STUDENT POLICIES GOALS

Students are the focal point of all district operations and must receive the primary attention of the Board of Trustees and all staff members. Consequently, the Board will spend most of its time in study, deliberation, and policy formulation on matters directly related to student welfare.

The Board recognizes the individual worth of each student. The Board and staff accept the responsibility of helping each student to develop his/her capacity for intellectual, physical, emotional, and social growth. The Board acknowledges that a student's growth is influenced by his/her environment, both at home and in school. Therefore, the district shall strive to create an environment in which the student may learn to live and adapt successfully in an ever-changing world, in order to become a responsible and productive member of society.

The Board and district staff shall work together to achieve the following goals:

1. to tailor the learning program to each student's learning styles, interests, and aspirations;
2. to protect and observe the legal rights of students;
3. to enhance the self-image of each student by helping him/her feel respected and worthy through a learning environment that provides positive encouragement through frequent success;
4. to provide an environment in which students can learn personal and civic responsibility for their actions through meaningful experiences as school citizens; and
5. to promote faithful attendance and good work.
6. Provide a positive social and emotional environment that monitors and reflects good character.

Adoption: December 10, 1998
Reviewed: June 9, 2014
Revised: January 10, 2023

EQUAL EDUCATIONAL OPPORTUNITIES

Every individual should be encouraged to develop and achieve to his or her potential. The district, therefore, shall provide every student with equal educational opportunities regardless of race, color, creed, sex, national origin, religion, age, economic status, marital status, or disability.

An educational environment will be fostered that provides equal educational opportunity for all students. Educational programs and services will be designed to meet the needs of all students and shall not discriminate based upon any of the above-mentioned factors. No student will be excluded on such basis from participating in or having access to any course offerings, student athletics, counseling services, employment assistance, extracurricular activities or other school resources.

Ref: Americans with Disabilities Act of 1990,42 U.S.C. ^12131-12134
Civil Rights Act of 1964, as amended in 1972, Title VI, Title VII
Executive Order 11246,1965, amended by Executive Order 11375
Educational Amendments of 1972, Title IX; 45 CFR, Parts 81, 86
Education for all Handicapped Children Act (P.L. 94-142)
Vocational Rehabilitation Act of 1973,3504 *Brown* v. *Board of Education,* 347 U.S. 483 (1954)

Adoption: December 10, 1998
Reviewed: January 13, 2023

SEXUAL HARASSMENT OF STUDENTS

The Board of Trustees is committed to safeguarding the right of all students within the school district to learn in an environment that is free from all forms of sexual harassment. Conduct is deemed to be sexual harassment when the recipient perceives such behavior as unwelcome. It is irrelevant that the harasser had no intention to sexually harass the person. The Board recognizes that sexual harassment of students can originate from a person of either sex against a person of the opposite or same sex, and from peers as well as employees, board members or any individual who foreseeably might come in contact with students on school grounds or at school-sponsored activities. When an alleged sexual harassment occurs and the district knows about it, they shall take immediate and appropriate corrective action.

The Board, consistent with state and federal law, therefore condemns all unwelcome behavior of a sexual nature which may impose a requirement of sexual cooperation as a condition of academic advance, or which may have the purpose or effect of creating an intimidating, hostile, or offensive learning environment. The Board also prohibits any retaliatory behavior against complainants or any witnesses.

Any student who believes that he or she has been subjected to sexual harassment should report the alleged misconduct immediately, pursuant to 5020.1 -R, so that appropriate corrective action, up to and including discharge of an employee or suspension of a student, may be taken at once. The complainant shall not be discouraged from reporting an incident of alleged sexual harassment. In the absence of a victim's complaint, the Board, upon learning of, or having reason to suspect, the occurrence of any sexual misconduct, will ensure that an investigation is promptly commenced by appropriate individuals.

The superintendent is directed to develop and implement specific procedures on reporting, investigating and remedying allegations of sexual harassment. Such procedures are to be consistent with any applicable provisions contained in the district's policy manual, collective bargaining agreements, the tenure laws as well as other federal and state laws on sexual harassment. Training programs shall be established for students and employees to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment.

A copy of this policy and its accompanying regulation are to be distributed to all personnel and students and posted in appropriate places.

Ref: Education Amendments of 1972, Title IX, 20 U.S.C. 31681
***Franklin* v. *Gwinnett County Public Schools*, 112 S. Ct. 1028 (1992)**
***Meritor Savings Bank, FSB* v. *Vinson, 411* U.S. 57 (1986)** 34 CFR 39106.8; 106.9

Adoption: December 10, 1998
Reviewed: January 13, 2023

SEXUAL HARASSMENT OF STUDENTS REGULATION

The following regulation will implement the Board of Trustees policy concerning sexual harassment of students.

A student can be subject to sexual harassment by a student, employee, board member or any individual who foreseeably might come in contact with the student on school grounds or at school activities. Sexual harassment experienced by students is not always easily recognized. The following are examples of sexual harassment one should be aware of when dealing with a complaint of alleged sexual harassment:

1. unwanted sexual behavior, which may include touching, verbal comments, sexual name calling, spreading sexual rumors, gestures, jokes, pictures, leers, overly personal conversation, cornering or blocking student's movement, pulling at clothes, attempted rape and rape;
2. any student in a class subjected to sexual remarks by students or teachers who regard the comments as joking and part of the usual classroom environment;

Procedures

The Board of Trustees shall designate the superintendent as a Compliance Officer to carry out the district's responsibilities. In addition, the Board will designate a second individual, the Director of Health and Safety, for ensuring compliance with Title IX in regard to sexual harassment so that students who believe that they have been subjected to sexual harassment will have a second avenue of complaint, if the alleged harasser is the Compliance Officer.

The Board shall notify all students and employees of the name, office address and telephone number of both designees. In addition, the Board through this regulation has established grievance procedures that provide for prompt investigation and equitable resolution of student sexual harassment complaints.

The superintendent shall implement specific and continuing steps to notify students, parents, employees, and prospective students or employees that the school district does not discriminate on the basis of sex in the educational programs or activities which it operates as required by Title IX. Such notification shall include publication in: local newspapers; newspapers and magazines operated by the district or by student, alumnae, or alumni groups for or in connection with the district; and memoranda or other written communications distributed to every student and employee.

All reports of sexual harassment will be held in confidence, subject to all applicable laws and any relevant provisions found in the district's policy manual and collective bargaining agreements.

Consistent with federal and state law, and all applicable provisions contained in the district's policy manual and collective bargaining agreements, the following procedures shall be employed in handling any report, investigation and remedial action concerning allegations of sexual harassment:

Students who believe they have been subjected to sexual harassment are to report the incident to the Compliance Officer or the second designee as described above. The Compliance Officer or designee shall notify the superintendent of all complaints. The student can pursue his/her complaint informally or file a formal complaint.

Investigation of a Complaint

Upon receipt of a formal or informal complaint, a prompt, thorough and impartial investigation of the allegations must follow. This investigation is to be conducted diligently. All witnesses shall be interviewed and if requested, the victim shall speak with an individual of the same sex. Complainants are to be notified of the outcome of the investigation.

Informal Complaints

In addition to notification to the Compliance Officer or the Board's designee as described above, students who believe they have been subjected to sexual harassment may request that an informal meeting be held between themselves and the superintendent. The student may also request a meeting with a counselor or administrator of the same sex. Parents or guardians of the student shall be notified of their right to attend the interview with their child. The purpose of such a meeting will be to discuss the allegations and remedial steps available.

The superintendent will then promptly discuss the complaint with the alleged harasser. The alleged harasser shall be informed of his/her right to representation by counsel. Should the alleged harasser deny the allegations, the superintendent is to inform the complainant of the denial and request a formal written complaint to file with his/her report to the next level of management on what has transpired to date. If the complainant submits a formal complaint, a copy of the complaint shall accompany the superintendent's report with a recommendation for further action.

Should the harasser admit the allegations, the superintendent is to obtain a written assurance that the unwelcome behavior will stop. Depending on the severity of the charges, the superintendent may impose further disciplinary action. Thereafter, the superintendent is to prepare a written report of the incident and inform the complainant of the resolution. The complainant is to indicate on the report whether or not he/she is satisfied with the resolution.

If the complainant is satisfied with the resolution, the incident will be deemed closed. However, the complaint may be reopened for investigation if a recurrence of sexual harassment is reported. The superintendent is to inform the complainant to report any recurrence of the harassment or any retaliatory action that might occur. Should the complainant be dissatisfied with the resolution, he/she is to file a formal written complaint.

If during the superintendent's informal attempt to resolve the complaint, the alleged harasser admits the allegations but refuses to give assurance that he/she will refrain from the unwelcome behavior, the superintendent is to file a report with the next appropriate level in the complaint procedure. The report is to indicate the nature of the complaint, a description of what occurred when the superintendent informed the alleged harasser of the allegations against him/her, the harasser's response to the allegations, and a recommendation that stronger corrective measures be taken. This report should be accompanied by the student's formal complaint.

Formal Complaints

Formal complaints may be submitted either to initially report any incidence of sexual harassment, or as a follow-up to an unsatisfactory resolution of an informal attempt to resolve a complaint. In the latter case, the formal written complaint is to be submitted to the superintendent originally consulted, who will then forward it to the next appropriate level of management, e.g., the superintendent or the Board of Trustees, for appropriate action.

The formal written complaint will consist of any appropriate forms and a copy of any applicable superintendent reports. The appropriate forms solicit the specifics of the complaint, e.g., date and place of incident, description of sexual misconduct, names of any witnesses, and any previous action taken to resolve the matter.

The superintendent or the Board shall take immediate, appropriate and corrective action upon a determination of sexual harassment. The superintendent or the Board shall notify the complainant of any findings and action taken.

Remedial Action

If the investigation reveals that sexual harassment has occurred, appropriate sanctions will be imposed in a manner consistent with any applicable law, district policies and regulations and collective bargaining agreements. Depending on the gravity of the misconduct, sanctions may range from a reprimand up to and including dismissal of an employee or suspension or permanent suspension of a student.

Anyone subjecting complainants or witnesses to any form of retaliation will also be subject to disciplinary action in the manner prescribed by law and consistent with any applicable provisions in the district's policy manual or collective bargaining agreements. If the investigation reveals that no sexual harassment has occurred, or if the complainant is not satisfied with the remedial action taken after a finding of sexual harassment, the complainant may appeal to the next appropriate level in the complaint procedure. The appeal must include a copy of the original complaint, all relevant reports, the specific action being appealed, and an explanation of why the complainant is appealing.

Post Remedial Action

Following a finding of sexual harassment, victims will be periodically interviewed by the appropriate superintendent to ensure that the harassment has not resumed and that no retaliatory action has occurred. In the discretion of the district, these follow-up interviews will continue for an appropriate period of time. A report will be made of any victim's response.

Complaint Records

Upon written request, complainants should receive a copy of any resolution reports filed by the superintendent concerning his/her complaint. Upon substantiation, copies should also be filed with the student or employment records of both the complainant and the alleged harasser.

Investigation in the Absence of a Complaint

The Board will, in the absence of a victim's complaint, ensure that an investigation is commenced by the appropriate individuals, upon learning of, or having reason to suspect, the occurrence of any sexual harassment.

Adoption: December 10, 1998
Reviewed: June 9, 2014
Revised: January 13, 2023

5020.1-E

SEXUAL HARASSMENT FORMAL COMPLAINT FORM

Name and position of complainant _____

Date of complaint_____
Name of alleged sexual harasser _____

Date and place of incident _____

Description of misconduct_____
_____

_____

Name of witnesses (if any) _____

Has the incident been reported before? _____ _____

If yes, when? to whom? _____

_____ _____

What was the resolution?_____

_____ _____

Reasons for dissatisfaction with prior resolution of informal complaint _____

_____

_____

Adoption: December 10, 1998
Reviewed: January 13, 2023

RACIAL HARASSMENT OF STUDENTS

The Board of Trustees is committed to safeguarding the rights of all students within the school district to learn in an environment that is free from racial* discrimination, including racial harassment. The Board recognizes that racial harassment of students can originate from a person of the same or different race of the victim including peers, employees, board members or any individual who foreseeably might come in contact with students on school grounds or at school-sponsored activities.

Racial harassment of students consists of different treatment on the basis of race and is recognized in two different forms:

1. when the district's employees or agents, acting within the scope of official duties, treat a student differently than other students solely on the basis of race; or
2. when the education environment is not kept free from discrimination because the harassing conduct is so severe, pervasive or persistent that it interferes with or limits the ability of a student to participate in or benefit from the services, activities or privileges provided.

The Board also prohibits any retaliatory behavior against complainants or any witnesses.

Any student who believes that he/she has been subject to racial harassment should report the alleged misconduct immediately, pursuant to 5020.2-R, so that corrective action, up to and including discharge of an employee or suspension of a student, may be taken at once. The complainant shall not be discouraged from reporting an incident of alleged racial harassment. In the absence of a victim's complaint, the Board, upon learning of, or having reason to suspect the occurrence of any racial harassment, will ensure that an investigation is promptly commenced by appropriate individuals.

The superintendent is directed to develop and implement specific procedures on reporting, investigating and remedying allegations of racial harassment. Such procedures are to be consistent with any applicable provisions contained in the district's policy manual, collective bargaining agreements, the tenure laws as well as other federal and state laws on racial harassment.

A copy of this policy and its accompanying regulation is to be distributed as part of the handbook.

**For the sake of simplicity and clarity, the term "race" shall be used throughout this policy to refer to all forms of discrimination prohibited by Title VI-- that is, race, color, and national origin.*

Adoption: December 10, 1998
Reviewed: January 13, 2023

RACIAL HARASSMENT OF STUDENTS REGULATION

The Board of Trustees will implement the following regulation concerning any racial discrimination or racial harassment of students. A student can be subject to racial harassment by a student, employee, board member or any individual who foreseeably might come in contract with the student on school grounds or at school activities. The following are examples of the type of incidents racial harassment which might constitute racial harassment:

1. unwanted verbal comments, racial name calling, racial or ethnic slurs, slogans, graffiti;
2. school security treating black students more severely than white students;
3. intimidating actions such as cross-burning or painting swastikas; and
4. teacher repeatedly treating minority students in a racially derogatory manner.

Procedures

The Board shall designate a Compliance Officer to carry out the district's responsibilities for redressing grievances. In addition, the Board will designate a second individual for ensuring compliance with Title VI so that students who believe that they have been subjected to racial harassment will have a second avenue of complaint, if the alleged harasser is the Compliance Officer.

The superintendent shall notify all students and employees of the name, office address and telephone numbers of both designees. In addition, the Board through this regulation has established grievance procedures that provide for prompt investigation and equitable resolution of student racial harassment complaints.

The superintendent shall implement specific and continuing steps to notify students, parents, employees, and prospective students or employees that the school district does not discriminate on the basis of race in the educational programs or activities which it operates. Such notification shall include publication in: local newspapers; newspapers and magazines operated by the district or by student, alumnae, or alumni groups for or in connection with the district; and memoranda or other written communications distributed to every student and employee.

All reports of racial harassment will be held in confidence, subject to all applicable laws and any relevant provisions found in the district's policy manual and collective bargaining agreements.

Consistent with federal and state law, and all applicable provisions contained in the district's policy manual and collective bargaining agreements, the following procedures shall be employed in handling any report, investigation and remedial action concerning allegations of racial harassment:

> Students who believe they have been subjected to racial harassment are to report the incident to the Compliance Officer or the second designee as described above. The student can pursue their complaint informally or file a formal complaint.

Investigation of a Complaint

Upon receipt of a formal or informal complaint, a prompt, thorough and impartial investigation of the allegations must follow. This investigation is to be conducted diligently. All witnesses shall be interviewed and if requested, the victim shall speak with an individual of the same race. Complainants are to be notified of the outcome of the investigation.

Informal Complaints

In addition to notification to the Compliance Officer or the Board's designee as described above, students who believe they have been subjected to racial harassment may request that an informal meeting be held between themselves and the superintendent. The student may also request a meeting with a counselor or administrator of the same race. Parents or guardians of the student shall be notified of their right to attend the interview with their child. The purpose of such a meeting will be to discuss the allegations and remedial steps available.

The superintendent will then promptly discuss the complaint with the alleged harasser. The alleged harasser shall be informed of his/her right to representation by counsel. Should the alleged harasser deny the allegations, the superintendent is to inform the complainant of the denial and request a formal written complaint to file with his/her report to the next level of management on what has transpired to date. If the complainant submits a formal complaint, a copy of the complaint shall accompany the superintendent's report with a recommendation for further action.

Should the harasser admit the allegations, the superintendent is to obtain a written assurance that the unwelcome behavior will stop. Depending on the severity of the charges, the superintendent may impose further disciplinary action. Thereafter, the superintendent is to prepare a written report of the incident and inform the complainant of the resolution. The complainant is to indicate on the report whether or not they are satisfied with the resolution.

If the complainant is satisfied with the resolution, the incident will be deemed closed. However, the complaint may be reopened for investigation if a recurrence of racial harassment is reported. The superintendent is to inform the complainant to report any recurrence of the harassment or any retaliatory action that might occur. Should the complainant be dissatisfied with the resolution, he/she is to file a formal written complaint.

If during the superintendent's informal attempt to resolve the complaint, the alleged harasser admits the allegations but refuses to give assurance that he/she will refrain from the unwelcome behavior, the superintendent is to file a report with the next appropriate level in the complaint procedure. The report is to indicate the nature of the complaint, a description of what occurred when the superintendent informed the alleged harasser of the allegations against him/her, the harasser's response to the allegations, and a recommendation that stronger corrective measures be taken. This report should be accompanied by the student's formal complaint.

Formal Complaints

Formal complaints may be submitted either to initially report any incidence of racial harassment, or as a follow-up to an unsatisfactory resolution of an informal attempt to resolve a complaint. In the latter case, the formal written complaint is to be submitted to the superintendent originally consulted, who will then forward it to the next appropriate level of management, e.g., the superintendent or the Board of Trustees, for appropriate action.

The formal written complaint will consist of any appropriate forms and a copy of any applicable superintendent reports. The appropriate forms solicit the specifics of the complaint, e.g., date and place of incident, description of racial misconduct, names of any witnesses, and any previous action taken to resolve the matter.

The superintendent or the Board shall take immediate, appropriate and corrective action upon a determination of racial harassment. The superintendent or the Board shall notify the complainant of any finds and action taken.

Adoption: December 10, 1998
Reviewed: June 9, 2014
Revised: January 13, 2023

STUDENTS WITH DISABILITIES PURSUANT TO SECTION 504

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

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

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

Cross-ref: 4321, Programs for Students with Disabilities
9110, Equal Employment Opportunity

Ref: Rehabilitation Act of 1973,29 USC 99794 et seq. (Section 504) 34 CFR Part 104
Individuals with Disabilities Education Act, 20 USC 391400 et seq. (IDEA)
Education Law, 994401 et seq. (Article 89)
8NYCRRPart200

Adoption: December 10, 1998
Reviewed: June 9,2014
Revised: January 13, 2023

PRAYER IN THE SCHOOLS

It is the policy of the Board of Trustee to not prevent, or otherwise deny participation in, constitutionally protected prayer in the district's schools, consistent with guidance issued by the U.S. Secretary of Education, and applicable judicial decisions interpreting the religion clauses of the First Amendment of the U.S. Constitution.

This policy supersedes any other Board policy that might be inconsistent with it.

Adoption: May 20, 2003
Reviewed: January 13, 2023

EDINBURG COMMON SCHOOL DISTRICT

Comprehensive Attendance Policy

The Board of Trustees of the Edinburg Common School recognizes that regular school attendance is a major component of academic success. Student interaction with teachers, staff and other students in the classroom enhance the academic learning experience and provides a basis by which students can demonstrate mastery of subject matter.

The Board recognizes that it is imperative that all members of the school community are aware of this policy, its purpose, procedures and the consequence of non-compliance.

In this regard and pursuant to section §104.1 of the Regulations of the Commissioner of Education, the Board of Trustees adopts this comprehensive attendance policy, containing the following components:

- Overall objectives of the policy
- Specific strategies to accomplish these objectives
- Definitions of ATEDS (unexcused absences, tardiness, and early departures)
- Attendance Program (SchoolTool) identifying type of absence(s) and reasons for absence(s), tardiness and early dismissal(s).
- Student Attendance and Effect on Promotion/Retention
- Disciplinary Sanctions
- Parental Notification
- Intervention strategies to identify patterns of student absence, tardiness or early departure.
- Designated staff responsible for tracking and intervening with attendance issues and successes.
- Board of Trustee annual review of Comprehensive Attendance Policy.
- Notification of School Community of Policy and Updates
- District response to removal of potential barriers to success due to absenteeism of homeless students. (McKinney-Vento Homeless Assistance Act and SSA/2015)

OVERALL OBJECTIVES OF ATTENDANCE POLICY

- Through implementation of this policy, the Board of Trustees expects to minimize the number of unexcused absences, tardiness and early departures. (ATED’S)
- To encourage students to attend school every day, on time, for entire day.
- To maintain an adequate recordkeeping system that is in accordance with Education Law.

- To identify patterns of student ATED's.
- To develop effective intervention strategies to improve school attendance.
- To improve retention of homeless students through supported attendance practices.

SPECIFIC STRATEGIES IN PLACE TO ACHIEVE GOALS AND OBJECTIVES

The record of attendance will set forth the following for each pupil:

- Name
- Date of birth
- Full names of parents or guardians
- Address(s) where pupil resides
- Phone numbers where the parents or guardians may be contacted
- Record of pupil's attendance on each day of scheduled instruction

Attendance will be recorded on an ongoing basis throughout the school day and entered into the SchoolTool program. All ATEDS will be recorded as excused or unexcused in accordance with the standards found in section 3 of this policy.

