones and students.
8. Travel agency and nature of trip discount which teachers in charge have received (if any).
9. Number of adult chaperones-the ratio of students to adults should be:
  - 5:1 for Elementary trips
  - 8:1 for Middle School trips
  - 12-15:1 for High School tripsNo child will be left alone with only one (1) adult chaperone.
10. Provisions and costs for student/chaperone liability coverage (If the school must have liability insurance coverage extended for the trip, the cost of the excess insurance shall be paid by parents)
11. Provisions made for student/chaperone health insurance
12. Fundraising plans to defray the costs of the trip for students
13. Availability of scholarship aid to families in need
14. Fund disbursement plan in the event of trip cancellation
15. Estimated use of school equipment and facilities



16. Estimated costs to the school (phone, postage, paper, substitutes, etc.)
17. Information concerning world conditions, such as impending terrorist activities, which might affect student safety. (Note: If world conditions change after approval of the trip, the board reserves the right to cancel the trip.)

## II. After Preliminary Board Approval

1. After conceptual approval has been granted by the board of education to a group to proceed with trip preparations, the school principal shall monitor the group's fulfillment of the 17 elements of the trip plan.
2. All funds raised or collected by the group which are to be used in support of the planned trip, shall be entered into a dedicated bank account under the direction of the school's extracurricular funds treasurer.
3. Groups requesting use of school's facilities and/or equipment in order to raise funds for a trip, shall be charged "at cost" rates for school transportation, custodial services, postage, telephone, paper, etc. (Groups receiving Board of Education approval for student trips shall be exempt from the provisions of the district policy requiring groups to maintain separate liability insurance coverage when using school facilities.)
4. All written communications regarding the planned trip shall receive the approval of the school principal prior to their dissemination.
5. The school principal, as agent to the board, shall sign all contracts related to the trip or to fundraising in support of the trip.
6. Prior to the trip, teachers in charge shall alert the principal and affected parents about any significant change in world conditions which might affect student safety. (See I-17)
7. Prior to the trip, the group shall leave with the school the following data on each trip participant:
  - a. Signed permission slip
  - b. Home and emergency phone numbers
  - c. Emergency medical information (prescriptions, etc.)
  - d. Health insurance information
8. Prior to the trip, the teacher in charge is required to review the school's code of conduct and emergency procedures with students and chaperones. In the event of an emergency on the field trip, the teacher in charge will immediately notify the building principal.
9. Students are expected to travel to and from the field trip with the teacher leading the trip. Students are not permitted to leave the field trip on their own. Teachers must never send a student home alone – even for disciplinary reasons. Parents/guardians desiring to take their children home before a field trip ends must submit a note to the teacher about such arrangements in advance of the trip. The Board assumes no liability for students who are, for any reason, transported by parents in private cars.
10. No staff member or student will be required to participate or pressured into participating in a field trip if he/she believes that his/her safety will be jeopardized. Such staff members and students will not be penalized for not participating in a field trip.

11. In the event that the trip procedures outlined in this policy have not been satisfactorily addressed, the principal shall recommend to the superintendent that the trip be cancelled. Upon examination and upon concurrence with this recommendation, the superintendent shall recommend to the board of education that it rescind its earlier approval for the trip. Revocation of the approval by the board shall mean that school support for the planned trip has been withdrawn.

Adoption date:

( ) Required  
(X) Local  
( ) Notice

## SCHOOL VOLUNTEERS

*NOTE: The following appears to be a new policy for the Board's consideration.*

The Board of Education recognizes that the use of volunteers strengthens school/community relations through positive participation, builds an understanding of school programs among interested citizens, and can assist district employees in providing more individualized and enriched opportunities in instruction. The Board encourages volunteers from all backgrounds and age groups who are willing to share their time, training, experience or personal characteristics to benefit the students of the district.

Volunteers may be involved in many facets of school operations, from mentor/tutor relationships to clerical tasks. Volunteers shall not be used to provide transportation for school-sponsored activities.

*NOTE: If the Board wishes to limit the tasks or activities in which volunteers may be involved, it should list the tasks or activities in its policy. For example, the template policy, as drafted, prohibits the use of volunteers to provide transportation for school-sponsored activities.*

*In determining what tasks volunteers will be permitted to perform, the Board should be aware that under certain circumstances, the use of volunteers to provide services which have been previously provided by district employees may subject the district to a grievance or an improper labor practice charge. Unions have challenged the use of volunteer labor as a unilateral transfer of bargaining unit work to non-unit personnel or as subcontracting out (Town of Brookhaven, 28 PERB ¶3010 (1995); City of Schenectady, 25 PERB ¶3073 (1992)).*

No volunteer shall be permitted to have unsupervised direct contact with students.

