



**BOARD OF EDUCATION MEETING AND  
PUBLIC HEARING ON REVISIONS TO THE CODE OF CONDUCT POLICY  
TUESDAY, JUNE 4, 2013  
JR./SR. HIGH SCHOOL LIBRARY – 6:30 P.M.**

**1. Meeting Call to Order**

- 1.1 Pledge to the Flag
- 1.2 Acceptance of Agenda
- 1.3 Teacher/Leader Report Special Education Report – K. Zogby and Student Antonia Ludden presenting Student-Directed IEP Presentation
- 1.4 Public Hearing and 1<sup>st</sup> Reading of Policy #1030, Code of Conduct; #0015, Equal Opportunity and Nondiscrimination, and Regulations #0015.1, Report of Possible Discrimination; #0015.2 Dignity for All Students Reporting Form

**2. Communications**

- 2.1 From the Floor
- 2.2 President's Messages
  - a. Committee Report(s)
  - b. Board Calendar
  - c. BOCES Representative Report

**3. Consent Agenda**

- 3.1 Board of Education Minutes
  - a. Meeting held May 7, 2013
  - b. Meeting held May 21, 2013
- 3.2 Business Office Reports for Month ending April 2013
- 3.3 CSE Reports
  - a. Minutes of meeting held 4/15/13
  - b. Minutes of meeting held 4/22/13
  - c. Minutes of meeting held 4/30/13
  - d. Minutes of meetings held 5/02/13
  - e. Minutes of meetings held 5/03/13
  - f. Minutes of meetings held 5/06/13
  - g. Minutes of meetings held 5/07/13
  - h. Minutes of meetings held 5/08/13
  - i. Minutes of meetings held 5/09/13
  - j. Minutes of meetings held 5/10/13
  - k. Minutes of meetings held 5/13/13
  - l. Minutes of meetings held 5/14/13
  - m. Minutes of meetings held 5/15/13
  - n. Minutes of meetings held 5/16/13

- o. Minutes of meetings held 5/20/13
- p. Minutes of meetings held 5/21/13
- q. Minutes of meetings held 5/22/13
- r. Minutes of meetings held 5/23/13

#### **4. Old Business**

- 4.1 2<sup>nd</sup> reading of Policy # 7101, Jr. Sr. High School Extra Curricular Policy; 7101.1, Parental Notice for Athletes; 7101.2, Athletic Release Form; 7101.3, Athletic Medication, Information; #7500.4, Request to Correct FERPA Records; 7500.5 Student Privacy FERPA Notice; Policy 7501, Parental Access to Instructional materials, Third Party Surveys and marketing Surveys; Regulation 7501.1, Student Privacy – PPRA Opt-Out Letter; Policy 7600, Providing A Safe Public School Choice To Students Who Have Been Victims of a Violent Criminal Offense; 7601, Uniform Violent Incident Reporting; , Regulation 7601.1, Violent and Disruptive Incident Report (VADIR) Form; Policy 7400, Cell Phone/Electronic Device Policy; 7401, Security Searches (Students); 7500, Education Records; Regulation 7500.1 Education Records; 7500.2 Application to Inspect FERPA Records; and 7500.3 Student Privacy – Records of FERPA Requests *(copies of policies with changes from 1<sup>st</sup> reading are the only copies included)*

#### **5. New Business**

- 5.1 Personnel Report – Action
- 5.2 1<sup>st</sup> Reading of Policy #8001, School Calendar and School Day; #8100, Academic Freedom; #8101, Selection and Review of Instructional materials, Regulation #8101, Request for Review of Instructional Materials; Policy #8102, Placement, Promotion, Retention of Students; #8103, Acceleration Policy; Regulation #8103.1, Parental Notice of Acceleration, #8103.2, Acceleration Screening; #8103.3, Parental Consent for Acceleration; Policy #8104, Junior-Senior High School Grading policy, #8105, Graduation Ceremony Participation, #8200, Guidance and Counseling Program, #8201, High School/College Bridge Program; #8202, Auditing Classes, #8203, Student Musical Groups Participation in Community Activities; #8300, Home Instruction; #8301, Homebound Instruction, #8302 Courses Including Dissection of Animals; #8303, Limited English Proficiency Instruction; Regulation #8303.1, Limited English Proficiency Instruction; Policy #8400 Field Trips; Regulation # 8400.1, annual Education Field Trip Permit; Policy #8500, Special Education Programs and Services; Regulation 8500.1, Administrative Practices and Procedures Relative to Program Access; Policy #8501, Prereferral and Declassification Teams; #8502, Programs for Students with Disabilities Under Section 5904 of the Federal Rehabilitation Act of 1973; #8503, Independent Educational Evaluations; Regulation# 8503.1, Independent Education Evaluations; Policy #8504, Provision of Special Education Services for Preschool Students; #8505, Selection, Appointment and Compensation of Impartial Hearing Officers; #8506, Skills and Achievements Commencement Credential; #8600, Accommodation of Hearing-Impaired Parents; Regulation #8600.1, Accommodation of Hearing-Impaired Parents Request Form; #8600.2, Accommodation of Hearing-Impaired Parents Notice; Policy #8601, Response to Intervention (RtI); Regulation #8601.1, Structure of the Response to Intervention (RtI) Program;

## **6. Building Reports**

- 6.1 Elementary Building Report
  - a. Arts Fest/Talent Show
  - b. Kindergarten Screening
  - c. Parents as Reading Partners (PARP)
- 6.2 Secondary Building Report
  - a. Spring Concerts
  - b. Senior Trip
  - c. Social Studies Restructuring

## **7. Superintendent's Report**

- 7.1 Budget Vote/Board Member Election
- 7.2 Regents Reform Agenda
- 7.3 School Resource Officer
- 7.4 End of Year Events
- 7.5 Sports Recap

## **8. Board Discussion**

## **9. Visitors Comments**

## **10. Executive Session – to discuss individual contracts and NYMTA Contract Negotiations**

## **11. Adjournment**



**ANNUAL MEETING MINUTES  
TUESDAY, MAY 21, 2013**

The polls were declared open at 12 noon by Mrs. Paula Ann May, District Clerk and Meeting chairperson. Mrs. May stated that the legal notice was published in the Utica Observer Dispatch on April 6, 10, 15, and 23, 2013. The inspectors were: Ms. Victoria Argen, Mr. Jerry Porcelli, Ms. Marilyn Jordan, and Ms. Jane Blaszek. Ms. Mary Ritz was appointed the Chief Inspector. The Machine Inspector was Mr. James Staffo.

Mrs. May declared the polls closed at 9 p.m.

**Proposition # 1 - Budget - \$12,898,455**

To vote upon the adoption of the Budget of the New York Mills U.F.S.D. authorizing the expenditures of \$12,898,455 for the Fiscal year ending June 30, 2014, which will include two (2) five (5) year leases of up to \$37,138.20 yearly for one (1) seventy-two passenger bus and one (1) 36 passenger wheelchair bus, for which the required funds shall be appropriated and the necessary real property taxes shall be raised by a tax on taxable property in the District.

Yes 382      No 133

Proposition #1- Budget - \$12,898,455 passed.

**Proposition # 2 – School Resource Officer - \$75,000**

To vote upon the authorization for the New York Mills Union Free School District to expend a sum, not to exceed \$75,000, to hire a full time School Resource Officer, and to pay for such sum, to the extent necessary, through the necessary real property taxes which shall be raised by a tax on taxable property in the District.

Yes 284      No 227

Proposition #2- School Resource Officer - \$75,000 passed.

**Board of Education Member**

Two (2) candidates for the Board of Education to serve two (2) five year terms and one (1) candidate to serve one (1) two year term.

Rick Surprenant - 384	Dana Cudhea – 255
Traci Welch - 426	Janet Wroblicki – 19
Dr. Gary Porcelli – 370	George Albright – 1
	John McCain – 1

Traci Welch and Rick Surprenant were declared the winners for the two (2) five year terms and Dr. Porcelli was declared the winner for the one (1) two year seat



Jacqueline Edwards  
President

Dr. Gary Porcelli  
Vice President



Gary 3.1 a

Janet Wroblecki

**BOARD OF EDUCATION PUBLIC BUDGET HEARING AND  
MEETING MINUTES  
TUESDAY, MAY 7, 2013  
JR./SR. HIGH SCHOOL LIBRARY – 6:30 P.M.**

**PRESENT:** Ms. Jacqueline Edwards, President, Dr. Gary W. Porcelli, Vice President, Mr. Gary Markowicz, Mr. Richard Ross, and Mrs. Janet Wroblecki

**Absent:** Mrs. Gail Rice

**Also Present:** Ms. Kathy Houghton, Mr. Gary Hadfield, Dr. René Wilson, Mrs. Lisa Stamboly, Mr. William Lachut, Mr. Michael Klenotiz, Mrs. Paula Ann May and 20 visitors and guests.

**1. Meeting Call to Order 632**

Ms. Edwards called the meeting to order at 6:32 p.m.

**1.1 Pledge to the Flag**

Dr. Porcelli led the Pledge of Allegiance.

**1.2 Acceptance of Agenda**

Mrs. Wroblecki made the motion to accept the Agenda seconded by Mr. Markowicz.

Yes 6 No 0  
Motion carried.

**1.3 Teacher/Leader Report – 2013 Air Force Research Laboratory Challenge – Mr. Eramo, George Albert, and Tevin Pham**

Mr. Eramo brought two students who won first place at the Air Force Research Laboratory Challenge that took place during spring break. Students were presented with a problem. They had to solve the problem using the data and software they were given. They had to write a paper, make a poster board, and give a 10 minute presentation outlining their proposed solution. The students said they could have received an iPad for winning or a summer internship; both chose the internship over the iPad.

**1.3 Public Budget Hearing**

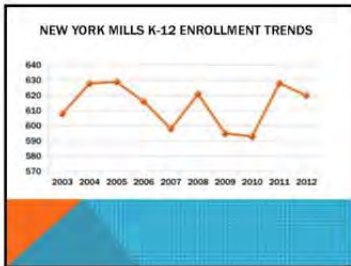
Ms. Houghton presented the following PowerPoint as part of the Budget Hearing.

**2013-14  
 BOARD OF EDUCATION  
 PUBLIC BUDGET HEARING  
 MAY 7, 2013**

**SCHOOL DISTRICT MISSION**

The mission of the New York Mills Union Free School District is to help students become motivated, responsible, caring individuals by providing resources and a safe, supportive environment that encourages students to pursue excellence.

- BUDGET DECISIONS DRIVEN BY DISTRICT GOALS**
1. Provide programs, resources, and facilities that will ensure all students are given equal opportunities to achieve higher district, state, and national standards.
  2. Provide staff development to all employees that will enable them to elevate their skills, knowledge, and attitude in order to help our students achieve excellence.
  3. Promote school pride and spirit through a partnership with the community.



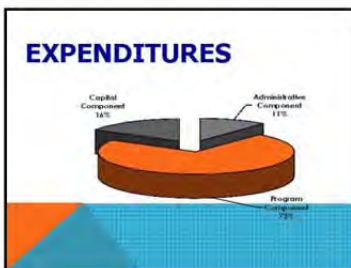
**PROPOSITION #1  
 BUDGET  
 \$12,898,455**

**Increase of  
 2.74% over  
 2012-13 budget**

**EXPENDITURE  
 INCREASES**

**\$343,417**

- BOCES  
 Regents Reform Agenda  
 Occupational Education
- Textbooks  
 Health Insurance  
 Payroll/Contractual  
 Obligations  
 ERS/IRS



**ADMINISTRATIVE COMPONENT**

Function or Account	Proposed Amount
Board of Education	\$27,105
Central Administration	\$185,215
Finance	\$148,108
Legal Services	\$11,000
Personnel	\$55,000
Records Management	\$4,825
Other Central Services	\$210,730
Other Special Items	\$213,307
Dist. Dev. & Sup.	\$63,036
Supervision - Regular Sch.	\$302,497
Employee Benefits	\$178,957
<b>Total</b>	<b>\$1,419,634</b>

**PROGRAM COMPONENT**

Function or Account	Proposed Amount
Legal Services	\$21,300
Instruction	\$5,432,663
Other Dist. Transportation	\$348,072
Garage Building	\$83,853
Employee Benefits	\$2,469,968
Other Transfers	\$5,500
<b>Total</b>	<b>\$9,365,576</b>

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Minutes  
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**CAPITAL COMPONENT**

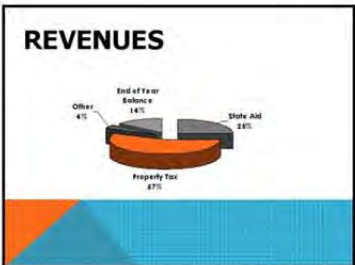
Function or Account	Proposed Amount
Operation of Plant	\$57,885
Maintenance of Plant	\$265,208
Refund of Taxes	\$40,000
Lease of Buses/Purchase	\$170,798
Employee Benefits	\$312,235
Debt Service	\$757,119
<b>Total</b>	<b>\$9,113,245</b>

**PROPOSITION #2  
FULL-TIME SCHOOL  
RESOURCE OFFICER**

**\$75,000  
Additional Increase of  
.59% over  
2012-13 budget**

- \$75,000 FOR A FULL-TIME SRO INCLUDES :**
- Deputy Sheriff certified as an SRO by NYSDCS
  - Salary & Fringe Benefits/ Experienced officer \$56,952 salary / \$17,045 fringe = 74,997 (12 months)
  - In-service and specialized training, (majority of training performed in summer to avoid having the SRO absent from school during the year)
  - All related equipment (and replacement)
  - 11 Matched patrol vehicle on site (including fuel)
  - SRO available year round for administrative coordination needs
  - Administrative Coordination functions, (Orleans Co. SRO Coalition, NYIS Juvenile Officers ASSOC.)
  - Overtime costs

- BENEFITS OF A FULL-TIME SRO**
- Detainment in the Parking Lot
  - Gets to know children at a young age and follow them through all grades
  - Children become more comfortable with Police Officer, not afraid to ask questions of the officer
  - Officer may be able to instruct in such things as Bullying, Career Day, Drug Awareness, DWI, Child Safety
  - With the new DASA law incidents that occur outside the school, the school may have to take action, the officer has the power to reach out to other police agencies and obtain information to assist the school in the proper direction
  - Officer is available for events at the school/ school grounds and is familiar with accident, facility, and parents
  - Officer helps keep the SAVE Legislation Safety Plan accurate and up to date



**PROPERTY TAX CAP:  
2% IS NOT 2%**

Not really a "cap" or a "limit"  
A threshold for level of voter support needed

"Tax Levy Limit"  
Calculated by each district  
Every district has a different tax levy limit

**TAX LEVY LIMIT CALCULATION FOR NY MILLS**

2012 Tax Levy	\$ 4,893,043
2012 Property Tax	\$ 4,747,251
2012 State Aid	\$ 1,455,792
2012 Total Revenue	\$ 6,349,085
2012 Total Expenditure	\$ 6,349,085
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**NYM Board of Education  
Minutes  
May 7, 2013  
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**BUDGET TAX LEVY LIMIT**

2012-13 Budget	\$12,505,008
Proposed 2013-14 Budget	\$12,860,455
Budget to Budget Increase	2.74%
Allowable Tax Levy Limit	7.27%

**Projected Levy Increase Less Than 3%**

**CURRENT 2012-13 TAX RATES:**

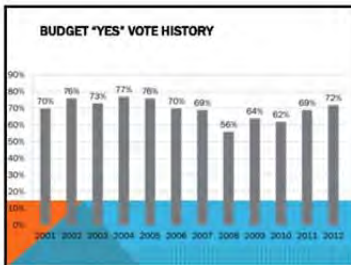
**New Hartford = \$26.42/\$1,000**

**Whitestown = \$31.35/\$1,000**

**2012-13 Tax on True = \$22.26/\$1,000**

**ANNUAL TAX INCREASE WITH BASIC STAR**

\$75,000 House	\$100,000 House	\$125,000 House
<b>Increase of</b>	<b>Increase of</b>	<b>Increase of</b>
NH/Whites. Budget \$54.29/\$64.42	NH/Whites. Budget \$72.39/\$85.90	NH/Whites. Budget \$90.49/\$107.37
Budget and Proposition \$65.98/\$78.30	Budget and Proposition \$87.98/\$104.40	Budget and Proposition \$109.97/\$130.49



**PROPOSITION #1**

**Budget**

To vote upon the adoption of the Budget of the School District for the Fiscal year ending June 30, 2014, which will include two (2) five (5) year leases of up to \$37,138.20 yearly for one (1) seventy-two passenger bus and one (1) 36 passenger wheelchair bus, for which the required funds shall be appropriated and the necessary real property taxes shall be raised by a tax on taxable property in the District, which will appear as Proposition No. 1 - Budget, on the voting machines.

**2.74% Increase**

**PROPOSITION #2**

**Full-time School Resource Officer**

RESOLVED that the New York Mills Union Free School District be authorized to expend a sum, not to exceed \$75,000, to hire a full time School Resource Officer, and to pay for such sum, to the extent necessary, through the necessary real property taxes which shall be raised by a tax on taxable property in the District?

**50% Additional Increase**

- 2 FIVE-YEAR BOARD VACANCIES AND 1 TWO-YEAR VACANCY AVAILABLE**
- Board Candidates:**
- Mike Surprenant
  - Tony Weisk (Member/ret)
  - Dr. Gary W. Powell, Incoming
  - Dana Collins

**MEET THE CANDIDATES FORUM**

**Wednesday, May 8<sup>th</sup>**  
**6:30 p.m.**  
**Jr./Sr. High School Auditorium**  
 Moderated by J. VanWormer, SBI

**BUDGET VOTE AND BOARD MEMBER ELECTION**

**MAY 21, 2013**  
**NOON - 9 P.M.**  
**BEEKMAN GYMNASIUM**

## **2. Communications**

Dr. Porcelli made a motion at 7:06 p.m. to go into Executive Session to discuss several items on the personnel list seconded by Mrs. Wroblecki.

Yes 5 No 0  
Motion carried.

Ms. Edwards called the meeting back into regular session at 7:33 p.m.

- 2.1 From the Floor N/A
- 2.2 President's Messages
  - a. Meet the Candidates Forum, May 8<sup>th</sup>
  - b. SBI Distinguished Service and Student Achievement Awards, May 9<sup>th</sup>
  - c. Reorganization Meeting Date, July 9
  - d. Summer Retreat Date tentative July 28 and 29
  - e. Committee Report(s)

Mr. Ross said the Building and Grounds Committee met on April 25<sup>th</sup>. Mr. Lachut took the Committee on a tour of the building conducted the ceremonial start of the generator. The committee is working on a prioritized list of projects to present to the Board this summer.

Mrs. Wroblecki said that she met with Ms. Houghton a couple of weeks ago to review the 2<sup>nd</sup> set of Section 7000 policies and get Section 8000 polices ready for the 1<sup>st</sup> reading. These are the last of the 7000s and the committee is now going through the 8000s, and then we will be finished with the complete set of NYM Policies.

- f. Board Calendar
- g. BOCES Representative Report

Dr. Porcelli stated that the BOCES Board met on April 17<sup>th</sup> and the Board received a report on the progress of the Common Core. BOCES also met with state leaders where we discussed the role of Common Core Ambassadors and OHM BOCES hosted The Council of Chief School Officers All four nominees were elected for the BOCES Board and he would like to thank all the Board Members for their support of his nomination. The next BOCES Meeting is May 15<sup>th</sup> at 4:30 p.m. and the BOCES Policy Committee will meet on May 16<sup>th</sup>.

## **3. Consent Agenda**

Dr. Porcelli made the motion to approve the following items on the Consent Agenda seconded by Mr. Markowicz:

3.2 Business Office Reports for Month ending March 2013

3.3 CSE Reports

- a. Minutes of Meeting held 3/21/13
- b. Minutes of Meetings held 3/25/13
- c. Minutes of Meetings held 3/26/13
- d. Minutes of Meetings held 3/27/13
- e. Minutes of Meetings held 3/28/13
- f. Minutes of Meetings held 4/1/13
- g. Minutes of Meetings held 4/2/13
- h. Minutes of Meetings held 4/3/13
- i. Minutes of Meetings held 4/4/13
- j. Minutes of Meeting held 4/5/13
- k. Minutes of Meetings held 4/15/13
- l. Minutes of Meeting held 4/16/13
- m. Minutes of Meetings held 4/19/13
- n. Minutes of Meetings held 4/22/13
- o. Minutes of Meeting held 4/26/13
- p. Minutes of Meetings held 4/30/13
- q. Minutes of Meeting held 5/1/13

Mrs. Stamboly prepared a report for the Board members with an explanation and backup to the Internal Claims Auditor's report.

Yes 4 NO 1

Dr. Porcelli voting nay on 3.2 because of No Purchase Order and other items he disagrees with Motion carried.

**4. Old Business**

- 4.1 2<sup>nd</sup> reading of Policy #2002, Qualifications of a Board of Education Member; #7300, Reporting Possible Child Abuse or Maltreatment; 7300.1, Report of Suspected Child Abuse or Maltreatment; 7301, Child Abuse in an Educational Setting; 7301.1 Child Abuse in an Education Setting; 7301.2, Notification of Teacher's Duty to Report Child Abuse in Education Setting and Immunity from liability; 7301.3, Child Abuse in an educational Setting Statement of personal Delivery; 7301.4 Child Abuse in an Educational Setting Confidential Report of Allegation

Dr. Porcelli made the motion to approve the above policies seconded by Mr. Ross.

Yes 5 No 0  
Motion carried.



## 5. New Business

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### 5.1 Personnel Report –

Dr. Porcelli made the motion to approved the Personnel Report seconded by Mrs. Wroblecki.

<b>EMPLOYEE</b>	<b>CERTIFICATION AREA</b>	<b>CERT</b>	<b>SALARY*</b>	<b>EFFECTIVE DATE</b>	<b>TENURE APPT.</b>
<b>I. Tenure Recommendations</b>					
Bergmann, Bettina	English Language Arts 7-12				9/1/2013
Carpenter, Megan	Mathematics 7-12				9/1/2013
Dunn, Allison	Childhood Education (Grades 1-6)				9/1/2013
Foote, Audrey	Biology 7-12				9/1/2013
Gates, Sarah	Living Environment				9/1/2013
<b>II. Instructional Substitute Appointments</b>					
Gigliotti, Jeanice	Students w/Disabilities (Grades 1-6) and Childhood Education (Grades 1-6)	Y	\$80	5/8/2013	
<b>III. Non-Instructional Appointment</b>					
Frankland, Robert	Bus Driver		\$16.19	5/8/2013	
<b>IV. Election Inspectors</b>					
Argen, Victoria	Replaces Patricia Thomas		\$7.25	5/21/2013	
<b>V. Administrative Appointment (Resolution 5.2)</b>					
Spost, Michael	School District Administrator		\$90,000/yrly 12 months	7/1/2013	7/1/2016
<b>VI. Administrative Interim</b>					
Hadfield, Gary	School District Administrator		\$440/day	6/10/13 - 6/28/13	
<b>VII. Leave of Absence</b>					
Spost, Michael	Special Education			7/1/13-6/30/14	

Yes 5 No 0  
Motion carried.

## 5.2 Resolution to Appoint Jr./Sr. High School Principal – Action

Mrs. Wroblecki made the motion to approve the following resolution seconded by Mr. Markowicz:  
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**RESOLVED**, that Michael Spost, who holds a certification as School District Administrator, is awarded a probationary appointment in the tenure area of Jr./Sr. High School Principal, commencing on July 1, 2013 and expiring on June 30, 2016 .

Yes 5 No 0  
Motion carried.

5.3 1<sup>st</sup> Reading of Regulation #7500.4, Request to Correct FERPA Records; 7500.5 Student Privacy FERPA Notice; Policy 7501, Parental Access to Instructional materials, Third Party Surveys and marketing Surveys; Regulation 7501.1, Student Privacy – PPRA Opt-Out Letter; Policy 7600, Providing A Safe Public School Choice To Students Who Have Been Victims of a Violent Criminal Offense; 7601, Uniform Violent Incident Reporting; , Regulation 7601.1, Violent and Disruptive Incident Report (VADIR) Form; Policy 7400, Cell Phone/Electronic Device Policy; 7401, Security Searches (Students); 7500, Education Records; Regulation 7500.1 Education Records; 7500.2 Application to Inspect FERPA Records; and 7500.3 Student Privacy – Records of FERPA Requests

## 5.4 Resolution for Brick Project

Dr. Porcelli made the motion to approve the following resolution seconded by Mr. Markowicz:

**Be it resolved** the New York Mills Union Free School District Board of Education does hereby give permission to the New York Mills School District Foundation to commence a commemorative brick project as a District Foundation fundraiser.

The Brick Project will include the purchase of bricks and supplies from *Bricks R Us*, the advertisement and sale of engraved commemorative bricks, and the installation of said bricks on school property. The first set of commemorative bricks will be installed around the large stone in front of the main entrance to the school building. Future sites for additional commemorative brick displays will be brought to the Board of Education for their consideration and approval prior to advertisement and installation.

If the bricks need to be moved due to any future buildings or grounds improvement projects, the School District will communicate this need to the Foundation and will determine an alternate location for brick installation.

Yes 5 No 0  
Motion carried.

## 6. Building Reports

6.1 Elementary Building Report  
a. Kindergarten Tree Planting

Dr. Wilson reported that the Kindergarten Arbor Day was held on April 27<sup>th</sup> at 2:00 p.m. It's a celebration of education in that it recognizes the kindergarten cohort and its literal and figurative



roots they have to this community and subsequently to the new York Mills School District. It is also an opportunity for students and staff to be reflective on the importance of the environment, the human role in the ecological domain, especially with regard to the role that trees and plants play and their importance in our biological ecosystem. If you are available please join us to thank the NYM Board of Education Minutes  
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Herthum's for their dedication to this project, and to recognize Mrs. Kohn and Mrs. Davis for their role as Kindergarten teachers in cultivating new York Mills' gardens beginning with enlightening the minds of 5 and 6 year olds, nurturing their minds, and developing the roots for educational excellence.

#### b. ADHD Parent Presentation

Dr. Wilson said that she was proud that our small district was able to offer a multi-disciplinary experience with regard to the treatment of ADHD in children. This came idea came about from two domains: the home front and school front. As we met for child study meetings, we were faced with dilemma after dilemma of students who were in academic danger, but who, after being tested by a school psychologist, did not qualify for services. After listening to teachers and parents the same theme was evident: the students are cognitively average and able, but their inattention and focus are inhibiting their progress. Through parent meetings, and staff meetings we would discuss the range of options available for students to help them be successful.

Ms. Nina Belmar my school psychologist said wouldn't it be great if families could have access to information that addressed a variety of interventions from different disciplines: like behavioral methods, nutrition and diet, traditional medicine, and Osteopathic Medicine, and through her leadership and with her organizational skills, we were able to make that happen. I would like to thank the NYM PTSO particularly the officers: Ms. Cudhea, Mr. Schultz, Ms. Hartnett, Ms. Deitz, Mr. Burgess, and Ms. Carman, not only for attending the event but also for our refreshments that night and they also sponsored the thank you gifts for our presenters. Ms. Hartnett parent and PTSO officer was also pivotal in getting our event on the radio and to the newspapers. We had five outstanding people on our panel including me: Dr. Stephen Eadline: Pediatrician with Slocum Dickson Medical Center, Dr. Brad Bennett Psychologist and Founder of Clinton Therapy and Testing Center, Dr. John Jarosz: Chiropractor and founder of Jarosz Chiropractic serving the Utica/Rome Area, and Ms. Kim Thompson: Nutrition Specialist, Nutrition Consultant, and Life Coach among many other certifications and education and founder of healthy transformations. Dr. Wilson said she discussed parenting and teaching techniques of a student with ADHD and felt confident doing so as we have children in our classrooms with ADHD and she has a six year old son at home with pervasive development disorder and ADHD.

#### 6.2 Secondary Building Report a. Teen Safety Week Activities

Mr. Hadfield said that last week we were part of Teen Safety Week. Oneida County hosted a variety of activities. We had three large screens for one day that are designed to grab kid's attention. They cover a tremendous array of topics: drinking and driving, texting and driving. A lot of celebrities; sports and movie figures were used. We started out with that and during lunch period there was a roll over demo from state police which was really impressive. People were flying out the windows because they don't buckle-up and then there was a series of being strapped in stressing the importance of safety and strapping yourself in. There were other demonstrations and table displays in the gym.

## b. National Honor Society Induction

Mr. Hadfield said that several Board Members were able to attend the National Honor Society Induction, The Seven Wonders of the World. It was a great program. We had 17 second year NYM Board of Education Minutes  
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inductees and 16 first year inductees. We heard a moving speech by David Cats and Diana Puchalski was our Outstanding Alumni.

## 7. Superintendent's Report

### 7.1 APPR/Regents Reform Agenda Update

Ms. Houghton reported that we continue to work toward the APPR approval deadline of September 1, 2013 for our second plan (2013-14). We are working through the process of making recommended changes with the Professional Education Committee. We are looking for another local assessment for K-2 ELA and Math so that teachers' local 20% growth or achievement is not contingent upon the same test as the growth score.

### 7.2 School Report Cards

Ms. Houghton proved full District, Elementary, and Jr. – Sr. High School Report cards from NYSED for 2011-12 and Dr. Wilson and Mr. Hadfield will report on the schools' specific performance at next month's meeting. We are making adequate yearly progress.

### 7.3 District Newsletter Publication Procedures

Ms. Houghton shared that concerns regarding the online publication of our District Newsletter have been communicated at various school support organization meetings. Does the Board wish for the district to resume printing and mailing these documents at a cost of approximately \$7,600? We have simplified the link on our webpage for easier access to the newsletter. The Board did not want the Superintendent to resume printing and mailing them, but they did ask that principals remind parents how to find them online.

### 7.4 Recent Recognition of Various Staff & Students

Ms. Houghton recognized the following: 2013 YEA Culmination – Shawn Essafi, 2013 Teen All-Stars – Tim Bolos and Hanna King, 2013 OHM (School Boards Student achievement Institute) Award – Jack Lin, Flora Elacqua Tutoring Award – Tevin Pham, Walter E. Miga Memorial Award – Tim Bolos, Outstanding Alumni (NHS) – Dr. Dina Puchalski, DVM Beaver Meadow Vet Clinic, 2013 Rotary Educator of the Year – Virginia Davis, Administrative Professionals Day – April 24, Teacher/Staff Appreciation Week – May 6 – 10, and National School Nurse Day – May 8.

## 8. Board Discussion

Mrs. Wroblecki asked for a calendar of annual Board needs to be established and would like it introduced at the June Meeting.

Ms. Edwards is in need of the Superintendent's Evaluation.

## 9. Visitors Comments

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Mr. King said that he does not have a student and it would okay if he knew when a newsletter was being published at the beginning of school year with a postcard when they are being published. He also said he was remiss at the last meeting in not thanking Mr. Radomski and Mrs. Wroblicki who both served admirably in a way that is admirable with tons of work for no pay. Congratulations to the people that receive tenure and to Mr. Spost and Mr. Hadfield. We are the people that are informed or try to be informed come tomorrow night listen to what they have to say

Mrs. Porcelli said that she is aware of how hard this board has worked to put together a budget that is quite good.

## 10. Executive Session – to discuss individual employment agreements

Mrs. Wroblicki made a motion seconded by Dr. Porcelli at 8:26 p.m. to discuss the individual employment agreements with Labor Relations attorney after a 10-minute break.

Yes 5 No 0  
Motion carried.

Ms. Edwards appointed Ms. Houghton the Clerk Pro-tem.

Respectfully submitted,



Paula Ann May  
District Clerk

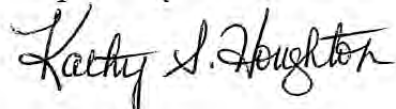
Ms. Edwards called the meeting back into regular session at 10:38 p.m.

## 11. Adjournment

Dr. Porcelli made the motion to adjourn at 10:38 p.m. seconded by Mr. Ross.

Yes 5 No 0  
Meeting adjourned.

Respectfully submitted,



Kathy Houghton  
Clerk Pro-tem



MADISON-ONEIDA  
BOARD OF COOPERATIVE EDUCATIONAL SERVICES  
"Enabling Learners to Excel"

LABOR RELATIONS  
& POLICY OFFICE  
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MEMORANDUM

**To:** Participating Chief School Officers  
**From:** Multi-BOCES Labor Relations & Policy Office  
**Date:** May 29, 2013  
**Re:** Revised Dignity for All Students Act Policies

With this Memorandum, we are providing revised copies of our template Code of Conduct and our template Equal Opportunity and Nondiscrimination Policy. These templates now include provisions designed to meet the requirements of the amended Dignity for All Students Act (Article 2-A of the Education Law). These revisions were finalized after reviewing the amended Commissioner Regulations published by the State Education Department in February and March.

The subject matter covered by these policies includes many areas where individual districts may opt for different approaches. We want to call to your attention four of these areas, and identify the approach reflected in our template documents.