DEFINITIONS OF ATED'S

EXCUSED ABSENCE

The Board of Trustees has determined the following reasons to be deemed **EXCUSED** in the case of absenteeism, tardiness and/or early dismissal:

- Illness
- Illness or death in the family
- Unsafe travel conditions
- Religious observance
- Medical appointments
- Quarantine
- Required court appearances
- Participation in a school-sponsored activity
- Absences due to circumstances related to homelessness
- Other reasons as approved by superintendent

UNEXCUSED ABSENCE

All other pupil absence, tardiness or early dismissal is considered by the Board of Trustees to be **UNEXCUSED.**

EARLY DISMISSAL

In those rare cases when a student must leave school early, such as medical appointments, religious observances, court appointments, etc., the following procedures must be followed:

Early dismissal notes will be collected by 9 AM. The student's name will be placed on the dismissal list and distributed to the staff.

Parent/Guardian must enter the building, sign in at the main office window, and be prepared to show identification and sign out his /her child. *Students may only leave when escorted by a parent/guardian.*

The early dismissal will be entered into SchoolTool immediately as excused or unexcused.

At times it is necessary for parents to call in to notify the office that they need to pick up a child early. A note is still necessary.

Students reporting to school late or leaving school early for appointments will **not** be permitted to practice or play in a game that same day **UNLESS** documentation is submitted from the physician at the appointment.

TARDINESS

Edinburg Common School students should be in the building by 8:00 AM.

If arrival is after 8:00 AM, the student must be accompanied into the building by an adult and signed in at the main office window. A reason for the tardiness should be documented.

The tardiness will immediately be entered in SchoolTool as either **excused** or **unexcused**.

ATED'S EFFECT ON EXTRACURRICULAR ACTIVITIES

Students reporting to school late or leaving school early for appointments will not be permitted to practice or play in a game that same day UNLESS documentation is submitted from the physician at the appointment.

PARENT/ GUARDIAN RESPONSIBILITIES FOR NOTIFICATION

It is the responsibility of the parents/guardians to notify the attendance officer or main office by telephone (518 863-8412 ext. 24) by 8:00 AM on the day of tardiness, absence or early dismissal. When using the **24-hour messaging system**, leave your child's name, date of absence and reason for absence.

A written excuse will be sent to school with your child within 48-hours of their return to school. It will include student name, date of absence, tardiness or early dismissal, and reason for ATED.

Students who are absent for *three consecutive days* due to illness, must present a written document from their physician and a written excuse from their parent/guardian upon their return. If documentation is not received, the parent/guardian will be contacted by the nurse.

Parents transferring students out of the district must provide written proof of enrollment in the receiving district within (7) seven days. **If proper documentation is not received within seven business days you will receive a letter asking for proof of enrollment. If proof of enrollment is not received, then the issue will be turned over to Child Protective Services or Social Services for investigation.**

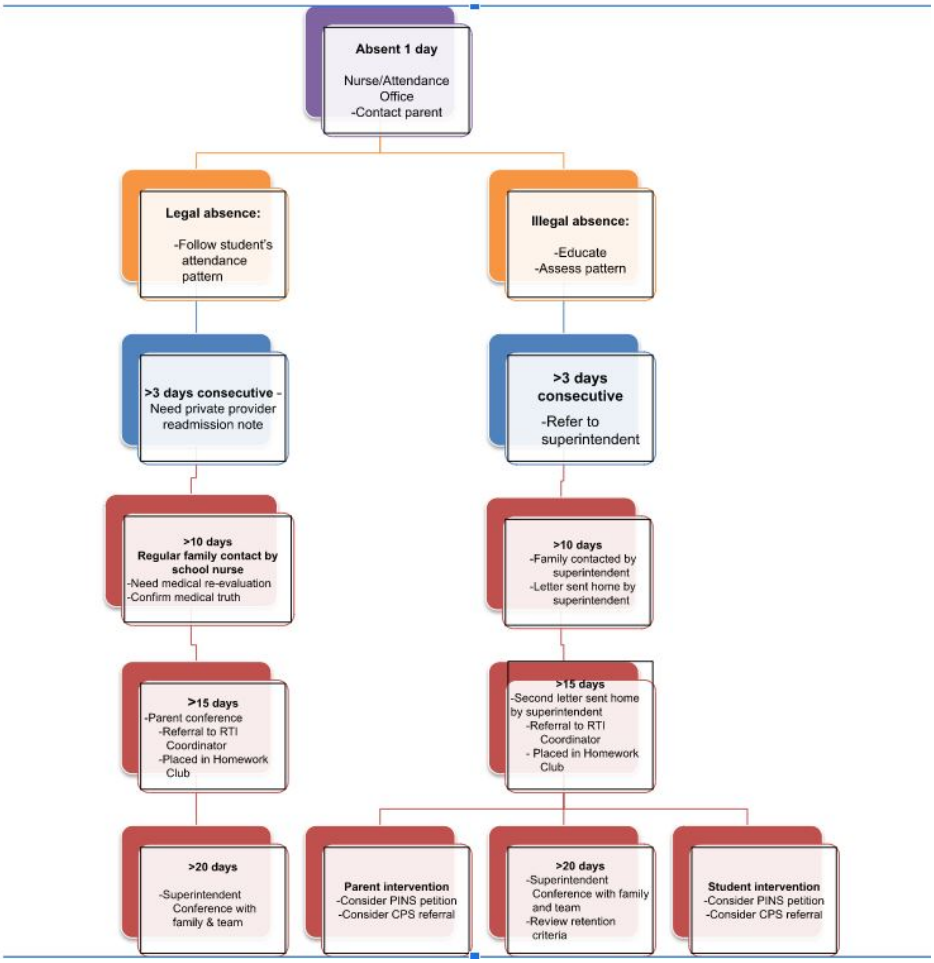
DISCIPLINARY SANCTIONS

The Board of Trustees recognizes that pupil attendance may be affected by the use of disciplinary sanctions to discourage unexcused pupil absences, tardiness and early dismissals from school.

RESPONSE TO INTERVENTION (RTI)

The Edinburg Common School District acknowledges that chronic absenteeism creates learning gaps for our students in all content and curriculum areas. While the superintendent and Attendance Officer work closely with our families to decrease the number of absences, students that have reached >15 days (legal or illegal) will be referred to the RTI Coordinator for services. Students will receive a minimum of 3 x 30-minute sessions per week to cover materials missed. Students will also be referred to the Homework Club when in session. Days >20 (legal or illegal) will be considered for Child Protective Service (CPS) or Person in Need of Supervision (PINS) reports.

ECS Absence Response Flow Chart



PARTIES RESPONSIBLE FOR STUDENT ATTENDANCE AT ECS

The superintendent, in partnership with the Attendance Officer, will be charged by the Board of Trustees to be the person(s) responsible for reviewing pupil attendance records and initiating appropriate actions to address unexcused pupil absence, tardiness and early departures. The interventions will be consistent with the Comprehensive Attendance Policy of Edinburg Common School.

NOTIFICATION OF SCHOOL COMMUNITY OF COMPREHESIVE ATTENDANCE POLICY

- A plain language summary of Edinburg Common School's Comprehensive Attendance Policy will be included in *student's handbooks* and will be **reviewed with parents** during open house at the start of the school year.
- *Parents* will have access to a plain language summary of this policy **via ECS website** at the start of the school year.
- When a student is absent, tardy, or leaves class or school early without an excuse, designated staff member(s) will notify the student's parent/guardian **by phone** and mail of the specific ATED, remind them of the attendance policy, and review ATED intervention procedures with them.
- The district will provide a copy of the comprehensive attendance policy and amendments thereto to **faculty and staff.** New staff will receive a copy upon their employment.
- All **faculty and staff** will meet at the beginning of the school year to review the attendance policy to clarify individual roles in its implementation. **Faculty will notify superintendent and Attendance Officer of suspected homeless status of any student, causing absenteeism and/or tardiness.**
- Copies of this policy will be made available to any **community member,** upon request.
- The Edinburg Common School will **share this policy** with local **Child Protective Services** (CPS) to ensure a common understanding of excused and unexcused ATED's and to work toward identifying and addressing cases of educational neglect.

MCKINNEY-VENTO HOMELESS ASSISTANCE ACT

The Board of Trustees recognizes that the absence of a stable living arrangement can have a devastating impact on educational outcomes for youth. In this regard and pursuant to the McKinney-Vento Homeless Assistance Act (1987), the district will:

- Appoint a McKinney-Vento liaison to identify and serve homeless students and their families. The liaison will provide public notice to homeless families and facilitate access to school services.
- Eliminate barriers to enrollment by enrolling students without immediate access to required documents.
- Eliminate barriers to attendance by assisting with transportation needs.
- Eliminate barriers to educational success by accepting homeless youth into a supportive and positive environment so they may achieve their maximum potential.

BOARD OF TRUSTEES ANNUAL REVIEW OF COMPREHENSIVE ATTENDANCE POLICY

The Board of Trustees will appoint an Attendance Officer annually who will be responsible for tracking attendance, contacting parents by phone, and coordinating with the superintendent/superintendent.

The district will review yearly trends on student attendance records if needed and if such records show a decline in student attendance, the Board will revise the Comprehensive Attendance Policy and make any revisions to the plan it deems necessary to improve student attendance.

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

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

Adoption date: December 10, 1998
Revised: January 10, 2023

STUDENT ATTENDANCE REGULATION

1. The district will make available to each student and his/her parent or guardian a copy of the attendance policy at the beginning of each school year.

2. The policy will be available in the administrative office. A condensed version will be included in the Parent Handbook.

3. Attendance will be taken at the beginning of each day and reported to the attendance officer each school day.

4. If the information in a student's attendance record needs to be corrected, it is to be corrected immediately and notice of such change sent to the appropriate school personnel.

5. Attendance dates will be analyzed periodically to identify patterns or trends in student absences.

6. Final Report Cards will not be released until all written attendance forms /excuses have been received.

Adoption: December 10, 1998
Revised: January 10, 2023

SCHOOL CENSUS

Pursuant to the Education Law, every two years a school census will be taken which will include all minors between birth and 18 years of age and those with disabilities, from birth until the age of 21.

The census must be prepared and filed with the superintendent on or before the fifteenth of October. All information regarding persons with disabilities under the age of 21 must be filed annually with the BOCES District superintendent.

Ref: Education 933212, 3240 et. seq. 8
NYCRR 3200.2

Adoption: December 10, 1998
Reviewed: January 10, 2023

COMPULSORY ATTENDANCE AGES

All children are required by New York State law to attend school full time, in a public, private or parochial school, unless exempt from attendance in conjunction with current law or regulation, and approved by the State Education Department from the first day of session in September of the school year in which the minor becomes six years of age through the last day of the school year in which such minor becomes 16 years of age, unless exempt from attendance in conjunction with current law, and approved by the State Education Department.

The Board of Trustees, through the superintendent, is responsible for enforcement check of the Compulsory Education Law.

Cross-ref: 1741, Home Instruction
5155, Student Withdrawal from School

Ref: Education Law 33171 1; 3201; 3202(1-a); 3205; 3206; 3208; 3225 8NYCRR3101 Family Court Act 33711 et seq.

Adoption: December 10, 1998
Reviewed: January 10, 2023

ENTRANCE AGE

Children who reach their fifth birthday on or before December 1st of the year of matriculation may be admitted to kindergarten. Proof of age must be presented in the form of a birth certificate, baptismal certificate, or passport.

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

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

Ref: Education Law 93709; 1712; 2503; 2514; 2555; 3202; 3205; 3210

Adoption: December 10, 1998
Reviewed: January 10, 2023

SCHOOL ADMISSIONS

The district shall provide a public education to all persons between the ages of five and 21 who have not received a high school diploma and are entitled to attend school. If such persons reside in the district, they may attend without payment of tuition. Residence is defined as both physical presence and intent to remain in the district. A completed admission package and proof of residency are required before admittance is granted and may be required throughout the student's career in the Edinburg Common School District.

Upon registration, all new students shall be required to present:

1. Documentation of age: a birth certificate (original or certified transcript, including a foreign birth certificate) or a passport (including a foreign passport). If neither of these are available, the District may consider other evidence, which has been in existence for at least two years, such as: government issued identification, school photo I.D. with date of birth, consulate identification card, hospital or health records, military dependent I.D. card, documents issued by government agencies, court-issued documents, Native American tribal documents, or records from non-profit international aid agencies or voluntary agencies, an adoption record, or previously verified school records;

2. Record of immunizations and a health certificate from a licensed physician, and

3. Documentation of District residency: A minimum of three (3) forms of documentation are required as proof of residency. **More than three (3) may be required by the District.** Examples of acceptable forms of documentation include, but are not limited to, mortgage/deed or lease documents to a house/condominium/apartment, a statement by the parent/guardian's landlord, property owner or co-tenant, or a statement by a third party relating to physical presence in the District, a pay stub, income tax form, telephone or utility bills or other bills, membership documents based upon residency, official driver's license, learner's permit, or non-driver identification, rent payment receipts, a copy of a money order for payment of rent, a letter from a parent's employer that is written on company letterhead, voter registration document, or a state- or other government-issued ID, documents issued by federal, state, or local agencies, or judicial custody orders or guardianship papers showing residency.

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

The District shall review all submitted documentation, and make a determination of a student's eligibility to attend District schools as soon as possible, but within three business

days of initial enrollment, or four days if the documentation is presented on the third day. The District may verify documentation of age from a foreign country, but will not delay enrollment during verification. At any time during the school year, notwithstanding any prior determination to the contrary, the District may make a determination that a student is not eligible to attend the District's school, subject to the procedures outlined in the regulations of the Commissioner of Education.

Cross-ref: 5155, Student Withdrawal from School

Ref: Education Law 99903; 904; 3202;
3208 Public Health Law 92164

Adoption: December 10, 1998
Revised: January 12, 2021
Reviewed: January 10, 2023

HOMELESS CHILDREN

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

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

To assist in determine eligibility for services under the McKinney-Vento Act, the district shall use a housing questionnaire for all enrolling a homeless child has the right to attend school in either the school of origin (i.e., where he/she resided before becoming homeless), or the school he/she was last enrolled, the school in the district of current location, (i.e. where he/she currently resides as a result of his/her homelessness) that he/she is entitled to attend based on attendance zone or general eligibility, or a school in a district participating in a regional placement plan. Such schools include preschools. The homeless child is entitled to attend the designated school district on a tuition-free basis for the duration of his or her homelessness. If the child becomes permanently housed, the child is entitled to continue to attendance in the same school building until the end of the school year and for one additional year if that year constitutes the child's terminal year in such building.

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

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

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

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

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

1. Admission: Upon designation, the district shall immediately admit the homeless child to school, even if the child is unable to produce records normally required for enrollment, such as previous academic records, medical or immunization records, (however, the district may temporarily exclude a child from attendance if there are actual symptoms of a communicable disease that poses a significant risk of transmission to others), proof of age or residency, or other documentation and even if there is a dispute with the child's parents regarding school selection or enrollment. During a dispute, the student may the student may continue attending the school until final resolution of the dispute, including all variable appeals.
   Homeless children will have the same opportunity as other children to enroll in and succeed in the district's schools. They will not be placed in separate schools or programs based on their status as homeless. The district shall eliminate barriers to identification, enrollment and retention due to outstanding fees, fines or absences.
2. Transportation: The district shall promptly provide transportation for homeless students currently attending district schools as required by applicable law as described in the accompanying regulation. In general, the district shall ensure that transportation is provided to homeless students enrolled in the district who attend a school or origin, including a publicly funded preschool administered by the district or SED, even if the student lives outside the district's boundaries. Transportation shall be provided for the duration of homelessness, through the remainder of the school year in which the student becomes permanently housed, and one additional year if that is the student's final year in the school.
3. School Records: For homeless students attending school out of the district, the district shall, within five days of receipt of a request for records, forward a complete copy of the homeless child's records including proof of age, academic records, evaluation, immunization records, and guardianship paper, if applicable. For homeless students attending school in the district, the district shall request the student's records (academic, medical, etc.) from the school the student last attended.
4. Coordination: The district shall coordinate with local social service agencies and other entities providing services to homeless children and their families for the provision of services to homeless children, and shall coordinate with other school districts on issues of prompt identification, transportation, transfer of records, and other inter-district activities. This shall include ensuring the provision of appropriate services to homeless students with disabilities who are eligible for services under either Section 504 or IDEA.

A portion of the district's Title 1, Part A funds shall be set aside for homeless children and youth to provide educationally related support services and services not ordinarily provided to other students.

Information about a homeless child's living situation shall be treated as a student education record, and shall not be deemed to be directory information under FERPA.

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

1. Parents or guardians of homeless children are informed of the educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children.
2. Parents and guardians and unaccompanied youth are fully informed of all transportation services available to them, and are assisted in accessing them;
3. Enrollment disputes involving homeless children are promptly mediated and resolved.
4. School personnel, through outreach and in coordination with shelters and social service agencies and other appropriate entities, identify homeless children, including homeless preschoolers;
5. Homeless children receive educational services, including but not limited to Head Start and preschool services to which they are eligible, as well as referrals to health care and other appropriate services for homeless children and their families;
6. Public notice of the educational rights of homeless children is disseminated in locations frequented by homeless, unaccompanied youth and parents/guardians of homeless children, in a manner and form understandable to them;
7. Staff who provide services to homeless students receive required professional development and support on identifying and meeting the needs of homeless students;
8. Homeless unaccompanied youth are informed of their rights, are enrolled in school, and have opportunities to meet the same state standards set for all students, including receiving credit for full or partial coursework earned in a prior school pursuant to commissioner's regulations.

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

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

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

Ref: 20 USC § 6313 ©

42 USC §§11431 et seq.
McKinney-Vento Education for Homeless Children and Youth Program, 81 Fed. Reg. 14432-14436 (3/17/16)
U.S. Department of Education, Education of Homeless Children and Youth Program, Non-Regulatory Guidance (7/27/16)
Education Law §§207;305;3202;3205;3209

Executive Law §§532-b; 532-e
Social Services Law §§17; 62;397
8 NYCRR §§100.2(x); 175.6

Approved: September 2017
Updated: January 10, 2023

HOMELESS CHILDREN REGULATION

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

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

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

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

Admission Procedures

Upon identifying a student experiencing homelessness, the superintendent of Schools or designee shall immediately:

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

    a. notify the child and/or the parent or guardian of the educational and related opportunities available to homeless children including transportation to the school of origin, and help arrange for transportation and other services such as those under Title I, Section 504, IDEA, and federal school meals;
    b. ensure that the child receives the educational services for which they are eligible, including Head Start, Early Head Start, early intervention services, and preschool programs administered by the district;
    c. make necessary referrals for homeless children and/or their families to health care services,

dental services, mental health services, substance abuse services, housing and other appropriate services; and

d. ensures that any enrollment disputes are mediated promptly and in accordance with law.
e. when assisting unaccompanied youth in placement or enrollment decisions, give priority to the views of such youth, and inform them of their status as "independent students" for purposes of applying for federal financial aid for college and assist that process; and
f. assist in obtaining required immunizations, health screenings, immunization records or health records.

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

Transportation

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

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

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

Dispute Resolution Process

If, after the superintendent reviews the designation form, he/she finds that the student is either not homeless, not entitled to attend the district's school, or not entitled to transportation (if requested) the superintendent or designee will do the following:

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

If, after consideration of any additional information and input from the McKinney-Vento liaison, the superintendent makes a final determination that a student is not homeless, or not entitled to enrollment or transportation, he/she must provide the student's parent or guardian, or the student, if the student is an unaccompanied youth, with written notice that the student is not entitled to their request. This written notice must also:

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

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

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

1st Reading: August 10, 2016
2nd Reading: September 12, 2016
3rd Reading and Adoption Date: October 3, 2016

Approved: September 2017
Updated: January 10, 2023

NON-RESIDENT STUDENT TUITION POLICY

The Edinburg Common School District recognizes its primary obligation to provide a free public education to all school age children who reside within the District. When the superintendent of Schools determines that classroom space is available within the District and the District is able to offer such placement without incurring any additional cost to taxpayers of the Edinburg Common School District, it shall be the policy of the Board of Trustees to admit non-resident students to its school.

This policy shall have no application to determinations by the Committee on Special Education or a designated screening committee's review and consideration of a student referred to the district ~~on~~ from another public school district's Committee on Special Education for consideration of placement into one of the District's Special Education programs under Education Law §4401 (2); Part 200 of Commissioner's Regulations or the Individuals with Disabilities Education Act.

Nothing in this policy shall authorize the admission or maintenance of a non-resident student whose admission and/or maintenance as a student in the district requires any additional expenditures to the Board of Trustees, the hiring of additional staff or a waiver of an existing classroom teacher student ratio, as established by law, board policy, contract, or regulation.

Non-resident students shall be admitted to the extent space is available in existing classrooms and upon a determination that the needs of the students can be met within the District's existing programs and by the District's existing staff. Applications for admission must be made annually.

The superintendent of Schools shall be authorized to admit a non-resident student upon his/her determination that:

1. the student's educational needs can be met by existing staff;
2. such admission shall not require the expenditure of additional local funds or the hiring of additional staff;
3. the non-resident student admission shall not cause a classroom to exceed student capacity as defined by law, regulation or board policy;
4. the student is determined to be a student in good standing in his/her district of residence (i.e. not on academic probation or have any out of school suspension in the last year). The student's academic and disciplinary record must accompany the student's request for admission.