*NOTE: The Board should carefully define whether and under what circumstances volunteers will be permitted to have unsupervised direct contact with students. The template policy, as drafted, imposes an absolute prohibition on unsupervised direct student contact. If the Board wishes to relax this standard, it should consult with the school attorney before doing so to be clear as to the district's potential for liability.*

School personnel who are responsible for tasks or projects that involve the use of volunteers shall identify appropriate tasks and time schedules for such volunteer activities, as well as make provisions for adequate supervision and evaluation.

*NOTE: Districts are generally not permitted to submit the fingerprints of volunteers to SED for criminal history background checks. Any such background check would have to be done privately. NYSSBA's recommended approach is to contact two non-family references and prohibit unsupervised contact with students. Ultimately, districts must balance accommodating the assistance and goodwill of volunteers with student safety.*

*However, if your district runs a mentoring program that matches adult volunteers one-to-one with students, then the district may fingerprint volunteers and obtain a criminal history background check through the state Office of Children and Family Services, but must adopt a policy to do so. Under this scenario, the district must determine the crimes that would prevent someone from being accepted as a volunteer. NYSSBA does not have a sample policy for this.*

Persons wishing to volunteer must contact the Superintendent or Building Principal or other individual designated by the Superintendent or Building Principal and must complete a volunteer application form. The application form shall require the volunteer applicant to disclose any criminal convictions. The application form shall also require the applicant to identify two non-family member personal references. The Superintendent or Building Principal shall be responsible for ensuring that both references are contacted before the volunteer begins rendering volunteer services to verify that the individual is of good moral character.

*NOTE: While there is no statutory requirement that prospective volunteers complete an application, provide references or attest to their criminal background history, principles of sound management and common sense require that the district gather this sort of information before any volunteer is permitted to render service. If the Board wishes to relax the standard for the information required from volunteer applicants, it should consult with the school attorney before doing so to be clear as to the district's potential for liability. Regardless of the specific procedure the Board puts in place for checking the background of volunteers, it is imperative that the procedure be applied uniformly.*

The district shall retain a complete record of all information obtained through the application process for the same period of time it retains information regarding district employees.

All volunteers are required to act in accordance with district policies, regulations and school rules. Any staff member who supervises volunteers may ask any volunteer who violates district policies, regulations or school rules to leave school grounds.

*NOTE: FERPA permits volunteers to access student records, though the district is not required to do so. We believe it is best to address this in one policy, rather than two, so that if one policy changes, the other doesn't have to. The paragraph below is provided to refer to the access school volunteers may have to student personally identifiable information.*

School volunteers may not access student personally identifiable information, except if permitted under policy 5500, Student Records.

Each Building Principal shall be responsible for maintaining a current and complete list of all active volunteers and their assignments.

Cross-ref: 5500, Student Records

Ref: Family Educational Rights and Privacy Act, as amended, 20 USC §1232g; 34 CFR §99.31(a)(1)(i)(B)

Adoption date:

( ) Required  
(X) Local  
( ) Notice

## GRADING SYSTEMS

*NOTE: The following is an updated, expanded version of the Board's current policy. NYSSBA has incorporated provisions that reflect audit reports and recommendations of the Office of the State Comptroller, which indicated some grading systems may have weaknesses which jeopardize the integrity of students' grades and increased the risk grades can be inappropriately modified. The subheading below is for consideration of the Board. Your district may need to customize this policy to reflect your district's size, administrative makeup, and grading system.*

Grading is considered a positive tool to indicate achievement and development in each class or subject in which a student is enrolled. The Board of Education recognizes that the classroom teacher has the primary responsibility to evaluate students and determine student grades.

The district shall use a uniform grading system. Classroom teachers shall evaluate students and assign grades according to the established system.

Grading shall be based upon student improvement, achievement, and participation in classroom discussions and activities. Parents/guardians shall be provided a written report card at least four (4) times a year regarding their child's progress. The use of marks and symbols will be appropriately explained.

Grading shall not be used for disciplinary purposes, i.e., reducing grade for an unexcused absence, although a lower grade can be given for failure to complete assigned work or for lack of class participation.

All students are expected to complete the assigned class work and homework as directed. Students are also expected to participate meaningfully in class discussions and activities in order to receive course credit. If work is missed due to absence, the student is expected to make up the work. The student and/or the student's parent(s) or guardian(s) should discuss with the student's teacher an appropriate means of making up the missed work. With the possible exception of absences intended by the student as a means of gaining an unfair academic advantage (e.g., to secure more time to study for a test), every effort will be made to provide students with the opportunity and assistance to make up all work missed as a result of absence from classes.