- “Designee” – Amended DASA requires a district to identify which employee is responsible for receiving reports and overseeing the investigation of them. A district may identify the superintendent, principal, or “designee.” Your district almost certainly designates someone to be the Compliance Coordinator (or Title IX Coordinator, or similar). The template Policy makes the Compliance Coordinator the “designee” for DASA purposes. A district might alternatively make a Dignity Act Coordinator the “designee.” (*Code of Conduct Policy Section IV*) (*Equal Opportunity Policy Section V*)
- Methods of Reporting – Districts must provide a way for students and parents to make oral and written reports of offensive conduct. Some districts are providing a web page link, or a digital service. The template does not refer to these methods, but can be easily modified to add a description. (*Equal Opportunity Policy Section VI-A*)
- Person To Receive Reports – Students and parents must be able to make reports to teachers and administrators. The Commissioner’s Regulation allows districts to designate other “appropriate” employees to receive reports. Thus, a district may provide that some or all non-instructional employees be designated to receive reports. The template does not do so. (*Equal Opportunity Policy Section V, VI*) (*Code of Conduct Policy Section VIII*)
- School Strategy – The statute requires the Board to adopt a school strategy to prevent harassment, bullying, and discrimination. The template Policy offers very generic

language to accomplish this. Your district may have a more developed anti-bullying program, and, if so, you may want to replace the template language with your own. (*Equal Opportunity Policy Section IV*)

If your district wishes to customize the templates in any of these areas, please call our office to develop a revised document. If you have any questions about the requirements of the statute or regulations, please do not hesitate to contact our office and speak to one of our Labor Relations Specialists.

Reminder: It is now required that the plain language summary of the Code of Conduct be mailed to students and parents. The full text of the Code must be accessible on the District's website (if it has one).



CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

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## COMMUNITY RELATIONS

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS**I. Introduction**

The District establishes this Code of Conduct for the Maintenance of Public Order on School Property and at School Functions to govern the conduct of students, teachers and other school personnel, and visitors. This Code of Conduct has been developed consistent with the Safe Schools Against Violence in Education Act (Chapter 181 of the Laws of 2000) and Section 100.2 of the Commissioner's Regulations and in collaboration with student, teacher, administrators and parent organizations, school safety personnel and other school personnel.

**II. Definitions**

For purposes of this code, the following definitions apply:

"Cyberbullying" means harassment or bullying that occurs through any form of electronic communication.

"Disability" means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.

"Disruptive student" means an elementary (K-5) or secondary (6-12) 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" means a person's actual or perceived sex and includes a person's gender identity or expression (~~Education Law Section 11(6)~~).

~~"Harassment" means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.~~



CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
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“Harassment or bullying” means the creation of a hostile environment by conduct or by threats, intimidation, or abuse, including cyberbullying as defined in Education Law section 11(8), that either:

1. has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or with the student’s mental, emotional and/or physical well-being, including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or
2. reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety.

This Code applies to all acts of harassment or bullying that occur on school property or at a school function, as well as to acts occurring off school property when (i) those acts create or would foreseeably create a risk of substantial disruption within the school environment, and (ii) it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property.

"Parent" means parent, guardian or person in parental relation to a student.

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

“School function” means any school-sponsored extra-curricular event or activity. For the purposes of this policy, a “school function” is defined as any event, occurring on or off school property, sanctioned or approved by the school, including but not limited to offsite athletic events, school dances, plays, musical productions, field trips or other school-sponsored trips (~~Education Law Section 11(2))~~.

“Sexual Orientation” means a person’s actual or perceived heterosexuality, homosexuality, or bisexuality (~~Education Law Section 11(5))~~.

“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 or displays while on school property or at a school function, a weapon or what appears to be a weapon.
4. Threatens, while on school property or at a school function, to use a weapon.



CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

5. 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.
6. 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, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, 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.

For purposes of this policy, "hazing" is defined to mean committing an act against a student, or coercing a student into committing an act, that creates a risk of emotional, physical or psychological harm to the student, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. The term "hazing" includes, but is not limited to: humiliating, degrading or dangerous activities; substance abuse of alcohol, tobacco or illegal drugs; any activity that intimidates or threatens the student with ostracism, or adversely affects the health or safety of the student; or any activity that causes or requires the student to perform a task or act that is a violation of state or federal law or district policies/regulations.

~~For purposes of this policy, "bullying" is defined to mean inappropriate, persistent behavior including threats to, or intimidation of others; treating others cruelly, terrorizing, coercing, or habitual put downs and badgering of others. Common characteristics of bullying behavior includes physical acts like hitting or kicking; verbal acts such as using words to berate, hurt or humiliate; and relational behaviors such as maliciously spreading rumors. It is against school rules for you to do this by your physical actions or by your verbal statements, including electronic messages.~~

### **III. The Role of Teachers, Administrators, other School Personnel, the Board and Parents**

#### **A. Role of Teachers and Staff**

1. In recognition of their charge in educating the children of our community, it shall be the responsibility of the teachers and staff to:
  - a. 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, with the intent of strengthening students' self- concept and promote confidence to learn.

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

- b. Reflect a personal enthusiasm for teaching and learning and a genuine concern for the individual student.
- c. Guide learning activities so students learn to think and reason, to assume responsibility for their actions and to respect the rights of others.
- d. Participate in the establishment of school rules and regulations regarding student behavior; explain these rules to students and require observance of them.
- e. Enable students to discuss their problems by listening, remaining open-minded, and considering student input in the decision-making process.
- f. Be fair, firm and consistent in enforcing school rules in buildings, school buses, on the school campus and at school functions as defined by Section II.
- g. Give positive reinforcement for acceptable behavior.
- h. Demonstrate, by word and personal example, respect for law and order and self-discipline.
- i. Refer to a counselor or administrator any student whose behavior requires special attention.
- j. Seek to develop close cooperative relationships with parents for the educational benefit of the student by keeping open communication with parents and by sending communications home promptly.
- k. Report orally to their principal, the Superintendent, or designee any incident of harassment, bullying and/or discrimination that they witness or that is reported to them, not more than one day later; and file a written report not later than two (2) school days after the initial oral report.

B. Role of Guidance School Counselors and School Social Workers

- 1. Confront issues of discrimination and 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.



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2. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
3. Report incidents of discrimination and harassment to the appropriate administrator that are witnessed or otherwise brought to a teacher's or staff member's attention in a timely manner.
- 4.. Report orally to their principal, the Superintendent, or designee any incident of harassment, bullying and/or discrimination that they witness or that is reported to them, not more than one day later; and file a written report not later than (2) school days after the initial oral report.

C. Role of Administrators

1. As the educational leaders of the school, administrators set the disciplinary climate. It shall be their responsibility to:
  - a. Create the best teaching/learning situation possible, exercising all authority assigned by the Superintendent and School Board.
  - b. Evaluate the program of instruction in the schools to achieve a meaningful education program.
  - c. Help the staff evaluate their own procedures and attitudes in relation to their interactions within their classrooms.
  - d. Receive teacher or counselor referrals of students with behavior problems; confer with these students; communicate with parents; and set up cooperative procedures for bringing about modification of the student's behavior.
  - e. Utilize all appropriate auxiliary staff and outside agencies to help parents and students identify problems and seek solutions.
  - f. Provide the opportunity for students and staff to approach the administrator directly for redress of grievances.
  - g. Be fair, firm and consistent in all decisions affecting students, parents and staff.
  - h. Maintain open lines of communication between the school and the home.

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- i. Assume responsibility for the dissemination and enforcement of the District's discipline policy and ensure that all cases are resolved promptly.
- j. Comply with pertinent laws and regulations governing hearings, suspensions and students' rights.
- k. Enable students to discuss their problems by listening; remaining open-minded; and consulting and considering student input in the decision-making process.
- l. Facilitate the professional development of staff members and support inservice programs.
- m. Establish the line of administrative authority in the building in the absence of the administrator.
- n. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national ethnic group, religion, religious practice disability sexual orientation, gender or sex, with the intent of strengthening students' confidence and promote learning.
- o. Report to the Superintendent, or designee any incident of harassment, bullying and/or discrimination that they witness or that is reported to them, not more than one day later.

D. Role of Parents

1. To achieve a cooperative, wholesome relationship between home and school that is essential to each student's successful development and achievement, it shall be the responsibility of parents to:
  - a. Send their child to school as required by the New York State Education Law.
  - b. Insist on prompt and regular attendance.
  - c. Make certain that all absences are properly excused in writing.
  - d. Provide for their child's health, personal cleanliness and suitable grooming and dress.

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- e. Guide their child from the earliest years to develop acceptable behavior, to exercise self-control and to be accountable for their actions.
- f. Teach their child respect for law, for the authority of the school and for the rights and property of others.
- g. Know, understand and support the rules their child is expected to observe at school; to be aware of the consequences for any violation of these rules; and to accept legal responsibility for their child's action.
- h. Instill in their child a desire to learn by providing a place conducive for study and ensuring completion of homework assignments.
- i. Demonstrate an enthusiastic and supportive attitude toward school and education by becoming acquainted with their child's school, its staff, curriculum and activities and by attending parent-teacher conferences and school functions.

E. Role of Board of Education

- 1. A primary task of the Board of Education is to establish District policy. It shall be the responsibility of the Board to:
  - a. Adopt and support a clearly defined code of conduct.
  - b. Provide adequate staffing and sufficient building space, so that the conditions within the school are conducive to a positive learning environment.
  - c. Listen and react to the views of the total community.
  - d. Employ qualified personnel who are understanding, sensitive to, and genuinely interested in, young people.
  - e. Provide time for regularly scheduled inservice training for all school employees.
  - f. Encourage and support program review and curriculum development including but not limited to character education, peer mediation, conflict resolution and other violence/discipline reduction programs.



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**IV. Strategies and Procedures for the Maintenance and Enforcement of Public Order on School Property**

A. Purpose

1. The following rules and regulations are adopted for the maintenance of public order on district property and provide a program for enforcement. These rules shall apply to any individual on school property and/or at school functions (as defined by Section II Definitions) including students, teachers and other school personnel, and visitors.

B. Prohibited conduct

1. No person, either singly or in concert with others, shall:
  - a. Willfully cause physical injury to any other person, or threaten to do so for the purpose of compelling or inducing such other person to refrain from any act which he has a lawful right to do, or to do any act which he has a lawful right not to do.
  - b. Willfully damage or destroy property of the district, or remove or use such property without authorization.
  - c. Without permission, express or implied, enter into any private office or area not designated for public use. This prohibition does not apply to law enforcement officers or individuals designated by the Superintendent to conduct lawful investigations of alleged misconduct.
  - d. Other than student or employee, enter a classroom or the building beyond the administrative office without written permission of the Superintendent or his designee. Parents of students (who are not prohibited from being in their child's classroom by court order) need not obtain written permission from the Superintendent or designee. However, such individuals must be invited by the classroom teacher and must check in with the building principal's office upon arrival and departure.
  - e. Enter upon and remain in any building or facility for any purpose other than for authorized uses, or in such manner as to obstruct its authorized use by others.

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- f. Without authorization, remain in any building or facility before it is officially open or normally closed.
- g. Refuse to leave any building or facility after being requested to do so by an authorized administrator or designee.
- h. Obstruct the free movement of persons and vehicles in any place to which these rules apply.
- i. Deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings, or deliberately interfere with any person who desires to express his views, including invited speakers.
- j. Have in his possession upon any premises to which these rules apply, any knife, shotgun, pistol, revolver, or other firearm or weapon without the written authorization of the Superintendent, whether or not a license to possess the same has been issued to such person.
- k. Possess, consume, sell or exchange alcoholic beverages, drugs or narcotics on school properties.
- l. Distribute or post any written material, pamphlet or poster without the prior written approval of the Superintendent or building principal. This should not be construed as conflicting with any rights conferred on staff members by contract or law.
- m. Using in either words, clothing or signs profane, lewd, vulgar or abusive language or words which may incite or offend another person; or constitute a health or safety hazard (including clothing that promotes the sale or use of alcohol, tobacco, controlled substances, weapons and violence) or a substantial disruption or material interference with the mission, work or discipline of the school community.
- n. Urge or incite, guard, protect, aid or abet others in the commission of any of the acts herein prohibited.
- o. Violate any law.

C. Penalties and Procedures

- 1. In the case of a violation of this section or any other provision of this code of conduct:

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- a. Any individual authorized to be on school premises or at a school function (other than students or staff) who violates the rules of this code will be directed to leave the premises or function. In the event of his/her failure or refusal to do so, the Superintendent or designee shall cause his/her ejection from such property.
- b. In the case of any unauthorized individual who is on school property or at a school function, the Superintendent or designee shall inform the individual that he/she is not authorized to remain and direct him/her to leave such premises. In the event of his/her failure to do so, the Superintendent or designee shall cause his/her ejection from such property. Nothing in this section should be construed as authorizing the presence of any such person at any time, nor affect his/her liability for prosecution for trespassing, loitering, etc., as prescribed in the Penal Law.
- c. In the case of a student, charges for violation of any of these rules shall be presented and shall be heard and determined in the manner provided in the applicable sections of this code of conduct or Section 3214(3) of the Education Law.
- d. In the case of a faculty member having tenure, charges for misconduct and violation of these rules shall be made, heard and determined in accordance with Section 3020-a of the Education Law.
- e. In the case of the faculty member not having tenure, the Superintendent shall conduct a hearing after written notice to the teacher of the charges and shall determine the punishment of the teacher if found guilty.
- f. In the case of any staff member who holds a position in the classified Civil Service which is covered by Section 75 of the Civil Service Law, charges of misconduct for violation of any of these rules shall be made, heard and determined as prescribed in that section.
- g. In the case of any staff member who does not hold a position in the classified Civil Service and is not covered by the provisions of Section 75 of the Civil Service Law, the Superintendent shall conduct a hearing after written notice to such staff member of the charges, and shall determine the punishment if such staff member is found guilty.



## COMMUNITY RELATIONS

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- D. Procedures to Inform Law Enforcement Officials of a Crime and Filing Criminal/Juvenile Delinquency Complaints
1. In the case of a violation of this section or any other provision of this Code of Conduct which constitutes a crime, the Superintendent has established the following procedures to report such an incident to the appropriate law enforcement agency and to follow through with filing a criminal/juvenile delinquency complaint:
    - a. Any individual who believes that he/she has witnessed a crime either on school premises or at a school function should report it to the appropriate building principal or his/her designee. The principal/designee will gather the necessary information to determine whether he/she believes that a crime has been committed. If so, the appropriate local law enforcement agency will be contacted immediately. If not, the principal/designee will take whatever disciplinary steps may be necessary, consistent with this Code of Conduct. These procedures should be followed in all circumstances except for reporting "child abuse in an educational setting" where the procedures for reporting such incidents are set forth in the statute.
    - b. If, in consultation with the local law enforcement agency, the school district is deemed the appropriate entity to file a criminal/juvenile delinquency complaint against the code violator, the appropriate school official (e.g., building principal) will be expected to file such a complaint. Where the victim of the crime is an individual, whether a student, teacher, staff member, visitor, etc., the crime victim will be strongly encouraged to file such a complaint.

**V. Student Conduct and Discipline**

- A. Bill of Rights and Responsibilities of Students
1. Rights
    - a. Students of this district shall have the rights afforded to students under the provisions of the Federal and State constitutions and the laws of the State of New York.
    - b. Learn in an environment free of discrimination and harassment based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex;

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- c. Participate equally in all school activities regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender or sex;
  - d. Have complaints about school-related incidents investigated and responded to.
2. It shall be the responsibility of the students to:
- a. Be aware of and obey school rules and regulations.
  - b. Accept responsibility for their own actions.
  - c. Respect the rights of others, including the right to secure an education in an environment that is orderly and disciplined.
  - d. Attend school regularly and punctually.
  - e. Take advantage of the academic opportunities offered at school.
  - f. Support and participate in school activities.
  - g. Maintain habits of personal cleanliness.
  - h. Respect school property.
  - i. Strive for mutually respectful relationships with teachers and administrators, recognizing their role as surrogate parent in matters of behavior and discipline.
  - j. Contribute toward establishing and maintaining an atmosphere that generates mutual respect and dignity for all.
  - k. Be informed regarding student rights and responsibilities and comply with all rules and regulations of this policy.
  - l. Act and speak respectfully about issues/concerns.
  - m. Use non-sexist, non-racist and other non-biased language.
  - n. Respect and treat others with tolerance and dignity regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
  - o. Use communication that is non-confrontational and is not obscene or defamatory.
  - p. Report to appropriate school district personnel acts of bullying,

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discrimination, harassment and other inappropriate actions that hurt others.

3. The above bill of rights and responsibilities shall be publicized and explained to all students on an annual basis. The manner and extent of the publication shall be determined by the Superintendent or his/her designee.

B. Student Conduct

1. Acceptable and appropriate conduct by students shall be consistent with the student responsibilities outlined in this code of conduct.

Whenever possible, teachers and staff members are encouraged to use realistic, positive discipline techniques which reward and enforce positive behavior. The District shall formally recognize responsible student behavior in forums such as the National Honor Society induction ceremony, academic awards assemblies and certificates for perfect attendance. The District encourages the development of additional methods of recognition.

2. Unacceptable and Inappropriate behavior
  - a. Any violation of law
  - b. Being under the influence of alcohol on school premises or at school functions; selling, consuming or being in possession of alcohol on school premises (including buildings or grounds) or on a bus going to or from a school function or at a school function as defined by Section II Definitions.
  - c. Being under the influence of, the use, possession, sale or gift of any drug or controlled substance, including marijuana or any instruments for the use of such drugs, controlled substance or marijuana such as pipe, syringe or other paraphernalia, synthetic marijuana or cannabinoids, including but not limited to items labeled as incense, herbal mixtures or potpourri, while on school premises (including buildings or grounds) or on a bus going to or from a school function or at a school function as defined by Section II Definitions. Excepted is any drug taken in accordance with a current prescription signed by a physician which is to be taken by that particular student at the time in question.
  - d. Stealing, lying, cheating, plagiarism or other acts of dishonesty.

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- e. Verbal or physical intimidation.
- f. Fighting or causing physical harm to another.
- g. Disrespect toward an administrator, faculty staff member, or another student.
- h. Possession or use of a weapon, which constitutes a firearm or destructive device, on school premises. School premises include school grounds, school buildings, or a school bus.
- i. Possession or use of a knife or other weapon or other instrument intended to be used as a weapon not included in subsection (i) on school premises. School premises include school grounds, school buildings, or a school bus.
- j. Failure to comply with the directions of a teacher, administrator or other school employee.
- k. Engaging in acts of harassment or bullying as defined in Section II of the Code of Conduct, labeled "Definitions."
- l. Using in either words, clothing, or signs, profane, lewd, vulgar, abusive language or words which may incite or offend another person; or constitute a health and safety hazard (including clothing that promotes the sale or use of alcohol, tobacco, controlled substances, violence or weapons) or a substantial disruption or material interference with the mission, work or discipline of the school community.
- m. Selling, using or possessing obscene material.
- n. Being late for, missing or leaving school or class without permission or an excuse given by a faculty member.
- o. Smoking a cigarette, cigar or pipe, or using chewing or smokeless tobacco on school premises (including buildings or grounds) or on a bus going to or from a school function or a school-sponsored function.
- p. Any willful act which disrupts the normal operation of the school community.



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- q. Unacceptable classroom behavior including being disrespectful to a teacher or staff member or inappropriate talking in class.
  - r. Unacceptable bus behavior including not staying seated, throwing objects, excessive loudness or other activities that distract the driver of the bus.
  - s. Public displays of affection
  - t. Gambling.
  - u. Vandalism of school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on district property.
  - v. Use of cell phones or pagers during the school day.
3. 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:

- a. Be safe, appropriate and not disrupt or interfere with the educational process.
- b. Recognize that extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back), bare midriffs, short skirts, or short clothing must follow three finger wide rule at the shoulders and finger tip rule at the thigh. See-through garments are not appropriate, nor are pajama style flannel pants.
- b. Ensure that underwear is completely covered with outer clothing.
- c. Include footwear at all times. Footwear that is a safety hazard will not be allowed.

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- d. Not include the wearing of hats during the school day in the classroom except for a medical or religious purpose or special events.
- e. Shall not cause a potential safety hazard, such as jewelry containing sharp objects or chains hanging from belt, pocket or wallet.
- g. Not include items that are vulgar, obscene, libelous or denigrate others on account of a persons actual or perceived race, color, religion, religious practice, creed, national origin, weight, ethnic group, gender, sexual orientation or disability.
- h. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

Each building principal or his or her 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 modify their appearance by covering or removing the offending item and, if necessary or practical, replacing 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.

4. Gun-Free Schools

- a. In accordance with the Gun-Free Schools Law (20 U.S.C.A. Section 3351), the Gun-Free Schools Act of 1994 (20 U.S.C.A. Section 8921), New York State Education Law Section 3214(3), and this Board policy, the punishment for violation of Section V subsection (B)(2)(h) shall be a suspension from attendance upon instruction for a period of not less than one calendar year, unless the Superintendent shall determine to modify such punishment. The Superintendent's determination shall be on a case-by-case basis.
- b. The term "firearm" as used in Section II does not include an antique firearm. The term "destructive device" means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or



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incendiary charge or more than one-quarter ounce, mine or any device similar to any of those devices already described in this paragraph. Except that “destructive device” shall not mean any device not designed or redesigned for use as a weapon.

- c. The Superintendent shall refer a pupil who has been determined to have violated Section V subsection (B)(2)(h) as follows:
  - 1. If the pupil is under 16 years of age, to a presentment agency for a juvenile delinquency proceeding: except a pupil 14 or 15 years of age who qualifies for juvenile offender status in accordance with the Family Court Act, Article 3.
  - 2. If the pupil is 16 years of age or older, or 14 or 15 years of age who qualifies for juvenile offender status, to the appropriate law enforcement agency.
  
- 5. In addition to the preceding standards of conduct, the District prohibits discrimination and harassment against any student by employees or students that creates a hostile environment by conduct (with or without physical conduct) or verbal statements, intimidation, or abuse. We consider a hostile environment to be created when actions or statements directed at a student either (1) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities, or benefits, or with the student’s mental, emotional, or physical well-being including conduct that reasonably causes or would reasonably be expected to cause emotional harm, or (2) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for their physical safety.

This prohibition applies to all acts of harassment or bullying that occur on school property or at a school function, as well as to acts occurring off school property when (i) those acts create or would foreseeably create a risk of substantial disruption within the school environment, and (ii) it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property.

The prohibition of discrimination includes, but is not limited to, threats, intimidation, or abuse based on the student’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, or sex.

C. Disciplinary Responses to Student Misconduct

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The purpose of all discipline is to teach students appropriate and constructive behaviors. Disciplinary measures shall be appropriate to the seriousness of the offense and, where applicable, to the previous discipline record of the student.

This code divides types of misbehaviors into four levels of increasing seriousness, with more stringent disciplinary measures provided for at each level. If an infraction appears to fall between two levels, it should be categorized and dealt with at the less stringent level. At each level there are examples of infractions to be treated at that level. The list is intended to be descriptive rather than exhaustive. Each level also has a description of procedures which school officials should follow in administering discipline, and a menu of disciplinary choices. Because each child and each misbehavior is different, school officials should tailor the discipline for each infraction to best encourage the child to make better choices in the future.

#### Level A

These misbehaviors constitute minor infractions of school rules which cause little harm and minimal disruption. They are best handled quickly and informally. If the behaviors continue, however, their very persistence may make them disruptive enough to cause them to be treated as more serious infractions with more stringent consequences.

#### Examples of Infractions

1. Failure to follow instructions
2. Classroom disturbance
3. Minor act of aggression
4. Neglect of safety rules
5. Violations of bus rules
6. Violations of library rules
7. Litter/graffiti
8. Disturbance outside class
9. Violation of study hall privilege
10. Abuse of hall, locker, or library privileges
11. Tardiness
12. Inappropriate language
13. Taunting and/or teasing of others

#### Procedures

1. The supervising staff or observer intervenes and applies the most appropriate discipline.
2. The staff member may find it necessary to record offenses and actions taken. A copy of such record shall be shared with the appropriate personnel.



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3. If misbehavior persists, the staff member confers with the principal or the principal's designee and arranges for parental contact.

Optional Disciplinary Responses

- A. Verbal reprimand
- B. Seat change
- C. Behavioral contract
- D. Strictly supervised study hall
- E. Restriction and/or loss of privileges
- F. Special written assignments
- G. Recommendation and referral for counseling
- H. Parental contact and/or conference
- I. Clean-up after school and/or payment of damages
- J. Detention
- K. Warning letter
- L. Referral to in-school or out of school agencies including but not limited to the Department of Social Services and the judicial system.
- M. Any combination of the above

**Level B**

Misbehaviors included at this level are frequent and/or serious enough to disrupt the learning climate of the school and affect the student's own ability to learn. Some of these infractions may be a result of misbehaviors which continue even after disciplinary measures are taken under Level A. Because of the frequency and/or seriousness of these misbehaviors, the administrator assumes the major responsibility for corrective action.

Examples of Infractions

1. Chronic Level A misbehavior
2. Continued harassment of other students
3. Repeated misbehavior on the school bus
4. Petty theft
5. Gambling
6. Use of profanity or obscenity
7. Possession or distribution of pornographic materials
8. Leaving school without permission
9. Defiance and insubordination
10. Forgery
11. Cutting scheduled classes or detention
12. Harassment graffiti
13. Truancy

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Procedures

1. The teacher or observer reports the infraction or refers the student to the administrator. A written report will be submitted to appropriate personnel.
2. The administrator meets with the student and/or the teacher and determines the most appropriate disciplinary response, and then informs the teacher of the action taken.
3. The parent or person responsible for parental control shall be notified.
4. The administrator maintains a record of the offense and the disciplinary action taken.

Optional Disciplinary Responses

- a. Continuation of the more stringent Level A options
- b. Recommendation or referral for sustained counseling
- c. Parental conference
- d. Temporary withdrawal of certain privileges or participation in school activities
- e. Teacher removal of a student from classroom (Such removal shall be consistent with Section IV (D) of this code.)
- f. Suspension of school bus transportation
- g. In-school suspension
- h. Out-of-school suspension (except for truants)
- i. Any combination of the above

Level C

Classified at this level are behaviors which may cause lasting harm to the misbehaving student or which may threaten the health, safety, or emotional well being of others in the school. If the misbehaviors at this level could violate criminal laws, administrators may, if they consider it appropriate, contact law enforcement officials. In most cases, however, these behaviors can best be remediated through disciplinary action at the school.

Examples of Infractions

1. Chronic Level B misbehavior
2. Repeated truancy
3. Use of tobacco products on school property or a school bus
4. Extortion
5. Stealing and/or possession and/or sale of stolen property
6. Physically threatening other students
7. Serious acts of defiance or threatening a teacher or support staff
8. Fighting (physical harm)
9. Vandalism

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10. Possessing, using, or being under the influence of drugs or alcohol on school property or at school sponsored activities
11. Serious disruptive behavior
12. Leaving school grounds without permission
13. Interference in the execution of duties of school personnel
14. Written or electronic communication which demeans or ridicules on the basis of race, gender, or ethnicity
15. Possessing or using a pellet or BB gun on school property or at school-related events

Procedures

1. The infraction is reported and the administrator investigates further and confers with staff members on the circumstances and immediate needs
2. The administrator confers with the student and parent or person responsible for parental control about the documented misbehavior, its extent and consequences, and subsequent disciplinary action. If suspension is part of the action, the administrator follows appropriate procedures
3. If appropriate, the administrator contacts law enforcement officials
4. Administrator makes an accurate record of the infraction
5. Written statements are taken as needed

Optional Disciplinary Responses

- A. Continuation of all Level A and B options.
- B. Full withdrawal from participation in school activities
- C. Referral to Superintendent for possible hearing.
- D. Any combination of the above.

Level D

Except for unmodified Level C behavior, the acts listed at this level are clearly criminal. They represent a direct and immediate threat to the welfare of others or may result in serious injury to the student, other people, or property. In most cases, they require administrative action which immediately removes the student from school and calls for the intervention of appropriate authorities.

Examples of Infraction

1. Unmodified Level C misbehavior
2. Possession and/or sale of stolen property
3. Extortion
4. Indecent exposure
5. Tampering with a fire alarm
6. Pulling a false alarm

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7. Starting a fire on school property
8. Major vandalism
9. Grand theft
10. Possession and/or use of explosives
11. Arson
12. Providing, selling, and use of illegal chemical substances and/or alcohol on school property and/or at school-sponsored activities
13. Making a bomb threat
14. Assault and battery
15. Possession, use, and/or transfer of lethal weapons on school property or at school-related activities
16. Hate crimes (incidents targeting individuals or groups with threats, ridicule, or violence, including written and electronically displayed ridicule)
17. Making verbal or written threats of violence

Procedures

1. Having verified the offense, the administrator meets with all of those involved.
2. The principal initiates procedures according to established policy for excluding the student from school and notifies the parents or persons in parental control immediately.
3. The principal informs the Superintendent.
4. School officials contact the proper authorities and assist in prosecuting the offender.
5. The principal submits a complete and accurate record to the Superintendent for possible Board action.

Optional Disciplinary Responses

- A. Full restitution of damages
- B. In-school suspension
- C. Out-of-school suspension
- D. Alternative school
- E. Superintendent's hearing
- F. Referral to appropriate agencies
- G. Any combination of the above

D. Responses to acts of harassment, bullying and/or discrimination against students by students shall use measured, balanced, and age-appropriate remedies and procedures, with the goals of prevention and education, as well as intervention and discipline. We will consider the nature and severity of the conduct, the developmental age of the student engaging in the conduct, the actor's prior disciplinary record, and the impact of the conduct on the student at whom it was directed.



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D.E. Removal of disruptive students from the classroom and school property.

1. Teacher Removal of a Disruptive Student from the Classroom

- a. Teachers have a limited authority to remove disruptive pupils from the classroom. Such removal shall be consistent with this code of conduct. Disruptive students are defined as elementary/or secondary pupils, under the age of 21, who are “substantially disruptive of the educational process or substantially interfere with the teacher’s authority over the classroom.”
- b. A disruptive pupil may be removed from a teacher’s classroom by the teacher for no more than one (1) day of instruction in a specific subject for each incident of substantial disruption of the educational process or substantial interference with a teacher’s authority.
- c. In order to initiate the removal of a student from the classroom, the teacher must first determine that a student is disruptive. The behaviors identified as Level B behaviors under Section V (C) Disciplinary Responses to Student Misconduct are illustrative of disruptive behavior warranting teacher removal from class. Behaviors which do not rise to the level defined as disruptive shall be subject to traditional disciplinary strategies, in accordance with this policy.

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 his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term “time out” in an elementary classroom or in administrator’s office; (2) sending a student to the principal’s office for the remainder of the class time only; (3) sending a student to a guidance school counselor and school social worker or other district staff member for counseling; or (4) assignment to time out, or “resolution and recovery”. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

In addition, teacher removal of a pupil from the classroom for behavior which warrants a more significant penalty, such as out-of-school suspension, does not preclude the greater discipline.

- d. If the pupil’s behavior is merely disruptive (not presenting a



CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

continuing danger or an ongoing threat of disruption to the academic process) the teacher shall notify the student of the reasons for the removal prior to the removal and allow the student to present his/her version of the events. If the pupil's behavior does present a continuing danger or ongoing threat as stated above, the teacher may immediately remove the pupil from the classroom; and explain the basis of the removal and allow the student to present his/her version of the events within twenty-four (24) hours of the removal.

- e. A teacher initiating removal of a student from the classroom pursuant to the provisions of this code of conduct shall inform the principal of the basis of the removal and complete a written disciplinary referral form detailing the basis of the removal.
- f. Within 24 hours of the removal, the principal or his/her designee (another administrator) must inform the parent of the reasons for the removal from class. On request, the student/parent must be given an opportunity to discuss reasons with principal or his/her designee. The teacher shall be involved in the conference, unless the principal decides based upon extenuating circumstances that it is not beneficial to have the teacher involved in such conference.
  - 1. If the student denies the charges, the student/parent must be given explanation of basis for removal and an opportunity to represent his/her version. This must take place within 48 hours of the removal.
  - 2. The Principal or his/her designee must decide, by the close of business on the day following the opportunity to be heard by the principal, whether the discipline will be set aside. The principal or his/her designee may only set aside discipline if:
    - a. The charges against the student are not supported by substantial evidence.
    - b. The student's removal is in violation of law.
    - c. The conduct warrants an out-of-school suspension and a suspension will be imposed.
    - d. The District shall provide continued educational programming to students who are removed from class by a teacher. Such programming shall include placement in an alternative educational program appropriate to individual student needs.

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E.F. Responding to Reports of Possible Harassment or Discrimination

1. In addition to the procedures described below for removal of disruptive students and possible suspension from attendance, the District provides a procedure for responding to reports of possible discrimination or harassment against students by another student, an employee, or any other person on school property or at a school function. The process is described in the District's Equal Opportunity and Nondiscrimination Policy.
2. The District has also designated a Dignity Act Coordinator for each school. That coordinator is:

Nina Belmar, K-12 School Social Worker  
[nbelmar@newyorkmills.org](mailto:nbelmar@newyorkmills.org)  
768-8129 or 768-3394

The Dignity Act Coordinator is trained in methods to respond to human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, and sex. She is available to speak with any person who has witnessed possible discrimination or harassment, or if that person has experienced treatment that may be prohibited discrimination or harassment.

G. No Retaliation for Reporting

No act of retaliation may be directed at any person who makes a good faith report of conduct by another person that may reasonably be a violation of this Code, or who assists in, or is part of, the investigation of such a report. To engage in such retaliation is considered a violation of this Code.

F. H. Student Suspension from School

1. When suspension of a student from attendance for a period of five days or less pursuant to section 3214(3) of the Education Law is proposed, school district officials shall immediately notify the parent(s) or the person(s) in parental relation in writing that the student may be suspended from school. Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within 24 hours of the decision to propose suspension at the last known address or addresses of the parents or persons in parental relation. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents or

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persons in parental relation. Such notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the parents or persons in parental relation of their right to request an immediate informal conference with the principal in accordance with the provisions of Education Law, section 3214(3)(b). Such notice and informal conference shall be in the dominant language or mode of communication used by the parents or persons in parental relation to the pupil. Such notice and opportunity for an informal conference shall take place prior to the suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

2. The suspension of pupils for a period in excess of five (5) school days shall be conducted in accordance with the regulations of Section 3214 of the Education Law.