As a condition of acceptance of a non-resident student, the parents of such student and the student, as applicable, agree to the following:

1. the parents shall be responsible for arranging the transportation of the student to and from the District and shall provide the District with the name of any other adults responsible for the transportation of the student if the parent is not available, in the event of early dismissal. Failure to make appropriate arrangements for the transportation of a non-resident student, including early dismissal due to emergency or otherwise, shall result in the student's dismissal.
2. the student shall be subject to the same rules governing student attendance and student discipline as resident students and shall be required to comply with the same rules. Any violations of school rules that would result in the suspension of a resident student shall constitute immediate dismissal. In addition excessive tardiness, truancy or absenteeism may also result in the student's dismissal.
3. all non-resident students admitted pursuant to this policy shall be allowed to participate in all activities/sporting opportunities to the same extent as resident students, except that the parents of such students shall be responsible for their transportation from any after school activity to their home.

All non-resident students must apply annually for admission or the continuation of enrollment for their child. Such application must be received in writing by_____ and will be determined by the superintendent in accordance with the terms of this policy. Previous enrollment does not guarantee continued enrollment.

Prior to such dismissal, the District shall provide the parent with written notice of the basis for its determination and shall notify the parent of the right to request an informal conference with the superintendent of Schools, which shall provide an opportunity for the parent and student to respond to the District's concerns and present any rebuttal.

The decision of the superintendent shall be final with the exception that a parent may appeal such decision to the Board of Trustees within 30 days of such determination upon written notice with a statement of the reasons for appeal.

A non-resident employee's child dismissed due to a disciplinary reason or nonattendance pursuant to this policy may not be readmitted under this policy.

This policy does not require the District to assume responsibility for the education of non-resident students as outlined above. All services not specifically referred to herein shall remain the obligation of the student's district of residence, including, but not limited to: any referrals, evaluations and program reviews by the committee on special education, the provision of any special services to which the student may otherwise be entitled which are not available within the District

in a manner consistent with the terms and conditions of the policy set forth herein.

This policy does not provide automatic admission of a non-resident student on the basis that a sibling is admitted.

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

Future Residents

The children of families who have signed a contract to buy or build a residence in the school district may be enrolled during the marking period in which they expect to become residents. Should the students remain non-resident students at the end of the single marking period the parents must either withdraw the student to place them in their actual district of residence or apply for non-resident student enrollment pursuant to this policy.

Former Residents

Regularly enrolled children of families who have moved out of the school district during the fourth marking period of the school year may complete that school year. However, students who are no longer district residents due to homelessness are addressed in Policy 5151, Homeless Children.

Transportation

Transportation will be provided for non-resident students as per Policy 8410-R if and only if existing bus routing is used, and there is sufficient room on the bus. A non-resident student is not entitled to transportation based solely on enrollment in the District under this policy.

Closures

The Edinburg Common School, located in Saratoga County, has been classified as part of the Capital Region in regards to the COVID-19 regional map. Therefore the Edinburg Common School District, being part of HFM BOCES, will follow all guidance from and collaborate as necessary with the Saratoga County Department of Health regarding school closures. This may result in our school closing while neighboring districts remain open.

Ref: Education Law 93202
Adoption: December 10, 1998
Reviewed: June 9, 2014
Revised: January 13, 2023

ADMISSION OF NON-RESIDENT STUDENTS REGULATION

Student Addresses: Verification and Investigation

1. The address of the parents must be the address of residence for each student. If a student claims residence with a person other than his/her parent(s), evidence of guardianship must be presented via the district affidavit form.

2. Should a student's address change at any time during his/her enrollment, residency must be confirmed by an acceptable document, e.g., a lease, a utility bill, a voter registration card.

3. If a student's address is not the address of his/her parent(s) or legal guardian(s), the superintendent shall consult with the Attendance Office to confirm the procedures used in determining the student's current address. The Attendance Office shall then investigate and provide specific evidence of the child's false claim to residency.

4. Student admission shall not be delayed pending verification of the address. A verification and/or investigation shall take place after student admission has been affected.

Adoption: December 10, 1998
Reviewed: January 10, 2023

ADMISSION OF NON-RESIDENT STUDENTS EXHIBIT

STATE OF NEW YORK }
} SSI
COUNTY OF_____ }

_____, being duly sworn, deposes and says:
(Name of Custodian)

1. I live at _____
(Full address of custodian)

2. _____is my _____ and
(Full name of child) (Childs relationship to custodian)

he/she has been living with me since _____
(Relevant date)

3. _____ intends to reside with me for _____
(Childs name) (Length of time)

4. Statement explaining the duration of the living arrangement (permanent, indefinite, to be terminated upon a specific date, action or event)

5. Statement of the reasons the child lives with the custodian.

6. Statement describing any other location(s) where the child lives. Indicate the length of time the child is at the other address and provide an explanation. If the child does not live at any other address, so indicate.

7. Statement establishing who provides the child with food, clothing and all other necessities.

8. Custodial statement assuming full responsibility for all matters relating to child's education and medical care.
Statement of any other relevant facts.

_____
Signature of Custodian

Sworn to before me this _____ day of _____ , _____

_____
Notary Public

Where applicable, this form should be executed individually by each custodian.

ADMISSION OF NON-RESIDENT STUDENTS EXHIBIT

Requirements for Non-Resident Student Tuition
Pre-K – Grade 6

"EFFECTIVE THE 2020-21 school year, no new non-resident students except for Northville Central School District residents shall be permitted to enroll under this policy. Non-resident students currently enrolled must continue to meet all eligibility requirements."

It is the policy of the Edinburg Common School District to operate a tuition-free Pre-Kindergarten through Grade 6 program for students residing within the Edinburg Common School District.

Effective 7-1-2017 the Board of Trustees will be permitting non-resident students to enroll for a tuition of $1500.00 for all students PK-3 through 6th Grade. This will be re-visited each school year and enrollment will be based on class sizes and requirements outlined below as well as in the district policy. (Policy # 5152)

1. Availability of space without depriving students of the Edinburg Common School District. PK-3 is limited to ten students, PK-4 is limited to 10 students with one teacher or 16 students with a teacher and an aide. Class size for grades K-2 is limited to 16 students with one teacher and 20 with an aide. Class size for grades 3-6 is limited to 20 students.

2. Non-Resident students are admitted only if the space, programming, classroom and staffing currently exist and can accommodate additional students.

3. Transportation will only be provided for non-resident students if and only if existing bus routing can be used, and there is room on the bus. (Policy 8410-R) In all other cases, parents are required to transport non-resident students to and from school.

4. Once a non-resident student enrolls, they must stay enrolled for that complete school year. If the student leaves the district during that school year, they are ineligible to come back as a non-resident student for that year and any future school year.

5. Should the behaviors of the non-resident student negatively impact the program, the student may be withdrawn from the program at the discretion of the Superintendent.

Adoption date: October 1989
Revised: 8/16/98; 11/00; 6/02; 7/02; 7/8/03; 8/16/07; 8/14/12; 12/16; 7/20, 9/26
Reviewed: 8/12/08; 8/8/09; 7/8/10; 7/12/11; 7/11/13; 6/9/14;

Policy No. 5153

SCHOOL DISTRICT CHOICE – GRADES 7-12

As a Common School District, Edinburg provides an educational facility for all resident students in grades K-6. Thereafter, the Board of Education shall grant parents of grades 7-12 students the ability of school choice between school districts designated by the Board of Trustees. Pursuant to the Education Law, parents do not have the ability to designate a school district not approved by the Board of Trustees.

Parents must elect the district of choice in writing, no later than March 1 of the year preceding enrollment. In the event no designation is received, the School Board shall designate a school district on behalf of the student.

Once enrolled in the designated District, parents need not submit a school choice each year, as the student will remain enrolled in subsequent years, absent a designation by the parent requesting otherwise. A parent/student may only change their designated school district once. For example, a student may choose to go to one district in 7th grade and, no later than March 1 of any subsequent year, request to attend another designated district. This student would have to remain in the second district through his/her senior year, unless the student's residency changes to the other district.

Requests made after the March 1 deadline to change the designated school district shall not be permitted, absent extenuating circumstances and upon the approval of the superintendent of Schools. If you feel you have extenuating circumstances warranting a change, a written request can be made to the Chief School Officer or his/her designee for consideration.

Transportation to and from the Designated School District will be provided on a daily basis at the beginning and ending of each scheduled school day. Transportation will be arranged for all half day and/or early release days as well.

Parents/Guardians are responsible for any additional transportation needs including but not limited to after school help, concerts, extra-curricular activities, sports practices, and other needs beyond the regularly scheduled school day.

1st Reading: May 24, 2017
2nd Reading: June 12, 2017
3rd Reading & Adoption Date: June 21, 2017

Reviewed: January 10, 2023

ASSIGNMENT OF STUDENTS TO CLASSES

In assigning students to classes, the following criteria shall be considered: age, social and emotional maturity, and achievement in relation to individual ability, in order to assure appropriate assignments.

Transfers in regular attendance at a prior school will usually be placed at the level to which they were previously assigned. However, in addition to prior grade level, the Board of Trustees may use testing to ascertain proper grade level.

Ref: Education Law 331709, 2503(4); 3202

Adoption: December 10, 1998
Reviewed: January 10, 2023

ASSIGNMENT OF STUDENTS TO CLASSES REGULATION

District Screening Plan

Screening is defined as a preliminary method of distinguishing from the general population those students who may possibly have a disability or those who may possibly be gifted. Screening is used to identify those students in need of further evaluation.

Population to be Screened

All students falling into the categories that follow shall be screened according to the timelines and provisions of this plan:

1. all new kindergarten entrants;
2. all students entering from schools outside New York State;
3. all students scoring below level two on the third-grade reading or mathematics New York State tests;
4. all children participating in the district's Pre-Kindergarten Program; and
5. all new students for English language proficiency. (Information will be collected prior to screening to determine the primary language of children to be screened. Every effort will be made to screen children in their primary language. Limited English Proficient (LEP) students will be screened upon entering school and evaluated annually.)

Identification of Students to be Screened

The following steps will be taken to identify students to be involved in the screening program:

1. survey the annual census to determine new school entrants;
2. monitor the listing of live births within the district as provided by Public Health Service;
3. refer all new entrants from schools outside of New York State;
4. survey test scores as reported on Grade 3 tests; and
5. refer all students on the roster of the district's Pre-Kindergarten Program (new participants only).

Screening Program Areas

The screening of students is designed to obtain preliminary information regarding development in the following areas:

1. physical development;
2. cognitive development;
3. receptive and expressive language development;
4. articulation skills; and
5. motor development.

Confidentiality

Information about a child collected through this screening program automatically becomes a part of the child's educational record and, as such, is confidential. In compliance with the Family Education Rights and Privacy Act of 1974, the district has adopted a policy to ensure the confidentiality rights of students and parents. This policy governs the release of screening information.

Since persons conducting the screening are involved in the collection of confidential information, all verbal and written accounts will be held in strictest confidence by all involved. They will refrain from any expression of their impressions, concerns or reactions to any individual not involved in the professional implementation of the screening program.

Assurance of Non-biased Testing

To ensure that students are screened in a fair and unbiased manner, the following procedures will be employed:

1. all tests will be administered according to the manual for administration provided by the test publisher. Standardization of test administration will be followed;
2. student physicals will be conducted by the school physician in an unbiased manner; and
3. the superintendent and one of the personnel listed below will provide on-site evaluation to ensure the fair and unbiased administration of screening instruments.

Personnel Responsible for Screening

The following individuals will be responsible for the implementation of the screening program:

1. Superintendent
2. Special Education and/or RTI Teacher
3. Occupational Therapist/Physical Therapist
4. Speech/Language Teacher

5. School Nurse
6. Pre-Kindergarten Teacher

Location of Screening

All screening activities will be conducted in existing facilities of the Edinburg Common School.

Time Lines for Screening

The screening program will be implemented according to the following time line:

May: Parent orientation regarding screening of all new entrants; Tentative appointments for screening made;
June: Screening program is conducted; Screening results reviewed;
August: Screening results mailed to parents of new entrants;
September-June: New entrants from schools outside New York State are screened within 30 days of registration;

In-service Training

At least one training session will be conducted each year to refresh and retrain personnel. More sessions will be scheduled if needed. The superintendent, will be responsible for in-service training.

The training program will include:

1. a description of the purposes and goals of screening;
2. the establishment of roles and responsibilities;
3. the review of instruments to be used in screening;
4. the development of expertise in the administration of test instruments; and
5. the fostering of sensitivity to the needs of children.

A competency-based assessment will be administered to all screening operators to ensure the mastery of needed skills.

Informative Notice

A notice regarding the screening date, locations, and times will be sent to the parents/guardians of each child to be screened prior to the screening date. The requirement regarding kindergarten screening will be reviewed with parents at the time of kindergarten registration. The parents of new entrants from schools outside New York State will receive orientation regarding screening at the time of registration.

Instruments

The following instruments have been selected in light of the following criteria:

1. age of population to be tested;
2. validity;
3. reliability;
4. ease of administration;
5. time to administer;
6. appeal of materials to children;
7. ease in scoring; and
8. quality of data collected.

Kindergarten Screening Instrument

The instrument selected for kindergarten and Pre-kindergarten screening is the Developmental Indicators for the Assessment of Learning (DIAL). This instrument is used to screen all areas of development as listed earlier in this regulation.

Instruments for Screening New Entrants from Schools Outside New York State and Students Scoring Below Level Two (PEP Reading and Mathematics)

Cognitive development will be screened using the Metropolitan Achievement Test (MAT) with the following subtests administered by the Coordinator of Compensatory Education:

Reading — Vocabulary in context and reading comprehension; Mathematics - Operations of whole numbers and problem solving; and Language Arts — Punctuation, Capitalization, Usage, Grammar and Syntax.

All relevant school records will be reviewed.

Receptive and expressive language development and articulation skills will be screened by the speech and language teacher using one or more national normal test:

Motor development will be screened by the physical education teacher using a locally developed criterion-referenced test to compare student development to age-appropriate norms.

Reviewing the Results

All results of screening will be reviewed by the screening committee listed in this regulation prior to preparation of written reports. This review will be used to determine those students to be referred as possibly having disabilities and/or as gifted.

Reporting to Parents

All written reports will become a part of the child's permanent school record. A copy of the report will be provided to the parents of each child screened. The report will provide appropriate interpretation of results and the names of school personnel to be contacted for further explanation. A copy of the results of screening will be shared with the child's teachers through the structure of Child Study Team meetings.

Referral to the Committee on Special Education

If a kindergarten child scores below the cut-off point (DIAL) for their age in two of the areas tested, he/she will be rescreened in these two areas to ensure that other factors are not responsible for the child's inability to perform successfully. If a child scores below the cut-off point in three or more areas, or in communication, the child will be referred to the Child Study Team for review. The results of this review will serve as the basis for referral to the Committee on Special Education. Referral to the Committee will be made directly to the Chairperson of the Committee. Referral will be made to the Committee within 15 days of screening.

If a child is screened as a transfer from outside the state or as a result of identification on the grade three PEP test and scores at or below the 23rd percentile level on screening instruments, he/she will be referred to the Child Study Team for review and diagnostic evaluation. The results of the diagnostic evaluation will serve as the basis for referral to the Committee on Special Education. Referral to the Committee will be made directly to the Chairperson of the Committee. Referral to the Committee will be made within 15 days of screening.

Referral to the superintendent

Any kindergarten child who scores three or more standard score points above the normative cut-off score for their age in three or more areas, including communication (DIAL), will be referred to the Child Study Team for review and evaluation as a possibly gifted child. Referral will coincide with the screening committee's referral to the superintendent and will be made within 15 days of screening. Criteria established by the Child Study Team will serve as the basis for inclusion in the district's gifted program.

All results of screening will be shared with the child's teachers through the structure of the Child Study Team process.

Adoption: December 10, 1998
Revised: January 10, 2023

PLACEMENT DECISIONS

The learning experiences of each student in the district should promote continuous progress throughout the student's school career.

Whenever possible, student placements shall be determined in such a way as to provide an environment best suited to each student's individual learning needs. Factors such as the student's intellectual, social and emotional needs are among the criteria considered essential for making such decisions.

In deciding upon the proper placement, the combined resources of the professional staff, the parents or guardians, and the student shall be used.

Students entering the district after the second marking period will be evaluated by using previous school records and the following district criteria:

1. ability (standardized test scores, IQ);
2. achievement (grades, reading level, etc.);
3. attendance (absences, truancy);
4. emotional and social maturity (shyness, aggressiveness);
5. physical maturity (size, age, etc.); and
6. work study skills (independence, attention span).

In the event a conflict exists as to the best placement of a student, the ultimate decision shall rest with the superintendent or his/her designee.

Adoption: December 10, 1998
Reviewed: January 10, 2023

STUDENT WITHDRAWAL FROM SCHOOL

Before a student may be dropped from enrollment, he/she must have been absent for 20 consecutive school days and statutory procedures must be followed. It is the responsibility of the superintendent to ensure that the procedures set forth below are followed:

1. The superintendent shall schedule and notify in writing both the student and his/her parents or guardians of an informal conference.
2. At such conference, the superintendent shall determine the reasons for the student's absence and ascertain whether reasonable changes in the student's educational program would encourage and facilitate his or her re-entry or continuance of study.
3. The student and their parents or guardians shall be informed orally and in writing of the student's right to re-enroll at any time in the school, if qualified under law.
4. If the student or his/her parents or guardians fail after reasonable notice to attend the informal conference, the student will be dropped from the rolls of the school, provided that he or she and the parents/guardians have been notified that they may re-enter at any time if qualified under the law.

Cross-ref: 5130, Compulsory Attendance
Ages 5150, School Admissions

Ref: Education Law §3202(1 -a)

Adoption: December 10, 1998
Reviewed: June 9, 2014
Revised: January 10, 2023

STUDENT ABSENCES AND EXCUSES

The following reasons for student absences from schools are recognized as valid by the Board of Trustees:

1. illness,
2. sickness or death in the family,
3. unsafe travel conditions,
4. religious observance or instruction (pursuant to policy 5182),
5. doctor appointments,
6. quarantine,
7. required court appearances,

Any other absence is considered unexcused. Each absence must be accounted for. It is the parent's/guardian's responsibility to notify the school.

Each instance of absence must be explained by a written note from a parent/guardian. Such excuse should contain the reason and date of absence. This note should be brought to school by the student upon returning from any absence.

Cross-ref: 5100, Student Attendance
5161, Truancy and Tardiness

Ref: Education Law 391709(2); 3202(l-a); 3024; 3025

Adoption: December 10, 1998
Reviewed: January 10, 2023

STUDENT ABSENCES AND EXCUSES REGULATION

Students shall comply with the following regulation regarding absences:

1. All excuses for part of a day and all-day absences must give the reason for the absence as well as have the date and parent's/guardian's signature.
2. All excuses from school must be approved by the superintendent or his/her designee.
3. If students know in advance that they are going to be on an authorized absence for an extended period of time, they will be held accountable for all assignments missed while absent. It is the student's responsibility to collect assignments from their teachers.
4. If a student's absence is unexcused, he or she will not be allowed to participate in extra-curricular activities that day. Excused absences are those listed in the accompanying Board of Trustees policy; all other absences are considered unexcused. Any questions of the status of an absence are to be decided by the superintendent.
5. Students who are absent for more than five days due to illness must present a written explanation from their doctor, as well as a note from their parent(s)/guardian(s). If such students fail to present both written notices, the superintendent will contact the parent(s)/guardian(s), and request an explanation for the absence. If the superintendent believes the explanation is inadequate, or if he/she does not receive an explanation within five days, the superintendent will take appropriate action.

Adoption: December 10, 1998
Reviewed: June 9, 2014
Revised: January 10, 2023

STUDENT ABSENCES AND EXCUSES EXHIBIT

Dear Parents:

After recently reviewing the attendance registers, I have found that many of the excuse blanks were not signed and returned to school. It is mandatory to give an explanation as to why your child is absent.

Below is a list of dates that your child has been absent. Please be sure to sign this form and return it to the Main Office at school.

Thank you for your assistance.

Sincerely,

STUDENT'S NAME: _____

DATE OF ABSENCE: _____

REASON FOR ABSENCE: _____

Parent's Signature _____

Date: _____

Edinburg Common School
4 Johnson Road
Edinburg, NY 12134-5390
Main Office (518) 863-8412
Business Office (518) 863-6375
FAX 863-2564

Adoption: December 10, 1998
Reviewed: June 9, 2014
Revised: January 10, 2023

STUDENT DISMISSAL PRECAUTIONS

No student may be released from school to anyone other than the parent, guardian or child protective services personnel and law enforcement officers pursuant to law, unless the individual's name seeking release of the student appears on a list provided by the parent or guardian and said individual is 18 years of age or older.

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

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

Students will not be released prior to dismissal time for extracurricular activities, clubs etc. without prior approval by the superintendent.

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

Adoption: December 10, 1998
Revised: October 8, 2019
Reviewed: January 10, 2023

STUDENT DISMISSAL PRECAUTIONS REGULATION

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

Parents or guardians may submit a list of individuals authorized to obtain the release of their children from school at the time of the child's enrollment.

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

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

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

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

Adoption: December 10, 1998
Reviewed: January 10, 2023

STUDENT ATTENDANCE ACCOUNTING

In accordance with State Law, school attendance records shall be kept for use in enforcement of the Compulsory Education Law, and as the source for the average daily attendance used to determine the state aid allocated to the school district.

Cross-ref: 5500, Student Records

Ref: Education Law 393024; 3025; 3211

Adoption: December 10, 1998
Reviewed: January 10, 2023

5170-R

STUDENT ATTENDANCE ACCOUNTING REGULATION

Attendance accounting procedures shall:

1. conform with any state standards,
2. provide a consistent and accurate record of absences,
3. incorporate a verification procedure in order to detect attendance discrepancies, and
4. provide means for disciplinary action for chronic violations of attendance policy.

Adoption: December 10, 1998
Reviewed: January 10, 2023

RELEASED TIME FOR RELIGIOUS INSTRUCTION

Religious classes are available for children at religious institutions in the area. Information as to where and when they will be conducted will be made available to the school by the religious instruction institutions involved. No child will be given permission to attend these classes unless they have submitted a signed permission slip from their parent(s)/guardian(s).