Processing and Changing Student Grades

Grades are expected to be submitted in a timely fashion to be reported to parents. Submission of grades will be open until a date set by the Building Principal, at which point the grading system will be closed and locked. Any submissions after that date must be accompanied by a written request. Grading systems will only be unlocked for enough time to allow the modification. Any extension to the date the system will be locked must be approved by the Building Principal.

*NOTE: The district has discretion in the oversight required for changing student grades after the system is locked. Your district may wish to require administrator approval of teachers' grade changes, or only require the teacher's request or approval. What is most important is that any grade change be appropriately documented. Please revise the paragraph below as necessary.*

While the professional judgment of the teacher shall be respected it is understood that occasionally there may need to be an adjustment in grades after the term. Examples include, but are not limited to, reflecting additional assignments, correcting mistakes, or to accommodate student illnesses. Once a grade is assigned to a student by a teacher and grades close, the grade may only be changed by **[insert title(s) such as: Building Principal, a district administrator, or designee]** after notification to the teacher of the reason for such change, or upon request of the teacher. All grade changes require supporting documentation, to be maintained in the system and in the student's record, including the name and title of the person making the request, the date of the request, and the specific reason(s) for the change.

The district's student management system will serve as a historic and official representation of the grades and credits earned. Grade changes and documentation will be filed in the student's permanent record folder.

Should an administrator enforce a grade change contrary to the teacher's assigned grade, he/she shall be prepared to report to the Superintendent of Schools and/or the Board.

*NOTE: The district has discretion over who should do the periodic review of any reopening of the grading system and grade changes suggested below. Ideally, to ensure separation of duties, it should be someone who is not involved in the actions under review.*

All re-opening of the grading system and grade changes will be reviewed **[insert timeframe, such as: annually]** to ensure the process is being followed and that there is no unusual or inappropriate activity.

There will be a limited number of personnel other than teachers who have access or permissions to enter or change grades in the system. This list includes **[insert appropriate titles such as: Building Principal, Assistant Superintendent for Instruction, etc.]**

The *[insert title]* will develop regulations and procedures for adding users, establishing user's access rights (include if applicable: override abilities); deactivating or modifying user accounts, granting user permissions, and monitoring user access to and activity within the system.

Access and permission will be reviewed *[insert time frame]* to ensure that appropriate individual users have the correct permissions to perform the tasks required of them. Access and permissions will be compatible with roles or job duties. The access and permissions of people no longer employed by the district, or no longer in positions requiring access and permissions, will be removed, modified or deactivated immediately.

Cross-ref: 5100, Attendance

Ref: Education Law §§3202; 3205 et seq.  
*Matter of Nathaniel D.*, 32 EDR 67 (1992)  
*Matter of Hegarty*, 31 EDR 232 (1992)  
*Matter of Shepard*, 31 EDR 315 (1992)  
*Matter of Handicapped Child*, 32 EDR 83 (1992)  
*Matter of Ackert*, 30 EDR 31 (1990)  
*Matter of Augustine*, 30 EDR 13 (1990)  
*Matter of Boylan*, 24 EDR 421 (1985)  
*Matter of Burns*, 29 EDR 103 (1989)  
*Matter of Chipman*, 10 EDR 224 (1971)  
*Matter of Dickershaid*, 26 EDR 112 (1986)  
*Matter of Fitchett-Delk*, 25 EDR 178 (1985)  
*Matter of Gibbons*, 22 EDR 134 (1982)  
*Matter of LaViolette*, 24 EDR 37 (1984)  
*Matter of MacWhinnie*, 20 EDR 145 (1980)  
*Matter of McClurkin*, 28 EDR 136 (1988)  
*Matter of Reid*, 65 Misc 2d 718 (1971)  
*Matter of Rivers*, 27 EDR 73 (1987)  
*Matter of Shamon*, 22 EDR 428 (1983)

Adoption date:



( ) Required  
(X) Local  
(X) Notice

## CLASS RANKINGS

*NOTE: NYSSBA does not ordinarily include a policy on class ranking in the essential policy manual. We have brought the current policy (adopted in 2002) forward since it gives specific direction regarding valedictorian and salutatorian. Please review to ensure it reflects current philosophy and practice.*

Rank in class will be calculated in September of the senior year. It will be based on students' grades in the first 6 semesters of high school (excluding physical education).

All students to be graduated in a given year will be included in the ranking procedure. Class rank for transfer students will exclude physical education, pass/fail subjects and any non-numerical (0-100) grades except letter grades earned in traditional American high schools, which will be converted into numerical values.