3. Minimum Suspension for Pupils who Repeatedly are Substantially Disruptive

Pupils who repeatedly are substantially disruptive to the educational process or who substantially interfere with the teacher's authority in the classroom shall be subject to a minimum out-of-school suspension of two (2) days. A student who "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority in the classroom" is defined as one who is removed from the classroom by a teacher more than four (4) times in a semester. Such suspension period may be reduced on a case by case basis consistent with law.

4. Minimum Suspension for Violent Pupils

- a. Teachers shall immediately report and refer a violent pupil to the principal or Superintendent for a violation of this code of conduct.
- b. Students who are deemed to be "violent pupils" as defined by Education Law Section 3214 (2-a) (a) shall be subject to a minimum out-of-school suspension of at least five (5) days. A violent pupil is an elementary or secondary student under twenty (21) who:
  1. commits an act of violence upon a teacher, administrator or other school employee;



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2. commits, while on school district property an act of violence upon another student or any other person lawfully upon said property;
3. possesses, while on school district property, a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;
4. displays, while on school district property, what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instrument, capable of causing death or physical injury;
5. threatens, while on school district property, to use any instrument that appears able to cause physical injury or death;
6. knowingly and intentionally damages or destroys the personal property of a teacher, administrator, other school district employee or any person lawfully upon school district property;  
or
7. knowingly and intentionally damages or destroys school district property.

G.I. PINS Petition/Referral to Human Services Agencies

The Superintendent has established the following procedures for filing PINS petitions or for the referral of pupils to the appropriate human services agency:

1. Where a student does not attend school in accordance with the Education Law or is incorrigible, ungovernable or habitually disobedient and beyond the lawful control of a parent or other lawful authority or who violates provisions of Section 221.05 of the Penal Law (unlawful possession of marijuana), the building principal having authority over the student will be responsible for filing a PINS proceeding against that student. Excessive illegal absences within a single semester or being “incorrigible, ungovernable or habitually disobedient and beyond the lawful control of a parent or other lawful authority” has the same definition as that provided in Article 7 of the Family Court Act. These petitions may also be filed by guidance school counselors and school social workers, or other certificated staff members but must be done in consultation with the building principal. Prior to commencing any such proceedings, the building principal should review the matter with the school district’s attorney.



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2. The Superintendent will make available to all building principals a list of appropriate human services agencies located in or near the district. When in the discretion of the building principal referral to such an agency is appropriate, such referrals shall be made. This does not, however, effect the mandatory reporting requirements of all school district employees to make referrals for suspected child abuse.

**VI. Age Appropriate Restatement of Policy**

You should never feel that it is not safe for you to come to school and participate in all school activities. You should never be prevented from concentrating on your schoolwork because another student or a school staff member is teasing you, making fun of you, pushing you around, or threatening you in some way, because of your race, color, weight, national origin (where your family comes from), ethnic group, religion, religious practices, disability, sexual orientation, gender, or sex or any other reason.

You may not act toward another student in a way that reasonably might make them feel threatened or unsafe, or that might reasonably make them unable to concentrate on their school work, because of what you think about their race, color, weight, national origin (where their family comes from), ethnic group, religion, religious practices, disability, sexual orientation, gender, or sex or any other reason. It is against school rules for you to do this by your physical actions or by your verbal statements, including electronic messages.

**VII. Procedure in the Early Identification and Resolution of Discipline Problems**

- A. Pupil service personnel, administrators, teachers and others shall report students who are having problems or appear to be having problems regarding matters covered in the code of conduct to the building principal. Parents also are invited to advise the building principal of concerns the parents may have regarding their children pertaining to the code.
- B. Students are expected to report to teachers or to the building administrator any student who appears to be having discipline problems. Students are expected to cooperate in any conference regarding the discipline of that student.
- C. When the building principal is aware of, or has received a report from pupil service personnel, administrators, teachers, students or parents, the building principal shall conduct whatever inquiry the principal considers appropriate.
- D. If the building principal, after such inquiry, considers there is a basis for concern, the principal shall arrange to have a meeting with the parents and/or guardians and

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appropriate staff members to review the matter and create a plan to resolve the discipline problems.

- E. The purpose of the procedure is to identify early possible problems and to resolve these disciplinary problems. The district shall assign such support personnel to assist the parties, considering the resources available at any given time.

**VIII. Students with Disabilities**

- A. The Board of Education recognizes that the need to address disruptive or problem behavior within its schools may result in the suspension, removal or other discipline of students with disabilities eligible for services under the Individuals with Disabilities Education Act (IDEA) and Article 89 of the Education Law (Article 89) and their implementing regulations. It also recognizes that these students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them.
1. A student with a disability may not be removed pursuant to Section 201.7 of the Regulations of the Commissioner of Education if the imposition of the 5 school day or 10 school day suspension or removal would result in a disciplinary change in placement based on a pattern of suspensions or removals as determined by school personnel in accordance with the criteria set forth in section 201.2 (3)(ii) except where the CSE has determined in accordance with section 201.4 that the behavior was not a manifestation of such students' disability, or the student is placed in an IAES as authorized under Commissioner's Regulations.
  2. "Disciplinary change in placement" means a suspension or removal from a student's current educational placement that is either:
    - a. for more than ten (10) consecutive school days; or
    - b. for a period of ten (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 ten (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.
- B. Accordingly, it shall be the Board's policy that the procedures followed for suspending, removing or otherwise disciplining students with disabilities eligible for services under IDEA and Article 89 will conform with the procedural safeguards required by applicable laws and regulations.

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- C. This policy incorporates by reference the Procedural Safeguards for Students with Disabilities Subject to Discipline set forth in Part 201 of the Regulations of the Commissioner of Education, which implement the procedural protections provided under New York's Education Law and which coordinate the state's general procedures or suspension of students with disabilities with the requirements of IDEA and its implementing regulations.
- D. Moreover, consistent with the IDEA and New York Education Law, pupil service personnel, teachers and/or administrators who identify a student with a disability whose behavior is repeatedly interfering with his/her own or other's learning shall refer such individual to the CSE for a functional behavioral assessment and behavior intervention plan or, if one exists, for review of same.

**IX. Conduct by School Employees**

- A. Acceptable conduct by school employees shall be consistent with the role of teachers and staff outlined in this code of conduct.

Unacceptable conduct by school employees shall be evaluated consistent with the strategies and procedures for the maintenance and enforcement of public order on school property, other provisions of this code of conduct and other applicable laws, rules and collective bargaining agreements.

- B. All instructors are expected to dress in good taste and wear appropriate attire suitable for the classroom. Clothing shall be neat and clean, shall not be profane, lewd or offensive, does not constitute a health or safety hazard (including clothing that promotes the use or sale of alcohol, tobacco and/or controlled substances) or a substantial disruption or material interference with the work or discipline of the school.
- C. Employee of the district shall refrain from the use of profane, lewd, vulgar or abusive language or words which may incite or offend another person in their communication with parents, students, other school employees, administrators or other persons on school property.
- D. Prohibition of Corporal Punishment
  - 1. The District recognizes the responsibility of all school personnel, including administrators, faculty and other employees, to see that proper standards of school behavior are maintained. All school personnel are expected to help in maintaining proper levels of supervision.

## COMMUNITY RELATIONS

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
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2. No teacher, administrator, officer, employee or agent of the District shall use corporal punishment against a pupil.
3. As used in this section, corporal punishment means any act of physical force upon a pupil for the purpose of punishing that pupil, except as otherwise provided in subdivision 4 of this section.
4. In situations in which alternative procedures and methods not involving the use of physical force cannot reasonably be employed, nothing contained in this section shall be construed to prohibit the use of reasonable physical force for the following purposes:
  - a. To protect oneself from physical injury;
  - b. To protect another pupil or teacher or any other person from physical injury;
  - c. To protect the property of the school or others; or
  - d. To restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of School District functions, powers and duties, if that pupil has refused to comply with a request to refrain from further disruptive acts.
5. The Superintendent of Schools is hereby directed to develop and implement a reporting procedure which will enable the District to summarize complaints relative to the alleged administration of corporal punishment. Such summaries will include references to the substance of each/all complaints, the result(s) of the investigation of each/all complaints, and whatever action(s), if any, was/were taken by the administration of the District. The summary of each/all complaints shall be available for submission to the Commissioner of Education in accordance with Commissioner's Regulations (semi-annually, by January 15<sup>th</sup> and July 15<sup>th</sup> of each year).

**X. Standards and Procedures to Assure the Security and Safety of Students and School Personnel.**

- A. The district has an established emergency management/school safety plan, which has been developed in accordance with applicable law and regulation to assure the security and safety of students and school personnel.

**XI. Maintenance and Enforcement of Code of Conduct**

- A. Annual Review



## COMMUNITY RELATIONS

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
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This code of conduct shall be reviewed annually and updated as necessary, taking into consideration the effectiveness of code provisions and the fairness and consistency of its administration.

B. Modifications to the Code of Conduct

A Board of Education or Board of Cooperative Educational Services may adopt any revision to the code of conduct only after at least one public hearing that provides for the participation of school personnel, parents, students and any other interested party.

C. Review Committee

A school district may establish a committee pursuant to Education Law Section 2801(3) to facilitate the review of this code of conduct and the district's response to code of conduct violations.

D. Filing

Each district shall file a copy of its code of conduct any amendments with the Commissioner of Education no later than thirty days after their respective adoptions.

E. Community Awareness

To ensure community awareness of its code of conduct, each school shall:

1. Post the complete Code of Conduct, respectively, on the District's Internet Web site, including any annual updates or amendments thereto.
2. Provide copies of a summary of the Code of Conduct to all students, in an age-appropriate version, written in plain language, at a school assembly to be held at the beginning of each school year.
3. Provide by mail a plain language summary of the Code of Conduct to all persons in a parental relation to the students before the beginning of each school year and making the summary available thereafter upon request.
4. Provide each existing teacher with a copy of the complete Code of Conduct and a copy of any amendments to the Code as soon as practicable following initial adoption or amendment of the Code of Conduct, and providing new teachers with a complete copy of the current Code of Conduct upon their employment.
5. Make complete copies of the Code of Conduct available for review by students, parents or persons in parental relation to students, other school staff, and community members.
6. Provide training to teachers, administrators, and staff designed to address the concepts and issues incorporated in the Dignity Act, including, but not limited to, guidelines on promoting a safe and supportive school climate while

## COMMUNITY RELATIONS

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discouraging, among other things, discrimination or harassment against students and/or school employees.

7. Provide “safe and supportive school climate concepts” in the District curriculum.
- F. The District shall develop and implement a program of instruction in grades Kindergarten through Grade 12 ~~to include~~ that supports development of a school environment free of harassment, bullying and/or discrimination, that raises student and staff awareness and sensitivity to harassment, bullying and /or discrimination, that instructs in the safe and responsible use of the internet and electronic communications and that includes a component on civility, citizenship and character education in accordance with Education Law. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community.

**XII. In-Service Education Programs**

At the start of each school year, the District shall provide all staff with in-service education regarding District policy for conduct on school grounds and at school functions, methods for promoting a safe and supportive school climate, and ways of discouraging discrimination and/or harassment against students by other students or school employees.

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New York Mills Union Free School District

Legal Ref: Safe Schools Against Violence in Education Act (Chapter 181 of the Laws of 2000),  
8 NYCRR 100.2, NYS Education Law 11, V&T Law §142, 18 USC §921

Adopted: 06/18/01

Revised: 04/07/09, 08/14/12, \_\_\_\_\_



# Regulation

Draft 05/31/2013

0015.1

GENERAL COMMITMENTS

## REPORT OF POSSIBLE DISCRIMINATION

Date: \_\_\_\_\_

Your Name: \_\_\_\_\_  
\_\_\_\_\_

Home Address: \_\_\_\_\_  
\_\_\_\_\_

Home Telephone: ( ) \_\_\_\_\_

Work Address: \_\_\_\_\_  
\_\_\_\_\_  
(if applicable)

Work Telephone: ( ) \_\_\_\_\_  
(if applicable)

Date of Alleged Incident(s): \_\_\_\_\_  
\_\_\_\_\_

Name of person(s) you believe discriminated against you: \_\_\_\_\_  
\_\_\_\_\_

List any witnesses that were present: \_\_\_\_\_  
\_\_\_\_\_

Where did the incident(s) occur? \_\_\_\_\_  
\_\_\_\_\_

Describe the incident(s) as clearly as possible, including such details as: what force, if any, was used; any verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved; what did you do to avoid the situation, etc. (Attach additional pages if necessary.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REPORT OF POSSIBLE DISCRIMINATION

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GENERAL COMMITMENTS

REPORT OF POSSIBLE DISCRIMINATION

What would you like done to correct this situation?

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I hereby certify that the information I have provided in this Complaint is true, correct and complete to the best of my knowledge and belief.

\_\_\_\_\_  
Your Signature

\_\_\_\_\_  
Date

Received by: \_\_\_\_\_

\_\_\_\_\_  
Date

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New York Mills Union Free School District  
Adopted: 06/11/10 , \_\_\_\_\_

GENERAL COMMITMENTS

EQUAL OPPORTUNITY AND NONDISCRIMINATION

**I. Statement of Policy:**

- A. The New York Mills Union Free School District provides education programs and services, does business with vendors and the public, and makes decisions regarding employment without consideration of an individual's race, color, creed, religion, national origin (regardless of English language skills), age, sex, sexual orientation, marital status, military or veteran status, disability, genetic information or predisposing genetic characteristics, arrest record, prior criminal convictions, or domestic violence victim status; except when sex or age are a bona fide occupational qualification, when a criminal conviction is related to job duties, and when an individual's religion or disability warrants reasonable accommodation.
- B. Our commitment to provide education programs and services without discrimination includes participation in nonacademic and extracurricular services such as transportation, counseling services, student clubs, and physical education and athletics.
- C. Our commitment to provide employment without discrimination includes recruiting, employment decisions, promotion opportunities, compensation, fringe benefits, workplace conditions, workplace discipline, and termination decisions.
- D. No student shall be subjected to harassment or bullying (as defined below) by employees or students on school property or at a school function. No student shall be subjected to discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by another student or a school employee on school property or at a school function. This Policy does not prohibit a denial of admission into, or an exclusion from, a course of instruction that is permissible under the New York State Education Law and Federal Title IX of the Education Amendments of 1972; nor does it prohibit actions that are permissible under Section 504 of the Rehabilitation Act of 1973.
- E. This goal of this Policy is to create a school environment that is free from and harassment, bullying, and discrimination.

**II. Opportunities for Individuals with Disabilities:**

- A. Education Programs, Services, and Activities: A student with a disabling condition who qualifies for services under the Individuals with Disabilities Education Act (IDEA) and Part 200 of the Regulations of the Commissioner of Education shall receive services in accordance with Policy 8052, Special Education Programs and

## GENERAL COMMITMENTS

EQUAL OPPORTUNITY AND NONDISCRIMINATION

Services. A student with a condition that is considered a disability for purposes of Section 504 of the Rehabilitation Act of 1973, but does not qualify for services under Policy 8052, shall be provided educational programs, services, and activities in accordance with Section 504.

- B. Employment: An employee with a condition that is defined as a disability, or with a history of such a condition, and who is otherwise qualified to perform the essential functions of the position, shall not be denied any employment opportunity or benefit. When a reasonable accommodation will permit an applicant or employee to perform the essential functions of the position, the District will provide a reasonable accommodation that does not impose an undue burden upon the District.
- C. Public Accommodation: District facilities shall be designed, constructed, and maintained so that, when each part of the District's program is viewed in its entirety, that part of the program is readily accessible to persons with disabilities.

**III. Harassment, Bullying, and Discrimination Prohibited:**A. General Standard of Conduct

No one who is receiving an education from the District, or who is employed by the District, or who is present on school property or at a school event, should experience harassment, bullying, or discrimination. The District's Code of Conduct (Policy 1030) prohibits harassment, bullying and discrimination, and it applies to conduct by District employees, District students, and anyone else on school property or at a school event.

When determining whether particular conduct or statements are to be classified as prohibited harassment, the District will consider the intent of the person engaging in the conduct or making the statement; however, the determining factor will be whether the person at whom the conduct or statement was directed reasonably experienced the conduct or statement as unwelcome harassment.

B. Conduct Directed at a Student

~~Conduct (including verbal conduct) directed at a student will be classified as harassment if it either (1) creates a hostile environment that has or would have the effect of unreasonably and substantially interfering with (a) the student's educational performance, opportunities, or benefits, or (b) the student's physical, emotional, or mental well-being, or (2) that reasonably causes or would reasonably be expected to cause the student to fear for their physical safety. This includes, but is not limited to, conduct based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.~~



## GENERAL COMMITMENTS

EQUAL OPPORTUNITY AND NONDISCRIMINATION

1. Conduct (including verbal conduct) directed at a student will be classified as harassment or bullying if it creates a hostile environment that either:
  - a. has the effect, or would have the effect of substantially and unreasonably interfering with the student's educational performance, opportunities, or benefits; or
  - b. causes, or would be expected to cause, the student to reasonably fear for their physical safety; or
  - c. causes, or would reasonably be expected to cause, harm to the student's emotional well being through the creation of a hostile school environment that is so severe, or so pervasive, that it substantially and unreasonably interferes with the student's education.
2. Conduct that occurs off school property will be classified as a violation of this Policy if it creates, or foreseeably would create, a risk of substantial disruption within the school environment.
3. Conduct that occurs through electronic communication will be classified as a violation of this Policy if it otherwise fits the definition set forth in this section.

C. Conduct Directed at Someone Other than a Student

Conduct (including verbal conduct) directed at someone other than a student will be classified as harassment if it is motivated by that person's race, color, creed, religion, national origin, age, sex, sexual orientation, marital status, military or veteran status, disability, predisposing genetic characteristics, arrest record, or prior criminal convictions, and

1. It has the purpose or the effect of substantially interfering with the person's work performance; or
2. The person is explicitly or implicitly told that they must submit to that treatment in order to receive or continue to receive employment opportunities; or
3. A decision by the District about that person's employment is influenced by whether that person has submitted to the treatment or objected to it.

- D. Also prohibited, sexual harassment, is the making of unwanted sexual advances, the making of any requests for sexual favors, and subjecting another person to any



EQUAL OPPORTUNITY AND NONDISCRIMINATION

touching, teasing or other verbal or written (such as notes, letters, or electronic messages) communication of a sexual nature.

- E. Anyone who feels that they have experienced prohibited harassment should bring this to the District's attention by using the Complaint Procedure described below.

**IV. ~~Retaliation Prohibited:~~ Strategy to Prevent Harassment, Bullying, and Discrimination**

~~\_\_\_\_\_ A person who experiences conduct that they feel is harassment or who participates in an investigation of possible harassment is entitled to express their objection to that conduct in a reasonable manner, and is entitled to use the Complaint Procedure described below to put an end to that conduct and correct the effects of that conduct. Any retaliation against a person who objects in a reasonable manner to conduct they perceive as harassment, or who utilizes the Complaint Procedure in good faith, is itself a violation of this Policy.~~

With the objective of preventing acts of harassment, bullying, or discrimination from interfering with any student's educational opportunities or sense of safety in school, the District will implement the procedures described in this Policy to:

- A. Expand student and employee awareness of the problem;
- B. Train staff and instruct students about appropriate, non-discriminatory behavior;
- C. Respond to reports of conduct that may violate this Policy; and
- D. Implement corrective and restorative measures as appropriate, when unacceptable conduct occurs.

**V. Compliance Coordinator(s):**

- A. The Compliance Coordinator for purposes of implementing this Policy shall be:

The Superintendent or his/her Designee  
New York Mills Union Free School District  
New York Mills, New York 13417  
Telephone: (315)768-8127

- B. The Compliance Coordinator is responsible for receiving and investigating complaints made under this Policy, making sure that this Policy has been publicized as required by law, making recommendations for reasonable accommodation of student and employee disabilities, keeping records of all reports of possible discrimination and related investigations and determinations, and making recommendations for the updating of this Policy, as necessary. The Compliance

EQUAL OPPORTUNITY AND NONDISCRIMINATION

Coordinator serves as the Superintendent's designee for purposes of Article 2-A of the Education Law.

- C. This Policy shall be interpreted and implemented so that the District complies with its obligations under Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1975, the Americans With Disabilities Act, the Age Discrimination in Employment Act, Section 504 of the Rehabilitation Act of 1973, the New York State Human Rights Law, and the New York State Education Law, as interpreted and enforced by applicable regulations.
- D. When a report complains of possible discrimination by the Compliance Coordinator, the Superintendent shall designate another school official to conduct the necessary fact-finding and make recommendations.

**VI. Complaint and Fact-finding Procedure:**

- A. Report of Possible Harassment, Bullying or Discrimination: Attached to this Policy is the District's form for making a Report of Possible Discrimination. The Compliance Coordinator shall make sure that this form is available in each school building, and its availability is known to those who may need to use it. The use of this form is encouraged, but not required; the Compliance Coordinator shall conduct a fact-finding inquiry anytime a written or oral report is received that contains enough information to reasonably investigate.
  - 1. An employee may report possible discrimination or harassment directed at them or another employee to the employee's supervisor or directly to the Compliance Coordinator. If the report is about conduct by the Compliance Coordinator, the report may be made to the employee's supervisor or Board of Education President. If an employee makes a verbal report, they shall be asked to make a written report and told of the availability of the Report form. The person to whom the report is made is also responsible for reporting in writing their conversation and other available information to the Compliance Coordinator or Board of Education President.
  - 2. A student may report possible harassment, bullying, or discrimination directed at them or another student to any teacher, counselor, or school administrator. If a student makes a verbal report, they shall be asked to make a written report and told of the availability of the Report form. The person to whom the report is made is also responsible for reporting in writing their conversation and other available information to the Compliance Coordinator. School staff shall be trained on how to receive and refer student complaints.

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3. A parent, school volunteer, or other member of the public who wishes to report possible harassment, bullying, or discrimination against a student shall make the report to the Superintendent, the Compliance Coordinator, or any building principal, teacher, or staff member. If a verbal report is made, a written report shall be requested. The person to whom the report is made is also responsible for reporting in writing their conversation and other available information to the Compliance Coordinator.
  4. District employees who either witness conduct directed at a student that may be harassment, bullying, or discrimination, or receive an oral or written report of such conduct, must report that to the Compliance Coordinator. The employee must make an oral report to the Compliance Coordinator within one school day, followed by a written report to the Compliance Coordinator no more than two school days after their oral report.
- B. Fact-finding Inquiry: Upon receiving a written report of possible harassment, bullying, or discrimination (including harassment), the Compliance Coordinator shall log the report, acknowledge in writing its receipt, and conduct a fact-finding inquiry designed to determine with a reasonable degree of probability what actually transpired.
1. The fact-finding inquiry should begin promptly after receiving the complaint, and be pursued with sufficient diligence to reach a conclusion as soon as practicable. Promptly after receipt of a written report.
  2. The inquiry should determine with as much detail as possible the sequence in which events occurred, the identity of each person involved and their respective roles, and the exact words spoken by each participant. To the extent practicable, all interviews should be conducted by one person.
  3. ~~If a report involves conduct solely between students, the appropriate building administrator will confer with the Compliance Coordinator. The building administrator will provide the Compliance Coordinator with copies of all related documentation, including student behavior incident reports. If the Compliance Coordinator determines that the building administrator's documented factual inquiry and resolution of the incident(s) are sufficient, the Compliance Coordinator shall have the discretion to determine that no further intervention or notice to the students is required. The Compliance Coordinator will document his or her conclusions.~~



## GENERAL COMMITMENTS

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3. The inquiry shall include an opportunity for any person who has been identified as possibly violating this Policy to respond to each assertion made against them.
  4. Interviews shall be scheduled and conducted in compliance with applicable provisions of New York law and collective bargaining agreements.
  5. Each person interviewed shall be reminded that they are protected by the non-retaliation provision of this Policy, and that they are bound by that provision.
- C. Resolution: The Compliance Coordinator shall prepare a written fact-finding report describing what investigation was done, what conclusions have been drawn about what happened, a conclusion as to whether the conduct violated the District's Policy, and, if it did, a recommendation regarding what corrective action should be taken. This report shall be submitted to the Superintendent for further action.
1. If the determination is that this Policy has not been violated, the person who made the report, and each person whose conduct was challenged, shall be told of that determination verbally and in writing. The person who made the report shall be told of the option to have the determination reviewed.
  2. If the determination is that this Policy has been violated, the person who made the report of possible discrimination shall be told of that determination verbally and in writing and, consistent with the confidentiality accorded to student and personnel records, told that appropriate corrective action has been taken to deter any repetition of the offending conduct. The person whose conduct violated the Policy shall have that explained to them, shall be told of the corrective action being taken by the District, and shall be told of the option to have the determination reviewed.
  3. When the Compliance Coordinator verifies the occurrence of harassment, bullying, or discrimination directed at a student, the school shall take prompt action that are consistent with the District's Code of Conduct and are reasonably calculated to end the harassment, bullying, or discrimination to eliminate any hostile environment; to create a more positive school culture and climate; to prevent a recurrence of the behavior; and to ensure the safety of the student(s) at whom the conduct was directed.
    - a. Responsive actions shall be measured, balanced, and age-appropriate.
    - b. Responsive actions shall follow a progressive model and make appropriate use of intervention, education, and discipline.



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- c. Responsive actions shall vary according to the nature of the offending behavior, the developmental age of the person engaging in the behavior, and the prior history of problem behaviors by the person engaging in the conduct.
- D. Report to Law Enforcement Agency: When the Compliance Coordinator believes that conduct has occurred that constitutes criminal conduct, the Coordinator shall promptly notify the Superintendent, and the Superintendent shall promptly notify the appropriate law enforcement agency.
- E. Confidentiality: It shall be explained to anyone making a report or providing information about a report that the District does not reveal information about reports or the fact-finding process except to the extent necessary to fulfill its legal obligations to make as complete an inquiry as possible and to take appropriate corrective action when discrimination has occurred. Every witness interviewed during the fact-finding inquiry shall be instructed not to discuss the complaint or the investigation with anyone else, except as may be privileged by law.
- F. Special Fact-finder: The Superintendent is authorized to appoint a special fact-finder to carry out the responsibilities of the Compliance Coordinator when the Superintendent concludes that the circumstances of a particular report warrant that action.
- G. Interim Protective Action: The Superintendent has discretion to implement interim protective action, pending the completion of a fact-finding inquiry, to protect an individual when the Superintendent concludes that the circumstances of a particular report warrant that action.
- H. Review of Administrative Responses: If a person who initiated a report of possible discrimination, or a person whose conduct was challenged by a report of possible discrimination, is not satisfied with the action taken by the Superintendent, they may request that the determination be reviewed by the Board of Education.
1. A request for Board review must be made in writing, filed with the Board Clerk within 10 business days of receiving the written notice of the determination.
  2. The person requesting review shall provide a written explanation of their objection(s) to the determination, including the corrective action taken, if any. That statement shall be filed with the Board Clerk at least five (5) business days before the Board meeting at which the review will be conducted. The Board shall also be provided with a copy of the Compliance Coordinator's

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report and recommendation, and documentation of the Superintendent's subsequent action(s).

3. Board discussion of the determination and the objection(s) made shall take place in executive session. Board action to adopt or change the determination shall take place in public session.

- I. No Retaliation: No employee or student shall take a retaliatory action, or request or cause anyone else to take a retaliatory action, against any person who, in good faith, reports information about a possible violation of this Policy to a District employee or to the Commissioner of Education or to a law enforcement agency, or who initiates a report or testifies or assists or participates in the investigation of a report.

**VII. Remedial Measures When This Policy is Violated:**

- A. An employee found to have engaged in prohibited discrimination against another person (whether a District employee, District student, or member of the public) in the course of their employment will be subject to discipline, up to and including termination. Such decisions will be made and implemented in accordance with other District policies (e.g. the Code of Conduct) and applicable statutes and collective bargaining agreements.
- B. A student found to have engaged in prohibited discrimination against another person (whether a District employee, District student, or member of the public) while participating in a school activity or on school property will be subject to discipline. Such decisions will be made and implemented in accordance with other District policies (e.g. the Code of Conduct), the New York State Education Law, and any other applicable statutes.
- C. Any other person found to have engaged in prohibited discrimination against another person (whether a District employee, District student, or member of the public) while participating in a school activity or on school property may have their future access to school activities limited, as deemed appropriate under the circumstances.

**VIII. Dignity Act Coordinator**

- A. The Board appoints at least one staff member at each school to serve as the Dignity Act Coordinator for that school, upon the recommendation of the Superintendent. Each person designated for this role shall be instructed in the provisions of Article 2-A of the Education Law and thoroughly trained in methods to respond to human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex.



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- B. The name and contact information for each Dignity Act Coordinator shall be publicized as follows:
- listing such information in the Code of Conduct posted on the District's website;
  - including such information in the plain language summary of the Code of Conduct provided to all persons in parental relation to students before the beginning of each school year;
  - including such information in at least one mailing per school year to parents and persons in parental relation, and in additional mailings if the information changes;
  - posting such information in a highly visible location in each school building; and
  - making such information available at the District office and each school building office.

The publication of this information shall also inform students and persons in parental relation to students that the Dignity Act Coordinator is available to speak with them if they have witnessed possible discrimination or harassment, or if they have experienced treatment that may be prohibited discrimination or harassment.

- C. In the event a designated Dignity Act Coordinator vacates that position, the Superintendent shall immediately designate an interim Coordinator pending appointment by the Board. In the event that a Coordinator is unable to perform the duties of the position for an extended period of time, another staff member shall be immediately designated by the Superintendent as an interim Coordinator pending return of the previous Coordinator to the position. Contact information for the new Coordinator shall be distributed as provided above.

**IX. Training and Publication of Policy:**

- A. All District employees will be notified at the beginning of each school year, or at the time of initial employment, of this Policy, the conduct expectations established by it, and how they may request an accommodation of a disability or initiate a complaint. Periodically, employees shall be provided training about the Policy and its enforcement in small group sessions.
- B. All students and their families will be notified at the beginning of the school year, or at the time of enrollment, of this Policy, the conduct expectations established by it,

## GENERAL COMMITMENTS

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and how they may request accommodation of a disability or initiate a complaint, or report possible discrimination, harassment or bullying.

- C. A summary of this Policy shall be posted as part of the District's website, and shall be distributed periodically with District publications.
- D. The Superintendent shall insure that each year all District employees receive training designed to ~~(1) raise the awareness and sensitivity of school employees to potential discrimination or harassment directed at students that are committed by students or school employees, including, but not limited to, discrimination or harassment based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, and to (2) enable them to prevent and respond to discrimination or harassment.~~ meet the following objectives:
1. discourage the development of harassment, bullying, and discrimination;
  2. make employees aware of the effects on students of harassment, bullying, cyberbullying, and discrimination;
  3. raise the awareness and sensitivity of employees to potential harassment, bullying, and discrimination;
  4. enable employees to prevent harassment, bullying, and discrimination;
  5. enable employees to respond to harassment, bullying, and discrimination;
  6. inform employees about social patterns of harassment, bullying, and discrimination, including that based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex; and
  7. strategies for effectively addressing the problems of exclusion, bias, and aggression in an educational setting.
- E. The Superintendent shall develop and implement guidelines:
1. for the development of nondiscriminatory instructional and counseling methods to be used by District staff;
  2. for the development of measured, balanced and age-appropriate responses to instances of harassment, bullying and discrimination by students, with remedies and procedures following a progressive mode that make appropriate



## GENERAL COMMITMENTS

EQUAL OPPORTUNITY AND NONDISCRIMINATION

use of intervention, discipline and education, vary in method according to the nature of the behavior, the developmental age of the student and the student's history or problem behaviors, and are consistent with the Code of Conduct; and

3. include safe and supportive school climate concepts in curriculum and classroom management.

F. The District shall develop and implement a program of instruction in grades Kindergarten through Grade 12 to include a component on civility, citizenship and character education in accordance with Education Law.

1. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community.

2. Instruction on the principle of respect for others shall discourage acts of harassment, bullying, and discrimination.

3. Instruction on the principle of tolerance, respect for others, and dignity shall seek to instill an awareness and sensitivity to harassment, bullying, discrimination, and civility in the relations of people of different races, weights, national origins, ethnic groups, religious, religious practices, mental or physical disabilities, sexual orientation, genders, and sexes.

4. This shall include instruction about safe and responsible use of the internet and electronic communications.

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New York Mills Union Free School District

Legal Ref: Title IX, Education Amendments of 1972 (20 U.S.C. Section 1681, 45 C.F.R. Part 86); Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794, 45 C.F.R. Part 84); NYS Human Rights Law, (Article 15, NYS Executive Law); 8 N.Y.C.R.R. 100.4, 135.4, 141.1 and 200; Civil Rights Act of 1964, Title VI and VII (42 U.S.C. Sections 2000d and 2000e); New York State Education Law, Article 2-A and Sections 3201 and 3201-a; Americans with Disabilities Act of 1990 (42 U.S.C. Sections 12101-12213, 29 C.F.R. Part 1630); Age Discrimination in Employment Act (29 U.S.C. Sections 621- 634); EEOC guidelines (29 CFR Part 1609.1 and 1609.2)

Adopted: 11/02/93, 01/19/99

Revised: 02/05/02, 11/04/03, 03/02/10, 08/14/12, \_\_\_\_\_

# Regulation

Draft 05/31/2013  
0015.1

GENERAL COMMITMENTS

REPORT OF POSSIBLE DISCRIMINATION

Date: \_\_\_\_\_

Your Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

Home Telephone: ( ) \_\_\_\_\_

Work Address: \_\_\_\_\_  
(if applicable)

Work Telephone: ( ) \_\_\_\_\_  
(if applicable)

Date of Alleged Incident(s): \_\_\_\_\_

Name of person(s) you believe discriminated against you: \_\_\_\_\_

List any witnesses that were present: \_\_\_\_\_

Where did the incident(s) occur? \_\_\_\_\_

Describe the incident(s) as clearly as possible, including such details as: what force, if any, was used; any verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved; what did you do to avoid the situation, etc. (Attach additional pages if necessary.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

GENERAL COMMITMENTS

REPORT OF POSSIBLE DISCRIMINATION

What would you like done to correct this situation?