Ref: 8 NYCRR 9109.2
Zorach v. *Clauson,* 343 U.S. 306 (1952)

Adoption: December 10, 1998
Reviewed: January 10, 2023

STUDENT ACTIVITIES FUNDS

Sixth Grade Extra Classroom Activity Funds

Extra classroom activity funds are funds raised other than by taxation or through charges of the Board of Trustees for, by, or in the name of a school, student body, or any subdivision, thereof.

The purpose of fund-raising activities by the sixth-grade class will be for an end of the year trip as approved by the Board of Trustees.

The sixth-grade classroom teacher will be the faculty advisor, who shall attend all meetings and provide guidance for all fund-raising activities.

The sixth-grade class will meet at least once quarterly on school property to discuss extra classroom activities.

Classroom officers must be elected annually by secret ballot. The officers shall consist of a president, vice president, secretary and treasurer.

Adoption: December 10, 1998
Reviewed: January 10, 2023

STUDENT ACTIVITIES FUNDS MANAGEMENT

The Board of Trustees shall have the responsibility for the protection and supervision of the financial affairs of student clubs and extracurricular activities.

All 6th grade extra classroom activity funds will be handled in accordance with the following procedures for the safeguarding, accounting and auditing of these funds:

1. the classroom treasurer will keep an accurate record of all receipts. On a daily basis all receipts will be turned over to the school business office, audited for accuracy and deposited into the sixth-grade bank account;
2. the NBT Bank N.A. will be the designated depository and a statement savings account will be opened. A minimum of $5.00 balance will remain each school year in order to maintain the account;
3. all expenditures will require, in writing, a request by the classroom treasurer and president to the school business office for the withdrawal of necessary funds to pay invoices. A record will be kept of all audited invoices; and
4. the statement savings account will be reconciled quarterly and a report submitted to the Board.

Cross-ref: 2210, Board Reorganizational Meeting

Ref: Education Law
3207
8NYCRRPartl72

Adoption: December 10, 1998
Reviewed: January 10, 2023

INTERSCHOLASTIC ATHLETICS

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

Student eligibility for participation on interscholastic teams shall include:

1. authorization by a physician;
2. written parent or guardian consent; and
3. endorsement by the superintendent based on established rules and various league and State Education Department regulations;
4. student must be currently enrolled in Edinburg Common School, maintain academic standards and be a role model while promoting school spirit.

In addition, all student participants in the district's interscholastic athletics program must adhere to the code of conduct as outlined in the Student Agenda/Handbook, or risk suspension from such program.

Ref: Education Law SS414; 1502; 1604(7-b); 1708(3)(8-a); 1718(2); 3001-b; 4409 8NYCRRS135.4

Adoption: December 10, 1998
Revised: October 10, 2006
Reviewed: January 10, 2023

EDINBURG COMMON SCHOOL

CODE OF CONDUCT (Code)

Policy 5300

APPENDIX

POLICIES

CODE COMMITTEE 2020

Sandy Moore - Chair
Mrs. Joelle West
Ms. Hampton
Ms. Thompson
Ms. Veronica Salvione
Mrs. Wendy Ferguson
Ms. Angela Ludwig (B)
Ms. Krissy Petruso

Approved: June 21, 2001
Revised: April 13, 2004
Revised: May 12, 2008
Revised: July 12, 2011
Revised: July, 2016
Revised: January, 2019
Revised: October 13, 2020

Edinburg Common School

Code of Conduct

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I. Introduction

The Board of Trustees ("board") is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents and other visitors is essential to achieving this goal.

These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the board adopts this code of conduct ("code").

Unless otherwise indicated, this code applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

II. Definitions

For purposes of this code, the following definitions apply.

• Disruptive student: any student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

• "Gender expression" is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

• "Gender identity"

• Parent: parent, guardian or person in parental relation to a student.

• School property: in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.

• School day: the regular operating hours of the district when students would be expected to be in attendance.

• School function: any school-sponsored extra-curricular event or activity.

• Violent student: means a student under the age of 21 who:

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.

3. Possesses, while on school property or at a school function, a weapon
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

"Weapon" means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

III. Student Rights and Responsibilities

A. Student Rights

The district is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly and civil school environment, all district students have the right to:

1. Take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules, regulations, and policies when necessary, receive an explanation of those rules from school personnel.

B. Student Responsibilities

All district students have the responsibility to:

1. Help maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. To abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.

4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.

5. Respond to direction given by teachers, administrators and other school personnel in a respectful, positive manner.

6. Work to develop ways to control their anger.

7. Ask questions when they do not understand.

8. Seek help in solving problems that might lead to discipline.

9. Dress appropriately for school and school functions.

10. Accept responsibility for their actions.

11. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

IV. Essential Partners

A. Parents

All parents are expected to:

1. Recognize that the education of their child (ren) is a joint responsibility of the parents and the school community.

2. Send their children to school ready to participate and learn.

3. Ensure their children attend school regularly and on time.

4. Ensure absences are excused.

5. Insist their children be dressed and groomed in a manner consistent with the student dress code.

6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.

7. Know school rules and help their children understand them.

8. Convey to their children a supportive attitude toward education and the district.

9. Build good relationships with teachers, other parents and their children's friends.

10. Help their children deal effectively with peer pressure.

11. Inform school officials of changes in the home situation that may affect student conduct or performance.

12. Provide a place for study and ensure homework assignments are completed.

B. Teachers

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Maintain confidentiality in conformity with federal and state law.
6. Communicate to students and parents:
    a. Course objectives and requirements
    b. Marking/grading procedures
    c. Assignment deadlines
    d. Expectations for students
    e. Classroom discipline plan
7. Communicate regularly with students, parents and other teachers concerning growth and achievement
8. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
10. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

C. Guidance Counselors

Expectations: superintendent monthly meetings with guidance counselor and weekly meeting with school counselor to identify social emotional everyday needs along with the effects and trauma from the COVID-19 pandemic.

Develop an advisory council.

K-5 Social Emotional Learning, Trauma and Effects from the COVID-19 pandemic, and Career Exploration

6: Social Emotional Learning, Trauma and Effects from the COVID-19 pandemi, Career Exploration, CareerZone NYSDOL, individual progress review plan for each student

The Edinburg Common School District shall have a comprehensive developmental school counseling/guidance programs for all students in grades kindergarten (K) through 6th. The district shall also ensure that all students in grades kindergarten through 6th have access to a certified school counselor(s).

Students in kindergarten through 6th, program shall be designed by a certified school counselor in coordination with teaching staff and any appropriate pupil personnel service providers.

Students in 6th grade: Certified school counselors shall provide an annual individual progress review plan, which shall reflect each student's educational progress and career plans. For a student with a disability, the plan shall be consistent with the student's individualized education program.

Edinburg Common School District shall develop district-wide and building-level comprehensive developmental school counseling/guidance plans which set forth the manner for compliance with this subdivision. Such district and building level plans shall be updated annually, available for review at the district offices and each school building, and made available on the district's website.

Edinburg Common School District shall establish a comprehensive developmental school counseling/guidance program advisory council to be comprised of representative stakeholders (such as parents, members of the board of education, school building and/or district leaders, community-based service providers, teachers, certified school counselors and other pupil personnel providers in the district including school social workers and/or school psychologists). The advisory council shall meet no less than twice each year for the purpose of reviewing the comprehensive developmental school counseling/guidance program plan and advising on the implementation of the school counseling/guidance program.

D. Other School Personnel

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, nationality origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Be familiar with code of conduct.

4. Help children understand the district's expectations for maintaining a safe, orderly environment.

5. Participation school-wide efforts to provide adequate supervision in all school spaces.

6. Address issues of harassment or any situation that threatens the emotional or physical health and safety of any student, school employee or any person who is lawfully on school property or at a school function.

7. Address personal biases that may prevent equal treatment of all students.

E. Administrators

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

2. Ensure that students and staff have the opportunity to communicate regularly with the superintendent and approach the superintendent for redress of grievances.

3. Maintain confidentiality in accordance with federal and state law.

4. Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.

5. Support the development of and student participation in appropriate extracurricular activities.

6. Provide support in the development of the code of conduct, when called upon. Disseminate the code of conduct and anti-harassment policies.

7. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

8. Participate in school-wide efforts to provide adequate supervision in all school spaces

9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.

10. Address personal biases that may prevent equal treatment of all students and staff.

F. The Dignity Act Coordinator(s)

NOTE: The following list of duties should be customized to reflect the role in the district.

The Dignity Act Coordinator(s) are as follows:

Joshua Schaperjahn_____ jshaperjahn@edinburgcs.org_or 518-863-8412__
Name *Contact information*

Their duties are as follows:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Oversee and coordinate the work of the district-wide and building level bullying prevention committees.
3. Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
4. Coordinate, with the Professional Development Committee, training in support of the bullying prevention committee.
5. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students and staff.

G. superintendent

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all student regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Inform the Board about educational trends relating to student discipline.
3. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
4. Maintain confidentiality in accordance with federal and state laws.
5. Work to create instructional programs that minimize incidence of misconduct and are sensitive to

student and teacher needs.

6. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
7. Participate in school-wide efforts to provide adequate supervision in all school spaces.
8. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully of school property or at a school function.
9. Address personal biases that may prevent equal treatment of all student and staff.

H. Board of Trustees

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
4. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and visitors on school property and at school functions.
5. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of the implementation.
6. Lead by example by conducting board meetings in a professional, respectful, courteous manner.
7. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students and staff.

5300.25 STUDENT DRESS CODE

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the

school setting.

A student's dress, grooming and appearance, including hair style/color, jewelry, make-up, and nails, shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include the wearing of hats in the classroom except for a medical or religious purpose.
6. Not include items that are vulgar, obscene, libelous, or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

Each Superintendent or their designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Students who violate the student dress code shall be required to notify their appearance by covering or removing the offending item, and if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

Students will wear masks when unable to socially distance themselves for others, per the executive order from Governor Cuomo during the COVID-19 pandemic.

VI. Prohibited Student Conduct

The Board of Trustees expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment.

Students must learn to assume and accept responsibility for their own behavior, as well as the

consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

The board is aware that NY Education Law states that teachers and administration have the right and responsibility for the welfare and safety of students in attendance at school and school functions. Self-discipline is necessary to insure learning. Parents are asked to discuss with their children the importance of proper behavior and attitude based on respect for themselves and others. Edinburg's major goal regarding discipline is to promote positive behavior.

Students may be subject to disciplinary action for prohibited conduct, up to and including suspension from school.

Prohibited Conduct includes but is not limited to:

A. Engage in conduct that is disorderly. Examples of disorderly conduct include:

1. Running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act, which disrupts the normal operation of the school community.
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building
7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.
8. Telephone misuse, including any unauthorized use of telephones.

B. Engage in conduct that is insubordinate. Examples to insubordinate conduct include:

1. Failing to comply with reasonable directions of teachers, school administrators or staff.
2. Lateness for or leaving school with without permission.
3. Skipping detention.

C. Engage in conduct that is disruptive. Examples of disruptive conduct include, but are not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators or other

school personnel in charge of students.

2. Inappropriate public sexual contact.
3. Display or use of personal electronic devices, such as but not limited to, cell phones, I-pods, digital cameras, in a manner that is in violation of district policy.

D. Engage in conduct that is violent. Examples of violent conduct include:

1. Committing an act of violence and/or fighting (such as hitting, biting, kicking, punching, and scratching) upon a teacher, administrator or other staff or attempting to do so.
2. Committing an act of violence and/or fighting (such as hitting, biting, kicking, punching and scratching) upon another student or any other person lawfully on school property attempting to do so.
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Displaying what appears to be a weapon.
5. Threatening to use any weapon.
6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
7. Intentionally damaging or destroying school district property.
8. Threatening bodily harm to another student, school personnel, and/or anyone else on school property.

E. Engage in any conduct that endangers the safety, morals, health or welfare of other. Examples of such conduct include:

1. Lying to school personnel.
2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group of demeaning them.
4. Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for threating another in a negative manner.
5. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
6. Intimidation, which includes engaging in actions or statements that put an individual in fear

of bodily harm.

7. Selling, using or possessing obscene material.
8. Using vulgar or abusive language, (cursing or swearing).
9. Smoking a cigarette, an electronic cigarette, a cigar, a pipe or using chewing or smokeless tobacco.
10. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances referred to as "designer drugs."
11. Inappropriately using or sharing prescription and over-the-counter drugs.
12. Gambling.
13. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
14. Initiating a report warning of fire or other catastrophe without valid cause, (misuse of 911, if applicable) or discharging a fire extinguisher.

F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated (including sections A through D of V. Prohibited Student Conduct).

G. Engage in any form of academic misconduct. Examples of academic misconduct include plagiarism, cheating, copying, altering records or assisting another student in any of these actions.

H. Engage in off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt the educational process in the school or a school function. Such misconduct includes, but isn't limited to, threatening or harassing students or school personnel through any means off-campus, including cyberbullying. (Policy0015definition)

VII. Reporting Violations

All students are expected to promptly report violations of the code of conduct to a teacher, bus driver, counselor, the superintendent or their designee. Any student observing ***anyone*** possessing a weapon, alcohol or illegal substance on school property or at a school functions shall report this information

immediately to a teacher, the superintendent or the superintendent's designee. All district staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the code of conduct to their supervisor, who ***may*** impose an appropriate disciplinary sanction.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include suspension and referral for prosecution.

The superintendent or their designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the superintendent or their designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a violation of law or a crime.

VIII. Disciplinary Penalties, Procedures and Referrals

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior. IN determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

1. The student's age.
2. The nature of the offense and the circumstances which led to the offense.
3. The student's prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. Information from parents, teachers and/or others, as appropriate.
6. Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to

the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to their disability, unless discipline is consistent with student's IEP.

A. Penalties

Students who are found to have violated the district's code of conduct may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

1. **Oral warning** – any member of the district staff
2. **Written notification to parent (conduct referral) with Administrative review** – bus driver, hall and lunch monitors, coaches, Teachers, superintendent.
3. **Recess Detention** – Teachers, superintendent
    - Students who behave inappropriately may be sent to the reflection room and denied the privilege of recess. The student may receive in-school or out-of-school suspension after being assigned three times within a two week period to the reflection room because of behavior.
4. **Teacher disciplinary removal of disruptive students**
    - A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instance the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These teachings may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain their composure and self-control. Such practices may include, but are not limited to:
        a) Short term time-out in the reflection room.
        b) Removing a student from the room briefly.
        c) Sending a student to the superintendent's office for the remainder of the class time only; or
        d) Sending a student to the counselor.
5. **Suspension from transportation** – Director of Transportation, superintendent or designee

- Drivers have full authority to enforce safety rules and regulations. In the case of a second offense, the rider may be deprived of a bus pick-up for two days or more by order of

the superintendent or personnel in charge. In cases where such offenses continue, the penalty may be one week.

6. **Suspension from athletic participation** - Coaches, Teachers, superintendent
7. **Suspension from social or extracurricular activities** – activity director, superintendent
8. **Suspension of other privileges** - superintendent or their designee
9. **In-school suspension** – superintendent
10. **Removal from classroom by teacher** – Teachers, superintendent
11. **Short-term (five days or less) suspension from school** – superintendent or Board
12. **Long-term (more than five days) suspension from school** – superintendent or Board
13. **Permanent suspension from school –** superintendent or Board

B. Procedures

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

Students who are to be given penalties other than an oral warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

1. Detention

Teachers and the superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Restriction will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention.

2. Suspension from transportation

If a student does not conduct their self properly on a bus, the bus driver is expected to bring such misconduct to the superintendent's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the superintendent or their designee. In such cases, the student's parent will become responsible for seeing that their child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable

opportunity for an informal conference with the superintendent to discuss the conduct and the penalty involved.

3. Suspension from athletic participation, extra-curricular activities and other privileges

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the Coach or the superintendent imposing the suspension to discuss the conduct and the penalty involved.

4. In-school suspension

The board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes the superintendent, to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension." Generally, the in-school suspension teacher will be a certified teacher.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the superintendent to discuss the conduct
and the penalty involved.

5. Teacher Disciplinary Removal of Disruptive Students

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain their composure and self- control in an alternative setting. Such practices may include, but are not limited to;

1) Short-term "time out" in the reflection room.
2) Sending a student into the hallway briefly.
3) Sending a student to the superintendent's office for the remainder of the class time only.
4) Sending a student to a guidance counselor or other district staff member of counseling. Time honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

On occasion, a student's behavior may become disruptive. For purposes of this code of conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially

interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with the teacher's authority occurs when a student demonstrates a persistent willingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

A classroom teacher may remove a disruptive student from class for up to two days. The removal for class applies to the class of the removing teacher only.

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why they are being removed and an opportunity to explain their version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why they were removed from the classroom and give the student a chance to present their version of the relevant events within 24-hours.

The teacher must complete a district-established disciplinary removal form and meet with the superintendent or their designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the superintendent or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the superintendent or designee prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal, the superintendent or another district administrator designated by the superintendent must notify the student's parent, in writing, that the student has been removed from class and why. The notice must also inform the parent they have the right, upon request, to meet informally with the superintendent or their designee to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parent. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

The superintendent may require the teacher who ordered the removal to attend the informal conference.

If at the informal meeting the student denies the charges, the superintendent or designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent(s) and superintendent.

The superintendent or designee may overturn the removal of the student from class if the superintendent

finds any one of the following:

1) The charges against the student are not supported by substantial evidence.
2) The student's removal is otherwise in violation of law, including the districts code of conduct.
3) The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The superintendent or designee may over turn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference. No student removed from the classroom by the teacher will be permitted to return to the classroom until the superintendent makes a final determination, or the period of removal expires, whichever is less.

Any disruptive student removed room the classroom by the classroom teacher shall be offered continued educational programming and activities until they are permitted to return to the classroom.

Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from their class. The superintendent must keep a log of all removal of student from class.

Removal of a student with a disability, under certain circumstance, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from their class until they have verified with the superintendent or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

7. **Suspension from School**.

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

The board retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent.

Any staff member may recommend to the superintendent that a student be suspended. All staff members must immediately report and refer a violent student to the superintendent or their designee for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The superintendent upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

a. Short-term (5 days or less) suspension from school

When the superintendent (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the superintendent. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the superintendent may established.

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the superintendent shall promptly advise the parents in writing of their decision. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the Board of Trustees. All appeals must be in writing and submitted to the district clerk within 10 business days of the date of the superintendents' decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision. b. Long-term (more than 5 days) suspension from school

When the superintendent determines that a suspension for more than five days may be warranted, they shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against them and the right to present witnesses and other evidence on their behalf.

The superintendent or in their absence, their designee shall personally hear and determine the proceeding or may, in their discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before them. A

record of the hearing shall be maintained, but no steno-graphic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof.

An appeal of the decision of the superintendent may be made to the board that will make its decision based solely upon the record before it. All appeals to the board must be in writing and submitted to the district clerk within 10 business days of the date of the superintendent's or in their absence, the assistant superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The board may adopt in whole or in part the decision of the superintendent or in their absence, the assistant superintendent. Final decisions of the board may be appealed to the Commissioner within 30 days of the decision. c. Permanent suspension

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

C. **Minimum Periods of Suspension**

1. Students who bring a weapon to school

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

1. The student's age.
2. The student's grade in school.
3. The student's prior disciplinary record.
4. The superintendent's belief that other forms of discipline may be more effective.
5. Input from parents, teachers and/or others.
6. Other extenuating circumstances.

A student with a disability may be suspended only in accordance with the requirements of state and federal law.

2. Students who commit violent acts other than bringing a weapon to school

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least

five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon. 3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes with the teacher's authority over the classroom Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

D. Referrals

1. Counseling
2. PINS Petitions

The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that theyrequire supervision and treatment by:

a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.

b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.

c. Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

3. Juvenile Delinquents and Juvenile Offenders

The superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

a. Any student under the age of 16 who is found to have brought a weapon to school or

b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).

The superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

IX. Alternative Instruction

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative means of instruction for the student. The Board of Education expects students, administrators, teachers and parents to make every effort to maintain student academic progress in the event of removal or suspension, and support student re-entry to the classroom at the conclusion of the disciplinary action.

X. Discipline of Students with Disabilities

The board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

This code of conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations. **A. Authorized Suspensions or Removals of Students with Disabilities**

1. For purposes of this section of the code of conduct, the following definitions apply.

A "suspension" means a suspension pursuant to Education Law § 3214.

A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational

setting (IAES) ordered by an impartial hearing officer because the
Student poses a risk of harm to their self or others.
An "IAES" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (EEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring. 2. School personnel may order the suspension or removal of a student with a disability from their current educational placement as follows:

a. The board, the district (BOCES) superintendent, or the superintendent, may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.

c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.

d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function. 1) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. § 930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length."

2) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.

3) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law. 3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in their current educational placement poses a risk of harm to the student or others.

B. Change of Placement Rule

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:

a. for more than 10 consecutive school days; or

b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

C. Special Rules Regarding the Suspension or Removal of Students with Disabilities

1. The district's Committee on Special Education shall:

a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school

days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from their current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

b. Conduct a manifestation determination review of the relationship between the students's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in their current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes. a. The superintendent or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability. b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:

1) conducted an individual evaluation and determined that the student is not a student with a disability, or

2) determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary

measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.

3. The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in their current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.

5. superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be divided into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.

6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.

7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

D. **Expedited Due Process Hearings**

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:

a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in their current educational placement.

b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.

2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, they must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. Referral to law enforcement and judicial authorities

In accordance with the provisions of IDEA and its implementing regulations:

1. The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.

2. The superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

XI. Corporal Punishment

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee is strictly forbidden. However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

1. Protect oneself, another student, teacher or any person from physical injury.

2. Protect the property of the school or others.
3. Restrain or remove a student if that student has refused to refrain from further disruptive acts.