### *Graduation Recognition*

Graduates who are members of the National Honor Society will be honored at Commencement with a special accessory visible on their graduation gowns and a special symbol next to their names in the graduation program.

### *Graduation Speakers*

The Valedictory Address will be given by a student representative of the National Honor Society elected by the National Honor Society Members.

The Salutatory Address will be given by a class member selected by a committee composed of a student representative (chosen by the senior class advisor(s)), a faculty representative (chosen by the senior class advisor(s)), and the Building Principal or his/her designee. Students interested in pursuing this honor are to submit an outline of their proposed speech. The three-member committee will decide among interested students.

The students with the highest averages in the graduating class have the opportunity to pursue these honors, along with all other members of the class.

Adoption date:

**(X) Required**☐ Local☐ Notice

## PROMOTION AND RETENTION OF STUDENTS

*NOTE: The following is a combination of NYSSBA's approach and the Board's current policy.*

The goal of the Board of Education is that each child experience both challenge and success from school activities. Grade placement is based on the premise that children will be provided appropriate experiences at each particular stage of physical, emotional, social and academic growth.

Academic growth, like physical growth, does not take place at the same pace or time for all individuals. Certain students may achieve mastery in a shorter period, while others need additional time. Promotion, retention and acceleration are tools to aid in meeting the needs of each child.

Promotion, retention or acceleration of a student will be considered according to the following criteria:

1.
  - a. academic achievement;
  - b. social and emotional development of the child;
  - c. age of the child; and
  - d. physical growth (size) of student.
2. Early Identification/Intervention: Classroom teachers are expected to make every effort, consistent with the district's implementation of response to intervention (RTI), to identify early those students at risk of failing. The Building Principal and the parents/guardian must be notified promptly if retention is anticipated, and a special support program shall be designed for each child identified as in danger of failing. Such support services may include, but are not limited to, individualized assistance before, during or after the school day; a change in instructional approach, remedial classes; and, where appropriate, referral to the Child Study Team, or ultimately the Committee on Special Education for evaluation.
3. Retention should not be implemented unless it is the only alternative to assist a student. It should be avoided as research indicates that there is a correlation between retention and dropping out.
4. All recommendations concerning grade placement are made by the Child Study Team to the Principal after full notification and consultation with the parent(s) or guardian(s). Parent(s) or guardian(s) and/or teachers may request the principal to consider a psychological evaluation of the child to aid in the formulation of recommendations.

5. Authority for grade placement rests with the Building Principal. All retentions must be reviewed by central administration for final approval.

No student will be retained without an appropriate educational plan defining what will occur that is instructionally different for the student. Once the educational plan has been implemented, the student will be monitored regularly. The educational plan will be revised until the student demonstrates acceptable performance.

In order to inform parents/guardians about the district's approach to promotion and retention, this policy will be posted on the district website and included in student and/or parent handbooks.

Cross-ref: 4321.2, School-wide Pre-referral and Intervention

Ref: Education Law §§ 305(47); 1709; 2503(4); 3202  
8 NYCRR §§ 100.2(l); 100.3(b)(2); 100.4(b)(2),(e)  
*Isqwith v. Levitt*, 285 App. Div. 833; 137 N.Y.S.2d 497 (1955)  
*Matter of Eckert*, 13 EDR 270 (1979)  
Op. Counsel, 1 EDR 775 (1952)

Adoption date:

## PROMOTION AND RETENTION OF STUDENTS REGULATION

*NOTE: This is the district's current regulation, adopted in 2000. Please review to ensure it reflects current practice.*

### *Procedures for Retention*

1. Children will be retained only after a careful consideration and documentation of all factors indicates that non-promotion will be for the best interests of the pupil.
2. Records will be kept on all phases of pupil growth.
3. The student's classroom teacher will complete the Light's Retention Scale and forward the information directly to the principal.
4. Reports to parents will inform the parents of the progress or lack of progress of the pupil and will be based upon a careful study of the objective and subjective evidence compiled.
5. When retention is being considered, a Child Study Team shall be convened consisting of:
  - principal
  - counselor (as appropriate at the elementary level)
  - teachers presently working with youngster
  - previous year teacher
  - psychologist
  - nurse (when appropriate)
6. This group will consult regarding cases of non-promotion and arrive at a common agreement concerning the reasons for it. Final confirmation of retentions will be the responsibility of the principal. It is the principal's responsibility to ensure CSE involvement when reviewing students with IEP's. Placement decisions for students with IEP's resides with the CSE.
7. The parents of the pupil who may be retained will be furnished with objective and subjective evidence concerning the reasons for possible retention as early as possible in the school year. It is the responsibility of the principal to convene a meeting with the parent to review a retention decision. Final confirmation of retention will be the responsibility of the principal.
8. Parents must confirm their agreement with the recommendation for retention before or during the last week of school in writing to the principal.
9. If parents are not in agreement with the recommendation for retention, they must sign a waiver indicating that they have been informed of the team's recommendation. This letter will allow the student to be placed in the next grade for one year. Before

the conclusion of the school year, the principal will reconvene the Child Study Team to review the student's progress.