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I hereby certify that the information I have provided in this Complaint is true, correct and complete to the best of my knowledge and belief.

\_\_\_\_\_  
Your Signature

\_\_\_\_\_  
Date

Received by: \_\_\_\_\_

\_\_\_\_\_  
Date

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New York Mills Union Free School District  
Adopted: 06/11/10 , \_\_\_\_\_



# Regulation

New Draft 05/31/2013

0015.2

## GENERAL COMMITMENTS

### DIGNITY FOR ALL STUDENTS REPORTING FORM

Date/Time: \_\_\_\_\_ Reporting Person: \_\_\_\_\_

Name(s) of victim(s):	Alleged perpetrators	Witnesses if any.
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Type of Harassment** (circle all that apply):

Called Mean Names      Excluded      Hit, Kicked, Punched      Told Lies or False Rumors  
Threatened      Racial Comments Sexual Comments      Jokes/Stories

Other (explain): \_\_\_\_\_

**Harassment was based on actual or perceived** (please check all that apply):

Race \_\_\_ Color \_\_\_ Weight \_\_\_ National Origin \_\_\_ Ethnic Group \_\_\_ Religion \_\_\_

Religious Practice \_\_\_ Disability \_\_\_ Sexual Orientation \_\_\_ Gender Identity \_\_\_ Sex \_\_\_\_\_

Other (specify): \_\_\_\_\_

**Where did the Harassment take place?** (Circle all that apply):

Field/Court      Hallway      In class with Teacher      Locker Room      In class without Teacher

Bathroom      Line-up area      Lunchroom      School Event      To/From School

Bus Stop      Bus      Electronic (i.e. Facebook, Texting)

Specify/Other: \_\_\_\_\_

**People the Victim has spoken to about the Harassment incident** (circle all that apply):

Teacher      Other Adult at School      Parent/Guardian Sibling      Friend

**Description of each incident, by date:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Other relevant information:**

\_\_\_\_\_  
\_\_\_\_\_

-----For office use only-----

Parent Contact? Yes \_\_\_ No \_\_\_ Referral? Yes \_\_\_ No \_\_\_

**Remedy, outcome or resolution sought by complainant:**

\_\_\_\_\_  
\_\_\_\_\_



REGULATION

GENERAL COMMITMENTS

**Draft 05/31/2013**  
0015.2

DIGNITY FOR ALL STUDENTS REPORTING FORM

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New York Mills Union Free School District

Adopted: \_\_\_\_\_

JR. – SR. HIGH SCHOOL  
EXTRA CURRICULAR POLICY

I. Philosophy

The New York Mills School District is committed to providing extracurricular activities to the student population. Engaging in such activities provides students with essential experiences and skills to become positive contributing members of their community. Although extracurricular activities are encouraged, they are a privilege, not a right and therefore must be earned. To earn that privilege, all students must abide by the School Code of Conduct, Policy #1030, and maintain academic eligibility. Every effort by school personnel will be made to help our students meet these goals.

II. Extracurricular Activities

Extracurricular activities are defined as, but not limited to any interscholastic athletics, the school musical, clubs, and student government. Any aforementioned activity where the student is representing the New York Mills Union Free School District will be deemed extracurricular.

III. Eligibility

The primary purpose for attending school is academic achievement. The following process will be used to determine a student's eligibility for participation in extra-curricular activities as defined above. Eligibility will be determined on a bi-weekly basis using the following procedure:

- A. The Principal/Guidance Counselor will maintain a list of students participating in extracurricular activities throughout the school year.
- B. At the end of each two-week period, the Principal/Guidance Counselor generates a list of all ineligible students using grades in the electronic grade book and posts it electronically for teacher /coach notification.
- C. Eligibility for fall extracurricular activities will be determined by final grades of the previous spring semester or successful completion of required summer school classes. The Jr.- Sr. High School Principal will review summer mid-term school grades to determine eligibility of participants. Continued eligibility of summer school students will be contingent on final grades in summer school class(es).

**Option A**

- D. A student failing one class is eligible to participate with permission of the teacher whose class the student is not passing, if the student also participates in after-school

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STUDENTS

7101 Renumber/revise policy 7046

JR. – SR. HIGH SCHOOL  
EXTRA CURRICULAR POLICY

help from 2:30 – 3:00 p.m. each Monday through Thursday. The teacher will convey consent in writing (or e-mail) to the Athletic Director who will then contact the coach. If a student is failing more than one class, they will be academically ineligible (not allowed to practice, compete, rehearse, perform, participate in meetings, etc.) for a minimum of two weeks.

**OR (This Option B)**

- D. A student failing one class is eligible to participate with permission of the teacher whose class the student is not passing, if the student also participates in after-school help from 2:30 – 3:00 p.m. each Monday through Thursday. The teacher will convey consent in writing (or e-mail) to the Athletic Director who will then contact the coach. If a student is failing more than one class, they will be academically ineligible (not allowed to ~~practice, compete, rehearse, or perform, participate in meetings, etc.~~) for a minimum of two weeks. However they will be allowed to practice or rehearse in order to remain conditioned to play and/or perform upon completion of the suspension.
- E. A student remains ineligible to participate if after, two weeks, he/she is not receiving passing grades in all but one of their deficient subject areas.
- F. A student who is academically eligible may nevertheless be declared ineligible for disciplinary reasons by the building principal, up to and including the remainder of the sports season.

IV. Standards for Student Conduct

Each student who chooses to participate in an extracurricular program shall first acknowledge in writing (by signing the student-parent permission form) their responsibility to abide by the following standards of conduct during the time period that the program is active. Day-to-day decisions regarding the interpretation of this policy are the responsibility of the Building Principal.

Students and coaches/advisors are representatives of the New York Mills Union Free school district. They are to observe respect for staff members, students, property, school rules and laws. Additionally in the instance of interscholastic activities, competing students will show respect to teams, school staff, and officials.

Violation of any of these rules will result in the students being suspended from their extracurricular activity. The student and his/her parents shall be given an opportunity to informally discuss the factual situation with the coach, Director of Athletics, and Principal.

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EXTRA CURRICULAR POLICY

- A. A student must be in school for the full day before a scheduled event in order to participate. Failure to attend school or event/arriving late the day following an activity without a valid legal excuse will make the student ineligible for the next event/activity.
  
- B. Smoking (or any use of tobacco), consumption of alcoholic beverages or illegal use of drugs by students is prohibited. Any student caught in violation of these offenses while participating in an extra curricular activity will be removed from such activity as outlined below:



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EXTRA CURRICULAR POLICY

Seasonal (Athletics/School Musical)	Activities	Full Year	Activities
		(School Newspaper, Student Council, National Honor Society, Etc.)	
1 <sup>st</sup> Offense – ¼ season		1 <sup>st</sup> Offense – 1 month (4 weeks)	
2 <sup>nd</sup> offense – ½ season		2 <sup>nd</sup> offense – 3 months (12 weeks)	
3 <sup>rd</sup> offense – 1 full season (or its equivalent)		3 <sup>rd</sup> offense – 1 <b>calendar</b> year	
May span more than 1 seasons		May span 2 school years	

Arrests for use of illegal drugs or under aged drinking will result in expulsion from school sponsored activities. Students may participate in upcoming activities upon conferring with the building principal and receiving approval.

C. Curfew

~~In order to insure appropriate rest for students, each coach/advisor may recommend set a curfew on any or all days of the time during which the program is active. The curfew will regulate the time a student will be in his/her own home. If extenuating situations occur, the coach/advisor and student shall meet and resolve same. Principal will be made aware of the curfew.~~

D. Participation (Practice & Games)

The coach/advisor will govern practice/meeting sessions including the days of practice/meetings, their beginning time and length. Students shall not be tardy or absent from any practice/meeting or contest without a valid excuse. Extra work with teachers after school is recognized as a valid excuse for tardiness.

E. Suspension-Detention

Students who receive either suspension (in or out of school) or a late detention will be ineligible to participate in any practices or events until that disciplinary action has been satisfied. Any student in ISS or OSS for the day will not be allowed at practice, contests, meetings, or other activities after school that day.

F. Injury

In any case of injury, students should report the injury to their coach/advisor, parent/guardian, who will then notify the school nurse as soon as possible. The coach, advisor, or nurse will file an injury report.

G. Team Trips

Trips will begin and terminate at New York Mills Junior/Senior High School. On trips, all students will leave and return with the team and are not allowed to travel in a private vehicle. The only exception to this rule is the student who is transported by a

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JR. – SR. HIGH SCHOOL  
EXTRA CURRICULAR POLICY

custodial parent or guardian and who has previously provided a written excuse to his or her coach/advisor.

As representatives of our district, students will dress in compliance with our dress code and will conduct themselves appropriately. The coach/advisor has the right to require specific attire of their team or group members.

H. Responsibility for Equipment and Clothing

Each student will be responsible for his or her own issue of clothing and equipment. Theft of any clothing or equipment will not be tolerated. The business office will be provided with a list of all equipment and supplies signed out and not returned by players. In the event that clothing or equipment is lost, stolen or damaged, the student will be responsible for the value of such items.

I. Athletics Only - Terminating the Season Ahead of Time (Quitting)

Once a student becomes a member of a team and the team has started their interschool schedule, he/she is expected to finish the entire season. If unusual circumstances occur (such as medical or family emergency), common agreement between the student and Director of Athletics, may make termination of a season valid. Any student who quits a squad without an agreement as outlined above will be considered suspended from the squad. Furthermore, this suspension will be carried over to the next sport or cheerleading season in which the student participates.

V. Appeal Process/Due Process

A. Any student who is declared ineligible or placed on probation has the right to appeal his/her status. The student must submit written appeal to the building principal no later than three school days after the eligibility list is created.

B. Upon receipt of the appeal, the Appeals Committee will meet as soon as possible in order to determine the status of the individual. The Appeals Committee will consist of the following professional staff:

1. Jr./Sr. High School Building Principal -The principal will serve as chairperson and will not be a voting member of the committee.
2. Two teachers and one guidance counselor from the professional staff. These members will serve voluntarily. No teacher who is currently the student's advisor or coach may serve on their appeals committee. If no volunteers, 3 members of the Board of Education will serve as the appeals committee.

The committee will review the facts and gather pertinent data. Involved parties,

JR. – SR. HIGH SCHOOL  
EXTRA CURRICULAR POLICY

including the student in question, will present information relative to the student's situation. The majority vote of the Appeals Committee will determine the student's eligibility. The student will be notified of the decision to uphold or deny the appeal within two school days.

If the student is not satisfied with the decision of the committee, he/she may appeal the decision in writing to the Jr. Sr. High School Principal within three school days. The Principal will review the decision of the committee and respond within three school days.

- C. If the student is not satisfied with the decision of the Principal, he/she may file a written appeal with the superintendent within three school days. The Superintendent will review the ruling of the Principal and affirm or deny the appeal within three school days.

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New York Mills Union Free School District

Legal Ref: Matter of Clark, 21 EDR Rep. 542 (1982) Appeal of Wright 38 EDR 7565; Ed Law 1709(2), (3).

Adopted: 08/20/01, 04/27/04

Revised: 8/24/10, \_\_\_\_\_

# Regulation

Draft 05/29/2013

STUDENTS

7500.5 Renumber/revise 7080.5

## STUDENT PRIVACY FERPA NOTICE

Date: \_\_\_\_\_

Dear Parent or Eligible Student:

*The Family Educational Rights and Privacy Act of 1974 (FERPA)* affords parents or “eligible students” (students who are over 18 years of age or enter a postsecondary educational institution) certain rights with respect to the student’s education records. The purpose of this letter is to inform you of some of those rights and to provide you with the following contact information for the District’s Records Access Officer: ~~Clerk of the Board:~~

Paula Ann May, District Clerk  
New York Mills Union Free School District  
1 Marauder Boulevard  
New York Mills, NY 13417  
Telephone: (315) 768-8127

Examples of *FERPA* rights include:

1. The right to inspect and review the student’s education records within 45 days of the day the School receives a request for access. Written requests for such access may be submitted to the Records Access Officer between **8 a.m. and 4 p.m.** on any school day. Such requests should be submitted on the District’s *Application for Inspection of Student Records* form that is located in the Office of the Records Access Officer, District Office.
2. The right to request the amendment of the student’s education records that the parent or eligible student believes is inaccurate, misleading or an invasion of the student’s privacy rights. A request for an amendment may be submitted to the Records Access Officer during regular business hours. Such requests should be submitted on the District’s *Request For Correction of Student Records* form that is located in the Office of the Records Access Officer. If the Records Access Officer denies a properly submitted request for an amendment, the person seeking the amendment will be advised of his/her right to a hearing regarding the requested amendment.
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. For example, the District may, without consent, disclose:
  - a. Personally identifiable information 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; a person elected to the School Board; a person or company



STUDENT PRIVACY FERPA NOTICE

employed by or under contract to the District to perform a special task, such as an attorney, auditor, medical consultant, or therapist; a parent or student serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another school official in performing his or her tasks. A school official may be a contractor, consultant, volunteer or other party to whom the District has outsourced instructional services and functions if that individual or entity is performing services district employees otherwise perform (is not selling products or services), is under the direct control of the district with respect to the use and maintenance of the education records and is restricted from re-disclosing the education records except as permitted by FERPA. A school official has a legitimate educational interest if the official is performing a task that is specified in his or her position description or by a contract agreement; performing a task related to a student's education; performing a task related to the discipline of a student; providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid; or maintaining the safety and security of the campus. The District receives services from the Madison Oneida BOCES Regional Information Center and its vendors in accordance with FERPA. A request for a complete list of current vendors may be submitted to the Records Access Officer.

- b. Appropriately designated "directory information", unless the parent or eligible student has advised the District to the contrary by filling out and returning the below attached *Request to Limit Disclosure of Directory Information* form. The primary purpose of directory information is to allow the District to include this type of information from the student's education records in certain school publications such as a playbill (showing the student's role in a drama production), an annual yearbook, an honor roll or other recognition list, a graduation program, or a sports activity sheet (such as a wrestling program that discloses participants height or weight), etc. Directory information may also be disclosed to outside organizations such as companies that manufacture class rings or publish yearbooks or other companies. Additionally, Federal Law requires Districts receiving certain federal assistance to provide requesting military recruiters with secondary school names, addresses, telephone listings and possibly other directory information, unless parents or eligible students have advised the District that they do not want their student's information disclosed without prior written consent.
4. The right to know that the District has designated the following information as directory information: Directory Information: student's name, parent's name, address, date and place of birth, telephone number, email address, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, most recent previous educational agency attended by student, photograph, and video images of students

STUDENT PRIVACY FERPA NOTICE

engaged in routine activities when those images are not records of the district's law enforcement unit. If you do not want the District to disclose directory information without your prior written consent, you must complete and return to the District the below attached form by \_\_\_\_\_ ~~October 1<sup>st</sup>~~ (insert date thirty or more days from the date of this notice).

5. The right to file a complaint with the following office if you believe the District has violated your *FERPA* rights: Family Policy Compliance Office, US Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-4605.

Additionally, please be aware that:

- It is the District's policy to disclose education records without consent to officials of another school district in which a student seeks or intends to enroll, and;
- The District uses video surveillance cameras on school property and in school vehicles to maintain the physical security and safety of the campus. The District has designated its Security Office as its law enforcement unit and has assigned to them the responsibility of maintaining the video surveillance images.

Sincerely,

STUDENT PRIVACY FERPA NOTICE

**Request To Limit Disclosure of Directory Information**

Records Access Officer  
District Clerk

Dear Records Access Officer:

\_\_\_\_\_ Please secure my written consent before releasing my child's name, address, telephone number and directory information to military recruiters.

\_\_\_\_\_ Please secure my written consent before releasing the following directory information to anyone:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
Date of Request

\_\_\_\_\_  
For District Use Only

\_\_\_\_\_  
Request Received By

\_\_\_\_\_  
Date Request Received

\_\_\_\_\_  
New York Mills Union Free School District

Adopted: 11/05/02

Revised: 06/17/03, 10/07/08, \_\_\_\_\_



# Regulation Policy

Draft 05/29/2013

STUDENTS

7501 Renumber/revise 7080.6

## PARENTAL ACCESS TO INSTRUCTIONAL MATERIALS, THIRD PARTY SURVEYS AND MARKETING SURVEYS—STUDENT PRIVACY—PPRA REGULATION

### I. Introduction:

- A. This regulation governs the District's use and disclosure of Instructional Materials, Protected Information Surveys, Third Party Surveys and Marketing Surveys.
- B. For the purposes of this regulation the term "parent" means parent or legal guardian or other person standing in loco parentis to a student.
- C. The District's Records Access Officer is:

~~Guidance Counselor~~ District Clerk  
New York Mills Union Free School District  
1 Marauder Boulevard  
New York Mills, NY 13417  
Telephone: (315) 792-4537

### II. Protected Information Surveys:

- A. A "Protected Information Survey" is any survey, analysis or evaluation of students that is required by the BOCES and concerns one or more of the following eight protected areas:
  - 1. Political affiliations or beliefs of the student or the student's parent;
  - 2. Mental or psychological problems of the student or the student's family;
  - 3. Sex behavior or attitudes;
  - 4. Illegal, anti-social, self-incriminating or demeaning behavior;
  - 5. Critical appraisals of other individuals with whom respondents have close family relationships;
  - 6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
  - 7. Religious practices, affiliations, or beliefs of the student or student's parent;



PARENTAL ACCESS TO INSTRUCTIONAL MATERIALS, THIRD PARTY SURVEYS  
AND MARKETING SURVEYS STUDENT PRIVACY—PPRA REGULATION

8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).
- B. The District will not, without prior written consent, require as part of any applicable program, any student to submit to a Protected Information Survey if the survey is funded in whole or in part by the US Department of Education.
- C. The District will provide parents and eligible students with notice and the opportunity to opt-out of any Protected Information Surveys regardless of funding.
- D. In the event that the District administers a Protected Information Survey, the District will:
  1. Strictly safeguard all protected information.
  2. Not use the protected information for any improper purpose;
  3. Restrict the disclosure of the protected information to persons the BOCES deems essential to the purpose of the collection.
  4. Allow requesting parents an opportunity to inspect the Protected Information Survey.

III. Instructional Materials:

- A. The term “Instructional Materials” means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.
- B. The District will make available for inspection by parents all instructional materials, including teacher’s manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program.
- C. A parent may request the opportunity to inspect instructional materials according to the following procedure:
  1. Requests for inspection of instructional materials may be submitted during regular school hours to the District’s Records Access Officer. The request

PARENTAL ACCESS TO INSTRUCTIONAL MATERIALS, THIRD PARTY SURVEYS  
AND MARKETING SURVEYS-STUDENT PRIVACY—PPRA REGULATION

should be precise enough for the appropriate teacher to find the requested materials.

2. The District Access Officer will review the request with the appropriate teacher and will determine:
  - a. Whether the materials are instructional in nature, and
  - b. What steps, if any, must be taken to preserve the privacy of any student who is not the legal responsibility of the requesting parent.
3. The District will respond to a parent's request for inspection within a reasonable period of time after the District's receipt of the request.
  - a. If the Records Access Officer determines that the requested materials are not instructional in nature, the Records Access Officer will notify the requesting parent of his/her determination.
  - b. If the Records Access Officer determines that the requested materials are instructional in nature, the appropriate teacher:
    - i. Will take all steps that are necessary to preserve the privacy of any student who is not the legal responsibility of the requesting parent, and
    - ii. Will promptly contact and schedule a meeting with the requesting parent. The purpose of the meeting will be to provide the requesting parent the opportunity to inspect the instructional materials that he/she requested.

IV. Third Party Surveys:

- A. The term "Third Party Survey" means any survey created by a third party and administered or distributed by the school district.
- B. The BOCES will notify parents of its intent to administer or distribute a third party survey before it is administered or distributed to students. A parent who submits a timely request will be granted a reasonable opportunity to inspect the third party survey before the District administers it or distributes it to students.

V. Marketing Surveys:

- A. The term "Marketing Surveys" means any survey used to disclose or collect individually identifiable information (including a student or parent's first and last

PARENTAL ACCESS TO INSTRUCTIONAL MATERIALS, THIRD PARTY SURVEYS  
AND MARKETING SURVEYS-STUDENT PRIVACY—PPRA REGULATION

name, home or physical address (including street name and city/town name), telephone number or social security identification number) from students for the purpose of marketing or selling the collected information, or providing that information to others for the purpose of marketing or selling the collected information.

- B. The term “Marketing Surveys” does not include any instrument used to disclose or collect such information for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to students or institutions such as:
1. Colleges or other postsecondary educational recruiters or, military recruiters;
  2. Book clubs, magazines, and programs providing access to low-cost literary products;
  3. Curriculum and instructional materials used by elementary schools and secondary schools;
  4. Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
  5. The sale by students of products or services to raise funds for school-related or education-related activities
  6. Student recognition programs.
- C. The District will notify parents of its intent to administer or distribute a marketing survey before it is administered or distributed to students. A parent who submits a timely request will be granted a reasonable opportunity to inspect the marketing survey before the District administers it or distributes it to students. Requests should be submitted to the District’s Records Access Officer during regular business hours.
- D. If the District uses a marketing survey to collect individually identifiable information from students, the District will:
1. Strictly safeguard all confidential student information that is collected;

POLICY-REGULATION

**Draft 05/29/2013**

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7501 Renumber/revise 7080.6

PARENTAL ACCESS TO INSTRUCTIONAL MATERIALS, THIRD PARTY SURVEYS  
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2. Not use such information for any improper purpose;
3. Restrict the disclosure of such information to persons the District deems essential to the purpose of the collection;
4. Allow requesting parents an opportunity to inspect the Marketing Survey.

VI. Parental Notification:

- A. The District will notify parents of the adoption or continued use of this policy at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy.
- B. The District will notify parents (or in the case of a student of an appropriate age, the student) annually of the specific or approximate dates when activities involving “Marketing Instruments (as defined by this regulation) are scheduled. The annual notice will offer parents the opportunity to opt their child out of such activities.
- C. The District will notify parents annually of the specific or approximate dates when activities involving Protected Information Surveys are scheduled. The annual notice will:
  1. Offer parents the opportunity to provide prior written consent for their child’s participation in any Protected Information Survey that is funded in whole or in part by the US Department of Education,
  2. Offer parents the opportunity to opt their child out of participation in any Protected Information Survey regardless of funding.

VII. Parental Participation: The original is policy was developed and adopted in consultation with parents.

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New York Mills Union Free School District  
Legal Ref: 20 USCA 1232(h); 34 CFR Part 98.  
Cross Ref: Policy 7500, Education Records  
Adopted: 06/17/03  
Revised: \_\_\_\_\_



PROVIDING A SAFE PUBLIC SCHOOL CHOICE TO STUDENTS WHO HAVE BEEN  
VICTIMS OF A VIOLENT CRIMINAL OFFENSE

I. Introduction

The Unsafe School Choice Option (Section 9532 of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind (NCLB) Act of 2001) requires that students attending a persistently dangerous public school, or students who become victims of a violent criminal offense while in or on the grounds of a public school that they attend, be allowed to attend a safe public school within the District (including public charter schools) if such choice is available in that public school.

Pursuant to the Unsafe School Choice Option, New York State law and Commissioner's Regulations, the option of a safe public school will not be available in districts where there are no other safe public schools within the district at the same grade level.

II. Notification Of Parents That A Student Has Been Determined To Be The Victim Of A Violent Criminal Offense:

A. The Superintendent has the responsibility to determine if a student has been the victim of a violent criminal offense.

1. Violent criminal offense means a crime that:

- a. Involves infliction of a serious physical injury<sup>1</sup> upon another as defined in the State Penal Law;
- b. A sex offense that involves forcible compulsion; or
- c. Any other offense defined in the Penal Law that involves the use or threatened use of a deadly weapon<sup>2</sup>.

2. Before the Superintendent determines that a student is the victim of a violent criminal offense, he or she must consult with any law enforcement agency investigating the alleged violent criminal incident and consider any reports or records provided by such agency. However, the Superintendent may determine that a student is the victim of a violent criminal offense

<sup>1</sup> Penal Law §10.00(10) defines "serious physical injury" as a "physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ."

<sup>2</sup> Penal Law §10.00(12) defines "deadly weapon" as "any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, gravity knife, pilum ballistic knife, metal knuckles knife, dagger, billy, blackjack, or metal knuckles."

PROVIDING A SAFE PUBLIC SCHOOL CHOICE TO STUDENTS WHO HAVE BEEN  
VICTIMS OF A VIOLENT CRIMINAL OFFENSE

whether or not the perpetrator is charged, convicted or acquitted by a court of law.

3. The Superintendent may also consult with the school district's attorney prior to making a determination that a student has been the victim of a violent criminal offense.
  4. The District is also required to complete and maintain a Violent and Disruptive Incident Report (VADIR) for each violent or disruptive incident that occurs (see Policy #7601 and Regulation #7601.1).
- B.
1. Where the Superintendent determines that the student is not the victim of a violent criminal offense, the parent of, or persons in parental relation to, such student shall be notified of such determination.
  2. If the parent of, or persons in parental relation to, the student wish to challenge such determination, they may file a timely appeal with the Commissioner of Education (copy to the Superintendent).
- C.
1. Where the Superintendent determines that the student is a victim of a violent criminal offense, as defined above, the District shall notify the parents of, or persons in parental relation to, such student of his or her right to transfer to a public school within the District (including public charter schools) and the procedures for such transfer, if such transfer is not otherwise precluded by the NCLB Act.
  2. Notification of the right to transfer shall not be required when:
    - a. there are no other public schools within the District at the same grade level; or
    - b. such transfer to a safe school is otherwise impossible.
  3. Such notice shall occur within twenty-four hours of the Superintendent's determination.
  4. Such notice shall be, to the extent practicable, provided in the dominant language or mode of communication used by the parents or persons in parental relationship to such student.

PROVIDING A SAFE PUBLIC SCHOOL CHOICE TO STUDENTS WHO HAVE BEEN  
VICTIMS OF A VIOLENT CRIMINAL OFFENSE

- D. The District's Code of Conduct for the Maintenance of Public Order on School Property has established procedures governing the notification of law enforcement officials of code violations that constitute crimes.
  - E. Notwithstanding any other provision of law to the contrary, the determination of the Superintendent shall not have collateral estoppel effect in any student disciplinary proceeding brought against the alleged victim or perpetrator of the alleged offense.
- III. Designating a Safe Public School or Schools
- A. When a student has been determined to be a victim of a violent criminal offense that occurred on the grounds of a public elementary or secondary school that the student attends, it shall be the responsibility of the District to designate a safe public school or schools within the District (including public charter schools) to which such student may transfer.
  - B. However, a District is not required to designate a safe public school where there are no other public schools within the District at the same grade level or such transfer to a safe public school within the District is otherwise impossible; or if the District has only one public school within the District or only one public school at each grade level.
  - C. A safe public school is defined as a public school that has not been designated by the Commissioner of Education as a persistently dangerous public elementary or secondary school.
  - D.
    - 1. In designating a safe public school or schools the district shall utilize objective criteria. The District may also take into account the needs and preferences of the affected student and parents/persons in parental relation.
    - 2. Such school or schools must be at the same grade level as the school from which the student is transferring. To the extent possible, students should be transferred to schools that are making adequate yearly progress and have not been identified as requiring school improvement, corrective action or restructuring.
  - E. The District shall make every reasonable effort to offer the parents of, or persons in parental relation to, a student who has been determined to be a victim of a violent criminal offense an opportunity to transfer the child to a safe public school within the District within ten (10) calendar days of such determination.

POLICY

Draft 05/29/2013  
7600 Renumbered 7090

STUDENTS

PROVIDING A SAFE PUBLIC SCHOOL CHOICE TO STUDENTS WHO HAVE BEEN  
VICTIMS OF A VIOLENT CRIMINAL OFFENSE

- F. The parent of, or persons in parental relation to, the student who has been determined to be the victim of a violent criminal offense and who has been offered the choice to transfer to a safe public school within the District may accept such transfer or elect to have the student continue at his or her present school.
- G. A student who transfers to a safe public school pursuant to this policy shall be enrolled in the classes and other activities of the public school in the same manner as all other children at such school.
- H. Any student who transfers to a safe public school pursuant to this policy shall be permitted to remain in such safe public school until the student has completed the highest grade level in such school, or for such other period prescribed by the United States Department of Education, whichever is less.
- I. The District shall provide transportation for any student permitted to transfer to the safe public school with the District it has designated, within the transportation limits established pursuant to Section 3635 of the Education Law.

IV. Documentation

The Superintendent shall maintain appropriate documentation regarding consultations with law enforcement officials and procedures utilized for parental notification and student transfer.

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New York Mills Union Free School District

Legal Ref: Chapter 425 of the Laws of 2002 relevant to Unsafe School Choice, Provisions of Part 120 of the Commissioner's Regulations relevant to Unsafe School Choice

Adopted: 06/17/03

Revised; \_\_\_\_\_



## STUDENTS

### UNIFORM VIOLENT INCIDENT REPORTING

#### I. PURPOSE

- A. The 2000 Project SAVE legislation and implementing Section 100.2(gg) of the Regulations of the Commissioner of Education require school Districts to record information on “violent or disruptive incidents.” ~~beginning with the 2001-02 school year.~~
- B. Pursuant to the provisions of N.Y.S. Education Law, Section 2802, entitled “Uniform Violent Incident Reporting System,” the Commissioner of Education has been directed by the State Legislature to establish a statewide uniform violent incident reporting system, as well as promulgate regulations defining “violent or disruptive incidents.”
- C. The Violent and Disruptive Incident Report (VADIR) Form serves two purposes:
  - 1. To provide documentation of each incident to be used by school administrators and Department staff (when warranted) to discern patterns and prevent future incidents, ~~and~~
  - 2. To assist schools in compiling the summary data that must be reported on the BEDS School Data Form.

#### II. DEFINITIONS

- A. “Violent or disruptive incident” shall mean one of the categories of incidents listed on the Violent and Disruptive Incident Report (VADIR) form that occurs on the property of the District. (Regulation #7601.1)
- B. School “property,” as set forth in N.Y.S. Education Law Section 2801(1), entitled “Codes of Conduct on school property,” shall be defined to mean “...in or within any building, structure, athletic playing field, playground, parking lot and land contained within the real property line of a public elementary or secondary school; or in or on a school bus as defined in Section 142 or the N.Y.S. Vehicle and Traffic Law; and a school function which shall include a school-sponsored or school-authorized extracurricular event or activity, regardless of where such activity or event takes place.(see also: 8 NYCRR Section 100.2 (gg))
- C. The term “removed by teacher” as utilized in item 8 of the VADIR form (Regulation #7601.1) shall be defined consistent with the definition of teacher removal utilized in the District’s Code of Conduct for the Maintenance of Public Order on School

## POLICY

Draft 05/29/2013

7601 Renumber/revise 7091

STUDENTS

### UNIFORM VIOLENT INCIDENT REPORTING

Property. Time-honored classroom management techniques such as short term “time-out” do not constitute such removal.

- C. ~~School “property” shall mean in or within any building, structure, athletic playing field, playground, parking lot or land boundary line of a public elementary or secondary school; or in or on a school bus as defined in Section 142 of the Vehicle and Traffic Law; or at a school-sponsored function.~~

### III. VIOLENT & DISRUPTIVE BEHAVIORS

- A. An incident must be reported if it meets the following criteria;
1. it involved physical injury or the threat of physical injury
  2. it disrupts the educational process and is serious enough to lead to disciplinary or referral action.
- B. Incidents involving physical injury, with or without the use of a weapon or weapons; ~~involving weapons~~; involving the “use or possession of drugs or alcohol,” or and involving bomb threats or false alarms, all must be reported regardless of the type of disciplinary or referral action that results. Such incidents must be reported even if they do not result in any disciplinary or referral action. Finally, such incidents must be reported regardless of whether or not the perpetrator(s) is identified.
- C. Alleged incidents of Intimidation, Harassment, Menacing or Bullying that are reported to a building principal or other school administrator responsible for school discipline must be reported, regardless of whether the complaint is subsequently determined to be deemed unfounded.
- D. Incidents defined I Categories 1-8, 14-15, and 17-19 of the VADIR Form that occur on school property or during school-sponsored or school-authorized extracurricular events or activities, are reportable in all circumstances, regardless of both the time when they occurred, and whether or not the person committing the act was an enrolled student.

Incidents in categories 9-13, 16 and 20 of the VADIR Form that occur on school property or during school-sponsored or school-authorized extracurricular events or activities, are reportable if the incident resulted in one or more of the disciplinary responses listed on the Summary Form, or would have resulted in one or more of the disciplinary response listed on the Summary form, in the case of an unknown perpetrator, regardless of the time when the incident occurred and whether or not the person committing the act was an enrolled student.

### IV. STATE REPORTING AND RECORD KEEPING

POLICY

Draft 05/29/2013

7601 Renumber/revise 7091

STUDENTS

UNIFORM VIOLENT INCIDENT REPORTING

- A. Each District is required to complete the VADIR form for each reportable violent or disruptive incident.
- B. A school district must report incidents that occur in common areas or on school property that are under the control of the school district or on school buses that the school district operates or provides by contract.
- C. In addition, each District must provide a summary of all reportable incidents on the Basic Educational Data System (BEDS) School Data Form the following school year.
- D. Violent and Disruptive Incident Report Forms must be kept on file in the District for six (6) years and made available to State Education Department staff on request.