The district will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's regulations.

XII. Student Searches and Interrogations

The Board of Trustees is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the board authorizes the superintendent and the school nurse to conduct searches of students and their belongings (Policy #5330) if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

The superintendent may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that they possess physical evidence that they violated the law or the district code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

A. Student Lockers, Desks and other School Storage Places

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by

school officials, without prior notice to students and without their consent.

B. Strip Searches

A strip search is a search that requires a student to remove any or all of their clothing. The removal of an outer coat or jacket is not considered a strip search. If the superintendent, or their designee believes it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the school attorney. The only exception to this rule requiring advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

Strip searches may only be conducted by an authorized school official of the same sex as the student being searched and in the presence of another district professional employee who is also of the same sex as the student.

In every case, the school official conducting a strip search must have **probable cause** - **not simply reasonable cause** - to believe the student is concealing evidence of a violation of law or the district code. In addition, before conducting a strip search, the school official must consider the nature of the alleged violation, the student's age, the student's record and the need for such a search.

School officials will attempt to notify the student's parent by telephone before conducting a strip search, or in writing after the fact if the parent could not be reached by telephone.

C. **Documentation of** Searches

The authorized school official conducting the search shall be responsible for promptly recording and filing in the main office the following information about each search:

1. Name, age and grade of student searched.
2. Reasons for the search.
3. Name of any informant(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and their title and position.
7. Witnesses, if any, to the search.
8. Time and location of search.
9. Results of search (that is, what items(s) were found).
10. Disposition of items found.
11. Time, manner and results of parental notification.

The superintendent or the Assistant superintendent OR their designee shall be responsible for the

custody, control and disposition of any illegal or dangerous item taken from a student. The SUPERINTENDENT, Assistant superintendent or their designee shall clearly label each item taken from the student and retain control of the item(s), until the items is turned over to the police. The Assistant superintendent or their designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

D. Police Involvement in Searches and Interrogations of Students

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Been invited by school officials.

Before police officials are permitted to question or search any student, the superintendent, or their designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The superintendent, or designee will also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney. E.

Child Protective Services Investigations

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will cooperate with local child protective

services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to the superintendent or their designee. The superintendent or their designee shall set the time and place of the interview. The superintendent or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of their clothing in order for the child protective services worker to verify the allegations, the school nurse must be present during that portion of the interview. No student may be required to remove their clothing in front of a child protective services worker or superintendent, or their designee of the opposite sex.

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if they were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

F. Treatment of Cell Phones

Teachers and administrators are authorized to confiscate cell phones that are being used in violation of the code of conduct and/or policy 5695. Student Use of Electronic Devices. Teachers and administrators are permitted to look at the screen of the cell phone and can request student cooperation to search the cell phone further. Without a student's permission, teachers and administrators should not undertake a more extensive search until conferring with the school attorney for guidance.

XIII. Visitors to the Schools

The board encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The superintendent or their designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the superintendent upon arrival at the

school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the superintendent's office before leaving the building.

3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings are not required to register.

4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the Administration, so that class disruption is kept to a minimum. Teachers are expected not to take class time to discuss individual matters with visitors.

5. Any unauthorized person on school property will be reported to the superintendent or their designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.

7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

XIV. Public Conduct on School Property

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, teachers and district personnel.

The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. The district recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this code is to maintain public order and prevent abuse of the rights of others.

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property. **A. Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher,

administrator, other district employee or any person lawfully on school property, including graffiti or arson.

3. Disrupt the orderly conduct of classes, school programs or other school activities.

4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.

5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.

6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.

7. Obstruct the free movement of any person in any place to which this code applies.

8. Violate the traffic laws, parking regulations or other restrictions on vehicles;

9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.

10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.

11. Loiter on or about school property.

12. Gamble on school property or at school functions.

13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.

14. Willfully incite others to commit any of the acts prohibited by this code.

15. Use obscene language or gestures.

16. Smoke on school property

17. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.

B. Penalties

Persons who violate this code shall be subject to the following penalties:

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to arrest after notification of the sheriffs dept. or state police .

2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.

3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75. They shall be subject to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.

5. Staff members other than those described in subdivisions 3 and 4. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

C. Enforcement

The superintendent or their designee shall be responsible for enforcing the conduct required by this code.

When the superintendent or their designee sees an individual engaged in prohibited conduct, which in their judgment does not pose any immediate threat of injury to persons or property, the superintendent or their designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The superintendent or their designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the superintendent or their designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.
The district shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

XV. Dissemination and Review

A. Dissemination of Code of Conduct

The board will work to ensure that the community is aware of this code of conduct by:
1. Providing copies of a summary of the code to all students at a general assembly held at the

beginning of each school year.

2. Making copies of the code available upon request to all parents an*d the community.

3. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.

4. Providing all new employees with a copy of the current code of conduct when they are first hired.

The Board of Trustees will review this code of conduct every other year and update it as necessary. In conducting the review, the board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

The code of conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.

Appendix

Policies

1240	Visitors to the School
15^0	Public Conduct on School Property
1520-R	Public Conduct on School Property Regulations
5300	Student Conduct
5310,	Student Discipline
5310-E	Student Discipline Exhibit
5310-R	Student Discipline Responsibilities
5311	Student Right and Responsibilities
5311.1	Student Due Rights Process
5311.4	Care of School Property by Students
5312	Prohibited Conduct
5312.1	Drug and Alcohol Abuse
5312.1-R	Drug and Alcohol Abuse Regulation
5312.2	*Dangerous Weapons in School*
5312.3	*Smoking*
5313	*Penalties*
5313.1	*Detention*
5313.2	*In-School Suspension*
5313.2-R	*In-School Suspension Regulations*
5313.3	*Student Suspensions*
5313.3-R	*Student Suspensions Regulations*
5313.3-E	*Student Suspensions Exhibit*

STUDENT WELFARE

Student welfare is the central priority of the Board of Trustees. The Board recognizes that the school district has a responsibility to ensure the safety and security of the students in its care. The Board is dedicated to the promotion of student welfare through medical services, psychological services, social services and support services.

Adoption: December 10, 1998
Reviewed: February 14, 2023

EDINBURG COMMON SCHOOL DISTRICT'S WELLNESS POLICY ON PHYSICAL ACTIVITY AND NUTRITION

INTRODUCTION:

Children need access to healthy foods and opportunities to be physically active in order to grow, learn, and thrive. Good health fosters student attendance and education. Healthy eating can help individuals achieve and maintain a healthy body weight, consume important nutrients, and reduce the risk of developing health conditions. Between 2001 and 2010, consumption of sugar-sweetened beverages among children and adolescents decreased, but still accounts for 10% of total caloric intake. Empty calories from added sugars and solid fats contribute to 40% of daily calories for children and adolescents age 2-18 years – affecting the overall quality of their diets. Approximately half of these empty calories come from six sources: soda, fruit drinks, dairy desserts, grain desserts, pizza, and whole milk. Most youth do not consume the recommended amount of total water. Between 2003 and 2010, total fruit intake and whole fruit intake among children and adolescents increased. However, most youth still do not meet fruit and vegetable recommendations.

The Edinburg Common School District is committed to provide a school environment that promotes and protects children's health, well-being, and ability to learn by supporting healthy eating and physical activity within fiscal and scheduling constraints. Therefore, it is the policy of Edinburg Common School District that:

- The school district will engage students, parents, teachers, food service professionals, health professionals, and other interested community members in developing, implementing, monitoring, and reviewing district-wide nutrition and physical activity policies.
- All students in grades Pre-K will have the opportunity, support, and encouragement to be physically active on a regular basis.
- Foods and beverages sold or served at school will meet the nutrition guidelines of the U.S. Dietary Guidelines from Americans.
- The Edinburg Common School will participate in federal school meal programs (including the School Breakfast Program and National School Lunch Program).
- The Edinburg Common School will provide nutrition education and physical education to foster lifelong habits of healthy eating and physical activity.

TO ACHIEVE THESE POLICY GOALS:

I. School Health Councils

The school district will create, strengthen, and work within existing

school health councils to
develop, implement, monitor, review, and as necessary, revise school nutrition and physical activity policies. The councils will also serve as resources to school sites doe implementing those policies.

A School health council should consist of the following:

Parent School food representative
School board member
Administrator
Teacher
Health professional
Prevention professional

Nutritional Quality of Foods and Beverages Sold and Served in School

II. School Meals

Meals served through the National School Lunch and Breakfast Programs will:

- Be appealing and attractive to children.
- Be served in clean and pleasant settings.
- Meet, at a minimum, nutrition requirements established by state and federal statutes and regulations.
- Offer a variety of fruits and vegetables
- Serve only low-fat (1 percent) and fat-free milk.
- Ensure that half of the served grains are whole grain.
- Include whole foods rather than processed preservative-laden foods when possible.

The Edinburg Common School should engage students and staff through taste-tests of new entrees and surveys, for selecting foods sold through the school meal programs in order to identify new, healthful, and appealing food choices.

The Edinburg Common School will ensure that breakfast and lunch will be available to all students in order to meet their nutritional needs and enhance their ability to learn.

Free and Reduced-Price Meals

Edinburg Common School will make every effort to eliminate any social stigma attached to, and prevent the overt identification of, students who are eligible for free and reduced-price school meals.

Meal Times and Scheduling

- Provide students with at least 15 minutes to eat after sitting down for breakfast and 20 minutes after sitting down for lunch.
- Schedule meal periods at appropriate times.
- Provide students access to hand washing or hand sanitizing before they eat meals or snacks.
- Federal Regulations require lunches to be served between 10:00am and 2:00pm.

Sharing of Foods and Beverages

Edinburg Common School will discourage students from sharing their foods or beverages with one another during meal or snack time, due to concerns about allergies and other restrictions on some children's diets.

Beverages

In addition to 1 percent or skim milk, only water, fruit and vegetable juices and fruit-based drinks that are 100 percent fruit juice and that do not contain additional caloric sweeteners will be served.

Snacks & Rewards

Snacks served during the school day will make a positive contribution to children's diets and health, with an emphasis on serving fruits and vegetables. The district will disseminate a list of healthful snack items to teachers, after-school program personnel, PTO, and parents.

School-Sponsored Events (such as, but not limited to, athletic events, dances, or performances). Group sponsored fund raisers that take place off school grounds or outside of the school day are not required to meet these requirements but are encouraged too.

Foods and beverages offered or sold at school-sponsored events outside the school day are encouraged to meet the nutrition standards for meals or for foods and beverages sold individually but are not required to.

III. Nutrition and Physical Activity Promotion and Food Marketing

Nutrition Education and Promotion

Edinburg Common School District aims to teach, encourage, and support healthy eating by students. Edinburg Common School will provide nutrition education and engage in nutrition promotion that:

- Is offered at each grade level as part of a sequential, comprehensive, standards-based program designed to provide students with the knowledge and skills necessary to promote and protect their health; is part of not only health education

classes but also classroom instruction in subject such as math, science, language arts, social sciences, and elective subjects;
- Includes enjoyable, developmentally-appropriate, culturally-relevant, participatory activities, such as contests, promotion, taste testing;
- Promotes fruits, vegetables, whole grain products, low-fat and fat-free dairy products, healthy food preparation methods, and health-enhancing nutrition practices;
- Emphasizes caloric balance between food intake and physical activity/exercise.

Integrating Physical Activity into the Classroom setting

Edinburg Common School District will encourage health instruction in health class and in the regular classroom.

- Classroom health education will complement physical education by reinforcing the knowledge and self-management skills needed to maintain physically-active lifestyle and to reduce time spent on sedentary activities, such as watching television;
- Opportunities for physical activity will be incorporated into the classroom setting.
- The district will participate in initiatives that promote physical activities at home.

Communication with parents

The Edinburg Common School District will support parents' efforts to provide a healthy diet and daily physical activity for their children. Semi-annually the Edinburg Common School District will send home and post on the district's website nutrition information and nutrition tips that will encourage parents to make use of the list of healthy food suggestions for celebrations, parties, rewards and for packing lunches and snacks.

Food Marketing in Edinburg Common School

School-based marketing will be consistent with nutrition education and health promotion.

Staff Wellness

The Edinburg Common School District highly values the health and well-being of every staff member and will plan and implement activities and support facilities that will encourage personal efforts by staff to maintain a healthy lifestyle. These activities should encourage healthy eating, physical activity, and other elements of a healthy lifestyle among school staff.

IV. Physical Activity Opportunities and Physical Education

Physical Education

All students in grades K-6 will receive three days per week of physical education for the entire school year. A certified physical education teacher will teach all

physical education instruction. Physical Education will not be withheld as a form of punishment or discipline. Pre-K students will also receive physical education.

Daily Recess

Elementary school student that are eligible receive at least 20 minutes a day of supervised recess, preferably outdoors, during which Edinburg Common School should verbally encourage moderate to vigorous physical activity and provide space and equipment.

Edinburg Common School will encourage students to have periodic breaks during which they are encouraged to stand and be moderately active as part of the educational process (e.g., kinesthetic learning).

Research also indicates that having recess before lunch leads to less food waste and fewer behavioral problems at lunch. Outdoor recess as long as children are adequately protected has a benefits over indoor recess due to fresh air sunshine, but also psychological effects of leaving the school building. Recess will be held outdoors whenever possible and held indoors during the most inclement weather, at the discretion of the superintendent.

Moderate to vigorous physical activity releases brain chemicals that also help learning. Some school experimenting with more recess (four daily 15 minute periods in grades K-1 and two daily periods in grades 2-5 have found increased self-discipline and focus, higher academic performance, decreased misbehavior and decreased off-task classroom behavior. Recess shall not be for punishment or reward.

Use of School Facilities Outside of School Hours

School facilities are available to student, staff, and community members after the school day.

V. Monitoring and Policy Review

Monitoring and Policy Review

The Wellness Committee will ensure compliance with established district-wide nutrition and physical activity wellness policies. The Committee will review the Wellness Policy every three years to assess progress and determine areas in need of improvements.

Adoption: May 9,2006
Reviewed: June 9,2014
Revised: February 14, 2023

STUDENT HEALTH SERVICES

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

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

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

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

Homeless students will be admitted to school even if they do not have the required health or immunization records, but may be temporarily excluded if they show actual symptoms of a communicable disease that poses a significant risk of transmission to others (see "Communicable Diseases" below). The McKinney-Vento liaison shall assist homeless students covered by that law in accessing health services described in this policy and accompanying regulation.

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

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

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

Emergency Care

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

emergent medical situations that have been reported to the nurse in a timely manner.
Schools shall also provide emergency care for students in accidental or unexpected medical situations. The district will stock epinephrine auto-injectors for non-patient specific use. The district shall ensure that designated staff are properly trained.

The district permits emergency administration of opioid antagonists, such as naloxone, by the school nurse to prevent opioid overdose.

Communicable Diseases

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

During an outbreak of these communicable diseases, if the Commissioner of Health or his/her designee so orders, the district will exclude students from school who have an exemption from immunization or who are in the process of obtaining immunization.

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

Administering Medication to Students

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

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

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

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

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

Life-Threatening Allergies and Anaphylaxis Management

The Board recognizes its role and responsibility in supporting a healthy learning environment for all students, including those who have, or develop, life-threatening allergies. The district will work cooperatively with the student, their parent/guardian and healthcare provider to allow the child to participate as fully and as safely as possible in school activities. When a student has a known life-threatening allergy reported on their health form or if the district has been informed by the parent of the presence of a life-threatening allergy, the district will assemble a team, which may include the parent, the school nurse, the child's teacher, the superintendent and other appropriate personnel, which will be charged with developing an individual health care plan and/or an emergency action plan. The plan(s) will be maintained by the school nurse. The plan(s) will guide prevention and response. If the student is eligible for accommodations based upon the IDEA, Section 504 or the Americans with Disabilities Act, the appropriate procedures will be followed regarding identification, evaluation and implementation of accommodations.

Training

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

Regulations

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

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

Adoption: December 10, 1998
Revised: February 14, 2023

STUDENT HEALTH SERVICES REGULATION

This regulation provides specific details about major areas of the district's student health services, such as immunization, medications, medical exams, medical care, emergency records, and return to school after injury/illness. For purposes of this regulation, the McKinney-Vento liaison shall assist homeless students covered by that law in accessing school health services.

A. Immunization Against Communicable Diseases

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

"Fully immunized" means that the child has either (1) received the required vaccinations for these diseases as set forth in state regulations; (2) for measles, mumps, rubella, hepatitis B, poliomyelitis, or varicella only, shown immunity with a positive blood test for those disease antibodies; or (3) for varicella only, has had the disease, verified by a physician, nurse practitioner, or physician's assistant.

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

Medical exemptions may be issued if immunization is detrimental to a child's health. Medical exemptions must either be (1) the medical exemption form issued by the New York State Department of Health or the New York City Department of Health and Mental Hygiene, or (2) a statement signed by a physician licensed to practice medicine in New York State indicating the specific immunization, the medical contraindication, and the length of time the exemption is for. Medical exemptions must be reissued annually to remain valid. The Superintendent may require supporting documents for medical exemptions.

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

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

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

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

The district will maintain a list of all students who have been exempted from immunization for medical reasons, or who are in the process of receiving immunization, and shall exclude such students from school when so ordered by the Commissioner of Health, in the event of an outbreak in school of the vaccine-preventable diseases listed in Public Health Law 2164 and the first paragraph of this section.

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

B. Administering Medication to Students in School

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

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

1. a written order from a NYS licensed health care provider (e.g. physician, nurse practitioner or physician assistant) containing the following: student's name, the date and name of the medicine, dosage and time to be administered, and list of possible side effects; and

2. A written note from the parent/guardian giving appropriate licensed school personnel permission to administer the medication to their child during school or for trained unlicensed personnel to assist their child in taking their own medication.

Students who may carry and use certain medications

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

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

2. Written parental permission.

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

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

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

1. all medications will be administered by a licensed person unless the child~~,~~ is a "supervised student" (able to self-administer with assistance and supervision) or an "independent student" (able to self-administer and self-carry);

2. medications, other than as noted above, shall be securely stored in the office and kept in their original labeled container, which specifies the name of the child, the type of medication, the amount to be given and the times of administration;

3. the school nurse shall maintain a record of the name of the student to whom medication may be administered, the prescribing physician, the dosage and timing of medication, and a notation of each instance of administration; and

4. all medications shall be brought to school by the parent(s) or guardian(s) and shall be picked up by the parent(s) or guardian(s) at the end of the school year or the end of the period of medication, whichever is earlier. If not picked up within five days of the period of medication, the medication shall be discarded.

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

Sunscreen

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

1. the sunscreen is used to avoid overexposure to the sun and not for medical treatment of an injury or illness, if sunscreen is required to treat a medical condition, the procedures for administering medication (above) apply;

2. the sunscreen is FDA approved for over the counter use;

3. the student's parents or guardians provide written permission annually for the student to carry and use the sunscreen.

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

Administering medication on field trips and at after-school activities

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

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

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

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

Administering epi-pen in emergency situations

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

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

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

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

C. Student Medical Exams

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

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

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

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

1. Adequately training staff involved in the care of the child.

2. Assuring the availability of the necessary equipment and/or medications.

3. Providing appropriately licensed and trained persons on school premises, as required by law.

4. Providing ongoing staff and student education.

D. Illness or Injury in School

If a student becomes ill or injured in school:

1. The nurse will determine if the student should receive further medical attention, remain in the dispensary or return to class.

2. The nurse will call the parent, guardian or designated emergency contact if he/she feels the student should go home. In general, a parent or guardian will pick up the student from school.

3. The nurse will contact the superintendent if he/she feels the child should be transported by bus to the home.

4. If there is to be a change in bus routing in order to carry the student to his/her home, that decision will be made by the administrator and the head bus driver.

5. If the route is to be changed, the head bus driver will inform the bus driver.

6. If no parent, guardian or designated emergency contact picks up the student at school, or if no parent/guardian or designated emergency contact will be home, the student will remain in the nurse's office until such time as a parent, guardian or designated emergency contact becomes available to assume responsibility for the child.

7. If the nurse determines that the child can return to class, but needed some type of medical attention (i.e., a bandage for a minor scratch, a brief rest, etc.), the nurse will notify the parent using district form 5420-E.1.

8. The nurse will maintain appropriate records of all student visits.

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

E. Medical Emergency Record

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

1. the student's parent(s) or guardian(s) at home, cell and work;

2. 3 local emergency contacts

3. the student's licensed health care provider;–

4. preferred hospital; and

5. any allergies or serious health conditions.

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

F. Student Return to School after Illness/Injury

In general, students should be symptom-free before returning to school and resuming normal activities. In some instances, students may be asked to provide a note from their licensed health care provider before they return to school or participate in the full range of school activities. The final decision to permit participation rests with the school physician. The superintendent, in consultation with

the school physician, nurse and other appropriate staff, will develop protocols to address a student's return to activities when there has been a serious illness or injury.

Adoption: December 10, 1998
Reviewed: June 9, 2014
Revised: February 14, 2023

Authorization for the Administration of Medications and Treatment 2022-2023

Top Section to be completed by Parent/Guardian

I give permission for the following medication/treatment to given to my child if needed**.**
Child's Name: _____ Grade: _____

Edinburg Common School Health Office, in collaboration with the district's consulting Physician, have agreed to the administration of certain OTC medications as standing orders. The medications below may be administered only with written parent permission as prescribed.

Parent: Please *initia*l each item giving your permission to administer:

_____ **Hydrocortisone Cream 1%** to affected area 1-2 times per day as needed
_____ **Chapstick** to lips as needed
_____ **Aloe Vera Gel** to sunburns as often as necessary
_____ **Cough Drops** one every two hours as needed (Parents **must** supply)
_____**"Bactine"** antiseptic/analgesic spray to affected area 3-4 times per day as needed
_____ **Calamine Lotion** to affected area as often as necessary
_____ **Bacitracin Ointment** to affected area 2-3 times per day as needed
_____ **Hand Sanitizer** to hands as needed

Parent/Guardian Signature: _____ Date: _____

The New York State Department of Education requires a doctor's order (including dosage) for any oral OTC medication to be given, including topical applications. **Medications will only be administered with both the parent's and Doctor's consent and signature.**

I understand that I will need to supply any medications in a properly labeled original container from the pharmacy and my child's physician must sign below.
****

TO BE COMPLETED BY PHYSICIAN/MEDICAL EXAMINER

[ ] I approve the use if the above medications/treatments PRN for my patient at School _____
Exceptions if any _____ (Provider's initials)

I request that my patient listed below receive the following additional medications at school:

Student Name: _____ DOB: __/__/__
Diagnosis: _____
Name of Medication: _____
Prescribed dosage frequency, route: _____
Name of Medication: _____
Prescribed dosage frequency, route: _____

Pleas list any possible side effects to monitor and any recommendations:
_____
_____

Print Name of Prescribers and Title: _____
Prescriber's Signature: _____Phone: _____
Address: _____ Date: _____

Adoption: October 8, 2002
Reviewed: June 9,2014
Revised: February 14, 2023

Edinburg Common School Pediculosis (Head Lice) Policy

According to the Centers for Disease Control and Prevention (CDC), National Association of School Nurses (NASN) and American Academy of Pediatrics (AAP) “no-nit” policies are no longer recommended.

- Lice is a nuisance but has not been shown to spread disease
- The burden of unnecessary absenteeism far outweighs the risks associated with head lice and may violate a child’s civil liberties
- Treatment should be started immediately (once home)
- Nits may be present after treatment but crawling lice should be killed
- Schoolwide or routine screenings should be discouraged because it has not been proven to have a significant effect on the incidence of head lice
- Check a specific students head if demonstrating symptoms
- Remain in class but be discouraged from close or direct head contact with others
- Confidentiality is important
- Notify parents by telephone or note stating prompt and proper treatment is important
- Parents should contact their primary care provider for advice since many strands can be resistant to treatment
- Survival of lice when not on the head is usually less than one day and eggs can only hatch when incubated by body heat for near the scalp
- It is not recommended to highlight cases of head lice by sending notes home because it has been proven to increase community anxiety, social stigma, and puts student rights to confidentiality at risk
- Students with live lice should not return to school unless proper treatment has been started and the student is free from active lice
- A student will be readmitted to school once they are cleared by the nurse
- Only send home with nits if they are within a ½” from scalp or an overabundance

References

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Centers for Disease Control and Prevention. (2015). Head lice information for school. Retrieved from https://www.cdc.gov/parasites/lice/head/schools.html
National Association of School Nurses. (2016). Head lice management in the school setting. Retrieved from https://www.nasn.org/advocacy/professional-practice-documents/position-statements/ps-head-lice

Adoption: January 14, 2020
Reviewed: February 14, 2023

Policy 5421

Concussion Management School Policy

PURPOSE:

The Board of Education of the Edinburg Common School District recognizes the seriousness of concussions in children and adolescents who participate in school sponsored sports and recreational activities and the outstanding need to manage the potential consequences of mild traumatic brain injuries. Therefore, the District hereby adopts the following policy to enact appropriate training for school personnel, support the proper evaluation and management of head injuries and to comply with New York State's Concussion Management Awareness Act.

A concussion is defined as a mild traumatic brain injury and can cause harmful, long-term effects to brain functions. Generally speaking, concussions occur when normal brain functioning is disrupted by a blow or jolt to the head. While recoveries from concussions vary from child-to-child, avoiding re-injury and over-exertion until fully recovered are critical to proper concussion management. The following policy shall represent the minimum standards that must be complied with by the Edinburg Common School District relating to mild traumatic brain injuries.

POLICY:

While District staff will exercise reasonable care to protect students, head injuries during athletics or other school sponsored activities may still occur. The following preventative measures shall be instituted to educate school personnel and parents regarding concussions and the importance of proper medical treatment:

Training:

In order to provide the appropriate education, care and attention to students who may receive a concussion, personnel must be able to recognize the signs, symptoms and behaviors consistent with a concussion. Accordingly, the Edinburg Common School District shall require a biennial course of instruction for all school coaches, physical education teachers, nurses and athletic trainers which shall include, but not be limited to, the definition of "concussion," signs and symptoms of mild traumatic brain injuries, how such injuries may occur, practices regarding prevention and the guidelines for the return to school and to certain activities after a pupil has suffered a mild traumatic brain injury, regardless of whether such injury occurred outside of school. Such training may be completed by means of classroom instruction, online providers or teleconference approved by the Department of Education.

Concussion Management Team:

The Edinburg School District, in its discretion, may establish a concussion management team which may be composed of the athletic director (if any), a school nurse, the school physician, a coach of an interscholastic athletic team, an athletic trainer or such other appropriate personnel as designated by the school district. The team shall oversee the District's implementation of the training requirement set forth herein. Additionally, every concussion management team may establish and implement a program which provides information on mild traumatic brain injuries to parents and persons in parental relation throughout the year.

OR

The District shall assemble a concussion management team (CMT). The CMT may consist of selected coaches, school nurse, and chief medical officer, or any combination of the above. The District's CMT shall coordinate training for all administrators, teachers, coaches and parents. Annual training shall be mandatory for all coaches, assistant coaches and volunteer coaches that are a part of the concussion management team. The CMT shall ensure that this policy and information related to concussions should be available and distributed at parent meetings or in information provided to parents at the beginning of the sports seasons.

The CMT will act as a liaison for any student returning to school or play following a concussion. The CMT will review the student's condition and any directives of the student's physician and establish an appropriate plan to ensure a safe return to school and/or athletics for the student.

Parental Permission:

The Edinburg Common School District shall provide a permission form to the parent or person in parental relation prior to student participation in any interscholastic sports. The permission form shall either include the definition of "concussion," signs and symptoms of mild traumatic brain injuries, how such injuries may occur and the guidelines for the return to school and certain school activities after a pupil has suffered a mild traumatic brain injury or a reference how to obtain such information from the Department of Education and the Department of Health Internet websites.

CONCUSSION MANAGEMENT PROTOCOL

The superintendent of Schools, in consultation with the appropriate district personnel and the Chief School Medical Officer hereby develop the following standard protocols to guide the return to activity. Such protocols shall be case-by-case and shall consider recommendations of the student's physician and the District's Chief Medical Officer.

Any student exhibiting those signs, symptoms or behaviors while participating in a school sponsored class, extracurricular activity or interscholastic athletic activity shall be removed from

the game or activity, and be evaluated as soon as possible by an appropriate health care professional. In the event that there is any doubt as to whether a pupil has sustained a concussion, District personnel shall presume that he or she has been so injured until proven otherwise. The school nurse will notify the student's parents or guardians and recommend following up with a physician. The student will not be left alone at any point. The student will be immediately removed from activities, the latest Child SCAT form will be filled out and the parents/guardian will be notified.

If a student sustains a concussion other than when engaged in a school-sponsored activity, the District expects the parent/legal guardian to report the condition to the school nurse. This enables the district to support the appropriate management of the condition.

Return to Play:

There are many risks to premature return to play including, but not limited to, greater risk for a second concussion due to a lower concussion threshold, second impact syndrome (abnormal brain blood flow that can result in death), exacerbation of any current symptoms, and increased risk for additional injury due to alteration in balance. The district utilizes the NYSPHAA return to play recommendations, in addition to proper concussion management protocol pursuant to NYS Laws, Rules and Regulations.

Return to play following a concussion involves a stepwise progression once the individual is symptom free. Students are prohibited from returning to play the day the concussion is sustained. After diagnosis of a concussion by a treating physician, the student will be removed from all activity for minimum of seven (7) days, even if asymptomatic. Once the student is symptom free for twenty-four (24) hours and has been evaluated by and received written and signed authorization from a licensed physician, the District's Chief Medical Officer shall make a final decision on return to activity, including physical education class and after-school sports. The authorization shall be kept on file in the pupil's permanent health record. Any student who is reported to have signs or symptoms upon return to activity must be removed from play and reevaluated by their health care provider. A return to play progression shall be generally followed below (unless directed otherwise by the student's treating physician or Chief Medical Officer):

PLAY PROGRESSION:

Day 1: Light aerobic activity – supervised, low impact, non-contact (i.e., stationary bike, walking < 70% max hr.)

Day 2: Sport-specific activity – any simple movement that does not involve the risk of a collision (sports specific skills at moderate intensity)

Day 3: Non-contract training drills – sport specific drills at full intensity (no contact)

Day 7: Return to play – normal play is allowed with close monitoring of symptoms

Each step shall take twenty-four (24) hours so that an athlete will take approximately one (1) week to proceed through the full rehabilitation protocol once they are asymptomatic at rest and with Physician approval. If any post-concussion symptoms occur while in the step program, then the student shall not be allowed to participate again until asymptomatic for twenty-four (24) hours. Upon their return, they shall drop back to the previous asymptomatic level and attempt to progress through the stages again.

CONCUSSION MANAGEMENT IN THE CLASSROOM:

Students recovering from concussions may experience significant academic difficulties due to impaired cognitive abilities. Mental exertion and environmental stimulation can aggravate concussion symptoms such as headache and fatigue, which in turn can prolong recovery. To ensure academic progress and set optimal conditions for a successful recovery, academic accommodations shall be available to the student.

Adopted: May 9, 2016
Revised: February 14, 2023

STUDENT PSYCHOLOGICAL SERVICES

The Board of Trustees recognizes the need to provide psychological services to those students in need of such service. The district shall employ a certified school psychologist to perform such services.

The Board also recognizes the need to provide psychological testing for certain students. In order to administer such tests, written referral by the psychologist and written permission must be obtained from parents/guardians of students who are under the age of 18.

Cross-ref: 5312.1, Drug and Alcohol Abuse
5460, Suspected Child Abuse and Maltreatment

Ref: Education Law 93602(32) 8 NYCRR
9100.1,2

Adoption: December 10, 1998
Reviewed: February 14, 2023

SUICIDE PREVENTION

Adolescent suicide is a major cause of death for teenagers. The Board of Trustees shall attempt to address the problem through intervention, prevention and education.

It is understood that district employees do not have expertise either in the general area of mental health care nor the specific area of adolescent suicide. However, all school personnel and most specifically guidance counselors and teachers who work with students shall receive training to assist them to recognize clues and give help once suicide appears as a possibility for a student known to them. The superintendent is responsible for planning and implementing personnel in-service programs which address the problem of adolescent suicide. The programs may be planned in cooperation with the state or community mental health agency.

Adoption: December 10, 1998
Reviewed: February 14, 2023

SUICIDE PREVENTION REGULATION

The purpose of these guidelines is to provide clear policies and procedures in the event of suicidal behavior being presented by any student in the school. These guidelines have been developed to address the roles of school and community service agency personnel in providing counseling crisis-intervention services. The procedures are designed to ensure that the district has done its best as an educational institution to prevent suicide, to obtain appropriate services for youth at risk of suicide, and to assist the school and community to deal effectively with suicide or suicidal behaviors.

A. General Provisions

Confidentiality: In the case of the threatening situations, students and staff members involved must understand that confidential information will only be released to parties designated by the superintendent to assist individuals in suicide prevention. All reports on individual cases shall be kept in a confidential file by the superintendent.

Staff members under no circumstances shall release information regarding an alleged student suicidal behavior, or actual suicides, to the media. The superintendent or a designee is the sole person who shall communicate with the media with respect to such matters.

B. Definition of Terms

Suicide Ideation: Thoughts of killing oneself in however vague terms, i.e., "I don't want to go on any more", "They would be better off without me", "If he breaks up with me, I'll kill myself."

Suicide Gesture: Any self-destructive behavior that does not threaten a youth's immediate safety. Since gestures over time can escalate into attempts, it is vital that all such gestures be taken seriously.

Suicide Attempt: Any self-destructive behavior that threatens the youth's immediate safety.

Suicide Behavior: Includes suicide ideation, gesture, incident, or attempt.

Stabilization: Refers to the support necessary to ensure the immediate safety of the youth.

Emergency Services: Will include, but will not be limited to, those provided by the school medical staff, school psychologist, social worker, guidance counselor, and community resources such as local emergency rooms.

C. Assessment Procedure

Any youth suspected by a member of the staff to be presenting a possible suicidal behavior will be referred to the superintendent or a designee. Referrals may be made verbally or via the Suicide Incident Report (see attached).

The superintendent will refer such youth to the Crisis Team. If intervention is deemed necessary, the parent/guardian shall be informed, and the Crisis Team Administrator shall take appropriate actions to prevent suicidal behaviors.

When any youth is referred to the Crisis Team, the Assessment Administrator shall document such referral. The documentation shall consist of initiating a Suicide Incident Report (in the event that the report has been verbal), or continuing an existing Suicide Incident Report. A copy of the Suicide Incident Report shall be forwarded to the superintendent for filing in a confidential file other than the student's cumulative folder.

D. Intervention Services

After the Crisis Team completes the assessment, the following procedures will apply:

1. In the case of suicide ideation and gestures, but not attempt:

The Crisis Team will provide appropriate counseling services, using community-based referrals, as needed.

2. In case of a suicide attempt:

The Crisis Team shall address the immediate needs of the suicidal youth by mobilizing emergency services. These emergency services may include: emergency medical treatment, on-site crisis-intervention, and/or emergency psychiatric services.

If, in the opinion of the Crisis Team, the suicide attempt is related to abuse or neglect and the student is under eighteen years of age, the team will alert the superintendent, who shall act in accordance with 5460, Child Abuse and Maltreatment.

It shall be the responsibility of the superintendent or designee to arrange for follow-up services such as reintegration of the youth at school and support services for the staff and student body.

Upon return to the school, the student shall be accompanied by a parent/guardian and shall report to the superintendent. The superintendent shall determine the appropriate educational program for the student. The Crisis Team may act as a consultant, providing expertise, assistance and guidance to address the long-term needs of the youth.

3. In the event of an actual suicide:

The procedures below are to assist school personnel in implementing appropriate activities for dealing with suicides or similar crises. It is important, however, to retain a measure of flexibility in all urgent situations, as events differ slightly and could require individual decisions made by the Crisis Teams.

In the event of a crisis, we would refer to the Safety Plan regarding protocols and procedures for grief and loss.

Adoption: December 10, 1998
Reviewed: June 9, 2014
Revised: February 14, 2023

SUICIDE PREVENTION EXHIBIT

Student Crisis Intervention Program
Suicide Incident Report

Student Name:_____

School: _____

Concern: _____
(What, When, Where)

Lethality Assessment Completed by:_____

Title: _____

Action Taken: _____

Parent contacted by: _____

Date: _____

Title: _____

Assessment Team Actions

Date Initial Comments on Actions Taken (Please date all entries and be specific)

_____
Signature of Concerned Person Date

_____
Signature of superintendent Date

This document should be filed in a confidential file by the superintendent.

Adoption: December 10, 1998
Reviewed: February 14, 2023

STUDENT SAFETY

The Board of Trustees recognizes the district's responsibility for ensuring the safety of all students in school buildings or on school grounds, and/or participating in school activities.

The safety of all students shall be the responsibility of all staff members. In case of accident or injury, students shall receive first aid from the nurse, teacher, or other trained employee nearest the scene. The nurse or teacher shall notify the parent(s) as soon as possible or, if neither parent(s) nor guardian(s) is available, the family or school physician shall be notified.

The safety of students will be assured through close supervision of students on school premises and on school buses. Special attention will be given to the following:

1. maintaining a safe school environment through periodic inspection of the physical condition of all buildings and grounds;
2. observation of safe practices on the part of school personnel and students, particularly in those areas of instruction or extracurricular activities which offer special hazards. Section 409-a of the Education Law and the relevant sections of the Commissioner's Regulations regarding the wearing of eye safety devices in shops and laboratories, etc. will be strictly observed;
3. offering safety education to students, as appropriate, in subjects such as laboratory courses in science, shop courses, and health and physical education; and
4. notifying the school nurse of all accidents. For every accident, an accident report must be completed and filed.

In addition, school personnel shall be conscious of suspicious strangers loitering in or near the school. The superintendent shall notify law enforcement agencies if the circumstances seem to warrant it. Students shall be instructed to notify teachers, their parents/guardian(s), police or school officials of any suspicious strangers.

The Board recognizes its responsibility to include in the curriculum instruction that deals with student safety and welfare. Such instruction will meet state mandates in the following areas:

1. fire and arson instruction;
2. bus emergency drills;
3. disaster planning and civil preparedness;
4. substance abuse prevention;
5. driver education;
6. the use of safety devices;
7. energy conservation; and
8. environmental conservation.

Safety Measures

1. Fire drills are to be conducted on a regular basis and at least as often as required by law.
2. The superintendent is responsible for a decision to close school or to evacuate the schools in case of emergency.

The safety and welfare of the children is to be the prime consideration in decisions.

Cross-ref: 4315.2, Safety Education
5450.1, Notification of Sex Offenders
8100, Safety Programs
8115, Pesticides and Pest Management
8120, Accident Prevention and Safety Procedures
8130, Emergency Plans
8414, School Bus Safety

Ref: Education Law 33806; 807; 808; 3212-a 8 NYCRR 33107.1; 141.10

Adoption: December 10, 1998
Reviewed: February 14, 2023

NOTIFICATION OF SEX OFFENDERS

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

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

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

This policy shall be disseminated at least once a year to all district residents.

Cross-ref: 1120, School District Records
1240, Visitors to the Schools
5450, Student Safety

Ref: 42 U.S.C. 31407(D)
Correction Law, Article 6-C (Sex Offender Registration Act)
Doe v. *Pataki* ___ F. Supp. ____ (S.D.N.Y., 1996)
Shante D. v. *City of New* York 83 NY2d948 (1994)
***Mirand* v. *City of New York,* 84 NY2d 44 (1994)**
***Stoneking* v. *Bradford Area S.D.,* 882 F.2d 720 (2d Cir. 1989)**

Adoption: December 10, 1998
Reviewed: February 14, 2023

NOTIFICATION OF SEX OFFENDERS EXHIBIT

Dear Parents and Guardians,

In accordance with New York State's Sex Offender Registration Act, local law enforcement agencies will, at their discretion, be notifying school administrators of sex offenders living or working in this district. Such information may include the offender's address or zip code, photograph, crime of conviction, modus of operation, type of victim targeted and the description of any special conditions imposed on the offender. As of now we (have/have not) received such notification.

All information the district receives from local law enforcement will be posted in an appropriate location in all district buildings, and will be available to you upon request. In addition, any information received will be circulated to all staff who might come into contact with the offender in the course of doing their jobs, including staff who issue visitors' passes, bus drivers, custodians, playground monitors, and coaches. All other staff members will be informed of the availability of the information. All staff have been directed to notify their supervisor if they observe any suspicious person(s) in an area where children congregate, and law enforcement officials will be notified if cases where the circumstances warrant it.

We are dedicated to the safety of our children while they're in school. All of our schools have strict sign-in/sign-out procedures for our students, and all visitors must first report to the school's main office for a visitor's pass. In addition, our school curriculum includes teaching personal safety and stranger awareness skills.

We encourage you to talk to your children about personal safety. Books and other resources are available from school counselors, if necessary.

Specific questions about this matter may be directed to 6010 County Farm Rd, Ballston Spa, NY 12020 (518) 885-6761.

Please be assured that the school district will continue to take responsible and appropriate measures to protect our students.

Very truly yours,

superintendent

Adoption: December 10, 1998
Reviewed: February 14, 2023

STUDENT BICYCLE USE

Students are permitted to ride bicycles to school. Bicycles must be parked and locked in the designated rack areas. While on school grounds, all bicycle riders should ride with caution. Any student found to be endangering the safety of himself/herself or others while riding a bicycle on school grounds will have them bicycle privileges denied.

Adoption: December 10, 1998
Reviewed: June 9,2014
Revised: February 14, 2023

CHILD ABUSE, MALTREATMENT OR NEGLECT IN A DOMESTIC SETTING

Under the Education Law, Boards of Education must develop and maintain written policies on child abuse reporting and establish training programs on district procedures for reporting of child abuse cases. The Board of Trustees recognizes that because of their sustained contact with school-aged children, employees are in an excellent position to identify abused or maltreated children and refer them for treatment and protection. The Board further recognizes the specific dictates of law which require school officials to report suspected instances of child abuse, maltreatment (which includes neglect) in a domestic setting.

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

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

Athletic coach is defined in the statue as any full or part time paid employee required to hold a temporary coaching license or professional certificate.

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

The school official will also report the matter to the superintendent.

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

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

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

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

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

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

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

School District Relationship with Local Social Service District

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

Child Protective Services Investigations

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services

when they have reasonable cause to suspect that a student has been abused or maltreated, the district will provide data and assistance to local child protective services workers, or members of a multi-disciplinary team accompanying such workers, who are responding to allegations of suspected child abuse, and/or neglect, or custody investigations. Such data and assistance include access to records relevant to the investigation, as well as interviews with any child named as a victim in a report, or a sibling of that child, or a child residing in the same home as the victim.

All requests by child protective services to interview a student on school property must be made directly to Principal or his or her designee. Child protective service workers and any associated multi-disciplinary team members must comply with the district's procedures for visitors, provide identification, and identify the child(ren) to be interviewed.

The superintendent or designee will decide if it is necessary and appropriate for a school staff member, including but not limited to an administrator or school nurse, to observe the interview either from inside or outside the interview room.

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if they were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

Training Program and Dissemination of Information

Districts must train "school officials", who are mandated reporters under the law, however, the district may choose to offer training to other employees, beyond "school officials." The school district shall maintain an ongoing training program which will address the identification and reporting of child abuse and maltreatment, including the legal implications of reporting and not reporting. Attendance at sessions of this training program shall be required of all school officials. Attendance records shall be kept, and notations will be made in personnel files as to the dates of attendance.

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

As required by state law and regulation, the district shall publicize the

toll-free number for reporting child abuse and neglect to the Central Register (800-342-3720), and directions for accessing the NYS Office of Children and Family Services website (http://ocfs.ny.gov/main/cps/), in both English and Spanish.

Cross-ref: Attendance, 5100

Ref: Child Protective Services Act of 1973, Social Services Law 39411 et seq.
Family Court Act 31012 Family Educational Rights and Privacy Act, 20 U.S.C. 3l232g, 45 CFR 399.36 Education Law 33209-a

Adoption: December 10, 1998
Reviewed: August 8, 2017
Revised: February 14, 2023

CHILD ABUSE, MALTREATMENT OR NEGLECT IN A DOMESTIC SETTING REGULATION

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

Definitions

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

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

a. inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; or

b. creates or allows to be created a substantial risk of physical injury to such a child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ; or

c. commits, or allows to be committed, a sex offense against such child, as defined in the penal law, provided, however, that the corroboration requirements contained therein shall not apply to proceedings under this article.

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

a. whose physical, mental, or emotional condition has been impaired or is in danger of becoming impaired as a result of the failure of his parents or other person legally responsible for his care to exercise a minimum degree of care:

    1. in supplying the child with adequate food, clothing, shelter, or education in accordance with provisions of Part One, Article 65 of the Education Law, or medical, dental, optometrical or surgical care though financially able to do so or offered financial or other reasonable means to do so; or

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

(a) Excessive absence from school by the child

(b) Reasonable cause to suspect that the parent is aware or should have been aware of the excessive absenteeism and the parent has contributed to the problem or is failing to take steps to effectively address the problem, and;

(c) Reasonable cause to suspect educational impairment or harm to the child or imminent danger of such impairment or harm.

2. in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or by using a drug or drugs; or by using alcoholic beverages to the extent that he/she loses self-control of his/her actions; or by any other acts of a similarly serious nature requiring the aid of the court; or

b. who has been abandoned by his/her parent(s) or other person legally responsible for his/her care.

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

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

Reporting procedures and related information:

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

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

Personnel have the right to request that information which would identify

the individual making the report be withheld if furnishing such data might prove detrimental to the safety or interest of that individual.

2. The school official must also report the matter to the superintendent who will determine if any additional steps need to be taken by the school district (for instance, contacting the school physician, social worker, or other support services).

3. In the event that a school employee, who is not required to report under the law (such as a bus driver, custodian, cafeteria monitor, etc.), has reasonable cause to suspect that a child is abused or neglected, he/she is encouraged to make a report to the Central Register. The employee must, by district policy, report the matter to the Superintendent.

4. If the Superintendent if informed of a case of suspected child abuse or maltreatment that has not yet been reported to the Central Register, the Building superintendent is required to:
   (a) phone the New York State Center Register for Child Abuse and Maltreatment (800-342-3720) and inform them verbally of the problem; or
   (b) contact the above agency by telephone facsimile machine on a form supplied by the Commissioner of Social Services; and
   (c) file a written report with the local child protective services agency and the statewide central registry of child abuse and maltreatment within forty-eight hours after the above report; and,
   (d) determine if additional steps need to be taken by the school district, as outlined in step 2 above.

5. The superintendent may take color photographs or cause photographs to be taken of the areas of visible trauma on the child, and/or, if medically indicated, cause an examination to be performed. Such actions may be performed at public expense if they will provide appropriate documentation when filing the report. Photogenic equipment shall be kept at the school and be available for this purpose.

6. The written report that must be filed shall include all information which the Commissioner of Social Services may require.

7. If it should be necessary for Child Protective Services to interview a child at school to ascertain whether he/she has been abused or maltreated, or to obtain documentation of such acts, the interview should be conducted in the presence of a school official, unless circumstances require otherwise. The school official shall examine and verify the credentials of Child Protective Services worker(s) before allowing such worker(s) to either interview the child or to examine the child's records. If sexual abuse is indicated, the presence of a same-sex staff member during the interview is appropriate.

8. The superintendent shall request a summary report of the investigation of a case referred to Child Protective Services so the district can take appropriate next steps.

9. The district shall maintain an ongoing training program which will address identification and reporting of child abuse, neglect and maltreatment. Attendance at sessions of this training program shall be required of all school officials.

10. Employee handbooks shall include a copy of these regulations and the related Board policy concerning child abuse and reporting requirements.

11. Only one report of any suspected abuse is required.

12. School personnel who, in good faith, make a report or take photographs of injuries and bruises have immunity from any liability, civil or criminal. The good faith of any person required to report cases of child abuse or maltreatment is presumed.

13. School personnel who have reasonable cause to suspect that a child has died as a result of child abuse or maltreatment shall report that fact to the appropriate medical examiner or coroner.

14. Any person required to report suspected cases of child abuse or maltreatment and who fails to do so may be found guilty of a class A misdemeanor and may be held civilly liable for the damages caused by this failure.

15. Any school employee who fails to comply with this policy is subject to discipline in accordance with collective bargaining agreements and/or policy.

16. The district shall post the toll-free number for the Central Register (800-342-3720) and directions for accessing the NYS Office of Children and Family Services (http://ocfs.ny.gov/main/cps/), in both English and Spanish, on the district website and in highly visible areas of school buildings so it is readily accessible to students and staff. The district shall also make such information available in district and school administrative offices, provide it to parents/persons in parental relation at least once per school year (including electronically and/or sent home with students), and provide it to all teachers and administrators.

Adoption: December 10, 1998
Reviewed: June 9, 2014
Revised: February 13, 2023

CHILD ABUSE IN AN EDUCATIONAL SETTING

The Board of Education recognizes that children have the right to an educational setting that does not threaten their physical and emotional health and development. Child abuse by school personnel and school volunteers violates this right and therefore is strictly prohibited.

Allegations of child abuse by school personnel and school volunteers shall be reported in accordance with the requirements of Article 23-B of the Education Law.

Required Reporters

Any school district employee or volunteer shall be required to promptly report written and oral allegations of child abuse in an educational setting. These positions include but are not limited to:

- teacher
- school nurse
- school counselor
- school psychologist
- school administrator
- other school personnel required to hold a teaching or administrative license or certificate.

For purposes of this policy, persons holding these positions shall be referred to as "mandated reporters."

Definitions

For purposes of this policy, "educational setting" means the buildings and grounds of the district, the vehicles provided by the district to transport students to and from school buildings, field trips, co-curricular and extra-curricular activities both on and off school district grounds, all co-curricular and extra-curricular activity sites, and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

"Child" means a person under the age of 21 enrolled in a New York State school district, other than a school district within a city having a population of one million or more.

"Child abuse" generally refers to any intentional or reckless act by an employee or a volunteer against a child which injures or kills a child or creates a risk of injury or death, or constitutes child sexual abuse as defined by Education Law §1125, or involves the actual or attempted dissemination of indecent materials to minors pursuant to Article 235 of the New York State Penal Law. If a ~~required~~ mandated reporter or any other district employee has a question as to whether alleged

conduct constitutes "child abuse," they will promptly raise the question to superintendent of Schools. The superintendent shall consult Article 23-B of the Education Law or the school attorney, if necessary, to determine whether the allegations constitute child abuse.

"Employee" shall mean any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, whereby the services performed by such person involve direct student contact.

"volunteer" shall mean any person, other than an employee, who provides services to a school or school district, which involve direct student contact.

Reporting Requirements

Mandated reporters and any other district employee deciding to report an allegation of child abuse by district staff or volunteers shall complete a written report as soon as practical after receiving the allegation, but in no event shall a ~~required~~ mandated reporter wait more than one workday to file a report.

A mandated reporter must promptly complete a written report of the allegation, including:

(i) The full name of the child alleged to have been abused
(ii) The name of the child's parent
(iii) The identity of the person making the allegation and their relationship to the child victim
(iv) The name of the employee or volunteer against whom the allegation was made, and
(v) A listing of the specific allegations of child abuse in an educational setting.

The mandated reporter shall personally file the report with the superintendent, except where the superintendent is the person receiving the allegation.

If the alleged abuse did not occur in a school building, the report shall be filed with the superintendent.

If the alleged abuser is an employee or volunteer of another district, the report shall be sent to the superintendent of the district where the alleged child victim attends school and to the superintendent of the district where the abuse allegedly occurred (if different). The report shall be prepared on a standard form supplied by the district. The Confidential Secretary shall keep a supply of the forms available in his or her office.

Upon receiving a written report, the superintendent shall determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. If the

person making the allegation of abuse is someone other than the child or the child's parent, the superintendent shall contact the person making the report to learn the source and basis for the allegation.

If the superintendent determines there is reasonable suspicion, he or she must take the following steps:

a. Where the subject child has made the allegation:

(i) Promptly notify the parent of the allegation, and provide the parent with a written statement prepared pursuant to the Commissioner's regulations setting forth parental rights, responsibilities and procedures under this Article of the Education Law,

(ii) Where a school administrator has received the written report, promptly provide a copy of the report to the superintendent, and

(iii) Promptly forward the report to appropriate law enforcement authorities. The law specifically states that a school administrator cannot delay in contacting law enforcement authorities due to difficulties in contacting the superintendent.

b. Where a parent of the child has made the allegation:

(i) Promptly provide the parent with a written statement prepared pursuant to the Commissioner's regulations setting forth parental rights, responsibilities and procedures under this Article of the Education Law,

(ii) Where a school administrator has received the written report, promptly provide a copy of the report to the superintendent, and

(iii) Promptly forward the report to appropriate law enforcement authorities. The law specifically states that a school administrator cannot delay in contacting law enforcement authorities due to difficulties in contacting the superintendent.

c. Where a person other than the child or the parent has made the allegation:

(i) Promptly notify the parent of the allegation, and provide the parent with a written statement pursuant to the Commissioner's regulations setting forth parental rights, responsibilities and procedures under this Article of the Education Law,

(ii) Where a school administrator has received the written report, promptly provide a copy of the report to the

superintendent, and

(iii) Promptly forward the report to appropriate law enforcement authorities. The law specifically states that a school administrator cannot delay in contacting law enforcement authorities due to difficulties in contacting the super intendent.

The superintendent shall send to the Commissioner of Education any written report forwarded to the local law enforcement authorities where the employee or volunteer alleged to have committed an act of child abuse holds a certificate or license issued by the department.

Rights of Employees and Volunteers

Employees. Pending resolution of the allegations, no employee against whom an allegation of child abuse has been made shall be permitted to have unsupervised contact with any district student. Any employee against whom an allegation of child abuse has been made and against whom the district intends to take adverse action shall, in addition, be entitled to seek disclosure of the report by making a Freedom of Information Law ("FOIL") request and to respond to the allegations.

Volunteers. Pending resolution of the allegations, no volunteer against whom an allegation of child abuse shall be permitted to render volunteer services to the district. Any volunteer against whom an allegation of child abuse has been made and against whom the district decides to take adverse action shall, in addition, be entitled to seek disclosure of the report by making a Freedom of Information Law ("FOIL") request and to respond to the allegations.

Confidentiality

All reports, photographs taken and other written material submitted pursuant to this policy and Article 23-B of the Education Law shall be confidential and may not be redisclosed except to law enforcement authorities involved in investigating the alleged abuse or except as expressly authorized by law or pursuant to a court-ordered subpoena. The superintendent shall exercise reasonable care to prevent unauthorized disclosure. Willful disclosure of materials required to be kept confidential to a person who is not authorized to receive such materials shall be a class A misdemeanor.

Penalties

Mandated Reporters. Any mandated reporter who willfully fails to make a written report of alleged child abuse required by Article 23-B of the Education Law shall be a class A misdemeanor.

Administrators. Any administrator who (1) willfully fails to submit a written report of alleged child abuse to an appropriate law enforcement authority as required by Article 23-B of the Education Law, or (2) willfully discloses a confidential record shall be a class A misdemeanor. In addition, the Commissioner of Education may,

following an administrative determination, impose a civil penalty of up to five thousand dollars on any administrator who fails to submit a report of child abuse to an appropriate law enforcement authority.

Note: A proceeding pursuant to Education Law §3020-a would be required to terminate the employment of a tenured teacher or administrator convicted of child abuse in an educational setting.

"Silent Resignations"

A. School administrator or superintendent shall not enter into an agreement to withhold from law enforcement authorities, the superintendent or the Commissioner, the fact that an allegation of child abuse in an educational setting on the part of any employee or volunteer has been made, in exchange for the individual's resignation or voluntary suspension.
B. Entering into such an agreement is a class E felony, and shall be also punishable by a civil penalty up to twenty thousand ($20,000) dollars.

Record Retention

Any report of child abuse by an employee or volunteer that does not result in a criminal conviction shall be expunged from the records kept by the district with respect to the subject of the report after five years from the date the report was made.

Training

The superintendent shall be responsible for establishing and implementing on an ongoing basis a training program for all mandated reporters on the procedures required under Article 23-B. The program shall include at a minimum all the elements specified in Commissioner's regulations.

Ref: Education Law §§1125-1133
8 NYCRR § 100.2 (hh) (Reporting of Child Abuse in an Educational Setting)

Adoption: September 11,2001
Reviewed: June 9,2014
Revised: February 7, 2024

STUDENT RECORDS

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

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

The District will use reasonable methods to provide access to student educational records only to those authorized under the law and to authenticate the identity of the requestor. The district will document requests for and release of records, and retain the documentation in accordance with law. Furthermore, pursuant to Education Law §2-d ("§2-d") and its implementing regulations 8 NYCRR Part 121 ("Part 121"), the district will execute agreements with third-party contractors who collect, process, store, organize, manage, or analyze student personally identifiable information (PII) to ensure that the contractors comply with the law in using appropriate means to safeguard the data.

Additionally, pursuant to §2-d and Part 121 the district will only use or disclose student personally identifiable information (including directory information described below) if it benefits students and the district (e.g., improves academic achievement, empowers parents and students with information, and/or advances efficient and effective school operations), except for disclosure required by federal law of the names, addresses and telephone numbers of secondary students to the military and institutions of higher education.

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

Definitions

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

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

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

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

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

Personally identifiable information (PII): as it pertains to students, is information that, alone or in combination, would allow a reasonable person in the school or its community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. Such data includes, but is not limited to, a student's: name, address, date and place of birth, mother's maiden name, family member's name address, social security number, student identification number, a biometric record, etc. This term is fully defined in federal regulations at 34 CFR section 99.3. The State Chief Privacy Officer has determined that student and parent phone numbers are considered PII.

School official: a person who has a legitimate education interest in a student record who is employed by the district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a member of the Board of Trustees; a person or company with whom the district has contracted to perform a special task (such as attorney, auditor, medical consultant or therapist); or a parent or student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official performing their tasks.

The district prohibits volunteers from accessing student information. The district expects that if volunteers discover any information about students in the course of their volunteer duties, they will not re-disclose such information to anyone other than a school official with a legitimate educational interest.

The district could prohibit volunteers from accessing student information. The district expects that if volunteers discover any information about students in the course of their volunteer duties, they shall not re-disclose such information to anyone other than a school official with a legitimate educational interest.

Third party contractor: is any person or entity, other than an educational agency (which includes schools, school districts, BOCES, or the State Education Department), that receives student teacher/superintendent PII data from an educational agency pursuant to a contract or other written agreement for purposes of providing services to such educational agency, including but not limited to data management or storage services, conducting studies for or on behalf of such educational agency, or audit or evaluation of publicly funded programs. This

includes educational partnership organizations that receive student or teacher/superintendent PII from a school district to carry out responsibilities under Education Law §211-e (for persistently lowest-achieving schools or schools under registration review) and is not an educational agency. This also includes not-for-profit corporations or other nonprofit organizations, other than an educational agency.

Annual Notification

[4]

At the beginning of each school year, the district will publish a notification that informs parents, guardians and students currently in attendance of their rights under FERPA and New York State Law and the procedures for exercising those rights. A 'Parents' Bill of Rights for Data Privacy and Security' will be posted on the district website and included in any agreements with third-party contractors.(see 8635-E). This notice and 'Bill of Rights' may be published in a newspaper, handbook or other school bulletin or publication. This notice and 'Bill of Rights' will also be provided to parents, guardians, and eligible students who enroll during the school year.

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

1. inspect and review the student's education records;

2. request that records be amended to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy rights;

3. consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent; and

4. file a complaint with the Department of Education alleging failure of the district to comply with FERPA and its regulations; and/or file a complaint regarding a possible data breach by a third-party contractor with the district and/or the New York State Education Department's Chief Privacy Officer for failure to comply with state law.

In addition, the annual notice Parents' Bill of Rights will inform parents/guardians and students:

5. that it is the district's policy to disclose personally identifiable information from student records, without consent, to other school officials within the district whom the district has determined to have legitimate educational interests. For purposes of this policy, a school official is a person employed by the district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel; a member of the Board of Education; a person or company with whom the district has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student

serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official performing their tasks. A school official has a legitimate educational interest if the official needs to review a student record in order to fulfill her or her professional responsibilities.

6. that, upon request, the district will disclose education records without consent to officials of another school district in which a student seeks or intends to enroll.

7. of the procedure for exercising the right to inspect, review and request amendment of student records.

8. That the district, at its discretion, releases directory information (see definition below) without prior consent, unless the parent/guardian or eligible student has exercised their right to prohibit release of the information without prior written consent. The district will not sell directory information.

9. That, upon request, the district will disclose a high school student's name, address, and telephone number to military recruiters and institutions of higher learning unless the parent or secondary school student exercises their right to prohibit release of the information without prior written consent.

10. Of the procedure for exercising the right to inspect, review and request amendment of student records.

11. That the district will provide information as a supplement to the 'Parents' Bill of Rights' about third parties with which the district contracts that use or have access to personally identifiable student data.

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

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

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

Directory Information

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

- Name
- ID number, user ID, or other unique personal identifier used by a student for purpose of accessing or communicating in electronic systems (only if

the ID cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the student's identity),

- Address (except information about a homeless student's living situation, as described below)
- Telephone number
- Date and place of birth
- Major course of study
- Participation in school activities or sports
- Weight and height if a member of an athletic team
- Dates of attendance
- Degrees and awards received
- Most recent school attended
- Grade level
- Photograph
- E-mail address
- Enrollment status

Under federal and state law and regulation regarding homeless students, "information about a homeless student's living situation" must be treated as an education record and not directory information. Such information would include a student's address, but could also include other information that would disclose a student's eligibility for services under McKinney-Vento. However, parents/guardians (and eligible students) could still consent to disclosure in the same way as for other education records under FERPA, but could not be compelled to do so. If further guidance or clarification is received, this policy may be amended.

In the meantime, districts should take reasonable steps to provide homeless students with beneficial information they otherwise would have received via directory information. The underlined text below, utilizing the McKinney-Vento liaison is one method. This would be consistent with the liaison's responsibilities to provide information about educational and related services to homeless students. The district could also allow the parent/guardian to select the school address as the student's address for purposes of directory information, and act as a pass-through.

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

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

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

Once the proper FERPA notification is given by the district, a parent/guardian or eligible student will have 14 days to notify the district of any objections they have to any of the "directory information" designations. If no objection is received, the district may release this information without prior approval of the parent/guardian or eligible student for the release, as long as such release is permitted by §2-d and Part 121. Once the student or parent/guardian provides the "opt-out," it will remain in effect after the student is no longer enrolled in the school district.

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

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

Ref: Family Educational Rights and Privacy Act, as amended, 20 USC 1232g; 34 CFR Part 99
Elementary and Secondary Education Act, as amended, 20 USC §7908 (Military Recruiter Access)
10 USC §503 as amended by §544 of the National Defense Reauthorization Act for FY 2002
Education Law §§ 2-a; 2-b; 2-c; 2-d; 225;
Public Officers Law §87(2)(a)
Arts and Cultural Affairs Law, Article 57-A (Local Government Records Law)
8 NYCRR Part 121 (Data Privacy)
8 NYCRR §185.12 (Appendix I) Records Retention and Disposition, Schedule ED-1 for Use by School Districts and BOCES
"Guidance for Reasonable Methods and Written Agreements," http://www2.ed.gov/policy/gen/guid/fpco/pdf/reasonablemtd_agreement.pdf
Parents' Bill of Rights for Data Privacy and Security, July 29, 2014: http://www.p12.nysed.gov/docs/parents-bill-of-rights.pdf
Family Policy Compliance Office/Student Privacy Policy Office website: http://www2.ed.gov/policy/gen/guid/fpco/index.html

Adoption: December 10, 1998
Reviewed: June 9,2014
Revised: July 15, 2024

STUDENT RECORDS REGULATION

It is recognized that the confidentiality of student records must be maintained. The following necessary procedures have been adopted to guarantee the protection of student records.

Section 1. Pursuant to the Family Educational Rights and Privacy Act (FERPA) it is the policy of this school district to permit parents/guardians and eligible students to inspect and review any and all official records, files and data directly related to their children (themselves), including all materials that are incorporated into each student's cumulative record folder. For the purpose of this regulation, eligible students are those students who are 18 or older or former students who are attending any school beyond the high school level. The rights created by FERPA transfer from the parents/guardians to the student once the student attains eligible student status.

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

Section 3. A notice will be in the Student/Parent Handbook informing them of their rights pursuant to FERPA and state law, and will include a Parents' Bill of Rights. See Exhibit 5500-E.1 and 8635-E. The district will provide translations of this notice, where necessary, to parents/guardians and eligible students in their native language or dominant mode of communication. (See Policy 5500 for further information on the notice requirements.)