10. If the student has not successfully acquired the basis skills for the grade, he/she will be retained. This second consecutive recommendation for retention will not require parental consent.

#### Procedures for Acceleration

1. Children are provided instruction on a continuous progress basis. Peer group placement for capable as well as below average achievers is advocated. In unusual circumstances accelerated may be appropriate.
2. No child will be promoted on trial or on condition.
3. Referrals for acceleration may be made by teachers in writing to the building principal who shall put in motion the review process. This consists of collecting data, arranging for staff case conferences, and contacting the parents.
4. An initial Child Study Team shall be convened consisting of:
  - Principal
  - counselor (as appropriate at the elementary level)
  - teachers presently working with youngster
  - previous year's teacher
  - one teacher representing receiving grade level
  - psychologist
5. A second meeting will be held including the parent of the student and student when appropriate.
6. At the conference convened and chaired by the principal, committee members are to make presentations concerning the child based on the information collected, which shall include:
  - biographical data, standardized and other district test data
  - previous school information
  - counselor or psychologist recommendation
  - review of the child's capacities, strengths and needs, levels of maturity in physical, emotional and social realms
  - the teacher's supported statement
  - any additional pro and con contributions from all members of the conference.

7. Following the presentations, the group is to provide a recommendation to the principal on the question of acceleration. Final confirmation of acceleration will be the responsibility of the principal. A written summary of the meeting will be provided.
8. If acceleration is to take place, a second conference is to be called by the principal, involving the parent (and child, as appropriate), psychologist, and counselor to communicate clearly the responsibilities of all parties involved.
9. If acceleration is not recommended, the principal will arrange a meeting with the parent to review the basis for this decision. (The principal may call upon some or all of the review committee as appropriate.)

#### Guidelines for Grades 6-8

A student who scores below a 65 in a course for a marking period or final exam is considered to have failed that course for the marking period or final exam in question.

At the end of the school year, all the marking period and final exam grades, if applicable, will be averaged for a course. A student who earns below a 65 for the year will be considered to have failed that course for the school year. It should be noted that, when determining a final average, courses that are less than a full year will be combined with the other courses that a student took in the same block. For example, if a sixth grade student has Spanish the first semester and Family and Consumer Sciences the second semester, then his/her final average for that block will be a combination of those two classes.

A student who has failed zero or one courses will have passed that grade level for the year. A team comprised of the student's teachers, counselor, and administrator will decide whether a student who has failed more than one course should be promoted into the next grade, placed into the next grade, or retained in the current grade. If the team votes to retain a student in the current grade, then that student's name and supporting documentation will be forwarded to the district office for final determination regarding placement or retention.

If a student fails a course for the year, then he/she may take that course during the summer, either in Averill Park, if offered, or in another school district. Students can earn credit for a course they took in summer school in an effort to minimize the number of classes they have failed for the school year, which may change whether they are promoted, versus placed or retained.

Adoption date:

( ) Required  
(X) Local  
(X) Notice

## GRADUATION REQUIREMENTS

*NOTE: The following is essentially the same as the Board's current policy.*

The Board of Education will determine the graduation requirements of the district in accordance with the Regulations of the Commissioner of Education. The Superintendent of Schools shall develop regulations setting forth the diploma requirements. Such regulations shall be approved by the Board and shall be provided to students and parents each year once a student reaches the eighth grade.

Participation in the graduation exercises will be predicated on satisfactory completion of all graduation requirements, except as permitted by policy 4772.

Cross-ref:     4771, Early Graduation  
                  4772, Graduation Ceremonies  
                  4773, Diploma and Credential Options for Students with Disabilities

Ref:     8 NYCRR §§100.5; 100.6

Adoption date:

( ) Required  
(X) Local  
(X) Notice

## EARLY GRADUATION

*NOTE: The following is the Board's current policy, adopted in 1999. Please review to ensure it reflects current philosophy and practice.*

The Board of Education, in certain cases, shall grant students who wish to graduate from high school in less time than the ordinary four-year sequence the permission to complete graduation requirements on an alternate schedule. To this end, all state and local graduation and diploma requirements must be completed for early graduation.