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New York Mills Union Free School District

Legal Ref: Chapter 425 of the Laws of 2002 relevant to Unsafe School Choice, Provisions of Part 120 of the Commissioner's Regulations Relevant to Unsafe School Choice, 8 NYCRR 100.2 (gg)

Cross Ref: Policy #1030, Code of Conduct

Adopted: 06/17/03

POLICY

**Draft 05/29/2013**

7601 Renumber/revise 7091

STUDENTS

UNIFORM VIOLENT INCIDENT REPORTING

Revised: \_\_\_\_\_



## VIOLENT AND DISRUPTIVE INCIDENT REPORT (VADIR) FORM Last Revised, October 2006

Make additional copies of this form as needed. Do not send copies of this form to SED. Annual summary results for all reportable incidents occurring during the school year, between July 1 and June 30, should be reported on the SED Electronic VADIR System.

SCHOOL NAME \_\_\_\_\_

### DESCRIPTION OF INCIDENT:

- 1. CATEGORY OF INCIDENT** - If the incident involves multiple categories, one category choice is determined by the building official(s)/police handling the matter. The bold characters to the right of each item indicate the sections for annual reporting on the *Summary of Violent and Disruptive Incidents Report* where tallies of the corresponding incidents will be entered. (Check (✓) all columns that apply.) Category definitions are summarized in this document and detailed in the *Glossary of Terms*.

	With Weapon	Without Weapon	Involving Alcohol or Drugs	On School Transportation
<b>1. Homicide (1a):</b> conduct that results in the death of another person.				
<b>2.1 Forcible Sex Offenses (2.1a):</b> involving forcible compulsion.				
<b>2.2 Other Sex Offenses (2.2a):</b> involving inappropriate sexual contact (no forcible compulsion.)				
<b>3. Robbery (3a):</b> forcible stealing of property from a person by threatening the immediate use of physical force.				
<b>4. Assault with Serious Physical Injury (4a):</b> intentionally or recklessly causing physical injury which creates substantial risk of death or serious or protracted disfigurement or protracted impairment of health or protracted loss or impairment of the function of any bodily organ.				
<b>5. Arson (5a):</b> deliberately starting a fire with intent to damage or destroy property.				
<b>6. Kidnapping (6a):</b> to abduct a person or restrain a person with intent to prevent his or her liberation.				
<b>7. Assault with Physical Injury (7a):</b> intentional or reckless act causing impairment of physical condition or substantial pain. (In violation of the school district code of conduct).				
<b>8. Reckless Endangerment (8a):</b> subjecting individuals to danger by recklessly engaging in conduct that creates a grave risk of death or serious injury but no actual physical injury.				
<b>9. Minor Altercations (9a):</b> involving physical contact and no physical injury.				
<b>10. Intimidation, Harassment, Menacing or Bullying (10a):</b> no physical contact - intentionally placing another person in fear of imminent physical injury. Incidents that do not result in a consequence (j-o) are reported in Item 2 page 3.				
<b>11. Burglary (11a):</b> entering or remaining unlawfully on school property with intent to commit a crime.				
<b>12. Criminal Mischief (12a):</b> Intentional or reckless damaging of school property or the property of another person, including but not limited to vandalism and the defacing of property with graffiti.				

7. **VICTIMS (Duplicate this page as necessary)**

**Enrolled Students 1(e)**

	Name	Grade	Age
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

**School Personnel 1(f)**

1	Name	Position
2		
3		
4		
5		
6		
7		
8		

**Others (Include Unknown) 1(g)**

1	Name	Position
2		
3		
4		
5		
6		
7		
8		

8. **OFFENDERS (Duplicate this page as necessary)**

**Enrolled Student 1(b)**

Name: \_\_\_\_\_ Grade \_\_\_\_\_ Age \_\_\_\_\_

Check all that apply. Report duration in school days.

	(√)	Duration
Referred for counseling or treatment program 1(j)		
Removed by teacher (section 3214) 1(k)		
Suspension from class or activities 1(l)		
Received out-of-school suspension 1(m)		
Transferred to alternative education program 1(n)		
Referred to law enforcement or juvenile justice 1(o)		

Other non-punitive referrals (not to be reported on annual summary form)

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**Other (Include Unknown) 3(b)**

Name: \_\_\_\_\_ Age (if student) \_\_\_\_\_ Position \_\_\_\_\_

Check all that apply:

Referred to school of enrollment 3(b)	
Referred to law enforcement or criminal justice 3(b)	
Other disciplinary action 3(b)	

**Other (Include Unknown) 3(b)**

Name: \_\_\_\_\_ Age (if student) \_\_\_\_\_ Position \_\_\_\_\_

Check all that apply:

Referred to school of enrollment 3(b)	
Referred to law enforcement or criminal justice 3(b)	
Other disciplinary action 3(b)	

9. If the incident involved the use of one or more weapons, indicate the number of weapons used in each weapon type listed below.

- \_\_\_\_\_ (a) Handguns 5A(1)
- \_\_\_\_\_ (b) Rifles/shotguns 5A(2)
- \_\_\_\_\_ (c) Other firearms 5A(3) (specify \_\_\_\_\_)
- \_\_\_\_\_ (d) Knives 5A(4)
- \_\_\_\_\_ (e) Chemical or Biological Agents 5A(5)
- \_\_\_\_\_ (f) Other weapons 5A(6) (specify: \_\_\_\_\_)

10. If the incident involved bringing a firearm to or possessing a firearm at a public school, indicate the number of students suspended and the number transferred to alternative education programs.

Discipline	Number of	
	General Education Students	Students with Disabilities
(a)Suspended for one year from the date of suspension (5b)		
(b)Suspension shortened to less than one year (5c)		
(c)How many students reported in Item 10(a) were transferred to an alternative education program? (5d)		
(d)How many students reported in Item 10(b) were transferred to an alternative education program? (5e)		

Report prepared by \_\_\_\_\_

Date \_\_\_\_\_

Retain this form in the school. (Do not send to SED).



## CELL PHONE /ELECTRONIC DEVICE POLICY

### I. Definitions

- A. “Cell phone and wireless electronic communication devices” shall be defined to include portable two-way telecommunication devices, including but not limited to cellular phones, walkie talkies, personal digital assistants, pagers, laptops with two way messaging, and other hand held computing or music player devices. This definition will also include any new telephonic device developed for similar purposes, as well as Ipods, CD players, walkmans, and all other wireless devices.

Excluded from this definition is any device with communication capabilities that has been approved by the district for instructional purposes and district issued cell phones designed for professional use.

- B. The term “instructional day” shall include, but is not limited to, structured or non-structured instructional activity that occurs during the school day, as well as class changes.

### II. Use of Cell Phones

- A. The use of cell phones/electronic devices for any purpose are prohibited during the school day.
- B. The use of cell phones/electronic devices for any purpose on school grounds are allowed only before or after school in areas designated by the building principal.
- C. Once students enter the building, their cell phones/electronic devices must be turned completely off and remain off during the course of the day and must remain out of sight during the school day.
- D. Students that need to use a phone during the school day should stop in the main office during their lunch period to use a school phone.
- E. If an emergency situation exists where the parent or legal guardian needs to contact their child(ren), they are to contact the school’s main office and staff will assist in contacting their child(ren). Parents are discouraged from contacting their children during the school day.
- F. All cell phone/electronic device usage is prohibited in restrooms, locker rooms, and shower facilities.



## POLICY

STUDENTS

Draft 05/29/2013  
7400 Renumber/revise policy 7020

### CELL PHONE/ELECTRONIC DEVICE POLICY

- G. Cell phone/electronic device usage by students while riding to and from school on a bus, or on a bus during school sponsored activities is to be at the discretion of the bus driver and/or the staff member in charge.
- H. Parents who need to contact their child(ren) who have cell phone should remind him/her to turn the cell phone off during school hours, and check for messages after school is dismissed.

### ~~III. Use of Camera Phones **Almost all cell phones have this capability and are used as cameras.**~~

- ~~A. The use of a cell phone/electronic device to take, store, transmit photos is not allowed at any time on school premises, without prior approval.~~

### III. Student Discipline

- A. If a student is found using a cell phone/electronic device, or having a cell phone/electronic device visible to a teacher and/or school employee, the student will be asked to immediately relinquish the cell phone/electronic device. Failure to do so shall constitute insubordination, and will result in a referral to the school administration for disciplinary action.
- B. The teacher and/or school employee will deliver the cell phone/electronic device to the main office by the end of the school day. The teacher or school employee will attach the following written information to the cell phone/electronic device when delivering the cell phone/electronic device, to include:
  - 1. Student's name;
  - 2. Teacher or school employee's name;
  - 3. Reason for and time of confiscation.

### IV. Violations

- A. Students found to be in violation of this policy will be subject to the following disciplinary process: (any acts of insubordination resulting from this policy will follow the District Code of Conduct, Policy #1030).

#### **1<sup>st</sup> offense:**

The student's cell phone/electronic device will be confiscated by staff and given to the school administrator. The cell phone/electronic device will not be returned to the student; the parent or guardian may retrieve the cell phone/electronic device from administration.

CELL PHONE/ELECTRONIC DEVICE POLICY**2<sup>nd</sup> offense:**

The student's cell phone/electronic device will be confiscated by staff, given to the school administrator, and the student's parents or legal guardian will be notified. The student will be assigned one after school detention.

**3<sup>rd</sup> offense and subsequent:**

The student's cell phone/electronic device will be confiscated by staff, given to the school administrator, and the student's parents or legal guardian will be notified. The cell phone/electronic device will not be returned to the student; the parent or guardian may retrieve the cell phone/electronic device from administration. A third violation will result in the student being assigned one day of ISS. Subsequent violations shall result in such disciplinary action as deemed prudent by the school administration.

V. Other

- A. The New York Mills School District shall not assume any responsibility for theft, loss or damage of a cell phone/electronic device, or for any unauthorized calls or texts made on a cell phone/electronic device. Students shall be personally and solely responsible for the security of their cell phones/electronic device.

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New York Mills Union Free School District

Adopted: 06/02/09

Revised: \_\_\_\_\_

## SECURITY SEARCHES (STUDENTS)

### **I. Statement of Policy**

The District adopts this policy to promote the safety of students, staff and visitors to the schools and to safeguard the right of students to be free from unreasonable searches and seizures.

### **II. Student Interrogations**

- A. By school officials: A school official may question a student without providing the student with “Miranda” type warnings. However, school officials will tell the student the general reason why he/she is being questioned.
- B. By other persons: An individual other than a school official may interrogate a student only if the Superintendent and the student’s parent consent to the interrogation. If the interrogation is to be conducted by a police officer for law enforcement purposes, additional rules apply (and are outlined later in this policy). All interrogations will take place in the presence of a school official. Parent permission may not be warranted if there are concerns of parental abuse which is being addressed by Child Protective Services.

### **III. Student Searches – Reasonable Suspicion**

- A. An authorized school official may search a student and/or his/her possessions (pockets, backpack, book bag, etc.) if there is reasonable suspicion that the search would result in evidence that a student has violated or is violating a law or school rule. The scope of the search must be reasonably related to the evidence sought.
- B. The factors that will be considered in determining whether there is reasonable suspicion to search the student and/or his/her possessions include, but are not limited to:
  - 1. The student’s age.
  - 2. The student’s history and record in the school district.
  - 3. The prevalence and seriousness of the problem in the school to which the search was directed.
  - 4. The urgency necessitating an immediate search.
  - 5. The probative value and the reliability of the information used to justify

## STUDENTS

## SECURITY SEARCHES (STUDENTS)

the search.

6. The probability that evidence will be discovered as a result of the search.
- C. Before a search is conducted:
1. A school official will question the student to determine whether the student will admit to possessing the physical evidence sought.
  2. A school official will ask the student to empty his/her pockets, backpack, etc. (If the student empties his/her pockets, backpack, etc. a search may be unnecessary).
  3. A school official will ask the student to consent to the search.
  4. The school official who is to conduct the search will receive authorization from the Superintendent (or designee) or school attorney before conducting the search.
- D. When a student consents to a search or when the District has reasonable individualized suspicion warranting a search:
1. The scope of the search will be reasonably related to the evidence sought.
  2. The person who is to conduct the search will be the same gender as the student. Strip searches are prohibited. Whenever practical, the search will be conducted in the privacy of administrative offices and the student will be present when his/her possessions are searched.
  3. Whenever a search is conducted, the person conducting the search will provide the Superintendent with a report of circumstances relating to the search. The report should include:
    - a) The name, age and grade of student searched.
    - b) The name and title/position of the person conducting the search.
    - c) The name and title/position of the witnesses to the search.
    - d) The reasons for the search, including the items that were sought.
    - e) The name of any informant(s).



## STUDENTS

## SECURITY SEARCHES (STUDENTS)

- f) The type and scope of search.
  - g) The time and location of search.
  - h) The results of search, including what items were found.
  - i) The disposition of items found.
  - j) The time, manner and results of parental notification.
3. If the search results in the discovery of an illegal or dangerous item, the item will be taken from the student and the Principal (or designee) will be responsible for the custody and disposition of the item(s) until it/they are turned over to the police. Additionally, the Principal (or designee) will clearly label each item taken from the student and will advise the student's parent of the items seized.

**IV. Limited Student Searches**

A school official may conduct a limited "pat-down" 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.

**V. Student Lockers, Desks and School Storage Spaces**

- A. Students have no reasonable expectation of privacy rights in school lockers, desks, or other school storage places, and the school exercises overriding control over such school property.
- B. Students nevertheless are expected to assume full responsibility for the security of their lockers, desks and school storage spaces over other students. The District is not responsible for items stored in these spaces. A list of the locker or lock combinations to all student lockers shall be kept in the office of the Building Principal.
- C. The District retains the right to inspect student lockers, desks and school storage spaces at any time without a search warrant, without notice and without student consent. Inspections may be conducted by authorized school personnel and/or law enforcement officials, and may be conducted with the assistance of trained dogs and/or related technologies.
- D. The Superintendent shall give notice to students that lockers, desks, and other

## STUDENTS

## SECURITY SEARCHES (STUDENTS)

school storage places may be subject to inspection at any time by school officials with or without law enforcement officials and with or without the assistance of trained dogs and/or related technologies.

**VI. Police Access To Students at School**

- A. The District works with the police authorities to maintain a safe school environment. The police may not enter the schools of the District for the purpose of interrogating, searching or conducting law enforcement investigations of students, unless:
1. The police have a search warrant or an arrest warrant, or
  2. There is probable cause that a crime has been committed on school property, or
  3. The police have been invited by school officials.
- B. If a police officer wishes to speak to a student concerning an out-of-school matter (in the absence of a warrant or probable cause), the police officer will be directed by school authorities to take the matter up directly with the student's parents.
- C. If a police officer properly enters school and asks to interrogate or search a student, the Building Principal (or designee) first will attempt to contact the student's parent so that he/she may be present during the interrogation or search. If the parent cannot be contacted before the police conduct the interrogation or search, the parent shall be notified by phone or in writing as soon as practicable.
- D. If a police officer properly enters school and arrests a student, the Building Principal (or designee) will contact the student's parent to inform them of the arrest as soon as possible.

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New York Mills Union Free School District

Legal Ref: Fourth Amendment, NYS Constitution; New Jersey v. T.L.O., 469 US 325 (1985)

Adopted: 12/16/97

Revised: 11/05/02, \_\_\_\_\_

# Policy

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**Draft 05/29/2013**

7500 Replaces policy 7080

STUDENTS

## EDUCATION RECORDS

- I. The Board of Education recognizes its obligation to maintain the confidentiality of student education records and to grant parents and eligible student's access to those records in accordance with the *Family Educational Rights and Privacy Act*.
- II. The Superintendent will develop regulations to implement this Policy. The regulations may be promulgated by the Superintendent or adopted by the Board of Education.

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New York Mills Union Free School District

Legal Ref: 20 USC 1232(g) & (h).

Adopted: 04/09/74

Revised: 11/14/89, 11/05/02, 06/17/03, \_\_\_\_\_



# Regulation

Draft 05/29/2013  
7500.1 Replaces

STUDENTS  
7080.1

## EDUCATION RECORDS

### **I. Purpose:**

The District implements this regulation to maintain the confidentiality of student records and to provide parents and eligible students with the opportunity to inspect and review education records, to seek to amend education records, and to consent to the disclosure of education records.

### **II. Definitions and Designations:**

- A. Records Access Officer: The District's Records Access Officer is the Clerk of the Board:

Paula Ann May, District Clerk  
New York Mills Union Free School District  
1 Marauder Boulevard  
New York Mills, NY 13417  
Telephone: (315) 768-8127

- B. Parent: The term "Parent" includes natural parent, a guardian or an individual acting as parent or guardian in the absence of the student's parent or guardian.
- C. Eligible Student: The term "Eligible Student" means a student who has reached age 18 or is attending post-secondary school.
- D. Education Records: The term "Education Records" includes records, files, documents and other materials which contain information directly related to a student and are maintained by the District or a person acting on behalf of the District.

Education Records may exist in any form, including but not limited to print, computer media, video or audio tape, film, microfilm, microfiche and other materials which contain confidential information directly related to a student and which are maintained by the District or a party acting on behalf of the District. Education records do not include:

1. Certain Records in the Sole Possession of the Maker: Records made by instructional, supervisory, administrative personnel or ancillary educational personnel which are in the sole possession of the maker and



EDUCATION RECORDS

which are not accessible or revealed to any other person except a substitute for the maker of the record;

2. Employee Records: Records maintained solely with respect to a person's status as an employee rather than as a student;
  3. Certain Medical & Psychological Records: Medical and psychological treatment records of an eligible student are not education records if they are maintained and used only in connection with treatment of the eligible student and disclosed only to individuals providing the treatment, including treatment providers in the student's school.
  4. Post Enrollment Records: Records that only contain information about an individual after he/she is no longer a student at the District (for example, records of alumni activities);
- E. Directory Information: The District designates the following information as Directory Information: student's name, parent's name, address, date and place of birth, telephone number, email address, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, most recent previous educational agency attended by student, photograph, and video images of students engaged in routine activities when those images are not records of the district's law enforcement unit. Directory information will not be provided online.

**III. Rights of Parents and Eligible Students:**

- A. Each parent of a student has the rights described in this policy, unless the District has been provided with evidence that there is a court order, statute or legally binding document related to such matters as divorce, separation or custody that specifically revokes these rights.
- B. When a student becomes an eligible student (18 or attending a post-secondary school) all rights accorded to parents and consent required of parents, transfer from the parents to the eligible student. However, the District does not require the consent of the eligible student:
  1. To disclose the education record to the parent if the eligible student is claimed by the parent as a dependent for tax purposes.

EDUCATION RECORDS

2. To disclose the education record to appropriate parties in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
3. A school official may generally share with a parent information that is based on that official's personal knowledge or observation of the student.

**IV. Confidentiality of Education Records:**

- A. The District will not release education records, including personally identifiable information contained in Education Records, except:
  1. Written Consent: The District may release the information if prior to the release of information, the District receives written consent from the parent. The written consent must specify the information to be released, the reason for the release and to whom the information may be released. The District will give the parent or student a copy of the information released, if requested by the parent.
  2. Directory Information: The District may release Directory Information if the District has properly circulated its annual FERPA notification to parents of students in attendance and eligible students in attendance, unless the parent or eligible student has submitted Regulation 7500.5 restricting the District's ability to release this information.
  3. Military Recruiters: The District will disclose to requesting military recruiters the names, addresses and telephone numbers of juniors and seniors, unless the parent or eligible student has submitted Regulation 7500.5 prohibiting such release.
  4. School Officials with a legitimate educational interest: The District may release the information to other school officials, including teachers within the District who have a legitimate educational interest in the information. The District will use reasonable methods to ensure that school officials have access only to the education records in which the school officials have a legitimate educational interest.
    - A school official is: A person employed by the District as an administrator, supervisor, instructor, or support staff member, including health or medical staff; a person elected to the School Board; a person or company employed by or under contract to the District to

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perform a special task, such as an attorney, auditor, medical consultant, or therapist; a parent or student serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another school official in performing his or her tasks. A school official may be a contractor, consultant, volunteer or other party to whom the District has outsourced instructional services and functions if that individual or entity is performing services district employees otherwise perform (is not selling products or services), is under the direct control of the district with respect to the use and maintenance of the education records and is restricted from re-disclosing the education records except as permitted by FERPA.

- A school official has a legitimate educational interest if the official is: Performing a task that is specified in his or her position description or by a contract agreement; performing a task related to a student's education; performing a task related to the discipline of a student; providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid; or maintaining the safety and security of the campus.
  - The District receives services from the Madison Oneida BOCES Regional Information Center and it's vendors in accordance with FERPA. A request for a complete list of current vendors may be submitted to the Records Access Officer.
5. Student seeks to enroll in a different school: The District may release student records to officials of other schools in which the student seeks or intends to enroll, provided that the student's parents are notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record.
  6. Certain State and Federal Officials: The District may release information to authorized officials of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education or certain State and Local Educational authorities.
  7. Financial Aid: The District may release information to appropriate parties in connection with a student's application for or receipt of financial aid.

STUDENTS  
7240.1

EDUCATION RECORDS

8. Authorized organizations performing studies: The District may release information to organizations conducting studies for or on behalf of the District to develop, validate or administer predictive tests, administer student aid programs or improve instruction, provided that appropriate safeguards are implemented in accordance with federal regulations.
9. Accrediting Organizations: The District may release information to authorized accrediting organizations to carry out their accrediting functions.
10. Court Order or Subpoena: The District may release information pursuant to a valid court order or subpoena, provided that the District makes a reasonable effort to notify the affected parent or eligible student of the court order or subpoena in advance of the release of the information (except that in certain cases, such as in the case of certain subpoenas issued under the U.S. Patriot Act, the court order or subpoena may require release of information without advance notice to the parents).
11. Victim of Specified Crimes: In certain instances, the District may release to the victim of a specified crime, the final results of a disciplinary proceeding commenced against the alleged perpetrator, provided that the release conforms to the requirements of 34 CFR 99.39. The final results may only include the name of the student, the offense committed and the sanction imposed by the District.
12. Information Concerning Registered Sex Offenders: The District may release information provided to it under 42 USC 14071 and the applicable Federal Guidelines.
13. Release in connection with an emergency necessary to protect health or safety: The District may release information to appropriate parties in connection with an emergency if the release is necessary to protect the health or safety of the student or other persons. The District will consider the following criteria when determining whether the information should be disclosed:
  - The seriousness of the threat to the health of the student or other individuals;
  - The need for the information to meet the emergency;



EDUCATION RECORDS

- Whether the parties to whom the information is disclosed are in a position to deal with the emergency;
- The extent to which time is of the essence in dealing with the emergency.

The District will record the articulable and significant threat that formed the basis for the disclosure and the parties to whom the information was disclosed

- B. If the District discloses student records to a third party as permitted by this policy, the District will:
1. Advise the third party of its duty to refrain from redisclosing the information and of its obligation to maintain the confidentiality of the information in accordance with the *Family Educational Rights and Privacy Act*.
  2. If possible, attach to the disclosed record the following statement: "This document contains personal information from a student's education records. It is protected by the Family Educational Rights and Privacy Act (20 U.S.C. 1232g) and may not be re-released without the written consent of the parent or eligible student."

**V. Requests to Inspect Education Records:**

- A. Request: A parent who is interested in inspecting the student's education record must submit his/her request to the Records Access Officer between the hours of 9 am and 4 3 pm on any school day. Requests should be submitted in writing, on a form provided by the District (Regulation 7500.2). Copies of the form are available in the office of the Records Access Officer. If a parent makes an oral request for access to the education record during a school conference, the District may provide the parent access to the education record even though it has not received the request in writing.
- B. Response: Within forty-five days of his/her receipt of a request for inspection, the Records Access Officer will determine and will advise the person making the request whether the records specified in the request are available for inspection.
1. Records Available: If the records are available for inspection, the Records Access Officer will advise the requestor when and where the record will

EDUCATION RECORDS

be available for inspection. If the records contain information about more than one student, the Records Access Officer will remove from the copy of the records shown to the requester, any information which in his/her judgment would constitute an unwarranted invasion of personal privacy of any party (other than the student for whom the inspection has been requested).

2. Records Not Available: If the records are not available for inspection, the Records Access Officer will note the reason for the unavailability on the request form and will return a copy of the request form to the requesting party.
3. Explanation of Records: The Records Access Officer will respond to reasonable requests for explanations and interpretations of the records.
4. Copying Fee: The fee for copies of records is twenty-five cents per page, which is required to be paid at the time the copy is requested. The District will waive the fee if the fee effectively denies the parent an opportunity to inspect and review the education record.
5. Maintaining a Record of Requests: The Records Access Officer shall keep with the education record of each student, a record of all individuals, agencies or organizations which have requested or obtained access to the student's record (Regulation 7500.3) and a record of all re-disclosures it has authorized.
  - The record will indicate the parties who requested or received the information and the legitimate interest the party had in the information.
  - The District does not have to keep this record if the requester is the parent or eligible student, a school official with a legitimate educational interest in the information, a party with written consent from the parent or eligible student, a party seeking directory information, or a party seeking information through certain subpoenas or court orders where the issuing court or agency has ordered that the existence or the contents of the subpoena or information not be disclosed.

**VI. Request to Amend Education Records:**

EDUCATION RECORDS

- A. If a Parent believes the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student's rights of privacy, he or she may ask the educational agency or institution to amend the record.
1. The request shall be directed to the Records Access Officer during regular business hours on the prescribed form. Copies of the form are available in the Superintendent's office or the office of the Records Access Officer. (See Regulation No. 7500.4).
  2. The request shall identify, in writing, the record or records which the parent believes to be inaccurate, misleading or otherwise in violation of the student's rights of privacy, with a statement of the reasons for the challenge to the record.
- B. The Records Access Officer will make a written response to the request to amend an education record within twenty days of his/her receipt of the request. The response will indicate whether the Records Access Officer:
1. Finds that the record in question is inaccurate, misleading or an invasion of the student's rights of privacy and that the record will be amended as requested, or
  2. Finds that there is an insufficient basis to amend the record in question. If the Records Access Officer finds that there is an insufficient basis to amend the record in question, he/she will notify in writing the requesting party of the opportunity for a hearing and will provide the requesting party with a form to request the hearing.
- C. Through informal meetings with the Parents, the settlement of a dispute regarding content of education records is encouraged.

**VII. Request for Hearing:**

- A. Request: If a parent disagrees with the Records Access Officer's finding that there is an insufficient basis to amend the education record the parent may request a hearing. The request must be submitted to the Superintendent within ten days of the parent's receipt of the Records Access Officer's decision, on a form provided by the District. The hearing will be conducted within ten days of the Superintendent's receipt of the request for a hearing.

EDUCATION RECORDS

- B. Notice: The District will mail a hearing notice to the requesting party reasonably in advance of the hearing. The hearing notice will include the date, time and place of the hearing.
- C. Hearing: The Hearing will be conducted by the Superintendent (or by another person designated by the Superintendent who does not have a direct interest in the outcome of the hearing). During the hearing, the requesting party may be represented by an individual or individuals (including an attorney) at his/her own expense. The requesting party will have a full and fair opportunity to present relevant evidence.
- D. Decision: The Superintendent (or designee) will submit a written decision within ten days after completion of the hearing. The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.
1. If the Superintendent (or designee) finds that the record should be amended, he/she will amend the record and will inform the parent of the amendment in writing.
  2. If the Superintendent (or designee) finds that the record should not be amended, he/she will inform the parent in writing of the right to place a statement in the record commenting on the contested information and/or stating why he/she disagrees with the decision of the District. The District will maintain the statement with the contested part of the record for as long as the record is maintained and will disclose the statement whenever it discloses the portion of the record to which the statement relates.

**VIII. Notification of Rights:**

- A. The District shall annually disseminate a notice to parents and eligible students of their rights relative to education records. The notice will allow parents at least thirty days to ask the District not to disclose some or all of the directory information. (See Regulation No. 7500.5).
- B. Parents and eligible students have the right to file a complaint with the U.S. Department of Education concerning alleged failures to comply with FERPA. Written complaints may be filed with: The Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-5920.



**New York Mills Union Free School District**

Board of Education Policy Audit

Section 8000 Instruction

Friday, May 3, 2013

<b>No.</b>	<b>Name</b>	<b>DELETE Previous No.</b>	<b>Proposed Action</b>
8001	School Calendar and School Day		NEW Approved Y N Date Approved: _____
8100	Academic Freedom	8015	REVISE Approved Y N Date Approved: _____
8101	Selection and Review of Instructional Materials	8090	REVISE Approved Y N Date Approved: _____
8101.1	Request for Review of Instructional Materials Renumber	8090.1	REVISE Approved Y N Date Approved: _____
8102	Placement, Promotion, Retention of Students	8016 8017 8018	REVISE Approved Y N Date Approved: _____
8103	Acceleration Policy	8034	REVISE Approved Y N Date Approved: _____
8103.1	Parental Notice of Acceleration	8034.1	REVISE Approved Y N Date Approved: _____
8103.2	Acceleration Screening Renumber	8034.2	REVISE Approved Y N Date Approved: _____
8103.3	Parental Consent for Acceleration	8034.3	REVISE Approved Y N Date Approved: _____
8104	Junior-Senior High School Grading Policy	8021	REVISE Approved Y N Date Approved: _____
8105	Graduation Ceremony Participation	8020	REVISE Approved Y N Date Approved: _____
8200	Guidance and Counseling Program Renumber	8031	REVISE Approved Y N Date Approved: _____
8201	High School/College Bridge Program	8032	REVISE Approved Y N Date Approved: _____

**New York Mills Union Free School District**

Board of Education Policy Audit

Section 8000 Instruction

Friday, May 3, 2013

<b>No.</b>	<b>Name</b>	<b>Previous No.</b>	<b>Proposed Action</b>
8202	Auditing Classes Renumber	8033	REVISE Approved Y N Date Approved: _____
8203	Student Musical Groups Participation in Community Activities	8035	REVISE Approved Y N Date Approved: _____
8300	Home Instructions	8040	REVISE Approved Y N Date Approved: _____
8301	Homebound Instruction		NEW Approved Y N Date Approved: _____
8302	Courses Including Dissection of Animals		NEW Approved Y N Date Approved: _____
8303	Limited English Proficiency Instruction Renumber	8050	REVISE Approved Y N Date Approved: _____
8303.1	Limited English Proficiency Instruction	8303.1	REVISE Approved Y N Date Approved: _____
8400	Field Trips Renumber	8030	REVISE Approved Y N Date Approved: _____
8400.1	Annual Educational Field Trip Permit	8030.1	REVISE Approved Y N Date Approved: _____

**New York Mills Union Free School District**  
 Board of Education Policy Audit  
 Section 8000 (8500-8601.1) Instruction  
 Wednesday, May 16, 2013

<u>No.</u>	<u>Name</u>	<b>DELETE</b> <u>Previous No.</u>	<u>Proposed Action</u>
8500	Special Education Programs and Services	8052 8071	REVISED Approved Y N Date Approved: _____
8500.1	Administrative Practices and Procedures Relative to Program Access	8052.1	REVISE Approved Y N Date Approved: _____
8501	Prereferral and Declassification Teams	8053	REVISE Approved Y N Date Approved: _____
8502	Programs for Students with Disabilities Under Section 504 of the Federal Rehabilitation Act of 1973	8070	REVISE Approved Y N Date Approved: _____
8503	Independent Educational Evaluations	8073	REVISE Approved Y N Date Approved: _____
8503.1	Independent Educational Evaluations	8073.1	REVISE Approved Y N Date Approved: _____
8504	Provision of Special Education Services for Preschool Students	8071 8072 8072.1	REVISE Approved Y N Date Approved: _____
8505	Selection, Appointment and Compensation of Impartial Hearing Officers	8056	REVISE Approved Y N Date Approved: _____
8506	Skills and Achievement Commencement Credential	8054 8055	REVISE Approved Y N Date Approved: _____
8600	Accommodation of Hearing Impaired Parents		NEW Approved Y N Date Approved: _____
8600.1	Accommodation of Hearing Impaired Parents Request Form		NEW Approved Y N Date Approved: _____
8600.2	Accommodation of Hearing Impaired Parents Notice		NEW Approved Y N Date Approved: _____
8601	Response to Intervention (RtI)		NEW Approved Y N Date Approved: _____
8601.1	Structure of the Response to Intervention (RtI) Program		NEW/OPTIONAL Approved Y N Date Approved: _____

# Policy

New 05/03/2013  
8001

INSTRUCTION

## SCHOOL CALENDAR AND SCHOOL DAY

### I. School Calendar

The school calendar for the ensuing year will be developed by the Superintendent of Schools and presented to the Board of Education for approval in the spring of each year. The number of days scheduled for students will meet or exceed the requirements of state law.

### II. School Day

The school day is established to meet the student instructional time requirements set forth by the Commissioner of Education. The school day shall be set by the Superintendent with approval of the Board.

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New York Mills Union Free School District

Legal Ref: NYS Education Law Sections 3204(4) and 3604(7)(8); 8 NYCRR 175.5

Adopted: \_\_\_\_\_



# Policy

Draft 05/03/2013

INSTRUCTION

8100 Renumber/revise from 8015

## ACADEMIC FREEDOM

- I. The nature of American democracy demands an intelligent, well-informed populace. Citizens of all ages, and most importantly students, must be able to listen to all sides of an issue, sift through the facts and opinions, and arrive at independent conclusions. The right of students to be exposed to controversial as well as mundane issues, however, imposes obligations upon the Board of Education and the teaching and administrative staffs of our schools.
- II.
  - A. The Board of Education, as the ultimate authority for what is taught hereby affirms its support of an instructional climate conducive of free thought, open discussion and rational decision-making.
  - B. Members of the teaching and administrative staffs are hereby charged with the responsibility of arranging learning experiences which are timely, significant, and consistent with the maturity, needs and knowledge of the student.
- III.
  - A. If the presentation of any topic or personality may be reasonably expected to stir public controversy, the guidelines below will be followed:
    1. The involved teacher(s) will notify the appropriate building principal in advance of the proposed activity and the principal and teacher(s) will discuss the potential ramifications of the activity. The recommendations of the building principal will guide the activity. If the involved teacher(s) is dissatisfied with the decision of the building principal, he or she may refer the matter to the Professional Education Committee (PEC) for review. ~~This committee is addressed in the 2001-2005 contract between the School district and the New York Mills Teachers Association.~~ The PEC will meet promptly, review the matter, and make recommendations to the involved parties. If either party is dissatisfied with the recommendations of the PEC, or should the PEC fail to reach an Education shall review the matter and render a final decision to all concerned parties.
    2. All students will be apprised of the activity in advance and be given an opportunity to decline involvement. If the age or maturity of the student warrants, his or her parents will be given the opportunity to restrict their child's involvement.
    3. If a given activity is criticized by a district resident, that criticism will be reduced to writing, signed, and promptly brought to the attention of the involved building principal and Superintendent. The building principal, involved teacher(s) and PEC will review the criticism and respond to its

POLICY

Draft 05/03/2013

INSTRUCTION

8100 Renumber/revise from 8015

ACADEMIC FREEDOM

author in writing. If dissatisfied with the response, or should the PEC fail to reach a unanimous response, the individual or involved principal and teacher(s) may appeal to the Board of Education. The Board of Education will review the matter and render a final decision to all concerned parties.

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New York Mills Union Free School District

Adopted: 02/11/75

Revised: 01/07/03, \_\_\_\_\_

# Policy

Draft 05/03/2013

INSTRUCTION

8101 Renumber/revise from 8090

## SELECTION AND REVIEW OF INSTRUCTIONAL MATERIALS

### I. Statement of Philosophy

The Board of Education holds ultimate legal responsibility for the selection and use of all instructional materials. However, the Board of Education delegates to the professional personnel of the district authority to select and reconsider instructional materials within the policy guidelines outlined below. These guidelines will govern the selection and use of library books, textbooks, workbooks, films, filmstrips, electronic or other media, and other instructional materials.

### II. Selection

A. It shall be the district's goal to select and provide instructional materials that:

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

B. Pursuant to Section 200.2 of the Commissioner's Regulations, the District shall give preference in the purchase of instructional materials to those vendors who agree to provide such instructional materials in alternative formats for students with disabilities.

C. Within these broad guidelines, the following factors shall also be considered in the selection of instructional materials.

1. overall purpose
2. timeliness or permanence

SELECTION AND REVIEW OF INSTRUCTIONAL MATERIALS

3. importance of the subject matter
4. quality of the writing/production
5. readability and popular appeal
6. authoritativeness
7. professional reputation of the publisher/producer
8. professional reputation of the author/composer, etc.
9. format and price

III. Reconsideration

- A. Criticisms of instructional materials will be brought to the attention of the Superintendent of Schools and/or Building Principal of the concerned building. District residents or parents may request a formal review of materials, which they deem objectionable. In such cases, a "Request for Review of Instructional Material" form will be completed and submitted to the Superintendent of Schools. The following steps will constitute a formal review.
  1. A committee will be established by the Superintendent of Schools to review the involved material.
  2. The committee will be composed of:
    - a. the staff member originally selecting the material
    - b. the building principal
    - c. the building librarian
    - d. two staff members appointed by the building principal
  3. The committee will review the involved material in light of the selection criteria noted above and make a written recommendation regarding use of the involved material to the Superintendent of Schools
  4. The Superintendent of Schools will review the committees' recommendation and inform the individual or group requesting review of the material of his decision.
  5. The decision of the Superintendent of Schools may be appealed, in writing, to the Board of Education.

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New York Mills Union Free School District

Adopted: 01/14/75

Revised: \_\_\_\_\_



# Regulation

Draft 05/03/2013

INSTRUCTION

8101.1 Renumber 8090.1

## REQUEST FOR REVIEW OF INSTRUCTIONAL MATERIALS

Involved Material \_\_\_\_\_

Author \_\_\_\_\_ Hardcover \_\_\_\_\_ Paperback \_\_\_\_\_

Title \_\_\_\_\_

Publisher (if known) \_\_\_\_\_

Request initiated by \_\_\_\_\_

Telephone \_\_\_\_\_ Address \_\_\_\_\_

Complainant represents:

\_\_\_\_\_ himself

\_\_\_\_\_ (name organization) \_\_\_\_\_

\_\_\_\_\_ (identify other group) \_\_\_\_\_

1. To what in the material do you object? (Please be specific, citing pages)  
\_\_\_\_\_
2. If the material is a book, what do you feel might be the result of reading this book?  
\_\_\_\_\_
3. For what age group would you recommend this material? \_\_\_\_\_
4. Is there anything good about this material? \_\_\_\_\_  
\_\_\_\_\_
5. If the material is a book; did you read the entire book? \_\_\_\_\_ What parts? \_\_\_\_  
\_\_\_\_\_

INSTRUCTION

REQUEST FOR REVIEW OF INSTRUCTIONAL MATERIALS

6. Are you aware of the judgment of this material by literary critics?

\_\_\_\_\_

7. What do you believe is the theme of this material?

\_\_\_\_\_

8. What would you like the school to do about this material

\_\_\_\_\_ do not assign it to my child

\_\_\_\_\_ withdraw it from all students

9. In its place, what material of equal quality would you recommend?

\_\_\_\_\_

\_\_\_\_\_  
Signature of Complainant

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New York Mills Union Free School District

Adopted: 01/14/75

Revised: \_\_\_\_\_

# Policy

Draft 05/03/2013

INSTRUCTION

8102 Replaces policies 8016, 8017, 8018

## PLACEMENT, PROMOTION, RETENTION OF STUDENTS

### I. Placement

Placement within the system, with respect to the building, teacher, and grade or special class, shall be at the discretion of the school administration and shall be subject to review and change at any time. In making such decisions, the administrator will be guided by performance in class, past records, parental/legal guardian and teacher recommendation, standardized test scores, and any other appropriate sources of information, but the final decision shall rest with the school administration.

### II. Assignment to Classes

Students will be assigned to classes at the discretion of the building principal. In making such assignments, the principal will take into consideration teacher recommendations, the results of standardized tests, the advice of guidance counselors, and other pertinent information.

### III. Promotion and Retention

- A. Students are retained whenever a recommendation to keep a student back is sustained by the building principal. Individual teachers, the guidance counselor, and the Child Study Team may make this recommendation.
- B. Decisions regarding the retention of students are based on the areas of academic, physical, and social/emotional maturity. If a student is expected to be performing at one or more grades below level at the end of the year, a recommendation for retention might be made. While parents are consulted throughout this process, unless there are extenuating circumstances, the final decision rests with school authorities.

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New York Mills Union Free School District

Adopted: 02/04/03

Revise: \_\_\_\_\_

# Policy

Draft 05/03/2013

INSTRUCTION

8103 Renumber/revise policy 8034

## ACCELERATION POLICY

### I. Part 100 of the Commissioner's Regulations

~~A. 100.4 Program requirements for students in grades seven and eight, (c) Grade 8 acceleration, Public school students in grade 8 shall have the opportunity to take high school subjects in at least one of the following areas: English, social studies, second languages, art, music, career and technical education subjects or science courses. Such opportunity shall be provided subject to the following conditions:~~

~~1. The Superintendent, or the high school principal as his or her designee, shall determine whether a student has demonstrated readiness in each subject in which he or she asks to begin high school courses in the eighth grade leading to a diploma.~~

~~2. A student shall be awarded high school credit for such courses only if such student passes one of the following:~~

~~a. a Regents examination; or~~

~~b. a second language proficiency examination; or~~

~~e. a career and technical education proficiency examination; or~~

~~d. if no such examinations are available a locally developed examination which establishes student performance at a high school level as determined by the Principal.~~

### I. Part 100 of the Commissioner's Regulations

#### A. Grade eight acceleration for diploma credit

1. Public school students in grade eight shall have the opportunity to take high school courses in mathematics and in at least one of the following areas: English, social studies, languages other than English, art, music, career and technical education subjects or science courses.

2. Credit may be awarded for an accelerated course only when at least one of the following conditions has been met:

i. accelerated students attend classes in a high school with high school students and pass the course on the same basis as the high school students. Credit is awarded by the high school; or



ACCELERATION POLICY

- ii. the student passes the course and the associated State proficiency examination or Regents examination, when available. The credit must be accepted as a transfer credit by all registered New York State high schools; or
- iii. in cases where no appropriate state assessment is available, the student passes a course in the middle, junior high or intermediate school that has been approved for high school credit by the public school district superintendent(s), or his or her designee(s), of the district(s) where the middle, junior high or intermediate school and the high school are located.

3. Such opportunity shall be provided subject to the following conditions:

- i. The superintendent, or his or her designee, shall determine whether a student has demonstrated readiness in each subject in which he or she asks to begin high school courses in the eighth grade leading to a diploma.
- ii. A student shall be awarded high school credit for such courses only if such student passes a Regents examination, a second language proficiency examination when available, or a career and technical education proficiency examination, or, if no such examinations are available, a locally developed examination that establishes student performance at a high school level as determined by the principal.

B. The New York Mills Board of Education has identified the following areas for possible acceleration by qualified students entering ~~eighth~~ seventh grade. Courses acceptable for acceleration to be verified by the Jr/Sr High School Principal.

- 1. English
- 2. Mathematics
- 3. Foreign Language

II. Application Procedure

A. The guidance counselor will screen the incoming students to 7th grade to determine the initial eligibility of students to be considered for acceleration.

- 1. Preliminary screening.

POLICY

Draft 05/03/2013

INSTRUCTION

8103 Renumber/revise policy 8034

ACCELERATION POLICY

- a. A standardized test administered in grade 7 in math and English Language Arts will be the preliminary screening instrument. A student must score a level 3 or 4 to be considered.
  - b. The Otis Lennon test will be administered by the guidance counselor. A deviation score of 115 or above in the related (verbal or non-verbal) academic area must be achieved by the student.
- B. The guidance counselor, teachers, and the high school principal will review those applications to determine whether a student has demonstrated readiness in each subject in which he/she is considering acceleration.
  - C. The guidance counselors will notify the parents of those students who are eligible for the acceleration program. The counselor will meet with the parents to discuss the appropriate areas of acceleration for their son/daughter. Prior to scheduling the student for course work, the parent must agree to the recommendation and submit written consent for the student to accelerate.
  - D. The guidance counselor is responsible for forwarding ~~the completed paperwork for acceleration with~~ all the required supporting data to the high school principal for his approval or disapproval each school year.
  - E. Upon return of the paperwork, the guidance counselor will take the necessary steps to implement the scheduling of the student for the appropriate course for ~~eight~~ seventh grade.
  - F. ~~The guidance counselor will notify the parents of the status of the paperwork.~~

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New York Mills Union Free School District

Adopted: 06/10/86

Revised: 01/07/03, \_\_\_\_\_

# Regulation

Draft 05/03/2013

INSTRUCTION

8103.1 Renumber/revise from 8034.1

## PARENTAL NOTICE OF ACCELERATION

Dear

Part 100 of the Commissioner's Regulations of the New York State Education Department provides that students in grade eight shall have the opportunity to take high school subjects if the Superintendent determines that the student demonstrates readiness to begin high school sequences. New York Mills Jr-Sr High School will offer ninth grade courses in English, mathematics and foreign language for possible acceleration.

Your child is eligible to be considered for acceleration. This is based on the preliminary screening criteria.

During the seventh grade school year, the student must maintain a ninety or better average in the subject or subjects selected.

You must schedule an appointment to complete the Application Form for Acceleration before your child can be considered for acceleration. If approved, you must sign a Consent for Acceleration prior to your child being scheduled.

Please contact the high school guidance office if you have any questions regarding acceleration.

Yours truly,

Guidance Counselor

---

New York Mills Union Free School District

Adopted: 06/10/86

Revised: 01/07/03, \_\_\_\_\_

# Regulation

Draft 05/03/2013

INSTRUCTION

8103.2 Renumber from 8034.2

## ACCELERATION SCREENING

STUDENT \_\_\_\_\_ DOB \_\_\_\_\_ SUBJECT \_\_\_\_\_

PARENTS \_\_\_\_\_ ADDRESS \_\_\_\_\_

### 1. TEST DATA

Achievement Test \_\_\_\_\_ Date Tested \_\_\_\_\_

Reading: Raw Score \_\_\_\_\_ Rank \_\_\_\_\_ NCE \_\_\_\_\_

Mathematics: Raw Score \_\_\_\_\_ Rank \_\_\_\_\_ NCE \_\_\_\_\_

Mental Ability Test \_\_\_\_\_ Date Tested \_\_\_\_\_

DIQ \_\_\_\_\_ % Rank \_\_\_\_\_

### Subjects Tests:

English: Language \_\_\_ Vocabulary \_\_\_ Spelling \_\_\_ Reading Comprehension \_\_\_

Foreign Language: Language \_\_\_ Vocabulary \_\_\_ Reading Comprehension \_\_\_

Mathematics: Concepts \_\_\_ Computation \_\_\_ Problem Solving \_\_\_\_\_

Social Studies: \_\_\_\_\_ Science: \_\_\_\_\_

### II. GRADES

1st	2nd	3rd	4th
Qtr.	Qtr.	Qtr.	Qtr.

Subject: \_\_\_\_\_

Subject: \_\_\_\_\_

### III. Recommendations (as appropriate)

ENGLISH: \_\_\_\_\_

\_\_\_\_\_



ACCELERATION SCREENING

SCIENCE: \_\_\_\_\_  
\_\_\_\_\_

MATHEMATICS: \_\_\_\_\_  
\_\_\_\_\_

SOCIAL STUDIES \_\_\_\_\_  
\_\_\_\_\_

FOREIGN LANGUAGE: \_\_\_\_\_  
\_\_\_\_\_

IV. GUIDANCE OFFICE COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

=====

New York Mills Union Free School District

Adopted: 06/10/86

Revised: \_\_\_\_\_

# Regulation

Draft 05/03/2013

INSTRUCTION

8103.3 Renumber/revise from 8034.3

## PARENTAL CONSENT FOR ACCELERATION

TO: \_\_\_\_\_

DATE: \_\_\_\_\_

I hereby request that \_\_\_\_\_ be given consideration for acceleration for the next school year to take ninth grade course work as an eight grader in the following subject are: \_\_\_\_\_.

I understand the screening process which will determine readiness for acceleration and that an average of 90 or better for the remainder of this school year is required in the subject selected for acceleration.

\_\_\_\_\_  
Parent or Legal Guardian

TO: \_\_\_\_\_

DATE: \_\_\_\_\_

Recommend that this application for acceleration in the subject are of \_\_\_\_\_ be (approved) (disapproved) for the next school year.

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
~~Assistant-Superintendent~~

Permission is hereby given for \_\_\_\_\_ to take ninth grade course work in the eighth grade in the following subject area: \_\_\_\_\_ for the school year \_\_\_\_\_.

\_\_\_\_\_  
Signature: Parent or Legal Guardian

\_\_\_\_\_  
Date

=====

New York Mills Union Free School District

Adopted: 06/10/86

Revised: 01/07/03, \_\_\_\_\_

# Policy

Draft 05/03/2013

8104 Renumber from 8021

## INSTRUCTION

### JUNIOR - SENIOR HIGH SCHOOL GRADING POLICY

- I. A. Final student averages for grades 7-12 will be computed based on a 1/6 weighting for each of the four marking periods, the midterm and final exam. The midterm and final exam will not be used to determine quarter grades. They will stand alone in the grading process.
- B. Final ranking of the Valedictorian, Salutatorian and the rest of the top ten will be based on all eight semesters of high school work.
- II. A. All grades will be recorded as part of the student permanent record.
- B. An incomplete must be made up according to arrangements with the individual teacher. The building principal will be responsible for approving this process.
- C. Letter grades will be converted to numerical range by the following chart for students whose previous district used a letter grade system.

<u>Letter Grade</u>	<u>Numerical Range</u>	<u>Letter Range</u>	<u>Numerical Range</u>
A+ Excellent	97-100	C-	70-72
A Above Average	93-96	D+	69
A-	90-92	D	67-68
B+	87-89	D- Passing	65-66
B Good	83-86	F Failing	Under 65
B-	80-82	I Incomplete	
C+	77-79	WP Withdrew Passing	
C Average	73-76	WF Withdrew Failing	

P (Passing) restricted for use with Pass/Fail courses.

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New York Mills Union Free School District

Adopted: 09/20/94

Revised: 10/03/95, 01/07/03, 01/04/11, \_\_\_\_\_

# Policy

Draft 05/03/2013

INSTRUCTION

8105 Renumber/revise from 8020

## GRADUATION CEREMONY PARTICIPATION

- I. Because "commencement" is traditionally a ceremony marking a new beginning, and because it implies achievement of the requirements for a high school diploma having been met, the following policy will be observed regarding participation in graduation ceremonies:
  - A. All students who wish to participate in graduation ceremonies must meet all of the academic requirements of the New York Mills Union Free School District and the New York State Education Department prior to such participation.
  - B. Students who have been placed in special education programs by the New York Mills Union Free Schools' Committee on Special Education and who have completed special education program requirements will be allowed participation in graduation ceremonies and will be given their appropriate achieved diploma or certificate.
  - C. Foreign Exchange or other "special students" who have satisfactorily completed the required courses of study prescribed by the New York Mills Union Free School will be allowed participation in graduation ceremonies with permission of the Superintendent of Schools and High School Principal.

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New York Mills Union Free School District

Adopted: 09/21/82, 11/14/89

Revised: 01/07/03, \_\_\_\_\_



# Policy

Draft 05/03/2013

8200 Renumber from 8031

INSTRUCTION

## GUIDANCE AND COUNSELING PROGRAM

- I. A. The focus of the guidance and counseling program in the New York Mills Union Free School District is on the developmental needs (physical, social, emotional and vocational) of all students at the elementary and secondary levels.
  - B. All certified personnel demonstrate respect for the dignity and worth of the individual and encourage each student to develop individual responsibility and decision making skills.
  - C. Within the framework of counseling and guidance goals, specific student and curricular objectives will be implemented. (See the District's Guidance Plan.) Within the areas of counseling and guidance responsibility, the counselor enters into three segments of the school community: Students, school personnel, and parents and guardians.
- II. The elementary and secondary level guidance counselors will coordinate the District's guidance program and involve all staff members in designing and implementing plans to meet these major goals:
    - A. Educational Development - Students will participate in reviewing their educational progress on an annual basis so that they will demonstrate an understanding of their grade level.
    - B. Personal/Social Development - Students will adopt appropriate behaviors for a variety of social settings. Students will develop awareness of self and confidence in their abilities in order to enhance their career development.
    - C. Career Development - Students will develop career options consistent with their interests, abilities, and values. Career development includes focus on four areas of vocation, avocation, family life and citizenship.

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New York Mills Union Free School District

Legal Ref: Commissioner's Regulations 100.1

Adopted: 08/09/83

Revised: 08/08/89, 01/07/03, \_\_\_\_\_

# Policy

Draft 05/03/2013

INSTRUCTION

8201 Renumber/revise from 8032

## HIGH SCHOOL/COLLEGE BRIDGE PROGRAM

### I. Bridge Programs

- A. Some students with high academic goals may want to spend part of their senior year at a nearby college and part at New York Mills Union Free School. Under a Bridge Program, students would be dually enrolled and could spend a portion of their day at New York Mills Union Free School District and the remainder of their day or evening at a local college.
- B. New York Mills Union Free School District participation in Bridge Programs will be characterized by limited access, careful monitoring and ongoing study. Students may participate in the graduation exercises.
- C. The Board shall not be required to pay tuition and other related costs for those students enrolled in college courses. Students who wish to enroll in Bridge Programs shall meet all academic, grade level and coursework requirements as set forth by administrative rules and regulations.
- D. Registered students will normally be integrated into the same classes as other students at the college and be eligible to participate in most of the activities sponsored by the college.
- E. Registered students will be subject to the same policies and procedures as apply to all other students at the college.
- F. Students typically will not be allowed to substitute college classes for courses that can be taken at the New York Mills Union Free School District ~~our campus~~. No high school credit will be granted for college courses.

### II. Eligibility Requirements:

~~I. The New York Mills School District will allow students to take classes at neighboring colleges if the following eligibility requirements are met:~~

- A. Be a fully qualified senior in high school eligible to graduate in June.
- B. Demonstrate past academic achievement that he or she is capable of successfully completing the college level courses desired.
- C. Demonstrate that he or she is sufficiently mature and self-motivated to enter into college academic life.

POLICY

Draft 05/03/2013

INSTRUCTION

8201 Renumber/revise from 8032

HIGH SCHOOL/COLLEGE BRIDGE PROGRAM

- D. Display academic maturity in his or her regular high school courses. No student should be deficient in any courses being taken at the high school.
- E. Receive principal and counselor approval.
- F. Receive acceptance by the college.

III. Student Responsibility:

- A. Transportation to courses taken at a college ~~is the responsibility of the student and parent.~~
- 1. ~~Selected high school students may, with permission of parents and the high school, take one or more courses at a college.~~
- B. ~~Students will be responsible for~~ Registering at the college. However, before registering students should meet with the guidance counselor to receive guidance in registration procedures.

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New York Mills Union Free School District

Adopted: 10/12/82

Revised: 01/07/03 \_\_\_\_\_

# Policy

Draft 05/03/2013

8202 Renumber from 8033

INSTRUCTION

## AUDITING CLASSES

- I. The New York Mills Union Free School District expects its students to participate in courses in ways that enhance the realism of life experiences.
- II. To this end, auditing a class which means that a student would not earn appropriate credit is believed to deviate from this expectation.
- III. Therefore, permission to audit any class will be limited to a student's documented compelling medical situation and, then, only if approved by the Jr./Sr. High School Principal. All other reasons will not be permitted.

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New York Mills Union Free School District

Adopted: 04/27/99

Revised: \_\_\_\_\_



# Policy

Draft 05/03/2013

8203 Renumber from 8035

## INSTRUCTION

### STUDENT MUSICAL GROUPS PARTICIPATION IN COMMUNITY ACTIVITIES

- I. It shall be the policy of the New York Mills Union Free School District to encourage the participation of student musical groups in the activities of organizations within the school community. Such participation shall, however, be restricted to occasional activities of worthy educational and/or social purpose and shall be governed by the following guidelines:
  - A. Requests for presentations by school musical groups shall be made in writing, to the appropriate building principal, well in advance of the anticipated activity.
  - B. The advisor/director of the particular musical group requested shall, through the building principal, promptly respond to the request relative to the desired group's availability.
  - C. If approved, all student groups will be accompanied throughout their entire presentation by a member of the instructional staff.
  - D. Parental approval for student participation will be secured in writing for any activity to be held outside the immediate vicinity of the school system.
  - E. Student participation will not be approved for any function where the serving of alcoholic beverages will be a primary activity.
  - F. All honorariums or similar gifts realized from presentations will be promptly deposited in the extra activity account appropriate to the involved organization.

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New York Mills Union Free School District

Adopted: 01/10/78

Revised: \_\_\_\_\_

## HOME INSTRUCTION

### I. Rationale

Under Sections 3204(2), 3210(2)(d) and 3212(2) of the Education Law, the Board of Education has the responsibility to ensure that all students residing within the School District who are between the ages of six (6) and sixteen (16) receive a quality education and competent instruction. The Board recognizes that such instruction may be provided in the home, pursuant to the Regulations of the Commissioner of Education. The Board also believes that the legality of the concept of home instruction does not diminish the District's responsibility to see that every student of compulsory age receives instruction from a competent instructor that is substantially equivalent to the instruction provided in State-regulated schools. In order to accomplish this goal, a framework of mutual cooperation, respect and interaction must exist between the District and parents who desire home instruction for their children. It is with this framework in mind that the following policy is implemented.

### II. Definitions

- A. Parent: The term "parent" is used to mean the person or persons standing in parental relation to the student.
- B. Superintendent: The term "Superintendent" refers to the Superintendent of Schools of the District or the person the Superintendent designates to act on his/her behalf.
- C. Teacher: The term "teacher" refers to either the parent or a tutor, depending on who is doing the actual teaching and providing the actual instruction to the student.
- D. IHIP: The term "IHIP" means Individualized Home Instruction Plan.

### III. Notification and Approval Procedure

- A. 1. Parents who desire to provide home instruction for a student of compulsory school attendance age shall annually provide written notice to the Superintendent of their intention by July 1st of each school year. Parents who choose to commence such instruction after the start of the school year, or who establish residence in the District after the start of the school year, shall provide the written notice within fourteen (14) days following the commencement of home instruction.

POLICY

Draft 05/03/2013

INSTRUCTION

8300 Renumber/revise from 8043

HOME INSTRUCTION

2. Any request for home instruction must include a statement signed by the parents which releases the Board of Education, the Superintendent of Schools, and the district staff from any liability for the quality of education received by any child being taught at home.
- B. Within ten (10) business days of receipt of the written notice of intent, the District shall send to the parent(s) a copy of this policy, a copy of Section 100.10 of the Commissioner's Regulations and a form on which to submit an individualized home instruction plan (hereafter referred to as "IHIP") for a child of compulsory attendance age.
- C. Within four (4) weeks of the receipt of the materials described in (B) above or by August 15th, whichever is later, the parents shall submit the completed IHIP to the District containing the following information:
1. The child's name, age and grade level;
  2. A list of the syllabi, curriculum materials, textbooks, or plan of instruction to be used in each of the required subjects listed in Section 100.10(e) of the Commissioner's Regulations;
  3. The dates for submission to the School District of the parents' quarterly reports, as required. These reports shall be spaced in even and logical periods; and
  4. The names of the individual(s) providing instruction.
  5. A statement that the child will be meeting his/her compulsory education requirements through full-time study at a degree-granting institution (meaning enrollment for at least 12 semester hours in a semester or its equivalent), if that is the case. In this situation, the IHIP shall identify the degree-granting institution and the subjects to be covered by that study.

The District shall provide assistance in preparation of the IHIP, if requested by the parents.

- D. Within ten (10) business days of receipt of the IHIP, or by August 31st, whichever is later, the District shall either notify the parent(s) that the IHIP complies with the Commissioner's Regulations or give the parent(s) notice of any deficiency in the IHIP.

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8300 Renumber/revise from 8043

HOME INSTRUCTION

- E. Within fifteen (15) days of receipt of a notice of deficiency in the IHIP, or by September 15th, whichever is later, the parent(s) shall submit a revised IHIP which corrects any such deficiencies.
- F. Within fifteen (15) days of receipt of the revised IHIP, or by September 30th, whichever is later, the Superintendent shall review the revised IHIP and shall notify the parent(s) as to whether the revised IHIP is in compliance. If the revised IHIP is determined not to be in compliance, then the parents shall be notified in writing of the reasons for such determination.

Such notice shall also contain the date of the next regularly scheduled meeting of the Board of Education that will be held at least ten (10) days after the date of mailing of the notice.

- G. If the parents wish to contest the determination of noncompliance, the parents must notify the Board of Education at least three (3) business days prior to the scheduled meeting. At such meeting, the parents shall have the right to present proof of compliance and the Board shall make a final determination of compliance or noncompliance.

IV. Right of Appeal

- A. The parents shall have the right to appeal any final School District determination of noncompliance to the Commissioner of Education within thirty (30) days after receipt of such determination.
- B. When administrative review of a School District determination is completed (i.e. the parents fail to contest a determination at any level or receive a decision from the Commissioner of Education upholding the School District's final determination), the parents shall immediately provide for the instruction of their children at a public school or elsewhere in compliance with Sections 3204 and 3210 of the Education Law.
- C. Within ten (10) days after administrative review is completed, the parents shall furnish the Superintendent with written notice of arrangements for instruction provided to their children; except that such notice is not required if parents enroll their children in a public school.

V. Attendance Requirements

- A. 1. Each child shall attend the substantial equivalent of one hundred eighty (180) days of instruction each school year.



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8300 Renumber/revise from 8043

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2. The cumulative hours of instruction shall be nine hundred (900) hours per year for Grades 1-6 and nine hundred ninety (990) hours for Grades 7-12.
  - B. Absences shall be permitted on the same basis as provided for District students.
  - C. Parents are required to maintain attendance records and such records shall be made available to the District upon request.
- VI. Quarterly Reports
- A. On or before the dates specified in the IHIP, a quarterly report for a child shall be furnished by the parent to the District.
  - B. The quarterly report shall contain the following information:
    1. The number of hours of instruction during said quarter;
    2. A description of the material covered in a subject listed in the IHIP;
    3. Either a grade for the child in a subject or a written narrative evaluating the child's progress; and
    4. Evidence that the course materials as set forth in the IHIP have been covered.
- VII. Annual Assessment
- A. At the time of submission of the fourth (4th) quarterly report, the parents also shall file an annual assessment.
  - B. The annual assessment shall include the results of a commercially published norm-referenced achievement test, or an alternative form of evaluation, which meets the requirements of Section 100.1(h)(1) or (2) of the Commissioner's Regulations.
  - C.
    1. Any commercially published norm-referenced achievement tests shall be administered in accordance with one of the following options, to be selected by the parents:
      - a. At the public school, by its professional staff; or

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- b. At a registered non-public school by its professional staff, provided that the consent of the Chief School Officer of the non-public school is obtained; or
  - c. At a non-registered non-public school, by its professional staff, provided that the consent of the Chief School Officer of the non-public school and of the Superintendent is obtained; or
  - d. At the parents' home, or at any other reasonable location, by a New York State certified teacher or by another qualified person, provided that the Superintendent has consented to said individual administering the test.
2. The test shall be provided by the School District upon request by the parent, provided that the cost of any testing facilities, transportation and/or personnel for testing conducted at any location other than the public school shall be borne by the parents.
  3. The test shall be scored by the person(s) administering the test or by other persons who are mutually agreeable to the parents and the Superintendent.
- D.
1. An alternative form of evaluation shall be permitted to be chosen by the parent, as follows:
    - a. A written narrative for Grades 1-3;
    - b. A written narrative, used no more often than every other year, for Grades 4-8.
  2.
    - a. The person(s) who prepare(s) the written narrative shall be a New York State certified teacher, a home instruction peer group review panel, or other person selected by the parent with the consent of the Superintendent, who has interviewed the child and received a portfolio of the child's work.
    - b. Such person shall certify whether the child has made adequate academic progress.
  3. Any resulting costs shall be borne by the parent(s).

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4. In the event that the child has failed to make adequate progress the home instruction shall be placed on probation pursuant to Section VIII of this policy.

E. If a dispute arises between the parent(s) and the Superintendent, including disputes over the administration of tests or alternative evaluation methods, the parent(s) may appeal to the Board of Education. If the parent(s) disagree with the determination of the Board of Education, they may appeal to the Commissioner within thirty (30) days of the receipt of such determination.

VIII. Probation

A. If a child's annual assessment fails to comply with the provisions of Section VII of this policy and the corresponding Commissioner's Regulations, the home instruction program shall be placed on probation for a period of up to two (2) school years.

B. The parent(s) shall be required to submit a plan of remediation, which addresses the deficiencies in the child's achievement. Such plan shall be reviewed by the School District. The School District may require the parents to make changes in the plan prior to acceptance.

C. If after the end of any semester of the probationary period the child progresses to the level specified in the remediation plan, then the program shall be removed from probation.

D. If the child does not attain seventy-five percent (75%) or more of the objectives specified in the remediation plan at the end of any semester of the probationary period, or if after two (2) years of probation one hundred percent (100%) of the objectives of the remediation plan have not been met, the Superintendent shall issue a notice of noncompliance.

E. The Board shall review any determination of noncompliance issued in (D) above, except that the parents' consent to such review is not required.

F. If, during the period of probation, the Superintendent has grounds to believe that the program of home instruction is in substantial noncompliance with this policy and the corresponding Regulations of the Commissioner, the Superintendent may require one or more home visitations. Such visits shall be made only after three (3) days written notice; and shall be conducted by the Superintendent or his/her designee.

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Draft 05/03/2013

INSTRUCTION

8300 Renumber/revise from 8043

HOME INSTRUCTION

IX. Participation in School Activities

- A. Children who receive home instruction may not participate in interscholastic sports, intramural activities, school sponsored clubs, occupational/vocational education programs and gifted programs.
- B. Children who receive home instruction may not participate in instructional programs except that the District must provide special education services, as recommended on the Individual Education Program (IEP) by the Committee on Special Education.

X. Verification of Preliminary Education Requirements:

- A. The District is aware that individuals seeking a college degree may have to verify to college administrators that they have completed certain "preliminary education requirements." The district will take the following steps to help these individuals provide colleges with that verification:
  - 1. If requested by a student, the Superintendent will perform an evaluation of substantial equivalency of the student's IHIP.
  - 2. If requested by a student or former student, the Superintendent will certify in writing to the student, whether the student's program was substantially equivalent to a four year high school program.
- B. The District will open Regents Examination admissions to any district resident, including home schooled students, who is seeking to fulfill his/her preliminary education requirements to take five specific Regents Examinations or approved alternative examinations. If possible, the resident should provide the District with reasonable advance notice of his/her intent to take a specific Regents Examination.

XI. Home instruction is highly-individualized approach that can only be undertaken after a great deal of careful preparation. It is the obligation of both parents and school officials to make sure that no child is deprived of the right to an appropriate instructional program.

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New York Mills Union Free School District

Legal Ref: Sections 3204(2), 3210(2)(d) and 3212(2) of the New York State Education Law;  
8 N.Y.C.R.R., Section 100.10

Adopted: 01/07/03

Revised: \_\_\_\_\_



# Policy

New 05/03/2013  
8301

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## INSTRUCTION

### HOMEBOUND INSTRUCTION

- I. Homebound instruction is a temporary service provided to students who are unable to attend school due to a short-term physical, mental or emotional illness or injury as substantiated by a licensed physician or licensed psychologist. A student will be eligible for home instruction if the student's illness is expected to extend beyond ten (10) school days.
- II. Homebound Instruction should begin as soon as possible after the parents have notified the District and have provided a statement from a licensed physician or a licensed psychologist that:
  - A. Clearly indicates that the student will be unable to attend school for at least ten (10) school days; and
  - B. Clearly specifies the diagnosis necessitating home instruction, the limitations concerning the kind or duration of instruction, and any possible precautions the homebound instructor should take.
- III. The District will provide five (5) hours of homebound instruction a week for eligible elementary students (K-6), to the extent possible at least one (1) hour per day. The District will provide at least ten (10) hours of homebound instruction per week for eligible secondary school students (7-12), to the extent possible at least two (2) hours per day.
- IV. Students with disabilities who are recommended for homebound instruction by the Committee on Special Education (CSE) shall be provided instruction and appropriate related services as determined by the CSE in consideration of the student's unique needs. Such homebound instruction shall only be recommended if such placement is in the least restrictive environment. Home instruction will begin as soon as possible following such notification and shall be limited to the approved school calendar.
- V. Homebound instruction shall be terminated when the period of probable absence as certified by the physician or licensed psychologist has expired. Should any extension of homebound instruction be requested, the District reserves the right to obtain a separate opinion.
- IV. At the conclusion of this interim service the tutor will submit to the District a report of the pupil's progress during the period of homebound instruction

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New York Mills Union Free School District

Legal Ref: Revised Handbook on Services to Pupils Attending Non-Public Schools, NYS Education Department, 2004; 8 NYCRR 175.21 and 200.6(h).

Adopted: \_\_\_\_\_

# Policy

New 05/03/2013  
8302

INSTRUCTION

## COURSES INCLUDING DISSECTION OF ANIMALS

### I. Statement of Policy

- A. Students enrolled in a course that includes the dissection of an animal shall be given reasonable notice of that fact, and information about the student's right under Section 809 of the Education Law and this Policy to be excused from witnessing or conducting animal dissection. This notice shall be distributed at the beginning of the school year, and shall be available upon request at the school office.
- B. Students will be excused from witnessing or conducting animal dissection if the student:
  - 1. provides a written statement from the student's parent or legal guardian substantiating the fact that the student has a moral or religious objection to witnessing or conducting animal dissection, and
  - 2. agrees to undertake and complete an alternative project approved by the student's teacher.
- C. Students who perform alternative projects who do not perform or witness the dissection of animals will not be penalized.

### II. Implementation of Policy

The Superintendent of Schools shall prepare a notice that complies with the requirements of Section 809 of the Education Law and insure that teachers are aware of this Policy and that the notice is distributed as required.

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New York Mills Union Free School District  
Legal Ref: NYS Education Law Section 809(4)  
Adopted: \_\_\_\_\_

05/03/2013

INSTRUCTION  
8050

8303 Renumber from

## LIMITED ENGLISH PROFICIENCY INSTRUCTION

- I. The Board of Education believes that students, who, by reason of foreign birth or ancestry, have limited English proficiency, will be more effective learners of both the language and the curriculum if they receive instruction in both their native language and English. The District will therefore make every effort to ensure that limited English proficient (LEP) students are provided with an appropriate program of transitional bilingual education or freestanding English as a second language program.
- II. It is the policy of the District that the Superintendent be directed to develop appropriate administrative regulations, in accordance with Parts 117 and 154 of the Commissioner's Regulations, to ensure that LEP students are:
  - A. Screened for limited English proficiency, as part of the overall diagnostic evaluation, upon newly entering school or reentering without an available record of prior screening;
  - B. Evaluated annually in areas including student performance in content areas to measure academic progress;
  - C. Assured of access to appropriate instructional and support services, including guidance programs; and
  - D. Assured of having equal opportunities to participate in all school programs and extracurricular activities as non-LEP students.
- III.
  - A. The Superintendent shall be responsible for ensuring that a description of the nature and scope of the instructional programs and services is currently available to parents of limited English proficient pupils to help them acquire English proficiency.
  - B. The Superintendent shall be responsible for ensuring that the Commissioner is provided with all information required under the Commissioner's Regulations and that the District provides appropriate school-related information to the parents of LEP students in English, or, when necessary, in the language they understand.
  - C. The Superintendent shall ensure that all teachers employed for any bilingual and/or ESL program are properly certified in accordance with the Commissioner's Regulations.

# Policy

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Draft

05/03/2013  
INSTRUCTION  
8050

8303 Renumber from

## LIMITED ENGLISH PROFICIENCY INSTRUCTION

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New York Mills Union Free School District

Legal Ref: 8 N.Y.C.R.R., Sections 117 and 154; New York State Education Law, Section 3204.

Adopted: 09/90

Revised: 01/07/03, 02/07/06, \_\_\_\_\_

# Regulation

Draft 05/03/2013

INSTRUCTION  
8050.1

8303.1 Renumber/revise from

## LIMITED ENGLISH PROFICIENCY INSTRUCTION

### I. District Responsibilities

In attempting to ensure that students who are limited English proficient (LEP) receive appropriate schooling in English and curriculum areas, the School District shall:

- A. In accordance with Part 117 of the Commissioner's Regulations, diagnostically screen every new entrant and reentrant with no available record of prior screening to determine whether they are possibly LEP in accordance with subdivision 2-a of Section 3204 of the Education Law. It will also be determined through such screening whether the student is of foreign birth or ancestry and comes from a home where language other than English is spoken as determined by the results of a home language questionnaire and an informal interview in English;
- B. Ensure that students diagnostically determined to be LEP are annually evaluated. Such evaluation will include evaluation of each student's performance in content areas to measure the student's progress;
- C. Ensure that all LEP students have access to appropriate instructional and support services, including guidance programs;
- D. Ensure that all LEP students have equal opportunities to participate in all school programs and extra-curricular activities as non-LEP students;
- E. Annually provide the Commissioner with the following documents, in the form and by the dates prescribed by the Commissioner:
  1. A copy of the Board of Education's policy;
  2. A report by building of number of students initially identified and annually evaluated as being LEP in the preceding school year, including their grade level, native language and instructional program;
  3. A report by building of the number of students that took the NYSESLAT in the preceding school year;
  4. A report by building of the number of teachers and qualifications and support personnel providing services to LEP students;



LIMITED ENGLISH PROFICIENCY INSTRUCTION

5. A report on the expenditure of state, local and federal funds in the prior year on programs, activities and services for LEP students;
6. A description by building of the curricular and extra-curricular services provided to LEP students; and
7. Results of the annual evaluation of LEP students, including test data and any additional data required by the Commissioner.

## II. Comprehensive LEP Plan

In order to qualify for and receive State aid for the education of LEP students, the District shall submit to the State Education Department by September 1st of each year a comprehensive plan to meet the educational needs of such students.

Such plan shall include:

- A. The information required under Section I(E) of this Regulation.
- B. The criteria used to place LEP students in appropriate transitional bilingual or freestanding ESL programs.
- C. A proposed budget for the operation of the state-aided program;
- D. A description of the nature and scope of the bilingual and/or ESL services currently available to LEP students;
- E. An evaluation plan outlining the time schedule for data collection, approved assessment devices and techniques, and the time schedule for the submission of data to the State Education Department in the format specified by the Department;
- F. A description of procedures for the program's management, including: staffing site, selection, parental notification, coordination of funds, training, and program planning;
- G. An assurance that all regulations and laws governing programs for LEP students will be followed;
- H. A description of the support services provided to LEP students;
- I. A description of the transitional services provided to LEP students; and

INSTRUCTION  
8050.1

8303.1 Renumber/revise from

LIMITED ENGLISH PROFICIENCY INSTRUCTION

J. A description of the in-service training plan for all school personnel.

III. LEP Instruction

A. Bilingual Education Program:

Should twenty (20) or more LEP students with the same native language at the same grade level be assigned to the same school building, such students shall be provided with a bilingual program. Such program shall be composed of:

1. English as a second language (ESL) instruction which emphasizes listening, speaking, reading, writing and communicating skills in English;
2. Course content instruction in both English and the native language; and
3. Native language arts instruction which emphasizes communication skills in the student's home language.

B. Free Standing English as a Second Language Program:

Should fewer than twenty (20) LEP students with the same native language at the same grade level all attend the same school building in the District, such students shall be provided either with a freestanding English as a Second Language (ESL) program, or a bilingual education program. Such program shall be composed of:

1. Instruction which emphasizes listening, speaking, reading, writing and communicating skills in English; and
2. Course content area instruction using ESL methods.

Such program need not provide a native language arts component designed to develop skills in the native language.

C. The District reserves the right to contract with a Board of Cooperative Educational Services (BOCES) or another school district to provide bilingual and/or ESL programs.

IV. Parental Notification

LIMITED ENGLISH PROFICIENCY INSTRUCTION

- A. The District shall notify, in English and in the appropriate native language, the parent(s) or guardian(s) of a student designated as LEP of the student's placement in a transitional bilingual or ESL program. Such notification shall include program options set forth in Section (B) below.
- B. 1. The parents or other persons in parent relation shall have the option to withdraw their child from participation in a bilingual program. Should a parent wish to withdraw his/her child from a transitional bilingual program, the parent/guardian shall meet with the Building Principal and supervisor of bilingual education. Such meeting shall be for the purpose of informing the parent/guardian of the nature, purposes and educational values of the transitional bilingual program and the skills required of personnel. Any child that withdraws from a transitional bilingual program must participate in a freestanding ESL program.
2. In a school building where a bilingual educational program is not required to be offered, parents shall be informed that they have the option of transferring their child to another school within the District, if such program is available at such school. If a parent/guardian chooses not to exercise this option, he/she shall be informed that the child will participate in a freestanding ESL program.
- C. The District shall make an effort to meet with the parents at least twice a year to help them understand the goals of the program and how they might help their children.
- D. The District will also distribute to the parents, or other person in parental relation to LEP students, school-related information in English, or, when necessary, the language they understand.
- V. Support Services
- The District shall provide appropriate support services to students who are participating in either transitional bilingual or freestanding ESL programs in order for such students to achieve and maintain a satisfactory level of academic performance. Such services may include, but shall not be limited to, individual counseling, group counseling, home visits and parental counseling. If appropriate, such services shall be provided in the first language of the student and the student's parent(s)/guardian(s).
- VI. Transitional Services

REGULATION

Draft 05/03/2013

INSTRUCTION  
8050.1

8303.1 Renumber/revise from

LIMITED ENGLISH PROFICIENCY INSTRUCTION

The District shall ensure a transition for former LEP students who are transferring from a bilingual or freestanding ESL program into an English mainstream program. Transitional services shall be provided for the first year after such students are placed in the English mainstream instructional program.

VII. In-Service Training

The District shall provide in-service training to all personnel providing instruction or other services to LEP students in order to enhance staff appreciation for such students' native languages and cultures, and staff ability to provide appropriate instructional and support services.

VIII. Services to LEP Students with Disabilities

If a student's score on the LAB-R or the NYSESLA is the result of a disability, the student shall be provided special education programs and services in accordance with the individualized education program (IEP) developed for such student(s). Such student shall also be eligible for all services described above, if such services are recommended in his/her IEP.

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New York Mills Union Free School District

Legal Ref: 8 N.Y.C.R.R., Sections 117 and 154; Section 3204, New York State Education Law

Adopted: 09/90

Revised: 01/07/03, 02/07/06, \_\_\_\_

# Policy

Draft 05/03/2013

8400 Renumber from 8030

INSTRUCTION

## FIELD TRIPS

- I. The Board of Education recognizes the potential value of field trips and encourages members of the professional staff to make such trips a part of a student's education when they are consistent with course and/or grade level objectives. All field trips shall conform to the following guidelines:
  - A. They shall be approved by the appropriate building administrator.
  - B. Requests for bus transportation shall be made at least one week in advance to building administrator.
  - C. Parental approval for student participation will be secured in writing for all field trips.
  - D. Any field trip which requires that students be away from the school system for more than one day (overnight) will need approval of the Superintendent and Board of Education well in advance.

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New York Mills Union Free School District

Adopted: 12/11/73

Revised: 01/07/03, \_\_\_\_\_



# Regulation

Draft 05/03/2013

INSTRUCTION

8400.1 Renumber/revise from 8030.1

## ANNUAL EDUCATIONAL FIELD TRIP PERMIT

This is to verify that my child \_\_\_\_\_ while  
Student's Name

enrolled at New York Mills Union Free Elementary School, has my permission to participate in any and all educational field trips sponsored by his/her teacher and/or the principal of the school during the \_\_\_\_\_ - \_\_\_\_\_ school year. I understand that the school district will assume no liability for any injuries, damages or other losses received on such trips other than those resulting from negligence of school officials.

In the event of a medical emergency involving my child, for which I cannot be easily or readily reached, I give my permission for any emergency medical, dental and/or surgical treatment and/or hospitalization deemed necessary by my child's physician or if he/she is not available, the physician that can be secured. I understand that every reasonable effort will be made to contact me first, and to contact my child's physician.

\_\_\_\_\_  
Parent/Guardian Name – Print

\_\_\_\_\_  
Student's Date of Birth

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Student's Doctor

\_\_\_\_\_  
Address

\_\_\_\_\_  
Home Phone

\_\_\_\_\_  
Student's Special Medical Conditions

\_\_\_\_\_  
Cell Phone

\_\_\_\_\_  
Work Phone

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
New York Mills Union Free School District

Adopted: 04/22/08

Revised: \_\_\_\_\_

# Policy

Draft 05/16/2013

INSTRUCTION

8500 Renumber/revise from 8052, 8071

## SPECIAL EDUCATION PROGRAMS AND SERVICES

- I. The New York Mills Union Free School District shall make available to all students who are eligible under the Individuals with Disabilities Education Act (IDEA) and Article 89 of the New York State Education Law, and implementing regulations, a free appropriate public education in the least restrictive environment appropriate to meet individual needs.
  - A. The New York Mills Union Free School District accepts its responsibility to ensure that pupils with disabilities have the same opportunity to participate in district programs including extra-curricular programs and activities, which are available to all other pupils enrolled in the District.
  - B. The New York Mills Union Free School District, in accordance with Section 200.2(b)(4) of the Commissioner's Regulations, shall ensure that a continuum of alternative placements will be available to meet the needs of students with disabilities for special education and related services. To enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate, specially designed instruction and supplementary services may be provided in the regular class. Such services may include, but are not limited to, consultant teacher services and other group or individual supplemental or direct special education instruction.
- II. Consistent with the requirements of federal and state laws and regulations, the Board of Education will:
  - A. Appoint a committee on special education and, as appropriate, CSE subcommittees to assure the identification and placement of eligible students with disabilities. The Board of Education authorizes the Superintendent to recruit and recommend for hiring individuals who possess the certification, education and experience necessary.
  - B. Based upon the recommendation of the CSE, arrange for special education programs within legally prescribed timeframes. Should it disagree with the recommendation of the CSE, the Board, upon notice to the parents involved, and in accordance with the procedures set forth in the Regulations of the Commissioner of Education, may, forward its concerns to the CSE, or reconvene a second CSE for review of and revisions to the original recommendations as appropriate.
- III. To ensure the appropriate delivery of services to students with disabilities who reside in the District, the Superintendent shall ensure that:

SPECIAL EDUCATION PROGRAMS AND SERVICES

- A. All children with disabilities residing in the New York Mills Union Free School District including those attending private school are identified, located and evaluated. A register of students eligible to attend the public schools or to attend a preschool program in accordance with Section 4410 of the Education Law shall be maintained and revised annually by the CSE or CPSE as appropriate.
  - B. School wide approaches and pre-referral interventions including, but not limited to, academic intervention services in order to remediate a student's performance prior to referral for special education are implemented.
  - C. Personally identifiable data and information or records pertaining to students with disabilities remain confidential as required by law and regulations.
  - D. The board shall develop and implement a plan as part of the professional development plan pursuant to section 100.2(dd) of the Commissioner's Regulations. Such plan shall include, but is not limited to, a description of the professional development activities provided to all professional staff and supplementary school personnel who work with students with disabilities to assure that they have the skills and knowledge necessary to meet the needs of students with disabilities.
  - E. The district plan governing the provision of special education programs and services will provide detailed information on how appropriate space for the provision of special education programs and services will be allocated.
- IV. The Committee on Special Education (CSE) is responsible for making recommendations to the Board of Education regarding the identification and placement of students with disabilities.
- A. The CSE will convene periodically in accordance with federal laws and regulations to identify and review each student's IEP and, if necessary, to make further recommendations to the Board of Education.
  - B. The CSE will develop strategies to ensure the successful application of a student's IEP and to ensure that the student's IEP remains confidential and is not disclosed to any person except in accordance with the Family Educational Rights and Privacy Act and the Individuals with Disabilities Education Act, and applicable regulations.
    - 1. The CSE shall ensure that each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for the implementation of a student's Individualized

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Draft 05/16/2013

INSTRUCTION

8500 Renumber/revise from 8052, 8071

SPECIAL EDUCATION PROGRAMS AND SERVICES

Education Program (IEP) is given a copy of such student's IEP prior to the implementation of such program.

2. Other service providers (such as certain teachers, assistants, and support staff persons) who will not receive a copy of the IEP, but who have direct contact with a disabled student shall be given information of the specific accommodations relevant to their contact with such student.

a. The Chairperson of the CSE shall designate a professional employee of the district with knowledge of the student's disability and the education program to, prior to the implementation of the student's IEP, inform each such teacher, assistant and support staff person of his or her responsibility relating to the implementation of the IEP and the specific accommodations, modifications and support that must be provided.

V. Parents of students with disabilities and their children shall be provided with notice of the procedural safeguards available to them and their children. The district will use the procedural safeguard notice prescribed by the Commissioner of Education and make the notice available in the manner prescribed by the Commissioner's Regulations. Students with disabilities and their parents will be afforded the procedural safeguard rights set forth in the notice.

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New York Mills Union Free School District

Legal Ref: 8 NYCRR Part 200; 34 CFR 300, 20 U.S.C. Section 14 et seq. (IDEA); 4401 et seq., NYS Education Law; Chapter 408 of the Laws of 2002.

Cross Ref: ~~Policy #8070~~, Programs for Students with Disabilities Under Section 504 of the Federal Rehabilitation Act of 1973 Policy. ~~Policy # 7080~~, Family Educational Rights and Privacy Act of 1974(FERPA) Policy.

Adopted: 06/14/83, 01/19/99

Revised: 02/04/03, 05/02/06, \_\_\_\_\_

# Regulation

Draft 05/16/2013

INSTRUCTION

8500.1 Renumber/revise from 8052.1

## ADMINISTRATIVE PRACTICES AND PROCEDURES RELATIVE TO PROGRAM ACCESS

- ~~I. It is the policy of the New York Mills Board of Education to ensure that students with disabilities within the District shall be provided with programs designed to meet the student's special education needs in the least restrictive setting. (Language in Policy)~~
- I. It shall be the responsibility of the District Chairperson for the Committee for Special Education to ensure that the students shall be grouped by similarity of individual needs including:
- academic achievement
  - social development
  - physical development
  - management needs
- ~~III. Further, the District Board of Education will ensure that students with disabilities will have the opportunity to participate in school district programs, including extracurricular programs and activities, which are available to all other pupils enrolled in the public school. (Language in Policy)~~
- II. District procedures are as follows: ~~The following procedures shall be followed to ensure enforcement of this policy.~~
- A. Each student with a disability will be informed of the availability of extracurricular programs and activities and his/her eligibility to participate by a teacher, guidance counselor or administrator of the district.
  - B. The parent or guardian of each student with a disability will be advised of the Special Education Programs and Services Policy. ~~this policy at the initial placement meeting and/or the annual review of the CSE.~~
  - C. The New York Mills Union Free School District will ensure that extracurricular programs and activities are accessible to students with a disability and will make appropriate individual modifications, to include physical facilities, scheduling and transportation arrangements, so that a pupil will not be excluded because of the presence of a disability.

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New York Mills Union Free School District

Adopted: 11/11/86, 11/10/92

Revised: 11/14/89, 01/07/03, \_\_\_\_\_



# Policy

Draft 05/16/2013

INSTRUCTION

8501 Renumber/revise from 8053

## PREREFERRAL AND DECLASSIFICATION TEAMS

- I. The New York Mills Union Free School District recognizes the need for a school-wide approach to prereferral intervention in order to remediate a student's performance prior to referral to the Committee(s) on Special Education. In accordance with Section 200.2(b)(7) of the Commissioner's Regulations, the District supports the establishment of building level, multidisciplinary Child Study Teams (CST).
  - A. The composition of each CST may include, but is not limited, to guidance counselor(s), social worker(s), psychologist(s), nurse(s), speech/language therapists, special education teacher(s), remedial teacher(s) and classroom teacher(s). The Building Administrator or his/her designee shall serve as a member of the team.
  - B. The team will document what intervention strategies that are recommended for implementation; and will review and consider any existing evaluation information and services currently being provided by the District such as AIS (Academic Intervention Services) and LEP (Limited English Proficiency) services. Written parental consent shall be required for any assessments recommended by the teams.
  - C. The CST will develop a written plan on a form prescribed by the District. The CST will ensure that the plan is communicated to all necessary instructional and support staff members.
- II. Upon declassification of a student, a referral to the CST for the review of the provision of educational and support services shall be made. The team shall establish a timeframe for the periodic review of each student referred to the team. It is recommended that this review occur at least once during the year following declassification. Such review shall incorporate consideration of continuance or modification of the educational and support services the child is receiving.

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New York Mills Union Free School District  
Legal Ref: 8 NYCRR 200.2(b)(7) and (8)  
Adopted: 01/07/03  
Revised: \_\_\_\_\_

PROGRAMS FOR STUDENTS WITH DISABILITIES  
UNDER SECTION 504 OF THE FEDERAL REHABILITATION ACT OF 1973

I. Introduction

- A. It is the responsibility of the New York Mills Union Free School District to identify and evaluate students with disabilities who, within the intent of Section 504 of the Rehabilitation Act of 1973, need special services or programs in order that such students may receive the required free appropriate education. A free appropriate education consists of regular or special education and related aids and services that are designed to meet the disabled student's needs as adequately as the needs of nondisabled students are met. Each qualified student within the District who is eligible to receive regular or special education or related aids or services, regardless of the nature or severity of the condition necessitating such programs or services, shall receive a free appropriate education in the District.
- B. For purposes of this policy, a student who may need special services or programs within the intent of Section 504 is one who:
1. Has a physical or mental impairment that substantially limits one or more major life activities (e.g., learning); or
  2. Has a record of such impairment; or
  3. Is regarded as having such impairment.
- C. Students may be eligible for services under the provisions of Section 504 even though they do not require services pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. Section 1400 et seq. (IDEA) and Article 89 of the New York Education Law and part 200 of the State Commissioner's regulations which implement the IDEA. Students who are identified as disabled individuals with exceptional needs, according to IDEA criteria, are not addressed under this policy. The needs of such students are met through the Committee on Special Education (CSE) and its policies and procedures and under the applicable state and federal laws and regulations.

II. Identification and Referral Procedures

- A. Any student who needs or is believed to need special education or related services not available through existing programs in order to receive a free appropriate public education may be referred by the student's parent or guardian, a teacher, or other certified school employee the designated Section 504 Committee (504

PROGRAMS FOR STUDENTS WITH DISABILITIES  
UNDER SECTION 504 OF THE FEDERAL REHABILITATION ACT OF 1973

Committee) for identification and evaluation of the student's individual education needs.

- B.
  - 1. All decisions involving placements of children protected under Section 504 must be made by a group of individuals, including persons knowledgeable about the child, the meaning of the evaluation data and the placement options.
  - 2. Subject to the sole discretion of the Board of Education, the CSE may be designated as the 504 Committee.
- C. Members of the 504 Committee will be encouraged to participate in training sessions and to provide in-service workshops so that others can be made more knowledgeable of disabilities, needs and law and regulations in this area.
- D. The 504 Committee will consider the referral and, based upon a review of the student's existing records, including academic, medical, social, and behavioral records, make a decision as to whether an evaluation under this program is appropriate. If a request for evaluation is denied, the 504 Committee will inform the parent or guardian of this decision and of their procedural rights.

III. Evaluation

- A. Evaluation of the student and formulation of a plan of services will be carried out by the 504 Committee according to the following procedures:
  - 1. The 504 Committee will evaluate the nature of the student's disability and the impact of the disability upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation of a student who otherwise meets the criteria (such as age) for participation in the educational program and/or activities. It shall also consider aptitude and achievement tests, teacher reports and recommendations, the student's physical condition, social or cultural background and adaptive behavior.
  - 2. No final determination of whether the student will or will not be identified as disabled within the meaning of Section 504 will be made by the 504 Committee without first inviting the parent or guardian of the student to participate in a meeting concerning such determination.
  - 3. A final decision will be made by the 504 Committee in writing, and the parents or guardian of the student shall be notified of the Section 504

PROGRAMS FOR STUDENTS WITH DISABILITIES  
UNDER SECTION 504 OF THE FEDERAL REHABILITATION ACT OF 1973

procedural safeguards available to them, including the right to an impartial hearing and review.

IV. Plan for Services

- A. For a student who has been identified as disabled within the meaning of Section 504 and in need of special education or related aids and services, the 504 Committee shall be responsible for determining what special services are needed.
- B. In making such determination, the 504 Committee will consider all available relevant information, drawing upon a variety of sources, including, but not limited to, comprehensive assessments conducted by the District's professional staff and/or the CSE.
- C. The parents or guardian will be invited to participate in 504 Committee meetings where services for the student will be determined, and will be given an opportunity to examine all relevant records.
- D. The 504 Committee will develop a written plan describing the disability and the special education or related services needed. The plan will specify how the regular or special education and related aids and services will be provided, and by whom. The plan may also specify accommodations that are to be made for the student within the regular education program.
- E. The 504 Committee may also determine that no special education, related services or accommodations are appropriate. If so, the record of the 504 Committee proceedings will reflect the identification of the student as a disabled person and will state the basis for the decision that no special services are presently needed.
- F. A disabled student will be placed in the regular educational environment of the District, with the use of supplementary aids and services, unless the 504 Committee demonstrates that such placement cannot be achieved satisfactorily. The disabled student will be educated with those who are not disabled to the maximum extent appropriate to the individual needs of the student. However, appropriate consideration must be given to the impact of a student with a disability on the education of other students in the general or special education class when making placement decisions.
- G. The 504 Committee will notify the parents or guardian in writing of its final decision concerning the services to be provided.
- H. If a plan for related services is developed, all school personnel who work with the student will be informed of the plan.

PROGRAMS FOR STUDENTS WITH DISABILITIES  
UNDER SECTION 504 OF THE FEDERAL REHABILITATION ACT OF 1973

## V. Review of the Student's Progress

- A. The 504 Committee will monitor the progress of the disabled student and the effectiveness of the student's education plan annually to determine whether special education, related services or accommodations are appropriate and necessary, and that the disabled student's needs are being met as adequately as the needs of the nondisabled students. Prior to any subsequent significant change in placement, a comprehensive reevaluation of the student's needs will be conducted.

## VI. Procedural Safeguards

- A. The parents or guardian will be notified in writing of all District decisions concerning the identification, evaluation, or educational placement of students made under this policy.
- B. The parents or guardian will be notified that they may examine relevant records.
- C. As to such decisions by the District, the parents or guardians shall have the right to an impartial hearing (Section 504 due process hearing). In the notification of any District decision concerning identification, evaluation, or placement, the parents or guardian will be advised that:
1. A request for a Section 504 due process hearing must be made in writing and filed with the Superintendent of Schools within thirty (30) days of notice of the determination to be reviewed.
  2. The hearing shall be held by a person to be designated by the Board of Education.
  3. The parent or guardian shall be permitted to participate in the hearing and shall be allowed to summon witnesses and to present other evidence on behalf of the student.
  4. The parent or guardian shall be permitted to be represented by counsel at the hearing.
  5. Compliance with technical rules of evidence shall not be required at the hearing.
- D. If a state due process hearing has been or will be held under the IDEA concerning issues relevant to the Section 504 proceeding, a hearing officer qualified as to



PROGRAMS FOR STUDENTS WITH DISABILITIES  
UNDER SECTION 504 OF THE FEDERAL REHABILITATION ACT OF 1973

IDEA and Section 504 proceedings may preside in a joint hearing. The issues for either IDEA or Section 504 determination shall be clearly defined at the outset, and determinations by the hearing officer shall be separate and distinct.

- E. If both the parents or guardian and the District agree that the student is not eligible for special education under the IDEA, neither party is required to exhaust administrative proceedings under the IDEA prior to the holding of a Section 504 due process hearing.
- F. The hearing officer shall render a decision. The parents or guardian shall be notified in writing of the decision. Either party may seek review of the decision of the Section 504 hearing officer by a court of competent jurisdiction as authorized by law.
- G. The parties abide by the decision of the Section 504 hearing officer unless the decision is appealed to a court of competent jurisdiction and the decision is stayed by the court.

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New York Mills Union Free School District

Legal Ref: Rehabilitation Act of 1973, 29 USC Section 794 et seq. (Section 504);  
Memorandum NYS Education Department from Kathy Ahearn, Lawrence  
Gloeckler and Arthur Walton, November 1993; Memorandum U.S. Department of  
Education to Regional Civil Rights Directors from Jeanette Lim, April 29, 1993

Cross Ref: Policy # 0015 Equal Opportunity and NonDiscrimination Policy

Adopted: 01/07/03

Revised: \_\_\_\_\_

# Policy

Draft 05/16/2013

INSTRUCTION

8503 Renumber/revise from 8073

## INDEPENDENT EDUCATIONAL EVALUATIONS

- I. The New York Mills Union Free School District has established the following policy on independent educational evaluations for district children with disabilities or for district children who are referred to the Committee on Special Education because they are suspected of having an educational disability and may, therefore, be in need of special education.
- II. Parents of children with disabilities or suspected disabilities have the right under Federal and State regulations to obtain an independent evaluation at public expense under certain conditions. Regulatory standards are outlined in New York State Regulations of the Commissioner of Education, Part 200.5 (g)(1)(i). Additionally, the Federal Regulations (34 Code of Federal Regulations (CFR) 300.503) specify requirements for an independent evaluation.
- III. The purpose of this policy and the ensuing regulation is to explain the rights of parents of children with disabilities, or for children who have been referred to the Committee on Special Education because they are suspected of having an educational disability and being in need of special education services, of their rights to an independent educational evaluation, and of the rights of parents and the responsibilities of the school district with regard to independent evaluations, and to avoid any misunderstandings.

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New York Mills Union Free School District

Legal Ref.: 8 NYCRR 200.1(z) & (ii); 8 NYCRR 200.5 (g): Commissioner's Decision No. 12,822; January 2002 Filed Memorandum from Rita D. Levay, State Education Department.

Cross Ref.: Selection, Appointment & Compensation of Impartial Hearing Officers Policy 8074

Adopted: 3/22/11

Revised: \_\_\_\_\_

# Regulation

Draft 05/16/2013

INSTRUCTION

8503.1 Renumber/revise from 8073.1

## INDEPENDENT EDUCATIONAL EVALUATIONS

### I. INTRODUCTION

- A. The District has developed a policy on Independent Educational Evaluations in order to avoid any misunderstanding and to ensure that the District is meeting its responsibility to the child and the parent in providing for an independent educational evaluation where appropriate.
- B. This policy ensures that appropriate evaluation information provided by parents is given meaningful consideration in the process of an Individualized Education Program (IEP) development.

### II. DEFINITIONS

- A. An “individual evaluation” means any procedures, tests, or assessments, including observations, given individually to a child to determine whether the child has a disability and/or to identify the child’s special education needs.
- B. An “Independent Educational Evaluation” means a procedure, test, or assessment conducted by a qualified examiner who is not employed by the District that is responsible for the education of the student.
- C. The term “parent” means a parent, guardian or other person statutorily entitled to the privileges outlined by 8 NYCRR 200.5 (g).
- D. “Public expense” means that the District shall either pay for the cost of the independent educational evaluation or ensure that the independent educational evaluation is otherwise provided at no cost to the parent, provided that the cost of the independent educational evaluation does not exceed the monetary amount established by the District.

### III. INDEPENDENT EDUCATIONAL EVALUATIONS

- A. If requested by the parent, the District will provide to parents information about where an independent educational evaluation may be obtained, the District’s criteria under which the evaluation is to be obtained (including the location of the evaluation and the qualifications of the evaluator), and the District’s remaining criteria applicable for independent educational evaluations, including the District’s procedures for requesting reimbursement for the cost of an independent educational evaluation.

## REGULATION

Draft 05/16/2013

INSTRUCTION

8503.1 Renumber/revise from 8073.1

### INDEPENDENT EDUCATIONAL EVALUATION

- B. A parent has the right to obtain their own independent educational evaluation for their child at their own expense. A parent does not have the right to an independent educational evaluation at the expense of the District if the District has not first conducted and completed its own evaluation of a child.
- C. An independent educational evaluation must be performed under the same criteria for evaluation procedures used by the District in its own individual evaluations.

#### IV. PUBLIC EXPENSE

- A. Public expense means that the School District either pays for the cost of the independent educational evaluation, provided that the cost does not exceed the monetary limits established in this regulation by the District. Where parents have insurance that will cover part or all of the cost of the evaluation, they are encouraged to submit a claim for payment of the evaluation to their insurer. The District will pay any deductible or co-pay for the evaluation upon receipt of proof of that amount and a completed copy of the evaluation report.
- B. The School District has established reasonable limits for the independent evaluators that do not exceed the costs which the School District would be required to pay its own employees.

#### V. REQUEST FOR AN INDEPENDENT EDUCATIONAL EVALUATION

- A. If a parent disagrees with the results of an individual evaluation obtained by the District, the parent has the right to request an independent educational evaluation at public expense.
- B. If the parent wishes to obtain the District's agreement to pay for an independent educational evaluation prior to the independent evaluation being conducted, the parent must submit a written request to the District requesting that the District fund the independent educational evaluation, within ninety (90) calendar days from the date of receipt of the District's evaluation.
- C. Requests for reimbursement for the costs of an independent educational evaluation already obtained by the parent must be submitted within thirty (30) calendar days from the date of receipt of the results of the independent educational evaluation, in order to be considered. The District may not refuse to reimburse a parent for the reasonable costs not to exceed the monetary limits established in this regulation of an independent educational evaluation that the parent has already obtained, solely because the parent did not notify the District prior to obtaining the independent educational evaluation.

## REGULATION

Draft 05/16/2013

INSTRUCTION

8503.1 Renumber/revise from 8073.1

### INDEPENDENT EDUCATIONAL EVALUATION

- D. The District will, without unnecessary delay, either ensure that an independent educational evaluation is provided at public expense, or initiate an impartial hearing to show that the District's evaluation is appropriate and that it does not intend to pay for the evaluation requested by a parent.
- E. The District may ask for the parent's reason why the parent objects to the individual evaluation. A parent need not provide an explanation for his/her objection to the individual evaluation. Additionally, the parent's explanation or lack of explanation will not be a reason for the District to unreasonably delay either providing an independent educational evaluation at public expense or initiating an impartial hearing to defend the District's evaluation.
- F. The District may initiate an impartial hearing if it believes its individual evaluation is appropriate and objects to the payment for an additional evaluation requested by the parent. If the District should choose to deny payment for an independent educational evaluation already performed on behalf of the child, or chooses to controvert a parent's request for an independent educational evaluation to be performed at public expense, the District shall notify the parent in writing of its reasons for the denial, and of its intent to initiate an impartial hearing.
- G. If the Impartial Hearing Officer requests an independent educational evaluation as part of a hearing, the cost of the independent educational evaluation shall be at the District expense.
- H. The Impartial Hearing Officer shall determine if the District's own evaluation is appropriate or not. If the Impartial Hearing Officer determines that the parent is entitled to an independent educational evaluation at the District expense, the District shall be responsible for the full costs of the independent educational evaluation. If the hearing officer determines that the District's evaluation is appropriate, the parent has a right to an independent educational evaluation, but not at public expense.

## VI. RESPONSIBILITIES

- A. When an independent educational evaluation is requested and approved by the District and an evaluator is selected by the parent, it becomes the responsibility of the evaluator chosen by the parent to contact and make arrangements with the District, to be confirmed in writing, the services to be performed, the cost involved, the method of payment, dates of classroom visitation and discussions with District staff, and a date when a written report will be submitted.



INDEPENDENT EDUCATIONAL EVALUATION

## VII. INDEPENDENT EDUCATIONAL EVALUATIONS PROVIDED FOR AT PUBLIC EXPENSE

- A. When an independent educational evaluation is obtained at public expense, the criteria under which the independent educational evaluation is obtained must be the same as the criteria that the District uses when it initiates an independent evaluation (to the extent those criteria are consistent with the parent's right to an independent educational evaluation).
- B. The District may not impose conditions other than those outlined by this Regulation or otherwise permitted by law.
- C. The District has established a comprehensive list of qualified individuals in private practice or employees of other public agencies who meet the District's location and qualification criteria to whom parents may go to secure an independent evaluation. This list will be provided to parents upon request. A parent may, however, select an evaluator of their own choosing, as long as the evaluator meets the District's geographic, qualification and reasonable cost criteria.
- D. The following criteria are applicable to District initiated evaluations and to parent initiated independent educational evaluations that are publicly funded:
  - 1. The maximum fee allowable for a test is \$1,000.
  - 2. Tests may take place within the following geographical specifications: Within a 50 mile radius of the boundaries of the school district.
  - 3. New York State certification or licensure is required of all evaluators.
- E. The fee amounts set forth in this policy are consistent with those amounts which the District would pay when scheduling its own individual evaluations.
- F. The District shall periodically update its list of independent educational evaluators.

## VIII. USE OF THE INDEPENDENT EDUCATIONAL EVALUATION IN THE REVIEW PROCESS

- A. The results of an individual evaluation report must be shared with the child's parent, along with copies of documentation of determination of eligibility. Parents of preschool children must also be provided a copy of the summary report of any evaluation performed.

INDEPENDENT EDUCATIONAL EVALUATION

- B. The results of an independent educational evaluation must be considered by the District as part of its review of a child's entitlement to special educational needs, and the development of the child's Individualized Educational Program (IEP), if appropriate.
- C. The results of an independent educational evaluation may be presented as evidence at an impartial hearing regarding a child.

## IX. FURTHER INFORMATION

The District has developed a policy and regulations governing independent educational evaluations in order to avoid any misunderstanding as to a parent's entitlement to and the process for obtaining an independent educational evaluation. Parents can obtain further information on independent educational evaluations by contacting the Chairperson of the Committee on Special Education (CSE) or the Chairperson of the Committee on Pre-School Special Education (CPSE) for the District at 315-768-3378. The parent may also wish to contact the Office for Special Education Services for the NYS Department of Education at NYS Education Department, Special Education Quality Assurance, State Tower Building, 109 Warren Street, Syracuse, New York 13202, at (315) 471-4796, and speak to a Regional Associate. Additional information may further be obtained from a booklet published by the NYS Department of Education entitled: A Parent's Guide to Special Education: Your Child's Right to an Education in New York State. This publication may be obtained either by calling the NYS Department of Education, or at:

<http://www.vesid.nysed.gov/specialed/publications/policy/parentguide.htm>.

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New York Mills Union Free School District

Legal Ref: 8 NYCRR 200.1(z) & (ii); 8 NYCRR 200.5(g); Commissioner's Decision No. 12,822; January 2002 Field Memorandum From Rita D. Levay, State Education Department.

Cross Ref: Selection, Appointment & Compensation of Impartial Hearing Officers Policy No. 8084

Adopted: 3/22/11

Revised: \_\_\_\_\_

# Policy

Draft 05/16/2013

INSTRUCTION

8504 Renumbered/revise from 8071, 8072, 8072.1

## PROVISION OF SPECIAL EDUCATION SERVICES FOR PRESCHOOL STUDENTS

- I. The Board of Education recognizes its responsibility in ensuring that all resident preschool children (ages three and four) with disabilities, including children enrolled in Head Start programs have the opportunity to participate in special programs and services from which they may benefit (20 UCS 1400, Educ. Law 4410, 8 NYCRR 200.2).

~~Chapter 243 of the Laws of 1989 and the amendments of the Part 200 Regulations of the Commissioner of Education require that the School District provide preschool services to District students meeting the following criteria:~~

- A. A child who is three years of age on or before December 31 is eligible for services beginning on September 1st of the calendar year in which the child becomes three.
- B. A child who becomes three years of age on or before April 1<sup>st</sup> of a particular year is eligible for services beginning January 2nd, unless the child is already receiving services under Section 236 of the Family Court Act.
- C. A child remains eligible for preschool programs and services through the month of August of the year in which the child first becomes eligible to attend school if the child is severely disabled, meets the requirements for 12 month programming and 12 month programming is recommended on the child's individualized Education Program (IEP).
- D. A child must be classified as having an educational disability specified in Part 200 of the Regulations of the Commissioner of Education.
- II. The Board of Education has established the following administrative procedures to ensure that each preschool child with a disability has the opportunity to participate in appropriate preschool special education programs:
- A. Locating and identifying all preschool children with disabilities pursuant to the relevant provisions of the Education Law. The register of children eligible to attend a preschool program is to be maintained and revised annually by the Committee on Preschool Special Education (CPSE);
- B. Ensuring that the parent(s)/guardian(s) of preschool age children with disabilities have received, understand and signed the request for consent for evaluation of their child;
- C. Developing an individualized education program (IEP) for each preschool age child with a disability;

PROVISION OF SPECIAL EDUCATION SERVICES FOR PRESCHOOL STUDENTS

- D. Appointing and training appropriately qualified personnel including the members of a CPSE;
- E. Maintaining lists of impartial hearing officers and of State Education Department-approved special education programs within the county and adjoining counties in which the district is located; and
- F. Reporting to the State Education Department the number of children with disabilities that are being served, as well as those not served.
- ~~A. District census will maintain a register of all preschool children with disabilities.~~
- III. A. The Board of Education hereby establishes the CPSE as required under the Education Law. The Committee for Preschool Education comprising of the following members:
1. An appropriate professional employed by the District
  2. District CPSE Chairperson (to be appointed annually)
  3. A parent of a child with a disability (preschool or elementary) not employed by the district or municipality (to be appointed annually)
  4. A professional who participated in the evaluation of the child
  5. A certified or licensed professional designated by the Agency charged with the responsibility for the child in the birth through two system, if any
  6. A certified or licensed professional may be appointed by the County.
- B. Its responsibilities will include the evaluation and recommendation for services in appropriate approved programs and the provision of appropriate special education programs and services for each preschool child with a disability. The CPSE shall review, at least annually, the status of each preschool child with a disability.
- C. It is ultimately the responsibility of the Board to arrange for the appropriate approved preschool program and services for the district children. The CPSE will provide the Board of Education, within 30 days of obtaining parental consent, a recommendation for a appropriate program. Should the Board disagree with the CPSE's recommendations, it shall send the recommendation back to the CPSE so that they may schedule a timely meeting to review the Board's concerns and to revise the IEP as deemed appropriate.
- D. The Board of Education will, within 30 days of the recommendation of the CPSE, make a determination and arrange for the preschool child to receive services.

POLICY

Draft 05/16/2013

INSTRUCTION

8504 Renumbered/revise from 8071, 8072, 8072.1

PROVISION OF SPECIAL EDUCATION SERVICES FOR PRESCHOOL STUDENTS

- E. Services may be appealed by a parent/guardian to an impartial hearing officer, appointed by the Board. Mediation shall be offered to such parents/guardians to resolve complaints regarding the education of preschool children with disabilities at the same time notice of the availability of an impartial hearing is provided.
  - F. The CPSE shall make an annual report on the status of each preschool child with a disability and report on the adequacy of preschool special education programs and services to the Board.
- IV. The Board directs the Superintendent to ensure that the district considers that adequate and appropriate space is made available for such programs and services.
- V. The Board directs the Superintendent to develop and maintain a plan which incorporates information concerning the provision of services for preschool children with disabilities, pursuant to the Regulations of the Commissioner of Education.
- ~~C. The District will provide parents of preschool children with a list of agencies approved by the State Education Department to conduct evaluations.~~
- ~~D. The District with the consent of the parent, will arrange for the agency to conduct the evaluation.~~
- III. Program Accessibility
- ~~It is in the intent of the Board of Education to ensure that each preschool child with a disability has the opportunity to participate in appropriate preschool special education programs.~~

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New York Mills Union Free School District

Legal Ref: 8 NYCRR 200.1, 200.2, 200.3; 20 USC 1400; Educ. Law 4410

Adopted: 10/05/92

Revised: \_\_\_\_\_



# Policy

Draft 05/16/2013

INSTRUCTION

8505 Revise/renumber from 8056

## SELECTION, APPOINTMENT AND COMPENSATION OF IMPARTIAL HEARING OFFICERS

- I. The District is committed to providing a free and appropriate education to all of its students. The District therefore will appoint an impartial due process hearing officer to review the identification, evaluation, or placement level of any student who is disabled if:
  - A. The District believes such an impartial due process hearing is necessary, or
  - B. If the student's parent/legal guardian disagrees with a recommendation issued by the Committee on Special Education and submits a written request for an impartial due process hearing, or
  - C. If the District fails to effectuate, within the mandated timelines, a recommendation issued by the Committee on Special Education and the student's parent/legal guardian submits a written request for an impartial due process hearing.
  
- II. An expedited impartial due process hearing related to the discipline of a student with a disability may be requested:
  - A. By the District to obtain an order placing a student with a disability in an interim alternative educational setting when school personnel maintain that it is dangerous for the student to be in his or her current educational placement. (The District's request for an expedited hearing may or may not be pending the outcome of a non-expedited hearing).
  - B. By a parent/guardian who requests an impartial due process hearing from a determination that the student's behavior was not a manifestation of the student's disability.
  - C. By a parent/guardian relating to any decision regarding a disciplinary change in placement, including but not limited to any decision to place the student in an interim alternative educational setting.
  
- III. The Board of Education (Board) shall ensure the fair and efficient selection and appointment of impartial hearing officers:
  - A. By utilizing and maintaining the district-specific list for Impartial Hearing Officers as maintained by the NYS Education Department's Impartial Hearing Reporting System (IHRS) pursuant to Part 200.1(x) and Part 200.2(e)(1) of the Commissioner's Regulations, and

SELECTION, APPOINTMENT AND COMPENSATION  
OF IMPARTIAL HEARING OFFICERS

- B. By granting one or more members of the Board of Education the authority to conditionally appoint (and conditionally rescind the appointment of) any impartial hearing officer properly selected from the Board approved list by the Superintendent (or designee). The conditional appointment (or rescission) shall be subject to Board ratification no later than the first regular Board meeting immediately following the conditional appointment (See Part 200.5(i)(3)(ii) of the Commissioner's Regulations).
  - C. By reporting information related to the impartial hearing process, including but not limited to the request for initiation and completion of each impartial hearing to access in a format and at an interval prescribed by the Commissioner.
  - D. By directing all employees to promptly forward to the Board of Education any parent's request for an impartial hearing.
  - E. By maintaining the confidentiality of the information contained in impartial hearing requests and impartial hearings.
- IV. Initiating A Hearing:
- A. If the District initiates the impartial hearing, it will provide the parent with prior written notice that it intends to initiate the impartial hearing. Prior notice includes a statement of the action proposed and any explanation of why the district proposes to take the action.
  - B. If a parent submits a written request for an impartial hearing, the request should include the name and address of the student, the name of the school the student is attending, a description of the nature of the problem of the student relating to the proposed or refused initiation or change (including facts related to the problem) and a proposed resolution of the problem to the extent known and available to the parents at the time.
    - 1. The Superintendent (or designee) will make sure that the parent's request is date-stamped on the first business day that the parent's request is received by the District.
    - 2. The District may not deny or delay a parent's right to an impartial hearing on the grounds that the parent's written request for the hearing does not include required information.
    - 3. The District will continue to process the request until the parent revokes the request in writing.

SELECTION, APPOINTMENT AND COMPENSATION  
OF IMPARTIAL HEARING OFFICERS

- V. The procedure for selecting and appointing an impartial hearing officer from the Board approved list shall be as follows:
- A. A District employee who receives a parent/legal guardian's written request for an impartial due process hearing will immediately forward the written request to the Superintendent (or designee).
  - B. After the District determines the need for an impartial due process hearing or after the District receives a parent/legal guardian's written request for an impartial due process hearing, the Superintendent (or designee) will notify the affected student's parent/legal guardian of the availability of mediation and of free (or low cost) legal and other relevant services available in the area. (See Part 200.5(h) and Part 200.5(i)(2) of the Commissioner's Regulations).
  - C. Within two business days after the District determines the need for an impartial due process hearing or receives a parent/legal guardian's written request for an impartial due process hearing, the Superintendent (or designee) will initiate the rotational selection process for appointing an impartial hearing officer pursuant to Part 200.2(e)(1) and Part 200.5(i) of the Commissioner's regulations and the following procedure:
    1. The Superintendent (or designee) shall first contact the impartial hearing officer whose name appears at the top of the alphabetical list, or if an impartial hearing officer previously has been appointed to preside over any other matter, the Superintendent (or designee) shall first contact the impartial hearing officer whose name immediately follows the impartial hearing officer last appointed.
    2. The Superintendent (or designee) will ask any IHO who is contacted whether he/she can convene a hearing within 14 calendar days and can conclude the hearing (unless either party has requested and has been granted an extension) within 45 calendar days (or 30 calendar days for preschool students or 15 calendar days for expedited hearings). If the hearing officer is unable to convene a hearing within these timelines, he/she will be deemed unavailable to serve and the District will proceed with the rotational selection process by contacting the IHO whose name next appears on the alphabetical list.
    3. The District will assume an impartial hearing officer is not available or has declined the opportunity to serve the District only if:

SELECTION, APPOINTMENT AND COMPENSATION  
OF IMPARTIAL HEARING OFFICERS

- a. The impartial hearing officer has notified the District that he/she will not be available to initiate the impartial hearing within fourteen days (See Part 200.5(i)(3)(i)(b) of the Commissioner's Regulations), or
  - b. The impartial hearing officer has not responded or remains unreachable after at least two reasonable and independently verifiable efforts to contact him/her within a twenty-four hour period have failed (See SED's July 1998 Memorandum).
4. If an impartial hearing officer is not available or has declined the opportunity to serve the District, the Superintendent (or designee) will continue the rotational selection process for appointing an impartial hearing officer beginning with the impartial hearing officer whose name on the alphabetical list immediately follows the name of the unavailable or declining impartial hearing officer.
  5. The Superintendent (or designee) will contemporaneously document and maintain all efforts to contact each impartial hearing officer. This documentation will include phone log entries and/or overnight mail receipts recording dates, times, substance of conversations/messages and responses from impartial hearing officers. This documentation also will include the entry of all required data onto the State Education Department's web based reporting system. The District will commence web based reporting as soon as the Board of Education receives a request for an impartial hearing.
  6. The above-described documentation will be completed for every request for an impartial hearing.
- D. The Superintendent (or designee):
1. Will arrange for an authorized Board member to conditionally appoint an impartial hearing officer immediately upon receipt of notice that the impartial hearing officer has accepted the opportunity to serve the District, and
  2. Will schedule Board ratification of the conditional appointment no later than the first regular Board meeting immediately following the conditional appointment.
- E. Upon appointment, the Clerk of the Board:

SELECTION, APPOINTMENT AND COMPENSATION  
OF IMPARTIAL HEARING OFFICERS

1. Will provide the impartial hearing officer with a copy of the written request for an impartial due process hearing, contact information for the District and for the affected student's parent/legal guardian, and a copy of the District's policy on compensation for the impartial hearing officer.
2. Will mail a copy of the impartial hearing officer's Notice of Appointment to the parent/legal guardian of the affected student.

VI. Compensation and Reimbursement of Costs:

A. Reimbursement for services:

1. At the conclusion of the impartial due process hearing, the impartial hearing officer shall submit to the District an itemized record describing each service performed and the time required to perform each service. An impartial hearing officer will not receive reimbursement for services before the itemized record is submitted to the District.
2. The following activities associated with impartial due process hearings are reimbursable:
  - a. Prehearing activities such as scheduling the hearing and determining the location, conducting prehearing conference calls, arranging for interpreters, witnesses, subpoenas and a stenographer a stenographer and writing letters to the parties involved in the hearing.
  - b. Hearing activities such as conducting the hearing, handling settlement agreements placed on the record and arranging for subsequent hearing dates.
  - c. Posthearing activities such as researching information pertinent to the hearing issue(s) and writing the decision.
3. The rate of reimbursement for the above listed activities shall be \$75 per hour.

B. Reimbursement for out-of-pocket necessary expenses:



SELECTION, APPOINTMENT AND COMPENSATION  
OF IMPARTIAL HEARING OFFICERS

1. The impartial hearing officer shall submit receipts for out-of-pocket necessary expenses to the District before receiving reimbursement for such expenses.
  2. The following out-of-pocket necessary expenses are reimbursable:
    - a. Mileage at the rate of current IRS rate per mile.
    - b. The cost of highway tolls.
    - c. The cost of reasonable overnight accommodations and reasonable meal expenses when the hearing dates are scheduled for two or more continuous dates and the impartial hearing officer would otherwise be required to travel ninety or more miles between his/her residence and the hearing location.
- C. Cancellation or Re-scheduling fees: The District shall attempt to provide an impartial hearing officer with two (2) or more business days' advance notice of the cancellation or re-scheduling of an impartial due process hearing.
1. Should the District request the cancellation or re-scheduling of an impartial due process hearing and fail to provide an impartial hearing officer with two (2) business days of notice, the District agrees to pay the impartial hearing officer a fee of \$400.00.
  2. The District shall not be responsible for costs associated with a parent/legal guardian's cancellation or adjournment of a hearing.
- D. Payment for Expedited Transcripts: The District shall not pay for an expedited transcript of a hearing unless the impartial hearing officer determines that an expedited transcript is required for the Impartial Hearing Officer to fulfill his/her duties.

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New York Mills Union Free School District

Legal Ref: Section 4404 of the New York State Education Law; 8 NYCRR 200.1(x), 200.2(b)(9), 200.2(e)(1), 200.5, 200.21; SRO 93-47; SED July 1998 Memorandum.

Adopted: 01/07/03

Revised: 10/05/04, \_\_\_\_\_

# Policy

Draft 05/16/2013

INSTRUCTION

8506 Replaces policies 8054, 8055

## SKILLS AND ACHIEVEMENT COMMENCEMENT CREDENTIAL

- I. Beginning with the 2013-14 school year and thereafter, severely disabled students who are eligible to take the New York State Alternate Assessment (NYSAA) and meet other specified conditions pursuant to 8 NYCRR 100.6 shall be provided with the appropriate opportunities to earn a skill and achievement commencement credential.
  - A. The credential shall be similar in form to the diploma issued by the district, with a clear annotation to indicate that the credential is based on achievement of alternate achievement standards;
  - B. The credential shall be issued together with a summary of the student's academic achievement and functional performance as required by 8 NYCRR 200.4.
- II. The District will ensure that the following conditions are met:
  - A. The student has been recommended by the committee on special education to take the alternate assessment in lieu of a regular State assessment;
  - B. The student meets the definition of a student with a severe disability as defined in 8 NYCRR 100.1;
  - C. The student has been afforded appropriate opportunities to participate in community experiences and development of employment and other instructional activities to prepare the student for post-secondary living, learning and employment.
  - D. The student has attended school for at least 12 years, excluding kindergarten, or has received a substantially equivalent education elsewhere, or the student has attained the age of 21;
  - E. If the credential is awarded before the student turns 21 years of age, it must include a written statement of assurance that the student continues to be eligible to attend public school until the student has earned a regular high school diploma or the end of the school year in which the student turns 21, whichever occurs first.

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New York Mills Union Free School District

Legal Ref: 8 NYCRR 100.1, 100.6, 200.4

Adopted: 10/14/86

Revised: 11/14/89, 01/07/03, \_\_\_\_\_

INSTRUCTIONAL

ACCOMMODATION OF HEARING-IMPAIRED PARENTS

I. The District provides parents of and persons in parental relation to, District-enrolled students many opportunities to participate in their child's educational program. If the parent, or person in parental relation, is hearing impaired, the District provides interpreter services (American Sign Language) to facilitate that person's participation in school initiated meetings or activities specific to the academic or disciplinary aspects of the student's educational program. This service is provided at no cost to the parent, or person in parental relation. If an interpreter is not available, the District will make other reasonable accommodation of the hearing impairment, such as written communication, transcripts, decoder, or Telecommunication Device for the Deaf (TDD), also at no cost to the parent or person in parental relation.

II. Definitions

- A. *School initiated meetings or activities* include, but are not limited to, parent-teacher conferences, instructional support team meetings, planning meetings with school counselors regarding educational progress and career planning, and suspension hearings or any conferences with school officials relating to disciplinary action. The term does not include voluntary extra-curricular activities.
- B. *Hearing impaired* means any hearing impairment, whether permanent or fluctuating hearing impairment which prevents meaningful participation in school district meetings or activities.

III. Procedure

- A. *Request:* Parent(s) or person(s) in parental relation who are hearing impaired must request the services of an interpreter, or reasonable accommodation, in writing. The request must be submitted to the \_\_\_\_\_ (**example Chairperson, Committee on Special Education**). The request must be received by the \_\_\_\_\_ at least \_\_\_\_\_ calendar days prior to the meeting or activity at which the services are desired. The request must specify the name of the student and the parent(s) or person(s) in parental relation, and the nature, date and time of the school function.
- B. *District Response:* The District will provide a written response to each request for interpreter services.
- C. *Appeal of District Response:* If the parent, or person in parental relation, is not satisfied with the District's response to the request for services, the parent, or person in parental relation, may seek a different decision by taking these steps:

ACCOMMODATION OF HEARING-IMPAIRED PARENTS

1. an informal conference with the Superintendent and other appropriate personnel;
2. file of appeal form (Regulation 8051.2) with District office;
3. a formal conference with and action by the Superintendent;
4. an opportunity to present their complaint to the Board at a regularly scheduled meeting;
5. an explanation of the process by which parent(s) and person(s) in parental relation may appeal the Board's decision to the Commissioner of Education.

IV. Superintendent Responsibilities

In addition to the roles described above, the Superintendent shall:

- A. Annually arrange for the notification of parent(s) or person(s) in parental relation who are hearing impaired of the availability of interpreters or other effective reasonable accommodations and of the time limitation for requesting these services.
- B. Determine whether a list of qualified interpreters shall be maintained by the District or if service arrangements will be made through an interpreter referral service.

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New York Mills Union School District

Legal Ref.: Section 504 of the Rehabilitation Act; *Rothschild v. Grottenthaler*, 907 F. 2d 286 C.A.2 (N.Y.), 1990; NYS Education Law Section 3230; 8 NYCRR 100.2 and 200.1.

Adopted: \_\_\_\_\_

# Regulation

Draft 05/16/2013  
8600.1

INSTRUCTION

## ACCOMMODATION OF HEARING-IMPAIRED PARENTS REQUEST FORM

### ACCOMMODATION REQUEST

Parents in need of interpreter services are asked to complete this form. All requests must be submitted to and received by the District within \_\_\_\_\_ (fill in # of days) calendar days prior to the scheduled meeting or activity.

To: \_\_\_\_\_ (Example: Chairperson, Committee on Special Education)  
District

From: \_\_\_\_\_  
Name of Parent or Person in Parental Relation

\_\_\_\_\_  
Name of Student

\_\_\_\_\_  
Address

\_\_\_\_\_  
\_\_\_\_\_

Please specify the nature, date, time of the meeting and/or activity:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please identify the type of interpreter needed:

\_\_\_ Interpreter for the Hearing Impaired: ( ) American Sign; ( ) English

In the event an interpreter is not available, please identify the type of alternative service preferred:



REGULATION

Draft 05/16/2013  
8600.1

INSTRUCTION

ACCOMMODATION OF HEARING-IMPAIRED PARENTS REQUEST FORM

Written Communication

Transcripts

Decoder

Telecommunication Device for the Deaf (TDD)

Other (please specify) \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

INSTRUCTION

ACCOMMODATION OF HEARING-IMPAIRED PARENTS REQUEST FORM

FROM: \_\_\_\_\_ (Example: Chairperson, Committee on Special Education)  
District

TO: \_\_\_\_\_  
Name

\_\_\_\_\_  
Address  
\_\_\_\_\_

The District hereby:

\_\_\_ grants your request for provision of an interpreter for the hearing impaired

\_\_\_ denies your request for provision of an interpreter for the hearing impaired for the following reason:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_ provides the following alternative reasonable accommodation:

\_\_\_\_\_  
\_\_\_\_\_

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New York Mills Union Free School District

Adopted: \_\_\_\_\_

# Regulation

New 05/16/2013  
8600.2

INSTRUCTION

## ACCOMMODATION OF HEARING-IMPAIRED PARENTS NOTICE

### NOTICE:

You Have A Right To Appeal The Decision Regarding Special Services Described In This Communication To The Following School Officer:

Superintendent of Schools  
District

I hereby appeal \_\_\_\_\_  
Signature Date

NOTE: Upon denial by the Superintendent/Board of Education, parents have the right to file an appeal with the Commissioner of Education (as per Section 310 of the Education Law). Such appeal must be filed within thirty (30) days of the final action by the Board. Information regarding such appeal is available at district offices.

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New York Mills Union Free School District  
Adopted: \_\_\_\_\_

# Policy

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New 05/16/2013  
8601

INSTRUCTION

## RESPONSE TO INTERVENTION (RtI)

The District recognizes the value of a Response to Intervention (RtI) as an important educational strategy to close achievement gaps for all students as well as a valuable assessment tool to inform determinations on referrals for special education programming and/or services. The District is committed to developing and implementing an RtI program consistent with applicable regulations. The District will formulate and implement an RtI structure best suited to the successful utilization of RtI at the District.

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New York Mills Union Free School District

Adopted: \_\_\_\_\_

# Regulation

New Optional 05/16/2013

8601.1

## INSTRUCTION

### STRUCTURE OF THE RESPONSE TO INTERVENTION (RtI) PROGRAM

- I. Development and implementation of an RtI program will add a valuable tool to the assessment strategies utilized by the District in determining whether students are achieving to their full potential and whether a referral for special education programming and/or services is appropriate. The District's RtI program shall include the following:
  - A. Curriculum aligned to State learning standards and grade level performance indicators. Instruction appropriate to meet the age or grade level standards delivered to all students in the regular classroom by qualified personnel;
    1. Appropriate instruction in reading means explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency and reading comprehension strategies.
    2. Appropriate instruction in mathematics includes instruction in problem solving, arithmetic skill and fluency, conceptual knowledge/number sense and reasoning ability.
  - B. School-wide screenings of students three times per year utilizing instruments aligned with grade level curriculum based on New York State learning standards to identify those students who, despite appropriate instruction by qualified personnel, do not achieve adequately based on their age and grade level standards;
    1. Prior to administering screenings, the District shall establish cut-scores to identify students performing at benchmark, at-risk or seriously at-risk levels.
    2. Screening results shall be reviewed to determine the effectiveness of the core curriculum and instruction.
  - C. Identification of students in need of intervention utilizing either a direct route or progress monitoring route. For those students identified for targeted intervention, the District shall provide a specialized written notification regarding the proposed intervention, in compliance with the Commissioner's requirements, to the parents of such students in a language they understand. The notification shall advise parents regarding the following:
    1. Their right to request an evaluation for special education services at any time;
    2. The amount and nature of the data that will be collected and the general education services that will be provided.

## INSTRUCTION

STRUCTURE OF THE RESPONSE TO INTERVENTION (RtI) PROGRAM

3. The frequency with which parents will be provided progress monitoring data.
- D. A multi-tiered system of instruction matched to student need with increasingly intensive levels of targeted instruction for those students identified through screenings as not achieving adequately;
1. Tier 1 instruction shall include the following:
    - i. Appropriate instruction and research based instructional interventions that meet the needs of at least 80 percent of all learners;
    - ii. Weekly progress monitoring for five or six weeks of students initially identified as at-risk;
    - iii. Differentiated instruction based on the needs of all students in the core program;
    - iv. A daily uninterrupted 90 minute block of instruction in reading.
  2. If a student does not progress satisfactorily in response to scientific research based instruction, the student will receive Tier 2 instruction consisting of the following:
    - i. Supplemental small group instruction three to five days per week either within or outside of the general education classroom in addition to Tier 1 core instruction.
    - ii. Progress monitoring weekly or bi-weekly using Curriculum- Based Measurement.
  3. For those students who make insufficient progress in Tier 2, they will receive more individualized and intensified instruction at Tier 3. Tier 3 instruction will occur in a small group setting for 30 to 60 minutes at least four days per week. Instruction will be provided by school personnel highly skilled in the areas of academic need. Tier 3 instruction shall be supplemental to and not in place of Tier 1 instruction. Progress monitoring will take place a minimum of once a week at Tier 3.
- E. Repeated assessments of academic achievement (Progress Monitoring) by those students receiving targeted intervention. Progress monitoring shall include the following:



STRUCTURE OF THE RESPONSE TO INTERVENTION (RtI) PROGRAM

1. A standardized benchmark to measure progress and determine progress sufficiency;
  2. Utilization of graphs to display data for analysis and decision making;
  3. School staff trained in the administration and interpretation of progress monitoring measures and the implications for instruction;
  4. Designation of reasonable cut points and decision rules of the level, slope and percentage of mastery to help determine responsiveness and distinguish adequate from inadequate responsiveness.
- F. Utilization of the student's response to intervention data in making educational decisions including, changes in goals, instruction and/or services, and the decision to make a referral for special education services.
- II. The District shall determine the components of its RtI process, including levels and types of intervention, the amount and nature of student performance data to be collected, and the manner and frequency of progress monitoring.
- A. The District shall take steps to ensure that its staff has the knowledge and training necessary to implement the District's RtI program.
  - B. The District shall develop a system to monitor and assess whether the District's RtI program is being implemented consistent with its chosen RtI structure and components.
- III. The District recognizes that for students identified as Limited English Proficient/English Language Learners (LEP/ELL), RtI implementation must be enhanced to ensure that linguistic, cultural and experiential differences do not skew assessment of such students' response to scientific, research-based instruction. In conjunction with developing the District's RtI, the RtI design team shall recommend additional procedures for implementing RtI for LEP/ELL students.

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New York Mills Union Free School District

Adopted: \_\_\_\_\_