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

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

1. Before providing access to student records, the district will verify the identity of the parent/guardian or eligible student.
2. The district may provide the requested records to the parent/guardian or eligible student electronically, as long as the parent/guardian or eligible student consents. The district will transmit personally identifiable information (PII) electronically in a way that maintains its confidentiality, using safeguards such as encryption and password protection.

(b) A parent/guardian or eligible student who wishes to challenge the contents of their child's school records, must submit a request, in writing, identifying the record or records which they believe to be inaccurate, misleading or otherwise in violation of the privacy or other rights of the student together with a statement with the reasons for their challenge to the record to the superintendent.

(c) Upon receipt of a written challenge, the superintendent will provide a written response indicating either that they:

1. finds the challenged record inaccurate, misleading or otherwise in violation of the child's rights and it will be corrected or deleted, or
2. finds no basis for correcting or deleting the record in question, but that the parent/guardian or eligible student will be given an opportunity for a hearing. Such written response by the superintendent will be provided the parent/guardian or student within 14 days after receipt of the written challenge. The response will also outline the procedures to be followed with respect to a hearing, if desired by the parent/guardian or student.

(d) Within 14 days of receipt of the response from the superintendent a parent/guardian or eligible student may request, in writing, that a hearing be held to review the determination of the superintendent.

(e) The hearing will be held within 10 days after the request for the hearing has been received. The hearing will be held by the superintendent of Schools, unless the superintendent has a direct interest in the outcome of the hearing, in which case the superintendent will designate another individual who does not have a direct interest in the outcome of the hearing to hold the hearing.

(f) The parent/guardian or eligible student will be given a full and fair opportunity to present evidence at the hearing. The parent/guardian or eligible student may, at their own expense, be assisted or represented by one or more individuals of their own choice, including an attorney.

(g) The hearing officer will make a decision within 14 days after the hearing.

(h) After the hearing, if the superintendent or the individual designated by the superintendent decides not to amend the record, the district will inform the parent/guardian or eligible student that they have the right to place a statement in the record commenting on the contested information or stating why they disagree with the decision of the district. Any statement placed in the record will be maintained with the contested part of the student record for as long as the record is maintained. Further, the statement will be disclosed by the district whenever it discloses the portion of the record to which the statement relates.

Section 5. Except to the extent that FERPA authorizes disclosure of student

records without consent, student records, and any material contained herein which is personally identifiable, are confidential and will not be released or made available to persons other than parents/guardians or eligible students without the written consent of parents/guardians or eligible student.

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

(a) To other school officials within the district who have been determined to have legitimate educational interests.

(b) To officials of another school, school system or postsecondary institution where the student seeks or intends to enroll.

(c) To authorized representatives of the Comptroller General of the United States, the U.S. Secretary of Education, or state and local education authorities in connection with an audit or evaluation of a federal- or state-supported education program or in compliance with legal requirements related to those programs.

(d) In connection with a student's application for or receipt of financial aid.

(e) To state and local officials or authorities in compliance with state law that concerns the juvenile justice system and the system=s ability to effectively serve, prior to adjudication, the student whose records are being released.

(f) To organizations conducting studies for, or on behalf of, education agencies or institutions, in order to develop tests, administer student aid, or improve instruction.

(g) To accrediting organizations to carry out their accrediting functions.

(h) To parents of a dependent student, as defined by the Internal Revenue Code.

(i) To comply with a judicial order or lawfully issued subpoena. Prior to complying with a judicial order or subpoena, the district will make a reasonable effort to notify the parent/guardian or eligible student, unless the district has been ordered not to disclose the existence or content of the order or subpoena.

(j) In connection with a health or safety emergency.

(k) To teachers and school officials in other schools who have legitimate educational interests in the behavior or the student when the information concerns disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.

(l) To provide information that the district has designated as directory information.

(m) To provide information from the school's law enforcement unit records.

(n) To a court, when the district is involved in legal action against a parent or student, those
records necessary to proceed with the legal action.

(o) To the U.S. Secretary of Agriculture, its authorized representatives from the Food and Nutrition Service, or contractors acting on its behalf, to monitor, evaluate and measure performance of federally-subsidized school food programs, subject to certain privacy protections.

(p) To any caseworker or representative of a state or local child welfare agency or tribal organization who has the right to access a student's case plan, where the agency or organization is legally responsible for the care and protection of that student, not to be disclosed except as permitted by law.

However, even if the district is permitted under FERPA to release student information (including directory information), state Education Law §2-d and regulations 8 NYCRR Part 121 only permit the district to use or disclose student PII if it benefits students and the district (e.g., improves academic achievement, empowers parents and students with information, and/or advances efficient and effective school operations), except for disclosure required by federal law of the names, addresses and telephone numbers of secondary students to the military and institutions of higher education. The Superintendent, the district's Data Protection Officer, and the district's attorney, if necessary will assist in determining whether complying with a request for student PII can be done in conformance with the law.

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

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

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

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

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

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

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

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

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

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

A. Educational purpose: The use of student personally identifiable information (PII) is for educational or related purposes only.

B. Transparency: Disclosure of third-party contracts and their privacy provisions.

C. Authorization: Assurance that proper authorization will be secured prior to the release of PII.

D. Security: A description of the measures in place to protect PII, without compromising the security plan.

E. Data Breach Notification: An explanation of the procedures in the event of a data breach.

F. Complaint Procedure: The district offers a complaint procedure in the event that a parent suspects a breach of student data by a third-party contractor and provides information about lodging a complaint with the New York State Education Department's Chief Privacy Officer.

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

Retention and Disposition of Student Records

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

Adoption: December 10, 1998
Reviewed: June 9, 2014
Revised: July 15, 2024

NOTIFICATION OF RIGHTS UNDER THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

Dear Parent or Eligible Student:

This is to advise you of your rights with respect to student records pursuant to the Family Educational Rights and Privacy Act (FERPA). FERPA is a federal law designed to protect the privacy of student records. The law gives parents the following rights:

1. The right to inspect and review the student's education records within 45 days of the day the district receives a request for access.

Parents or eligible students should submit to the superintendent of Schools a written request that identifies the records they wish to inspect. The superintendent will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate or misleading.

Parents or eligible students may ask the district to amend a record that they believe is inaccurate or misleading by writing the superintendent, clearly identifying the part of the record they want changed, and specifying why it is inaccurate or misleading.

If the district decides not to amend the record as requested by the parent or eligible student, the district will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the district has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the district discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA. The Office that administers FERPA is:

U.S. Department of Education
Student Privacy Policy Office
400 Maryland Ave, SW
Washington, DC 20202-8520

NOTIFICATION OF DIRECTORY INFORMATION DESIGNATIONS

In addition to the rights above, FERPA also gives the school district the option of designating certain categories of student information as directory information. Directory information includes a student's name, address, telephone number, date and place of birth, major course of study, participation in school activities or sports, weight and height if a member of an athletic team, dates of attendance, degrees and awards received, most recent school attended, class schedule, photograph, e-mail address, and class roster.

You may object to the release of any or all of this directory information; however, you must do so in writing within 10 business days of receiving this notice. If we do not receive a written objection, we will be authorized to release this information without your consent. For your convenience, you may note your objections to the release of directory information on the enclosed form and return it to the superintendent.

Sincerely,

SUPERINTENDENT

Adoption: December 10, 1998
Reviewed: June 9, 2014
Revised: February 14, 2023

OBJECTION TO RELEASE OF DIRECTORY INFORMATION DESIGNATIONS

The school district has designated certain categories of student information as directory information. Directory information includes a student's name, address, telephone number, date and place of birth, major course of study, participation in school activities or sports, weight and height if a member of an athletic team, dates of attendance, degrees and awards received, most recent school attended, class schedule, photograph, e-mail address, and class roster.

If you object to the release of any or all of the directory information listed above, you must do so in writing within 10 business days of receiving this notice. For your convenience, you may note your objections to the release of directory information on this form and return it to the superintendent.

Please do not release directory information without my prior consent.

_____

(Parent/Guardian or Eligible Student Signature) (Date)

Adoption: December 16, 1999
Reviewed: February 14, 2023

NOTIFICATION OF RELEASE OF STUDENT RECORDS PURSUANT TO COURT ORDER OR SUBPOENA

TO: _____
Parent/Guardian – Student

_____

_____

_____
Address

The purpose of this notice is to notify you that on _____ (date), the Edinburg Common School District released the following documents:

_____

_____

_____

_____

from your child's (your own) student records to _____

_____

pursuant to a court order or subpoena, a copy of which is attached hereto.
DATED:

Adoption: December 10, 1998
Reviewed: February 14, 2023

APPLICATION TO REVIEW STUDENT'S RECORDS AND CONSENT THERETO BY PARENT/GUARDIAN OR STUDENT

APPLICATION

I,_____,

have hereby requested access to _____

_____ records for the following reasons:

Said records will not be made available to any other person or persons without the specific written consent of _____

_____(Parent/Guardian - Student).

SIGNATURE:_____

DATED:_____

CONSENT

I hereby consent that _____

have access to my child's (to my) records with the understanding that such records will not be released by him/her to other persons without my further consent.

SIGNATURE:_____

DATED:_____

Adoption: December 10, 1998
Reviewed: February 14, 202

STUDENT PRIVACY

The Board recognizes its responsibility under the federal Protection of Pupil Privacy Rights Act (PPRA) to enact policies that protect student privacy, in accordance with law. This is particularly relevant in the context of the administration of surveys that collect personal information, the disclosure of personal information for marketing purposes and in conducting physical exams.

For purposes of this policy, "parent/guardian" includes a legal guardian or person standing in loco parentis (such as a grandparent or stepparents with whom the child lives, or a person who is legally responsible for the welfare of the child).

Surveys

The Board of Trustees recognizes that student surveys are a valuable tool in determining student needs for educational services. Parents have the right to inspect all instructional material that will be used for a survey, analysis, or evaluation as part of a U.S Department of education (DOE)- funded program. In addition, no minor student may, without parent/guardian consent, take part in a survey, analysis or evaluation funded in whole or in part by U.S. DOE Education that reveals information concerning:

1. Political affiliations or beliefs of the student or the student's parent;
2. Mental or psychological problems of the student or the student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating or demeaning behavior;
5. Critical appraisals of other individuals with whom respondents have close family relationships;
6. Legally recognized privileges or analogous relationships, such as those of lawyers, physicians and ministers;
7. Religious practices, affiliations or beliefs of the student or the student's parent;

   or

   8. Income (other than that required by law to determine eligibility for participation in a program or for leaving financial assistance under such program)

In the event that the district plans to survey students to gather information included in the list above, the district will obtain written consent from the parent/guardian in advance of administering the survey. The notification/consent form will also apprise the parent/guardian of their right to inspect the survey prior to their child's participation. In addition, the district will notify parents/guardians that they may inspect any survey created by a third party before the survey is administered or distributed to students. Prior written consent and the right to inspect surveys transfers to students once they turn 18 years old or are emancipated.

All requests to inspect third party surveys must be made to the Superintendent within 30 calendar days.

The district will limit access to information collected by any survey that contains the items listed above to those school officials who have a legitimate educational interest. The terms "school official" and "legitimate educational interest" are defined in district policy 5500, Student Records.

Marketing

Under state Education Law §2-d and its implementing regulations (8 NYCRR Part 121), the district is prohibited from disclosing or using "personally identifiable information" for marketing or commercial purposes, or selling that information, or providing it to others for that purpose (see district policies 5500 and 8635, and their accompanying administrative regulations, for more information).

All disclosure or use of student personal information will be protected by the district pursuant to the requirements of the Family Educational Rights and Privacy Act (FERPA), Individuals with Disabilities Education Act (IDEA), Protection of Pupil Rights Amendment (PPRA, the National School Lunch Act, Children's Oline Privacy Protection Act (COPPA), and NY Education Law §2-d [For guidance regarding the disclosure of student information, see policies 5500, Student Records, and 8635, Information and Data Privacy, Security, Breach and Notification].

Inspection of Instructional Material

Parents/guardians have the right to inspect, upon request any instructional material, used as part of the educational curriculum for students. "Instructional material" is defined as: "instructional content that is provided to a student, regardless of format including printed or representational materials accessible through the Internet). It does not include tests or academic assessments." The right to inspect instructional materials transfers to students once they turn 18 years old or are emancipated.

A parent/guardian (or student who is at least 18 years old or is emancipated) who wishes to inspect and review such instructional material must submit a request in writing to the Superintendent. Upon receipt of such request, the district will provide access to such material to within 30 calendar days after the request has been received.

Notification

The district will notify parents/guardians and students who are at least 18 years old or who are emancipated at least annually, at the beginning of the school year, and when enrolling students for the first time in district schools, of their rights under this policy. The school district will also notify parents/guardians within a reasonable period of time after any substantive change to this policy.

Cross-ref: 5420, Student Health Services
5500, Student Records
8625, Information and Data Privacy, Security, Breach and Notification

Ref: 20 USC §1232h (Protection of Pupil Rights Amendment, as amended)
34 CFR Part 98
Education Law §§2-d;903
8 NYCRR §136.3(b); Part 121

Adoption date: May 20, 2003
Reviewed: February 14, 2023
Revised: July 15, 2024

STUDENT VOLUNTEERS FOR SCHOOL AND PUBLIC SERVICE

The Board of Trustees recognizes the social and scholastic benefits derived from student participation in various community-sponsored activities. However, neither an individual nor the school as a whole shall be permitted to use school time in working on community-sponsored projects unless such an undertaking is deemed to contribute to the educational program. The administration has the responsibility to develop procedures for community groups to request student involvement during school hours, as well as guidelines for the consideration of such request.

Adoption: December 10, 1998
Reviewed: February 14, 2023

STUDENT GIFTS AND SOLICITATIONS

Only those organizations granted approval by the Board of Trustees shall have permission to solicit donations and contributions from students. All fund-raising activities must be voluntary and in accord with the Rules of the Regents and the State Education Department's "Guidelines Relating to Solicitation of Charitable Donations from Children." No direct solicitation of students is permitted during school hours.

The following constitute permissible indirect forms of solicitation, and the Board has the authority to determine which, if any, forms it will allow:

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

Gifts

Students are discouraged from presenting the school staff with elaborate gifts. Spontaneous inexpensive gifts will be allowed when reasonable to express gratitude. Letters of appreciation are always welcome.

Cross-ref: 1510, Public Sales on School Property

Ref: NYS Constitution, Article 8 91
Education Law 9414 Rules of the
Board of Regents 919.6
Guidelines Relating to Solicitation of Charitable Donations from School Children. SED, January 1994 ***Matter of Schanbarger*, 11 EDR 70**

Adoption: December 10, 1998
Reviewed: February 14, 2023

STUDENT FEES, FINES AND CHARGES

Students are expected to exercise reasonable care in the use of school equipment and any damage done to library books, textbooks or other school equipment due to misuse or negligence must be paid for by them at a pro-rated amount based on age of textbook.

Lost or damaged textbooks will be immediately reported to the office for payment.

Other school equipment which is damaged should be reported to the superintendent, who will determine if negligence on the part of the student was the cause of the damage. If so, the student will be expected to pay for such damage.

Adoption: December 10, 1998
Reviewed: February 14, 2023

STUDENTS AND PERSONAL ELECTRONIC DEVICES

The Board of Education recognizes that students may have personal electronic devices that can perform different functions. Such devices include "internet-enabled devices" defined as: any smartphone, tablet, smartwatch or other device capable of connecting to the internet and enabling the user to access content on the internet, including social media applications, but do not include any such device supplied by the district for educational purposes. Other personal electronic devices include devices which are not capable of connecting to the internet and access content on the internet, fitness trackers, wired or wireless headphones and earbuds, e-readers, calculators, voice recorders, cameras and music devices. These devices can create significant distraction to the school environment, negatively impact student mental health, contribute to disciplinary infractions, and reduce student engagement. Additionally, in an emergency, the use of personal electronic devices can distract students from following the directions of staff or emergency responders, contribute to the spread of misinformation, create congestion in the emergency response system, and interfere with the district's emergency response protocols.

Generally, the district is not responsible for stolen, lost or damaged personal electronic devices brought to school.

Communication with Parents/Persons in Parental Relation

During the school day, to minimize distractions, parents (which, for purposes of this policy, includes persons in parental relation) may contact their children by calling the main office. The district will notify parents in writing of the communication protocol at the beginning of each school year and upon enrollment.

Device Access and Storage

As required by Education Law §2803, this policy prohibits student use of internet-enabled devices during the school day (including all classes, homeroom periods, lunch, recess, study halls, and passing time) on school grounds (any building, structure, athletic playing field, playground, or land contained within the boundary of a school or district or BOCES facility), unless under an exception (e.g., IEP/Section 504 or as permitted below).

At the elementary school level, students are discouraged from bringing devices to school. Any device that is brought to school must be silenced and kept in the student's backpack.

Exceptions for Specific Purposes

Use of internet-enabled devices must be permitted where included in a

student's Individualized Education Program, Section 504 plan, or where required by law. Additionally, the district permits the use of internet-enabled devices in the event of an emergency, and under the following circumstances:

1. Where necessary to manage a student's healthcare (e.g., diabetes, asthma, medication, etc.);
2. For translation services; and/or
3. For students who are routinely responsible for the care and wellbeing of a family member (on a case-by-case basis, upon review and determination by a school psychologist school social worker, or school counselor).

Parents may request an exception for their children to use internet-enabled devices during the school day as listed above. Requests must be made to the Superintendent, and for healthcare exceptions, must include documentation from an appropriate healthcare professional.

Students may also be permitted to use their internet-enabled devices during the school day on school grounds for specific educational purposes, if the following criteria are met:

- The student has registered the device with the district, in accordance with district procedures.
- With administrative approval, the teacher has authorized the use of specific devices for a particular activity, after which the device must be stowed per this policy
- The student uses the device to access the internet or authorized applications through the district's network, under the terms of policy 4526, Computer Use in Instruction.

Under any of these exceptions, devices may only be used for the purposes outlined in the exception, and the device must be silenced and put away when not in use, to the extent compatible with the reason for the exception.

Enforcement, Consequences and Reporting

Enforcement of this policy is chiefly the responsibility of building administrative staff; however, all designated employees are expected to assist in enforcement. Students will be reminded of this policy regularly and consistently, especially at the start of the school year and after returning from breaks.

For students out of compliance with this policy, the device will be held in the school office until the end of the school day. The first time this happens, the student may retrieve the device, and the parent will be notified. For subsequent instances, the parent must retrieve the device. Further instances will result in the device being held in the school office daily for longer periods of time. The district will exercise reasonable care to maintain the security of devices that are held by the district, but cannot guarantee the devices will be secure. For students with exceptions under this policy, the district will examine alternative ways to achieve the purpose of the exception, including different storage or access provisions.

Administrators will also discuss the aims of this policy with students and their parents, the benefits of a distraction-free environment, the reasons the student had difficulty following this policy, and how the district can help the student contribute to a distraction-free environment.

The district may not impose suspension from school if the sole grounds for the suspension is that the student accessed an internet-enabled device as prohibited by this policy. However, the district may utilize consequences under the district's Code of Conduct, including detention, in-school suspension, and exclusion from extracurricular activities.

Some uses of personal electronic devices may constitute a violation of the school district Code of Conduct or other district policies, and in some instances, the law. The district will cooperate with law enforcement officials as appropriate.

Electronic Devices and Testing

To ensure the integrity of testing, in accordance with state guidelines, students may not bring cellphones or other electronic devices into classrooms or other exam locations during all testing.

Test proctors, monitors and school officials have the right to collect cellphones and other prohibited electronic devices prior to the start of the test and to hold them for the duration of the test taking time. Admission to the test will be prohibited to any student who has a cell phone or other electronic device in their possession and does not relinquish it.

Students with Individualized Education Plans, Section 504 Plans, or documentation from medical practitioners specifically requiring use of electronic devices may do so as specified.

Policy Distribution and Translation

As required by law, the district will post this policy in a clearly visible and accessible location on its website. Upon request by a student or parent, the district will translate this policy into any of the twelve most common non-English languages spoken by limited-English proficient individuals in the state, as identified by the most recent American community survey published by the U.S. Census bureau.

The district will also include this information, or a plain language summary, in student/family handbooks.

Cross ref: 5300 Code of Conduct

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

Adoption: November 8, 2011
Reviewed: June 9, 2014
Revised: August 12, 2025

VIOLENT OR DISRUPTIVE INCIDENT REPORTING

The Board of Education is committed to promoting and maintaining the safety of all students, staff and visitors to the schools. Consistent with this commitment and in accordance with state law and regulation, the district shall submit an annual report to the Commissioner of Education regarding violent or disruptive incidents in the form prescribed by the Commissioner.

Reporting Requirement

Each teacher shall be responsible for preparing a report of violent or disruptive incidents of their students that have occurred in/on the building/school grounds. The teacher must enter the report in SchoolTool and notify the superintendent of Schools. The superintendent shall be responsible for compiling the reports received from the teacher into the annual report and submitting the report to the Commissioner. The report shall contain all the information required by law and shall be filed with the Commissioner on or before September 30 of each year.

The Confidential Secretary shall be responsible for assuring that copies of each report at the building level are retained for the period prescribed in the records retention schedule issued by the State Education Department and published as Appendix I to the Commissioner's Regulations.

Confidentiality

Any violent or disruptive incident report prepared in accordance with law shall be available for inspection by the State Education Department upon request. All names and other personally identifiable information included in any report shall be confidential and shall not be disclosed to any person for use by any person for purposes other than the reporting purposes in Education Law §2802, except as otherwise authorized by law.

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

Adoption: September 11, 2001
Reviewed: June 9,2014
Revised: February 14, 2023

STUDENT AWARDS AND SCHOLARSHIPS

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

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

Ref: Education Law 39404; 1709
Matter of Wilson, 59 NY2d 461

Adoption: December 10, 1998
Reviewed: June 9, 2014
Revised: February 14, 2023