The district must establish clear guidelines that assign an early graduate an exact rank in class to students who complete the usual four-year course of study. A student shall not be denied an exact class rank if he/she wishes to complete the usual four-year course of studies in three years. In addition, class ranking guidelines should indicate whether students graduating early are eligible for salutatorian/valedictorian honors.

A student who has completed the diploma requirements in fewer than eight semesters and is otherwise eligible to receive a diploma is not required to continue enrollment in high school for the sole purpose of completing physical education requirements if the school, upon request of the student's parent or guardian, wishes to grant such student a high school diploma prior to the completion of his/her eighth semester.

As early as possible, the student and his/her parents or guardian must consult with the high school guidance personnel in order to develop an early graduation plan. The Building Principal must also be given notice of such intentions.

In regard to individual student requests, the following factors must be considered:

- 1) the student's grades;
- 2) performance in school;
- 3) his/her future plans; and
- 4) benefits that would accrue to the student if the request for early graduation were to be approved.

The Building Principal shall make the decision on whether to grant permission after consultation with the individual student's counselor, the student, and the student's parent(s). A parent has the option to appeal the Building Principal's decision to the Superintendent of Schools.

Adoption date:



**(X) Required**

(X) Local

(X) Notice

## GRADUATION CEREMONIES

*NOTE: This is a new policy for the Board's consideration. The policy, and the accompanying administrative regulation, reflects the requirements of recently-enacted state law (Education Law §3204(4-b)) that school boards "establish a policy and adopt procedures" to allow students to participate in the graduation ceremony (and related activities) of their 9<sup>th</sup> grade cohort if they earn either a Career Development and Occupational Studies Commencement Credential (CDOS) or Skills and Achievement Commencement Credential (SACC). Please note that the CDOS can be earned by students with or without disabilities.*

The graduation or commencement ceremony is a time to celebrate the honors and achievements of the graduating class. The Board of Education will establish the date for graduation ceremonies, while the administration will determine the place and program details, including attire. Academic and other awards and scholarships may be presented along with diplomas. Speakers may be selected from among the graduating class in accordance with district policy 4741.

Participation in the graduation ceremony and related activities will be predicated on satisfactory completion of all graduation requirements, or as otherwise described in this policy. Exceptions may be made under extraordinary circumstances with the permission of the Superintendent of Schools. A student who has earned either a Career Development and Occupational Studies Commencement Credential (CDOS) or Skills and Achievement Commencement Credential (SACC) by the time his/her ninth-grade cohort reaches graduation may, but is not required to, participate in that graduation ceremony and related activities.

*NOTE: The law does not specify how to address students who participate in the graduation ceremony by earning a CDOS/SACC only, and subsequently earn a diploma. We have included the optional paragraph below to reflect that a student who earns a diploma may participate in graduation ceremonies. Alternately, the Board could limit a student's participation to one graduation ceremony. In that case, use the following text instead: "Under this policy, a student shall be allowed to participate in only one graduation ceremony, upon earning either a CDOS/SACC or a high school diploma."*

**[Optional language:]** If a student who participates in the graduation ceremony by earning a CDOS or SACC only subsequently meets the requirements for either a Regents or local high school diploma, he/she may participate in the graduation ceremony of that graduating class as well.

*NOTE: We have included language in the paragraph below summarizing a student's right to continued educational services under the IDEA.*

A student with a disability who participates in graduation ceremonies by earning a CDOS or SACC is entitled to continue his/her educational program until the end of school year in which the student turns 21 years old, or until he/she earns a Regents or local high school diploma.

*NOTE: Usually, the Superintendent is charged to develop, approve, and promulgate regulations, which Boards usually do not adopt. However, under this law, Boards are required to adopt procedures to effectuate this policy.*

*The law also requires annual written notice to all students and their parents/guardians about the district's policy and procedures.*

The Superintendent shall develop regulations to implement this policy, to be adopted by the Board. The district shall provide annual written notice to all students and their parents/guardians of the requirements of this policy and associated regulations.

Cross-ref: 4321, Programs for Students with Disabilities Under the IDEA and New York's Education Law Article 89  
4321.9, Declassification of Students with Disabilities  
4741, Class Ranking  
4773, Diploma and Credential Options for Students with Disabilities

Ref: Education Law §3204(4-b)  
8 NYCRR §§100.5; 100.6

Adoption date:

**(X) Required**

(X) Local

(X) Notice

**GRADUATION CEREMONIES REGULATION***Participation by Earning a CDOS or SACC*

*NOTE: Education Law §3204(4-b)) requires that school boards “establish a policy and adopt procedures” to allow students to participate in the graduation ceremony and related activities of their 9<sup>th</sup> grade cohort, if they have earned a CDOS or SACC. We have developed this sample regulation as a procedure for the district’s consideration. The provisions of the new state law go into effect February 27, 2018, applicable to the graduating class of 2018. Your district may find that the procedures necessary to effectuate the law must begin by a certain time of year.*

A student who has earned either a Career Development and Occupational Studies Commencement Credential (CDOS) or a Skills and Achievement Commencement Credential (SACC), but not a high school diploma, shall be allowed to participate in the graduation ceremony and related activities of the student’s graduating class.

The district shall retain a record of each student’s ninth grade cohort. Each year, the High School Building Principal [*or insert appropriate title*] shall determine whether each student who entered ninth grade with the current year’s graduating class is eligible to participate in that year’s graduation ceremony, pursuant to state law, Board policy and this regulation.

During the school year in which the ninth grade cohort enters twelfth grade, the High School Building Principal [*or insert same title as above*] shall submit to the Superintendent of Schools or designee the name(s) of all students who are on track and expected to earn either a CDOS or SACC, but not a Regents or local high school diploma, by the time of graduation.

For each student so identified, the Superintendent or designee shall ascertain whether the student wishes to participate in the graduation ceremonies and related activities of that year’s graduating class by discussing the matter with the student and/or parent/guardian either in person, in writing, by telephone, or via email.

For any student who meets such requirements and wishes to participate in the graduation ceremony and related activities, the Superintendent shall ensure, prior to graduation, that the High School Building Principal, the student, and his/her parent(s)/guardian(s) are notified that the student may participate in that year’s graduation ceremony and related activities, and shall ensure his/her participation is facilitated.

*NOTE: The law requires annual written notice to all students and their parents/guardians about the district’s policy and procedures.*

The district shall provide annual written notice to all students and their parents/guardians of the requirements of this regulation and associated policy.

Adoption date:

( ) Required  
( ) Local  
(X) Notice

## **DIPLOMA AND CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES**

*NOTE: The following is a new policy for the Board's consideration.*

The Board of Education is committed to supporting all students so they are college- and career-ready upon graduation. The Committee on Special Education (CSE), which includes parents/guardians, will work with students with disabilities to attain the appropriate diploma or credential based on their Individualized Education Plan (IEP).

### Regents Diploma or Regents Diploma with Advanced Designation

Students with disabilities are encouraged to work toward the completion of requirements for a Regents diploma or Regents diploma with an advanced designation, as established by New York State and the Board.

### Local Diploma

Students with disabilities may work toward completion of the requirements of a local diploma. The local diploma may be earned by meeting the standards set forth in state regulations.

### Career Development and Occupational Studies Commencement Credential

Students with disabilities, who are not students with severe disabilities under Commissioner's Regulations, may be issued a New York State Career Development and Occupational Studies Commencement Credential (CDOS), pursuant to the requirements of those regulations. The student may pursue a CDOS either in addition to or instead of a high school diploma. The district shall ensure that such students have been provided with appropriate opportunities to earn a high school diploma.

### Skills and Achievement Commencement Credential

A student who meets the state definition of a student with severe disabilities, who has taken the State assessment for students with severe disabilities, may be issued a skills and achievement commencement credential pursuant to the requirements of Commissioner's Regulations 8 NYCRR §100.6.

### Continued Right to Educational Services

If a student receiving a Career Development and Occupational Studies Commencement Credential or a Skills and Achievement Commencement Credential is less than twenty-one years of age, the credential shall be accompanied by a written

assurance of the student's continued right to attend public school until the end of the school year in which the student reaches the age of twenty-one or until the student has earned a high school diploma, whichever is earlier.

#### Graduation Ceremonies

Students with disabilities may participate in graduation ceremonies as permitted under state law as described in policy 4772, Graduation Ceremonies.

Cross-ref:     4321, Programs for Students with Disabilities  
                    4770, Graduation Requirements  
                    4772, Graduation Ceremonies

Ref:     8 NYCRR §§100.1; 100.5; 100.6; 100.9

Adoption date:

( ) Required  
(X) Local  
( ) Notice

## TEACHING ABOUT CONTROVERSIAL ISSUES

*NOTE: The following is offered as an alternative to the Board's current policy.*

The Board of Education recognizes their broad responsibility for providing for a course of study in the schools that is appropriate to the age and ability of the students in the district. The Board also recognizes that within the broad parameters of curriculum, a teacher must be free to engage the classroom discussion and debate in order to stimulate the exchange of ideas and critical thinking.

*NOTE: The above paragraph provides a statement recognizing the Board's broad responsibility for providing the course of study in the district. It also provides a basis for balancing this responsibility for the academic freedoms of the teachers in the district to stimulate an exchange of ideas and discussion.*

Controversial issues may arise that deal with matters about which there are varied levels of opposing views, biases emotions, and/or conflict. The Board wishes to ensure that controversial issues are presented in a manner that preserve the academic integrity of the district and reflects community values. Therefore, the Board establishes the following guidelines for teachers to follow when presenting controversial issues in the classroom:

1. In the classroom, matters of a controversial nature shall be handled as they arise in the normal course of instruction and not introduced for their own sake. Such issues shall be neither sought nor avoided.
2. When presenting various positions on a controversial issue, the teacher shall take care to balance major views and to assure that as many sides of the issues as possible are presented in a fair manner, with no position being espoused by the teacher as the only one acceptable.
3. When materials dealing with controversial topics are to be used, assigned or recommended, such materials must:
  - have educational value and be relevant to the curriculum;
  - be appropriate to the age and maturity level of the students; and
  - not adversely affect the attainment of the district's instructional goals or result in substantial disruption of the normal operation of the classroom.

*NOTE: The criteria listed above reflect standards of balancing found in Commissioner's decisions as well as Constitutional Law. If the Board wishes to revise this list, they should do so in consultation with the school attorney to ensure their guidelines properly balance the teacher's First Amendment Rights.*

Prior to presenting controversial materials to their students all teachers shall:

1. review carefully any and all material to be distributed to students with the understanding that they will be responsible and accountable for all materials distributed; and
2. notify the **Department Chairperson** in advance of the dissemination of any material likely to be considered controversial by staff, class or community.

The Chairperson will review the materials pursuant to the guidelines above.

Ref: *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969) (students have First Amendment rights)  
*Hazelwood v. Kuhlmeier*, 484 U.S. 260 (1988) (limitations on students First Amendment rights in an educational setting)  
*Board of Education v. Pico*, 457 U.S. 853 (1982) (balance discretion of the Board over educational affairs with student's constitutional rights)  
*Appeal of Malverne Union Free School District*, 29 Educ. Dep't. Rept. 363 (1990) (teachers First Amendment rights in an educational setting)  
*Appeal of O'Connor*, 29 Educ. Dep't. Rept. 48 (1989) (notification prior to dissemination of controversial materials)

Adoption date:



(X) Required  
( ) Local  
(X) Notice

### ANIMALS IN THE SCHOOLS

*NOTE: Since 1994, Education Law §809 has allowed students to opt out of animal dissection on moral or religious grounds, in written form by parents/guardians, provided they perform an alternative project approved by the teacher. Chapter 320 of the Laws of 2010 amended that law to require school boards to develop a policy on giving notice to students and their parents/guardians of this right to opt out. We have provided some sample text meant to provide such notice, but the Board must decide the best way to do this for your district.*

*The following is a new policy for the Board's consideration.*

The Board of Education recognizes that the study of living things is essential to effective instruction in the life sciences. The primary goals for demonstrations and investigations involving animals are to achieve an interest in and an understanding of the life processes, to demonstrate biological principles, and to teach proper care and handling of animals. Therefore, the Board requires that any such instructional activities, investigations, and projects be well-planned and adequately supervised, and be conducted with a respect for life and an appreciation of the health and safety of both animals and students.

The Board also recognizes that some students have a moral or religious objection to dissection or otherwise harming or destroying animals. In accordance with state law, students shall have the right to opt out of dissection activities, provided that the student performs an alternative project approved by the student's teacher. The objection must be substantiated in writing by the student's parent or guardian.

*NOTE: We have suggested the following text to comply with the new law. Your district may wish to consider other options like including notice in the student handbook, a targeted mailing, the school course catalog, or included with the rest of the annual notices to students/parents.*

At the start of the school year, teachers of courses that include animal dissection shall give notice to the students in those classes of their opt-out rights and responsibilities under the law and this policy. Such notice shall be shared with parents of those students, and also be available upon request [**optional text:** in the school office].

*NOTE: Sample text to provide to students (and their parents/guardians) enrolled in a class that includes animal dissection:*

- You are enrolled in (insert title of class) which includes animal dissection. You have the right to opt out of the animal dissection on moral or religious grounds. In order to do so, your parent/guardian must substantiate your objection in writing to the Building Principal and teacher, and you must complete an alternate project approved by the teacher.*

Ref: Education Law §809(4)  
*Responsible Use of Live Animals and Dissection in the Science Classroom*,  
National Science Teachers Association Position Statement, revised March 2008  
([www.nsta.org/about/positions/animals.aspx](http://www.nsta.org/about/positions/animals.aspx))

Adoption date: