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# Pittsford Schools

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## Policy Manual

### Section 7000

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**7110 - COMPREHENSIVE STUDENT ATTENDANCE****Statement of Overall Objectives**

The Pittsford Central School District is an active partner with students and parents in the task of ensuring that all students meet or exceed the New York State Learning Standards. The District recognizes that consistent school attendance, academic success, and school completion have a positive correlation, and therefore has developed, and, if necessary, will revise a Comprehensive Student Attendance Policy to meet the following objectives:

- a) Increase school completion for all students;
- b) Raise student achievement and close gaps in student performance;
- c) Identify attendance patterns in order to design attendance improvement efforts;
- d) Know the whereabouts of students for safety and other reasons;
- e) Verify that individual students are complying with education laws relating to compulsory attendance;
- f) Determine the District's average daily attendance for state aid purposes.

**Description of Strategies to Meet Objectives**

The District will:

- a) Create and maintain a positive school building culture by fostering a positive physical and psychological environment where the presence of strong adult role models encourages respectful and nurturing interactions between adults and students. This positive school culture is aimed at encouraging a high level of student bonding to the school, which in turn should lead to increased attendance.
- b) Develop a Comprehensive Student Attendance Policy based upon the recommendations of a multifaceted District Team that includes representation from varied stakeholders. The District will hold at least one public hearing prior to the adoption of this collaboratively developed Comprehensive Student Attendance Policy.
- c) Maintain accurate recordkeeping via a Register of Attendance to record attendance, absence, tardiness, or early departure of each student.
- d) Utilize data analysis systems for tracking individual student attendance and individual and group trends in student attendance problems.
- e) Develop early intervention strategies to improve school attendance for all students.

(Continued)

**7110 - COMPREHENSIVE STUDENT ATTENDANCE (Cont'd.)****Student Attendance Recordkeeping/Data Collection**

The record of each student's presence, absence, tardiness, and early departure will be kept in a register of attendance in a manner consistent with Commissioner's regulations. An absence, tardiness, or early departure will be entered as "excused" or "unexcused" along with the District code for the reason.

Attendance will be taken and recorded in accordance with the following:

**At the Elementary Level in Grades K through Five**

Building attendance will be taken once a day, at the start of the school day, by the classroom teacher. The classroom teacher will enter daily attendance into the electronic database. The building attendance clerk is responsible for recording the reason for each individual student absence, using the coding system established in this policy. Students arriving late or leaving early from school shall report to the building attendance clerk who will enter that information into the electronic database to become a part of the student's permanent attendance record.

Parents or guardians are required to call the school in the morning if their child will be absent. If a child is tardy to school, the parent must accompany their child into school and sign in at the main office. Parents or guardians are required to send a note to the building attendance clerk if their child will be leaving school early. For all early dismissals, the parent or guardian must report to the main office to sign their child out of school.

**At the Secondary Level in Grades Six through Twelve**

Building attendance will be taken each period, by the classroom teacher. The teacher will enter attendance into the electronic database. The building attendance clerk is responsible for recording the reason for each individual student absence, using the coding system established in this policy. Students in grades 9-12 arriving late or leaving early from school, outside of their established schedule, shall report to the attendance office or front desk to sign in or out. Students in grades 6-8 arriving late shall report to the main office. Students in grades 6-8 leaving early from school shall report to the main office and must be accompanied by a parent or guardian to sign out. The building attendance clerk will enter that information into the electronic database to become a part of the student's permanent attendance record.

If any disciplinary actions are necessary, the appropriate Assistant Principal will initiate disciplinary consequences according to the Comprehensive Attendance Policy and the District Code of Conduct.

Parents or guardians are required to call the building attendance clerk in the morning if their child will be absent or tardy to school. Parents or guardians are required to call the attendance clerk or provide a note to the attendance clerk if their child will be leaving school early.

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**7110 - COMPREHENSIVE STUDENT ATTENDANCE (Cont'd.)****Determination of Excused and Unexcused Absences, Tardiness, and Early Departures**

The following reasons for absences and tardiness are accepted by the Pittsford Central School District as excused:

- a) Sickness
- b) Sickness in the family
- c) Death in the family
- d) Religious observance Court attendance
- e) School music lesson
- f) DMV road tests
- g) Impassable roads or bad weather
- h) Approved school visits
- i) Medical appointment
- j) Approved cooperative work program
- k) School-sponsored activities
- l) Approved employment visits
- m) Activities in which students are representing the school or district
- n) Principal-approved educational experiences
- o) Death of a close friend, military obligation, or other reason as approved by the Superintendent.

All other reasons for absence and tardiness will be considered unexcused.

A written excuse, signed by a parent or guardian should be presented by the student when returning to school following each absence. Alternatively, parents or guardians may call the school with the reason for the absence.

**Description of Coding System for Absences**

Each building attendance clerk will follow the established coding system for the recording of absences, late arrivals and early departures.

Continued)

**7110 - COMPREHENSIVE STUDENT ATTENDANCE (Cont'd.)****Daily attendance codes**

<b>Code</b>	<b>Reason</b>
<b>Excused Codes</b>	
AE	Absent Excused
TE	Tardy Excused
ML	Music Lesson
FT	Field Trip
CO	Conference Day
HT	Home Tutor
RO	Religious Observance
SO	Suspension Out of School
SI	Suspension In School
<b>Unexcused Codes</b>	
AU	Absent Unexcused
AV	Absent Vacation
DV	Early Dismissal Vacation
TU	Tardy Unexcused
DU	Early Dismissal Unexcused
TR	Truant

**Attendance Review****At the Elementary and Middle Level in Grades K through Eight**

Every five weeks, the building principal will review the following attendance reports: students with fifteen or more absences, students with ten or more tardiness, and students with ten or more early dismissals, and determine if any intervention strategies need to be employed. Possible intervention strategies would include, but are not limited to: conference with student, letter to parent or guardian, phone call to parent or guardian, conference with parent or guardian, referral to appropriate community agency/support. Communication will include the reason for concern, a description of District policy, the impact on student learning and potential disciplinary and academic consequences.

(Continued)

**7110 - COMPREHENSIVE STUDENT ATTENDANCE (Cont'd.)**At the Secondary Level in Grades Nine through Twelve

Every five weeks, the building principal will review the following attendance reports: students with nine or more absences in any full-year course, five or more absences in any semester course, and nine or more late arrivals to school or early dismissals from school, and determine if intervention strategies need to be employed. Possible intervention strategies would include, but are not limited to: conference with student, letter to parent or guardian, phone call to parent or guardian, conference with parent or guardian, referral to appropriate community agency/support. Communication will include the reason for concern, a description of District policy, the impact on student learning and potential disciplinary and academic consequences.

**Record Keeping**At the District Level

The District Census Clerk will be responsible for maintaining the Register of Attendance for the District, in accordance to the procedures outlined in this policy. The Register will be kept electronically. At the end of each year, the current attendance record is electronically transferred into a history file; a back-up copy is created and stored permanently on microfiche at BOCES.

At the Building Level

The building attendance clerk will be responsible for maintaining the Register of Attendance for the building, in accordance to the procedures outlined in this policy. The Register will be kept electronically. Building attendance files, including, but not limited to, written excuses and investigation reports, will be kept for one year after the end of the school year.

Classroom Attendance

The classroom teacher will be responsible for maintaining the Register of Attendance for each of their classes, in accordance to the procedures outlined in this policy. The Register will be kept electronically.

**Students of Military Families**

Under the Interstate Compact on Educational Opportunity for Military Children, a school superintendent may excuse a student's absence for the purpose of visiting with a parent or legal guardian who is an active duty member of the uniformed services or who is on leave from, or immediately returned from, deployment to a combat zone or combat support posting.

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**7110 - COMPREHENSIVE STUDENT ATTENDANCE (Cont'd.)**

The Superintendent may grant up to five days of excused absences for military-connected students whose parents are experiencing a deployment. The conditions under which the schools may approve excused absences are:

- 1) The absence is preapproved,
- 2) The student is in good standing,
- 3) The student has a prior record of good attendance,
- 4) Missed work is completed and turned in within a specified time period,
- 5) The absence is not during standardized testing dates.

Education Law Sections 3024, 3025, 3202, 3205, 3206,  
3210, 3211, and 3213  
8 New York Code of Rules and Regulations(NYCRR)  
Sections 104.1, 109.2 and 175.6

## Students

**7111 - RELEASED TIME OF STUDENTS**

Written requests from the parent/guardian for the release of students generally will be honored. The appropriate time and reason for absence shall be recorded on the attendance record, using the procedures mandated by the state.

The building principal shall assume this responsibility or shall designate an individual to review and approve all requests.

8 New York Code of Rules and Regulations  
(NYCRR) Section 109.2

**7121 - SCREENING OF NEW SCHOOL ENTRANTS**

The Board shall provide for the screening of every new entrant to school. A new entrant means a pupil entering the New York State public school system for the first time, or re-entering a New York State public school with no available record of a prior screening. Such diagnostic screening shall be conducted:

- a) By persons appropriately trained or qualified;
- b) In the student's native language if the language of the home is other than English;
- c) Prior to the school year, if possible, but no later than December 1 of the school year of entry or within fifteen (15) days of transfer of a student should the entry take place after December 1 of the school year;

Such screening shall include, but not be limited to the following:

- a) A physical examination by a physician/nurse practitioner or submission of a health certificate in accordance with Sections 901, 903, and 904 of the Education Law, including proof of immunization as required by Section 2164 of the Public Health Law.
- b) Vision and hearing screenings will be conducted for all new admissions within six months of enrollment or by such other date prescribed by the Commissioner of Education. No screening examination for vision or hearing is required where a student, parent, or person in parental relation objects on the grounds that such examination conflicts with their genuine and sincere religious beliefs.
- c) An assessment of motor development, of receptive and expressive language development, articulation skills, and cognitive ability in the student's native language, if the language of the home is not English.

**Referrals**

While the purpose of the screening is to assist in placing students in appropriate classes, if the results of the screening indicate the possibility that a child is limited English proficient, gifted, or has a disability, the District will follow referral processes in accordance with Commissioner's Regulations. The Superintendent or designee shall develop regulations to implement these processes.

(Continued)

**7121 - SCREENING OF NEW SCHOOL ENTRANTS (Cont'd.)****Reporting to Parents**

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

Parents/guardians have the right to request information regarding their child's performance during screening. They shall have access to the screening results and obtain copies upon request.

**Confidentiality of Information**

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

Family Educational Rights and Privacy Act of 1974  
20 United States Code (USC) Section 1232(g)  
Education Law Sections 901, 903, 904, 905, 914 and  
3208(5)  
Public Health Law Section 2164  
8 New York Code of Rules and Regulations  
(NYCRR) Parts 117, 142.2 and 154

NOTE: Refer also to Policies #7512 -- Student Physicals

## Students

**7130 - ENTITLEMENT TO ATTEND - AGE AND RESIDENCY**

All persons residing within the District who are between the ages of five years and 21 years and who have not received a high school diploma are entitled to enroll in the District.

A student who becomes six years of age on or before the first of December in any school year will be required to attend full-time instruction from the first day that the District schools are in session in September of that school year. A student who becomes six years of age after the first of December in any school year will be required to attend full-time instruction from the first day of session in the following September. Each student will be required to remain in attendance until the last day of session in the school year in which the student becomes 16 years of age.

Evidence of a prospective student's age and residency must be presented in the form as is permitted by state and federal law and regulation.

**Determination of Student Residency**

Residence is established by a child's physical presence as an inhabitant within the District and their intent to reside in the District.

A child's residence is presumed to be that of their parents or legal guardians. Where a child's parents live apart, the child can have only one legal residence. In cases where parents have joint custody, the child's time is essentially divided between two households, and both parents assume responsibility for the child, the decision regarding the child's residency lies ultimately with the family. Where parents claim joint custody, but do not produce proof of the child's time being divided between both households, residency will be determined on the basis of the child's physical presence and intent to remain within the District.

The presumption that a child resides with parents or legal guardians may be rebutted upon demonstration that custody of the child has been totally and permanently transferred to another individual. The District will not acknowledge living arrangements with persons other than a child's parents or legal guardians, which are made for the sole purpose of taking advantage of the District's schools.

(Continued)

## Students

**7130 - ENTITLEMENT TO ATTEND - AGE AND RESIDENCY (Cont'd.)**

The presumption that a child resides with parents or legal guardians may also be rebutted upon demonstration that the child is an emancipated minor. To establish emancipation, a minor may submit documentation of their means of support, proof of residency, and an explanation of the circumstances surrounding the student's emancipation, including a description of the student's relationship with parents or persons in parental relationship.

The Director of Student Services shall determine entitlement to attend a District school. In the case of an adverse decision, written notice to the parent, legal guardian or person in a parental relationship will include procedures to appeal the decision to the Commissioner of Education.

**Undocumented Children**

Undocumented children are entitled to attend the District's schools, provided they meet the age and residency requirements established by state law. Consequently, the District will not request on any enrollment or registration form, in any meeting, or in any other form of communication, any documentation or information regarding or tending to reveal the immigration status of a child, a child's parent(s), or the person(s) in parental relation. In the event the District is required to collect certain data, it will do so after the child has been enrolled or registered; in no instance will the information be required as a condition of enrollment or continued attendance.

**Children of Activated Reserve Military Personnel**

Students temporarily residing outside the boundaries of the District, due to relocation necessitated by the call to active military duty of the student's parent or person in parental relation, will be allowed to attend the public school that they attended prior to the relocation. The District is not required to provide transportation between a temporary residence located outside the District and the school the child attends.

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## Students

**7130 - ENTITLEMENT TO ATTEND - AGE AND RESIDENCY (Cont'd.)****Attendance Areas**

The District attendance areas shall be established by the Board upon recommendation of the Superintendent. Attendance areas shall be designated to make the most appropriate use of the space and facilities of the District in accordance with the District's educational policies and programs. The District shall assign students to the school in the appropriate attendance area. Exceptions to this shall be for

- Students with disabilities referred to the Committee on Special Education for placement recommendations. These students may be educated outside of their home attendance area.
- Students who are English Language Learners may be educated at a school outside of their home attendance area in order to participate in an English as a New Language (ENL) program.

Family Educational Rights and Privacy Act, 20 USC § 1232g  
Education Law 310, 3202, 3205, 3214, and 3218  
Family Court Act § 657  
8 NYCRR § 100.2(x) and (y), 174.2, 154.2 and 200.4

NOTE: Refer also to Policies

#7131 -- Education of Students in Temporary Housing

#7132 -- Non-Resident Students

Pittsford Central School adopted

**7131 - IDENTIFICATION AND EDUCATION OF STUDENTS IN TEMPORARY HOUSING**

Under the federal McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act of 2015 (ESSA) and Education Law Section §3209, as amended in 2017, all districts are obligated to affirmatively identify all students in temporary housing. Therefore, it is the policy of the Pittsford Central School District (herein after *District*) to determine whether there are students in temporary housing within the District by using a housing questionnaire to determine the nighttime residence of all newly enrolled students and all students whose address changes during the school year. Not all students in temporary housing can be identified through social service agencies or shelters, as children may be sharing the housing of other persons, such as family or friends, due to loss of housing, economic hardship, or other similar reason. For this reason, the District uses a housing questionnaire that asks for a description of the current living arrangements of the child or youth in order to determine whether the child or youth meets the definition of a homeless child under the McKinney-Vento Homeless Education Assistance Act (42 U.S.C. § 11434A(2) (“McKinney-Vento”) and Education Law § 3209(1)(a).

In addition to using the housing questionnaire, the District will also contact the local department of social services to identify students in temporary housing, as well as the local runaway and homeless youth shelter, and any other shelters should any be located within the District boundaries to ensure all students in temporary housing are properly identified and served.

**DEFINITION OF HOMELESS CHILD AND UNACCOMPANIED YOUTH**

Pursuant to McKinney-Vento 42 USC § 11434A(2), Education Law § 3209(1)(a), and 8 NYCRR § 100.2(x)(1)(iii) a homeless child is defined as:

(1) a child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child or youth who is:

- (i) sharing the housing of other persons due to loss of housing, economic hardship or similar reason (sometimes referred to as “doubled-up”);
- (ii) living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
- (iii) abandoned in hospitals;  
or

(Continued)



## Students

**7131 - IDENTIFICATION AND EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

(iv) a migratory child as defined in subsection two of section thirteen hundred nine of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, who qualifies as homeless under any of the provisions of clauses (i) through (iii) of this subparagraph or subparagraph two of this paragraph;

(v) an unaccompanied youth, as defined in section seven hundred twenty-five of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act; or

(2) a child or youth who has a primary nighttime location that is:

(i) a supervised publicly or privately operated shelter designed to provide temporary living accommodations including, but not limited to, shelters operated or approved by the state or local department of social services, and residential programs for runaway and homeless youth established pursuant to article nineteen-H of the executive law; or

(ii) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train stations or similar setting.

An unaccompanied youth is defined as a homeless youth who is not in the physical custody of a parent or guardian. *42 USC § 11434A(6); 8 NYCRR §100.2(x)(1)(iii)(6)*

**DUTIES OF THE MANDATED MCKINNEY-VENTO LIAISON**

The McKinney-Vento liaison for the District serves as one of the primary contacts between families experiencing homelessness and school staff, district personnel, shelter workers, and other service providers. The McKinney-Vento liaison coordinates services to ensure that homeless children and youth enroll in school and have the opportunity to succeed.

The District's McKinney-Vento liaison must ensure that:

1. Students in temporary housing are identified by school personnel and through coordination activities with other entities and agencies;
2. Students in temporary housing enroll in, and have full and equal opportunity to succeed in, Pittsford schools;

(Continued)

## Students

**7131 - IDENTIFICATION AND EDUCATION OF STUDENTS IN TEMPORARY HOUSING  
(Cont'd.)**

3. Students in temporary housing and their families receive educational services for which they are eligible, including and special education preschool programs administered by the District;
4. Students and parents in temporary housing receive referrals to health care services, dental services, mental health and substance abuse services, housing services and other appropriate services;
5. Parents or guardians of students in temporary housing are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
6. Parents and guardians of students in temporary housing, and unaccompanied youth, are fully informed of all transportation services, including transportation to and from the school district of origin and are assisted in accessing transportation services;
7. Disputes regarding eligibility, school selection, enrollment and/or transportation are mediated in accordance with the requirements of McKinney-Vento, Section 3209 of the Education Law, and Section 100.2(x)(7)(ii) of the Regulations of the Commissioner of Education;
8. Assistance in commencing an appeal pursuant to Education Law §310 of a final determination regarding eligibility, enrollment, school selection and/or transportation is provided to the students in temporary housing's parent or guardian or the unaccompanied youth in accordance with the provisions of 8 NYCRR §100.2(x)(7)(iii)(c);
9. Public notice of the educational rights of students in temporary housing is posted in locations where such students receive services, such as schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of students in temporary housing, and unaccompanied youth; A record is maintained of all appeals of enrollment, school selection and transportation; and
10. School personnel providing services to students in temporary housing receive professional development and other support; and
11. Unaccompanied youths—
  - a. are enrolled in school;
  - b. have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth, including receiving credit for full or partial coursework earned in a prior school pursuant to Commissioner's regulations, and

(Continued)

## Students

**7131 - IDENTIFICATION AND EDUCATION OF STUDENTS IN TEMPORARY HOUSING  
(Cont'd.)**

c. are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) and that the youths may obtain assistance from the local educational agency liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090).

12. School personnel, service providers, advocates working with students in temporary housing, parents and guardians of students in temporary housing, and students in temporary housing are informed of the duties of the McKinney-Vento liaison.

*42 USC §11432(g)(6)(A)-(B); 8 NYCRR §100.2(x)(7)(iii)(a)*

**SCHOOL OF ORIGIN**

School of origin is:

- The public school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool or a charter school;
- The designated receiving school at the next grade level for all feeder schools for a student in temporary housing who completes the final grade level served by the school of origin; and
- The public school or preschool in which such child would have been entitled or eligible to attend based on such child's last residence before the circumstances arose which caused such child to become homeless if the child becomes homeless after such child is eligible to apply, register, or enroll in the public preschool or kindergarten or if the child is living with a school-age sibling who attends school in the school district of origin.

*42 USC §11432(g)(3)(G); NY Education Law §3209(1)(i)*

Feeder school means:

- a school whose students are entitled to attend a specified elementary, middle, intermediate, or high school or group of specified elementary, middle, intermediate, or high schools upon completion of the terminal grade of such school; or

*NY Education Law §3209(1)(f)*

(Continued)

## 7131 -IDENTIFICATION AND EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

Receiving school means:

- a school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or  
NY Education Law §3209(1)(h)

Preschool services in the District means services under the Individuals with Disabilities Education Act administered by the District.

*NY Education Law §3209(1)(g)*

### **SCHOOL AND SCHOOL DISTRICT DESIGNATIONS**

The District understands that the “designator” makes an initial decision about which school and school district a student in temporary housing will attend. A designator is:

- the parent or person in parental relation (guardian) to a student in temporary housing; or
- the student in temporary housing, together with the McKinney-Vento liaison, in the case of an unaccompanied youth; or
- the director of a residential program for runaway and homeless youth, in consultation with the student in temporary housing, where such student is living in such program.

*See, NY Education Law §3209(1)(b); 8 NYCRR §100.2(x)(1)(i)*

The District will ask the designator to designate one of the following as the school district of attendance:

- **School district of current location** - the public school district within the State of New York in which the hotel, motel, shelter or other temporary housing arrangement of a student in temporary housing or the residential program for runaway and homeless youth is located, which is different than the school district of origin.
- **School district of origin** - the public school district within the State of New York in which the student in temporary housing was attending a public school on a tuition-free basis or was entitled to attend when circumstances arose that caused such child to become homeless which is different from the school district of current location. The school district of origin also includes the school district in the state of New York in which the child was residing when circumstances arose which caused such child to become homeless if such child was eligible to apply, register, or enroll in public preschool or kindergarten at the time such child became homeless, or the homeless child has a sibling who attends a school in the school district in which the child was residing when circumstances arose which caused such child to become homeless.

(Continued)

## 7131 - IDENTIFICATION AND EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

- **School district participating in a regional placement plan** - a regional placement plan is a comprehensive regional approach to the provision of educational placements for homeless children, which must be approved by the Commissioner of Education.

The District will also ask the designator to designate one of the following as the school where a student in temporary housing seeks to attend:

- the school of origin; or
- any school that permanently housed children and youth who live in the attendance area in which the child or youth is actually living are eligible to attend, including a preschool.

**Please note:** Students can maintain enrollment in the school of origin for the duration of homelessness and through the end of the school year in which the student becomes permanently housed. The student may be able to remain in the school of origin for one additional year, if the year constitutes the student's terminal year in such school building.

*42 USC §11432(g)(3)(A); NY Education Law §§3209(1)-(2); 8 NYCRR §100.2 (x)(1)-(2)*

### **DESIGNATION/STAC 202 FORM**

The District will identify all students in temporary housing, and a designation form will be completed by the designator for all such students and any other student who claims homelessness. Designations must be made on the STAC 202 form provided by the Commissioner. The Designation of School District of Attendance for a Homeless Child Form is used for this purpose. The appropriate designator must complete the designation form. The District makes designation forms available to a student in temporary housing who seeks admission to school or to the parent or person in parental relation who seeks to enroll such child in school.

- Where a parent or person in parental relation or a child who is neither placed in a temporary housing facility by the local department of social services nor housed in a residential program for runaway homeless youth, designates the District as the school district of current location, the District will forward to the State Education Department a completed designation form and a statement of the basis for its determination that the child is a homeless child entitled to attend the schools of the district.

*NY Education Law §3209(2)(e); 8 NYCRR §100.2(x)(3)*

**7131 -IDENTIFICATION AND EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)****UPON RECEIPT OF THE DESIGNATION/STAC 202 FORM: IMMEDIATE ENROLLMENT AND BEST INTEREST DETERMINATIONS**

Upon identification of a child who is in temporary housing and/or receipt of a completed designation form, the District will:

- immediately review the designation form to assure that it has been completed and admit the student in temporary housing even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, immunization records, proof of residency or other documentation and even if the child or youth has missed application deadlines;
- determine whether the designation made by the designator is consistent with the best interests of the student in temporary housing. In making best interests decisions the District will:
  - presume that keeping the child in the school of origin is in the child's best interest, except when doing so is contrary to the wishes of the parent or guardian (or youth in the case of an unaccompanied youth); and
  - consider student-centered factors such as the effect of mobility on student achievement, education, health, and safety of the child, giving priority to the wishes of the child's parent or guardian (or the youth, if a homeless unaccompanied youth). If the District determines that it is in the best interest of the student in temporary housing to attend a school other than the school of origin or the designated school, The District shall provide the parent or guardian (or youth, if an unaccompanied youth) with a written explanation of its determination, including information about the right to appeal. (See Dispute Resolution Process).

*42 USC §11432(g)(3)(B); NY Education Law §3209(2)(f)(3); 8 NYCRR § 100.2(x)(7)(ii).*

(Continued)

**7131 - IDENTIFICATION AND EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- provide the child with access to all of the District's programs, activities and services to the same extent as they are provided to resident students;
- immediately contact the school district where the child's records are located in order to obtain a copy of such records and coordinate the transmittal of records for students with disabilities pursuant to section 200.4(e)(8)(iii) of the Commissioner's regulations;
- immediately refer the parent or guardian of the student in temporary housing to the McKinney-Vento liaison who must assist in obtaining necessary immunizations or immunization or medical records if the child or youth needs to obtain immunizations or immunization or medical records;
- forward the STAC 202 form to the Commissioner and the school district of origin, where applicable. In all cases, the District will give a copy of the completed STAC 202 to the designator and keep a copy of the STAC 202 form for the District's records.

42 USC §§11432(g)(3)(C)&(g)(4); NY Education Law §3209(2); 8 NYCRR §100.2(x)(4)

**UPON RECEIPT OF A REQUEST FOR RECORDS**

Within five days of receipt of a request for school records from a new school, the District will forward, in a manner consistent with state and federal law, a complete copy of the student in temporary housing's records, including, but not limited to, proof of age, academic records, evaluations, immunization records, and guardianship papers, if applicable. NY Education Law §3209(2)(g); 8 NYCRR §100.2(x)(5)

**TUITION REIMBURSEMENT**

The District is eligible to request reimbursement from the State Education Department for the direct costs of educational services to students in temporary housing that are not otherwise reimbursed under special federal programs, when:

All claims for reimbursement will be made on the STAC 202 form prescribed by the Commissioner of the State Education Department.  
*NY Education Law §3209(3)(a)*

- The district is either the school district of current location or a school district participating in a regional placement plan,
- The district is designated as the school district of attendance, and
- The school district of origin for the student in temporary housing is within New York State.

## Students

**7131 - IDENTIFICATION AND EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

In addition, the District is eligible for reimbursement for the direct costs of educational services, including transportation costs for students who continue enrollment in District schools after finding permanent housing midyear in a different school district within New York State. In such cases, the District will directly bill the new district where the student permanently resides for all direct costs of educational services, including transportation, that are not otherwise reimbursed under special federal programs.

**TRANSPORTATION RESPONSIBILITIES**

- A social services district is responsible for providing transportation to students in temporary housing, including preschool students and students with disabilities who are eligible for benefits under Social Services Law §350-j and placed in temporary housing arrangements outside their designated districts. Where the social services district requests that the District provide or arrange for transportation for a student in temporary housing in the circumstances above, the District shall provide or arrange for the transportation and directly bill the social services district so that the district will be fully and promptly reimbursed for the cost of the transportation. *NY Education Law §3209(4)(a)*
- If the District is the designated school district of attendance, transportation shall be provided for each student in temporary housing who is living in a residential program for runaway and homeless youth, including if such temporary housing is located outside the school district. The costs for transportation for each student in temporary housing who lives in a residential program for runaway youth and homeless youth located outside of the designated school district will be reimbursed by the State Education Department, to the extent funds are provided for such purpose, with the submission of a Runaway and Homeless Youth Act Transportation Program Form. Where the District provides transportation for a student living in an Runaway and Homeless Youth (“RHY”) facility, the District will promptly request reimbursement using the Runaway and Homeless Youth Act Transportation Form, which is available from the Homeless Education Program Office (518-473-0295) and online at [www.nysteachs.org](http://www.nysteachs.org). *NY Education Law §3209(4)(b)*
- The District will transport any student in temporary housing to their school of origin, including preschools and charter schools, where it is the designated district of attendance and the student in temporary housing is not entitled to receive transportation from the Department of Social Services. *NY Education Law §3209(4)(c); 8 NYCRR §100.2(x)(6)(iv)*

(Continued)



## Students

**7131 - IDENTIFICATION AND EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- When the District is designated as the school district of current location for a student in temporary housing and the student does not attend the school of origin, the District will provide transportation on the same basis as it is provided to resident students, unless the local transportation policy represents a barrier to the student's attendance in school. *NY Education Law §§3209(4)(d) & (6)(b); 8 NYCRR §100.2(x)(6)(iii)*
- If the student in temporary housing designates the District as the school district of attendance, transportation will not exceed 50 miles each way, unless the Commissioner of the State Education Department determines that it is in the best interest of the child. *NY Education Law §3209(4)(c); 8 NYCRR §100.2(x)(6)(ii)*
- Where the District is designated as the school district of attendance and it has recommended the student in temporary housing attend a summer educational program, such district of attendance will provide transportation services to students in temporary housing for summer educational programs if the lack of transportation poses a barrier to the student's participation in the program. *NY Education Law §3209(4)(e); 8 NYCRR §100.2(x)(6)(v)*
- Where the District is designated as the school district of attendance, it will provide transportation services to students in temporary housing for extracurricular or academic activities when:
  - The student participates in or would like to participate in an extracurricular or academic activity, including an after-school activity, at the school; and
  - The student meets the eligibility criteria for the activity; and
  - The lack of transportation poses a barrier to the student's participation in the activity. *NY Education Law §3209(4)(f); 8 NYCRR §100.2(x)(6)(vi)*
- Where the District is designated as the school district of attendance, it will provide transportation as described above for the duration of homelessness, unless the social services district is responsible for providing transportation. After the student becomes permanently housed, the District will provide transportation to the school of origin until the end of the school year and for one additional year if that year constitutes the child's terminal year in the school building. *NY Education Law §3209(4)(i); 8 NYCRR §100.2(x)(6)(iv)*

(Continued)

**7131 - IDENTIFICATION AND EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)****DISPUTE RESOLUTION PROCESS**

The District has established the following procedures for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth:

- The District will provide a written explanation, including a statement regarding the right to appeal, to the parent or guardian of a student in temporary housing, or to an unaccompanied youth if the District determines that it is not required to either enroll and/or transport such child or youth to the school of origin or a school requested by the parent or guardian or unaccompanied youth, or if there is a disagreement about a child's or youth's status as a homeless child or unaccompanied youth. The written explanation will be in a manner and form understandable to such parent, guardian, or unaccompanied youth and will include a statement regarding the McKinney-Vento liaison's availability to help the parent, guardian, or unaccompanied youth with any appeal and the contact information for the liaison.
- The District will immediately enroll the student in the school in which enrollment is sought by the parent or guardian or unaccompanied youth, provide transportation to the school, and will delay for 30 days the implementation of a final determination to decline to either enroll in and/or transport the student in temporary housing to the school of origin or a school requested by the parent or guardian or unaccompanied youth.
- If the parent or guardian of a student in temporary housing or unaccompanied youth commences an appeal to the Commissioner within 30 days of such final determination, the student will be permitted to continue to attend the school he or she is enrolled in at the time of the appeal and/or receive transportation to that school pending the resolution of all available appeals.

*42 USC §§11432(g)(3)(B) & (E); NY Education Law §3209(5); 8 NYCRR §100.2(x)(7)(ii)*

**MCKINNEY-VENTO LIAISON'S DISPUTE RESOLUTION RESPONSIBILITIES**

The District's McKinney-Vento liaison must assist the student in temporary housing's parent or guardian or unaccompanied youth in bringing an appeal to the Commissioner under Education Law §310 of a final school district decision regarding enrollment, school selection and/or transportation. In the event of a dispute regarding eligibility, enrollment, school selection, and/or transportation, the District's McKinney-Vento liaison will:

- provide the parent or guardian or unaccompanied youth with a copy of the form petition, which is available at: <http://www.counsel.nysed.gov/appeals/homelessForms>;

(Continued)

## Students

**7131 - IDENTIFICATION AND EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- assist the parent or guardian or unaccompanied youth in completing the form petition;
- arrange for the copying of the form petition and supporting documents for the parent or guardian or unaccompanied youth, without cost to the parent or guardian or unaccompanied youth;
- accept service of the form petition and supporting papers on behalf of any school district employee or officer named as a party or the school district if it is named as a party or arrange for service by mail by mailing the form petition and supporting documents to any school district employee or officer named as a party and, if the school district is named as a party, to a person in the office of the superintendent who has been designated by the board of education to accept service on behalf of the school district;
- provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgment verifying that the McKinney-Vento liaison has received the form petition and supporting documents and will either accept service of these documents on behalf of the school district employee or officer or school district or effect service by mail by mailing the form petition and supporting documents to any school district employee or officer named as a party and, if the school district is named as a party, to a person in the office of the superintendent who has been designated by the board of education to accept service on behalf of the school district;
- transmit on behalf of the parent or guardian or unaccompanied youth, within five days after the service of, the form petition or any pleading or paper to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234;
- provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgement verifying that the McKinney-Vento liaison has received the form petition and supporting documents and will transmit these documents on behalf of the parent, guardian or unaccompanied youth to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234;
- accept service of any subsequent pleadings or papers, including any correspondence related to the appeal, if the parent or guardian or unaccompanied youth so elects. The liaison must also make such correspondence available to the parent or guardian or unaccompanied youth; and
- maintain a record of all appeals of enrollment, school selection, and transportation determinations.

*42 USC §11432(g)(3)(E)(iii); 8 NYCRR §100.2(x)(7)(iii)(c)*

(Continued)

## Students

**7131 - IDENTIFICATION AND EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)****COORDINATION**

- The District will coordinate the provision of services described above with local social services agencies, housing providers and other agencies or programs providing services to students in temporary housing and their families, including services and programs funded under the Runaway and Homeless Youth Act.
- The District will coordinate with other school districts on inter-district issues, such as transportation or transfer of school records.
- The District will coordinate implementation of the above provision of services with the requirements of the Individuals with Disabilities Education Act (IDEA) for students with disabilities.

*42 USC §11432(g)(5); 8 NYCRR §100.2(x)(7)(iv)*

**COORDINATION WITH TITLE I**

The District acknowledges that students in temporary housing are eligible for services under Title I, Part A, whether or not they live in a Title I school attendance area or meet the academic requirements required of other children. The District will ensure that:

- Title I, Part A funds are set aside as are necessary to provide students in temporary housing, who may have unique needs that differ from their permanently housed peers, with educationally related support services;
- Its local plan includes a description of how the plan is coordinated with McKinney-Vento;
- Its local plan describes the services provided to students in temporary housing;
- Its local plan describes the efforts it made to identify students in temporary housing, including unaccompanied youth, if the District reports that there are no students in temporary housing enrolled. Such efforts will include contacting the local department of social services or Office of Children and Family Services (OCFS) to verify that there are no students in temporary housing in the District; and
- Its housing questionnaire asks about the living arrangements of the child or unaccompanied youth, including asking if he or she is living in a shelter; with relatives or others due to loss of housing or economic hardship; in an abandoned apartment/building; in a motel/hotel, camping ground, car, train/bus station or other similar situation due to the lack of alternative, adequate housing. Documentation of the District's efforts to identify students in temporary housing will be maintained on file and a copy of the housing questionnaire that asks the above questions will also be kept on file.

*20 USC §§6312(b)(6) & 6313(c)(3)*

(Continued)

## Students

**7131 - IDENTIFICATION AND EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)****REPORTING**

The District will collect and transmit to the Commissioner, at such time and in such manner as the Commissioner may require, reports containing such information as the Commissioner determines is necessary, including the numbers of homeless students, their grade, and their nighttime residence.

*NY Education Law §3209(6)(c); 8 NYCRR §100.2(x)(7)(v)*

**REMOVAL OF BARRIERS**

The District will review and revise local policies that may act as barriers to the identification of students in temporary housing and their enrollment and retention in school, including barriers to enrollment and retention due to outstanding fees or fines, or absences.

*42 USC §11432(g)(1)(I)&(g)(7)(A); NY Education Law §3209(6)(b)*

**COMPARABLE SERVICES**

The District will provide services to students in temporary housing comparable to those offered to other students in the district, including transportation services; educational services for which the child or youth meets the relevant eligibility criteria, such as services provided under Title I or similar State or local programs; educational programs for students with disabilities; educational programs for English learners; programs in career and technical education; programs for gifted and talented students; and school nutrition programs.

*42 USC §11432(g)(4); NY Education Law §3209(9)*

**PRIVACY OF STUDENT INFORMATION**

Information about a student in temporary housing's living situation shall be treated as a student education record and shall not be deemed to be directory information under the Family Educational Rights and Privacy Act (FERPA). A parent/guardian or homeless unaccompanied youth may consent to the release of a student's address information in the same way they would for other student education records under FERPA.

Questions about this policy or the protections available to students in temporary housing can be directed to the McKinney-Vento Liaison: Dr. Patricia Vaughan-Brogan, Director of Student Services at (585)-267-1023 or [patricia\\_brogan@pittsford.monroe.edu](mailto:patricia_brogan@pittsford.monroe.edu). Questions can also be directed to NYS-TEACHS at (800) 388-2014 or the State Education Department at (518) 473-0295.

## Students

**7132 - NON-RESIDENT STUDENTS****Legal Residency**

The District does not accept students who are not legal residents of the District, except as otherwise required by law or provided in this policy. Inquiries concerning residency status shall be made to the Pupil Services Office which shall require such information as it deems appropriate to make a determination. Such relevant information will be reviewed by the Director of Pupil Services who shall decide all questions of residency. Appeals can be directed to the Commissioner of Education.

**Non-Resident Students**

In order to ensure the educational continuity of students whose parents or guardians enter into or move from the District after the beginning of a school year, such non-resident students will be permitted to attend District schools under the circumstances described below. In all such cases, except e) below, transportation will be provided only as may be arranged at no additional cost to the District.

- a) Parents or guardians who have proper written verification that they will become residents of the District after the beginning of a school year and who want to enroll students as soon as possible at the school they will be attending may do so after all arrangements are made with the Director of Pupil Services. Tuition will not be charged for the semester in which the student's parents or guardians move into the District. Tuition will be charged thereafter if residency is not established during the semester in which the student commences attendance.
- b) Students whose parents or guardians move from the District during the first semester of the school year may complete the first semester on a non-tuition basis. If they wish to complete the second semester, they may do so on a tuition basis with the approval of the Superintendent and provided the parents or guardians have made advance arrangements with the Business Office. If the parents or guardians move from the District during the second semester, the student may complete that semester on a non-tuition basis.
- c) Students in good standing whose parents or guardians are moving from the District during their junior year may complete such year or years with the approval of the Superintendent on a tuition basis, except to the extent that they are eligible for a partial semester on a non-tuition basis pursuant to paragraph b) above.
- d) Students in good standing whose parents or guardians are moving from the District after the completion of their junior year may complete their senior year with the approval of the Superintendent on a non-tuition basis.

(Continued)

**7132 - NON-RESIDENT STUDENTS (Cont'd.)**

- e) Students participating in any exchange program recognized by the District who are residing in the District, and students in the Urban-Suburban Transfer Program shall be permitted to attend school on a non-tuition basis.
- f) Computation of non-resident tuition charges shall be determined annually by the District pursuant to the Regulations of the Commissioner of Education and will be pro-rated for any part of a school year. Tuition payments will be payable a semester in advance with a schedule determined by the Business Office.

Education Law Sections 1709(13), 2045 and 3202  
8 New York Code of Rules and Regulations  
(NYCRR) Section 174.2

NOTE: Refer also to Policy #7130 -- Entitlement to Attend - Age and Residency

**7140 - INVOLUNTARY TRANSFER OF STUDENTS**

Involuntary transfer of a student from regular classroom instruction to an appropriate educational setting in another school shall be in accordance with Education Law.

Education Law Sections 1709(3) and 3214(5)



## Students

**7150 - EDUCATIONAL SERVICES FOR MARRIED/PREGNANT STUDENTS****Married Students**

The Board will comply with state law in reference to married students attending school.

**Pregnant Students**

The District will provide instruction as required by the New York State Education Law for students who become pregnant. The Superintendent, or his/her designee, may consult with the school physician and the student's personal physician in determining the form of instruction.

The form of instruction may be any of the following or a combination of the following:

- a) Remain in school with provisions for special instruction, scheduling, and counseling where needed.
- b) Receive home instruction.
- c) Attend BOCES programs.

Education Law Sections 1604(20), 3202-1, 3205-1,  
4401-1, and 4402-2

## Students

**7160 - SCHOOL CENSUS**

Each year the District school administration shall conduct a census within the District to determine the number and educational status of all minors residing in the District. The purpose of this census is to enable the establishment of proper geographic attendance areas, plan for the provision of an adequate number of classes for instructional purposes, identify students with disabilities and project enrollment for the purpose of long range planning.

A parent, guardian or other person having under his/her control or charge a child between birth and eighteen (18) years of age who withholds or refuses to give information in his/her possession relating to such census data as required by law pertaining to the child; or, in the alternative, gives false information in relation to such census data, shall be liable to and punished by a fine or imprisonment as established by law.

Census data shall be reported as required by law and the New York State Regulations of the Commissioner of Education, and shall include a count of immigrant children and youth.

20 United States Code (USC) Section 6811  
Education Law Sections 3240-3243 and 4402(1)(a)  
8 New York Code of Rules and Regulations  
(NYCRR) Section 200.2(a)

NOTE: Refer also to Policy #7650 -- Identification and Register of Children With Disabilities

**7210 - STUDENT PLACEMENT AND EVALUATION****Placement**

Placement within the system, with respect to 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, parent/guardian and teacher recommendations, standardized test scores, Committee on Special Education recommendations, and any other appropriate sources of information, but the final decision shall rest with the school administration.

**Promotion and Retention**

The procedures to be followed by the staff regarding promotion and retention will be evaluated on an ongoing basis in accordance with Promotion Policy #8291, subject to the guidelines of the Superintendent and the approval of the Board.

**Testing Program**

The Board endorses and supports the use of ability, achievement, diagnostic, readiness, interest and guidance tests as part of the total educational process to the degree to which tests help the District to serve its students in accordance with Policy #8290 --Tests and Examinations.

**Alternative Testing Procedures**

The use of alternative testing procedures shall be limited to:

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

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

The District shall report the use of alternative testing procedures to the State Education Department on a form and at a time prescribed by the Commissioner.

(Continued)

**7210 - STUDENT PLACEMENT AND EVALUATION (Cont'd.)****Reporting to Parents/Legal Guardians**

Parents/guardians shall receive an appropriate report of student progress at regular intervals. Report cards shall be used as a standard vehicle for the periodic reporting of student progress and appropriate school related data. Report cards, however, are not intended to exclude other means of reporting progress, such as conferences, phone conversations, etc.

When necessary, attempts will be made to provide interpreters for non-English speaking parents/guardians.

8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.2(g), 117 and 154  
Section 504 of the Rehabilitation Act of 1973,  
29 United States Code (USC) Section 794 et seq.

## Students

**7211 - PROVISION OF INTERPRETER SERVICES TO PARENTS WHO ARE HEARING IMPAIRED**

The Board assures parents or persons in parental relationship who are hearing impaired the right to meaningful access to school initiated meetings or activities pertaining to the academic and/or disciplinary aspects of their children's education. School initiated meetings or activities are defined to include, but are not limited to, parent-teacher conferences, child study or building-level team meetings, planning meetings with school counselors regarding educational progress and career planning, suspension hearings or any conferences with school officials relating to disciplinary actions. The term "hearing impaired" shall include any hearing impairment, whether permanent or fluctuating, which prevents meaningful participation in District meetings or activities.

Parents or persons in parental relationship shall be notified of the availability of interpreter services to be provided at no charge, provided that a written request is made to the District within fourteen (14) days of the scheduled event. Exceptions to the time frame request may be made for unanticipated circumstances as determined by the Principal/designee. The District shall also notify appropriate school personnel as to the terms and implementation of this policy.

If interpreter services are requested, the District shall appoint an interpreter for the hearing impaired to interpret during the meeting or activity. The District will arrange for interpreters through a District-created list or through an interpreter referral service. The District shall also develop interagency agreements, as appropriate, to ensure that sign language interpreters are provided for eligible parents or persons in parental relationship when District students attend out-of-District schools or programs.

In the event that an interpreter is unavailable, the District shall make other reasonable accommodations which are satisfactory to the parents or persons in parental relationship. Examples of what constitutes reasonable accommodations in the event an interpreter cannot be located may include, but are not limited to, the use of:

- a) Written communications, transcripts, note takers, etc; and
- b) Technology, such as: a decoder or telecommunication device for the deaf, assistive listening devices, and closed or open captioning.

Education Law Section 3230  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(aa)

## Students

**7220 - GRADUATION REQUIREMENTS/COMMENCEMENT EXERCISES**

In order to graduate from Pittsford Central School District, a student must meet or exceed the requirements set forth in Part 100 of the Commissioner's Regulations. The Board reserves the right to establish requirements for graduation which exceed the minimum standards as defined by the New York State Regents.

A student shall be eligible for early graduation in fewer than eight (8) semesters upon completion of all requirements for graduation, excluding physical education, as mandated by Commissioner's Regulations. A student shall not be required to continue enrollment for the sole purpose of completing physical education requirements. The District, upon request from the student's parent/guardian, may choose to grant the student a high school diploma prior to his/her completion of the eighth (8th) semester.

**Commencement Exercises**

The District shall annually conduct commencement exercises to honor those students who have earned a diploma from the District. The high school principal shall have the responsibility for planning the commencement.

8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.1(i) and 100.5

## Students

**7221 - PARTICIPATION IN GRADUATION CEREMONIES AND ACTIVITIES**

The District permits students who have completed the requirements for a Skills and Achievement Commencement Credential or a Career Development and Occupational Studies (CDOS) Commencement Credential, but have not otherwise qualified to receive a Regents or local diploma, to participate in the graduation ceremony and all related graduation activities with the graduating class at the time of their certificate completion. Alternatively, students who are working toward either credential are permitted, although not required, to participate in the graduation ceremony or related graduation activities of their high school graduating cohort. For purposes of this policy, a student's high school graduating cohort is the twelfth grade class with which the student entered into ninth grade.

The District will provide annual written notice of this policy and any related procedures to all students and their parents or guardians.

Education Law § 3204(4-b)

## Students

**7222 - DIPLOMA AND CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES**

The District will provide students with disabilities appropriate opportunities to earn a diploma or other exiting commencement credential in accordance with Commissioner's regulations.

The District may award these diplomas and/or credentials:

- a) Regents Diploma: including with honors, an advanced designation, a career and technical education endorsement, and/or any other designation or endorsement as may be available.
- b) Local Diploma: available to all students with an IEP and any students with a Section 504 accommodation plan that specifies safety net eligibility, in accordance with Part 100 regulations.
- c) Career Development and Occupational Studies Commencement Credential (CDOS): which may be earned as a supplement to a Regents or local diploma or as a student's only exiting credential.
- d) Skills and Achievement Commencement Credential

Specific requirements and detailed information for each diploma and non-diploma high school exiting credential are specified in the Commissioner's regulations and various guidance materials issued by the New York State Department of Education.

Educational Law § § 3203 and 4402

8 NYCRR § § 100.1, 100.2, 100.5m 100.6, 200.4, and 200.5

Pittsford Central School District Adopted: 6/28/82, 10/14/86, 2/20/89, 4/8/96, 6/25/01, 9/13/04, 3/6/19, 6/8/20



**7223 - PHASE IN GRADUATION STANDARD OF 65 ON REQUIRED REGENTS EXAMINATIONS**

The Board supports the higher academic achievement standards established in accordance with Commissioner's Regulations that sets 65 as the passing grade on all five Regents examinations required for high school graduation (i.e., the Regents comprehensive examination in English, a Regents examination in mathematics, the Regents examination in United States history and government, a Regents examination in science, and the Regents examination in global studies). The Board also supports the phase-in schedule.

In order to obtain a local diploma, students who first enter grade 9 in September 2005, 2006 and 2007 must attain, at minimum, the following scores on the five required Regents examinations:

**Students Entering Grade 9 in September 2005**

Unless otherwise authorized pursuant to law and/or regulations, students who first enter grade 9 in September 2005 must attain a score of 65 or above on two of the five required Regents examinations and a score of 55 or above on the remaining three required Regents examinations.

**Students Entering Grade 9 in September 2006**

Unless otherwise authorized pursuant to law and/or regulations, students who first enter grade 9 in September 2006 must attain a score of 65 or above on three of the five required Regents examinations and a score of 55 or above on the remaining two required Regents examinations.

**Students Entering Grade 9 in September 2007**

Unless otherwise authorized pursuant to law and/or regulations, students who first enter grade 9 in September 2007 must attain a score of 65 or above on four of the five required Regents examinations and a score of 55 or above on the one remaining required Regents examination.

**Students entering Grade 9 in 2008**

Unless otherwise authorized pursuant to law and/or regulations, students must pass all five required Regents examinations at a score of 65 or above.

**Regents Diplomas**

Students who score 65 or above on all five required Regents examinations receive a Regents-endorsed diploma. Students who score 65 or above on eight Regents examinations will receive an Advanced Regents diploma.

**7223 - PHASE IN GRADUATION STANDARD OF 65 ON REQUIRED REGENTS EXAMINATIONS (Cont'd.)****Students with Disabilities**

Students with disabilities will still have the safety net option of taking and passing the Regents Competency Test if they have not been successful on the corresponding Regents exam in order to earn a local diploma. This provision will continue for students with disabilities entering grade 9 prior to September 2010.

For students with disabilities who first enter grade 9 in September 2005 and thereafter, a score by the student of 55-64 may be considered as a passing score on any Regents examination required for graduation; and, in such event, the District may issue a local diploma to such student. This provision shall apply only to students with disabilities who are entitled to attend school pursuant to Education Law Section 3202 or 4402(5).

**Appeal Process on Regents Examinations Passing Score to Meet Regents Diploma Requirements**

The District has established an appeal process in which students who score within three points of 65 and have met other criteria enumerated in Commissioner's Regulations that demonstrate they have achieved the State learning standards would be eligible to appeal.

Education Law Sections 3202 and 4402(5)  
8 New York Code of Rules and Regulations (NYCRR)  
Section 100.5

## Students

**7230 - DUAL CREDIT FOR COLLEGE COURSES**

The District may choose to enter into a cooperative agreement with an institution of higher learning to provide additional opportunities for resident students.

Such opportunities may include early admission to college, collegiate-level work offered in the high school, or other means of providing advanced work. Review and approval by the Principal are necessary before any college courses may be taken during the school day. Students who have successfully fulfilled course prerequisites and college requirements may enroll in a course the District offers for dual credit.

The District shall not be required to pay tuition and other related costs for those high school students enrolled in college courses. Students who wish to enroll in college level coursework shall meet all academic, grade level and coursework requirements as set forth by administrative guidelines.

**7240 - STUDENT RECORDS: ACCESS AND CHALLENGE**

The Pittsford Central School District will comply with the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Under its provisions, the following have a right to inspect and review student education records maintained by the District: (1) parents/guardians of a student under 18, whose rights are not limited by court order or formal agreement; and (2) an "eligible" student who is 18 years of age or older or who is attending an institution of post-secondary education.

**Education Records**

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

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

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

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

Records created and maintained by a law enforcement unit for law enforcement purposes are also excluded from the definition of education records.

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

**Access to Student Records**

The Board directs that administrative regulations and procedures be formulated to comply with the provisions of federal law relating to the availability of student records. The purpose of such regulations and procedures shall be to make available student records and files on students to the parent/guardians of students whose rights are not limited by court order or formal agreement, or eligible students and to ensure the confidentiality of such records with respect to third parties.

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**7240 - STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**

Under FERPA, unless otherwise exempted in accordance with law and regulation, the District may not utilize or release personally identifiable information (PII) contained in student education records unless it has received a "signed and dated written consent" from a parent/guardian or eligible student. Signed and dated written consent may include a record and signature form provided that such signature:

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

**Exceptions for Release of Personally Identifiable Information**Directory Information and Limited Directory Information Disclosure

Directory information is information contained in the education record of a student that would not generally be considered harmful, intrusive and/or an invasion of privacy if disclosed. For purposes of the release of directory information, the Pittsford Central Schools has adopted a Limited Directory Information Disclosure policy which means that the District limits disclosure of its designated directory information to specific parties, for specific purposes, or both. Disclosure is limited for uses that support school programs and activities and for District publications or other purposes such as student recognitions, event programs and yearbooks and District generated social media. The District may also disclose directory information to outside organizations/parties without prior written consent but only for school-related activities or purposes. Examples of such outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. The District will restrict disclosure for potentially harmful, intrusive and/or invasive purposes.

For purposes of this policy, Directory Information includes, but is not limited to:

- a) The student's name;
- b) The name of the student's parent/guardian or other family members;
- c) The address of the student or student's family;
- d) Telephone listing;
- e) Email address;
- f) Photograph or digital image, or other facsimile derived from known image production methods/transmissions or those future developed;
- g) Date and place of birth;
- h) Dates of attendance;
- i) Grade level;
- j) Participation in officially recognized activities and sports;
- k) Weight and height of members of athletic teams;
- l) Degrees, honors and awards received;
- m) Student ID number or unique personal identifier that is displayed on a student ID card, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password or other factor known or possessed only by the authorized user.

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**7240 - STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**

The District shall publish an annual public notice informing parent/guardians and eligible students of the District's definition of directory information, the right to refuse the release of student directory information and indication of the time period for their response. Following such public notice and a reasonable response period, the District may release such information without individual consent. Parent/guardians and eligible students may not, by refusing the release of disclosure of directory information, prevent the District from requiring a student to wear or present a student identification card or a badge that displays information that may include directory information.

**Military Recruiter Access**

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

**Health and Safety Emergency Exception**

School districts must balance the need to protect student directory information with the need to address issues of student safety, school safety and emergency situations. Under FERPA, if the District determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records, without consent, to any person whose knowledge of the information is necessary to protect the health and safety of the student or other individuals during the period of the health or safety emergency. The District may then release information from records to appropriate parties including, but not limited to, parent/guardians, law enforcement officials and medical personnel.

**Release of Information to Another Educational Institution**

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

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**7240 - STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)****Audit/Evaluation Exception**

The audit or evaluation exception allows for the disclosure of personally identifiable information (PII) from education records without consent to authorized representatives of the Comptroller General of the U.S., the Attorney General, the Secretary of Education, and State or local educational authorities ("FERPA permitted" entities). Under this exception, PII from education records must be used to audit or evaluate a Federal or State supported education program, or to enforce or comply with Federal legal requirements that relate to those education programs (audit, evaluation, or enforcement of compliance activity). The District may, from time to time, disclose PII from education records, without consent, to authorized representatives of the entities listed above.

**Studies Exception**

This exception allows for the disclosure of PII from education records without consent to organizations conducting studies for, or on behalf of, schools, school districts or postsecondary institutions. Studies can be for the purpose of developing, validating, or administering predictive tests; administering student aid programs; or improving instruction. The District may, from time to time, disclose PII from education records without consent to such organizations conducting studies for the District, in accordance with its obligations under FERPA.

**Challenge to Student Records**

Parent/guardians or eligible students shall have an opportunity for a hearing to challenge the content of the school records, to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

**Disclosures to Parent/Guardians of Eligible Students**

Even after a student has become an "eligible student" under FERPA (which is defined as a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education) an educational agency or institution may disclose education records to an eligible student's parent/guardian, without the student's consent:

- a) If the student is claimed as a dependent for Federal income tax purposes by either parent/guardian;
- b) In connection with a health or safety emergency;
- c) If the student attends an institution of postsecondary education, is under twenty-one (21) years of age, and the disclosure is regarding the student's violation of law or an institutional rule or policy governing the use of alcohol or a controlled substance at that institution; or

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**7240 - STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**

- d) If the disclosure falls within any other exception to the consent requirements under FERPA or its regulations, such as the disclosure of directory information or in order to be in compliance with a court order or lawfully issued subpoena.

**Release of Information to the Noncustodial Parent/Guardian**

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

**Parents' Bill of Rights**

The District posts a parents' bill of rights for data privacy and security on its website, and it includes this bill of rights with every contract it enters into with a third-party contractor that receives student, teacher, or principal data. The bill of rights informs parents of the legal requirements regarding privacy, security, and use of student data.

Family Educational Rights and Privacy Act of 1974, 20 USC § 1232g  
34 CFR Part 99  
Education Law § 2-d

NOTE: Refer also to Policies #7241 -- Student Directory Information  
#7242 -- Military Recruiters and Institutions of Higher Education  
#7243 -- Student Data Breaches  
#7643 -- Transfer Students with Disabilities

Pittsford Central School District Adopted: 6/28/82, 2/20/89, 6/9/97, 6/25/01, 7/12/04, 1/25/16,  
1/25/22



## Students

**7241 - STUDENT DIRECTORY INFORMATION**

The District will publish an annual public notice informing parents or eligible students (i.e., a student 18 years of age or older or who is attending an institution of post-secondary education) of (1) the District's definition of directory information; (2) the parent or eligible student's right to opt out of, in writing, the release of student directory information; and (3) indication of the time period to do so.

Directory information is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Following this public notice and a reasonable period to opt out, the District may release this information to an outside group without individual consent.

The Family Educational Rights and Privacy Act defines student directory information as any of the items as indicated in the following list. The District defines student directory information to include items of information as defined below:

- a) Student's name
- b) Address
- c) Telephone listing
- d) Date and place of birth
- e) Major field of study
- f) Grade level
- g) Participation in officially recognized activities and sports
- h) Weight and height (for members of athletic teams)
- i) Dates of attendance
- j) Honors, degrees and awards received
- k) Email address
- l) Photograph
- m) Name of educational institution previously attended
- n) Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.
- o) Student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

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**7241 - STUDENT DIRECTORY INFORMATION (Cont'd.)**

Public domain directory data elements may not be combined to create a profile of a student and then shared publically. Public domain directory data elements may not be combined with protected data elements and then shared publically.

Parents and eligible students may not, by opting out of disclosure of directory information, prevent a school from requiring a student to wear or present a student identification card or a badge that displays information that may be directory information. A student's social security number, in whole or part, will not be designated as directory information.

20 USC § 1232g  
34 CFR Part 99

NOTE: Refer also to Policies #7240 -- Student Records: Access and Challenge  
#7242 -- Military Recruiters and Institutions of Higher Education

**7250 - STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND  
ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS****U.S. Department of Education-Funded Surveys**

In compliance with the Protection of Pupil Rights Amendment (PPRA), the District is committed to protecting the rights and privacy interests of parents/guardians and students with regard to surveys funded in whole or part by any program administered by the U.S. Department of Education (DOE).

The District shall make instructional materials available for inspection by parents/guardians if those materials will be used in connection with a DOE-funded survey, analysis, or evaluation in which their children participate. In addition, the District **shall obtain prior written parental/guardian consent** before minor students are required to participate in any DOE-funded survey, analysis, or evaluation that reveals information concerning:

- a) Political affiliations or beliefs of the student or the student's parent/guardian;
- b) Mental or psychological problems of the student or the student's family;
- c) Sex behavior or attitudes;
- d) Illegal, anti-social, self-incriminating, or demeaning behavior;
- e) Critical appraisals of other individuals with whom respondents have close family relationships;
- f) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- g) Religious practices, affiliations, or beliefs of the student or student's parent/guardian; or
- h) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

**Surveys Funded by Sources Other than U.S. Department of Education**

The District has developed and adopted this Board policy, in consultation with parents/guardians, regarding the following:

- a) The right of the parent/guardian to inspect, upon request, a survey created by a third party (i.e., by a party other than the DOE) before the survey is administered or distributed by the school to a student. Requests by parents/guardians to inspect such surveys are to be submitted to, in writing, to the building principal at least 10 days prior to the administration or distribution of any survey. Further, the District shall grant a request by the parent/guardian for reasonable access to such survey within a reasonable period of time after the request is received by the District.

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## Students

**7250 - STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION,  
AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS  
TO MINORS (Cont'd.)**

- b) Arrangements shall be provided by the District to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the following items (including the right of the parent/guardian of the student to inspect, upon request, any survey containing one or more of such items):
1. Political affiliations or beliefs of student toward the student's parent/guardian;
  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 the student's parent/guardian;
  8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Parents/guardians have the right to inspect, upon request, any survey containing one or more of such items. Such requests must be submitted by the parent/guardian, in writing, to the building principal at least 10 days prior to the administration or distribution of any survey.

- c) Parents/guardians shall be granted, upon request, reasonable access and the right to inspect instructional materials used as part of the educational curriculum for the student within a reasonable period of time (defined by the District, for the purposes of this policy, as 30 days) after such request is received by the District. Requests shall be submitted by parents/guardians, in writing, to the building principal. The term *"instructional material"* means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual 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.*
- d) The administration of physical examinations or screenings that the District may administer to a student.

*Further, this law does not apply to any physical examination or screening that is permitted or required by State law, including physical examinations or screenings that are permitted without parental notification.*

(Continued)

## Students

**7250 - STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION,  
AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO  
MINORS (Cont'd.)**

In the implementation of this provision regarding the administration of physical examinations or screenings that the school may administer to the student, the District incorporates by reference Board policies that address student health services, as applicable, including but not limited to policies regarding the administration of medication, immunization of students, and student physicals.

- e) Unless mandated/authorized in accordance with Federal or State law and/or regulation, it is policy of the Board, to **not permit** the collection, disclosure, or use of personal information (the term "*personal information*" is defined as individually identifiable information including a student's or parent/guardian's first and last name; home address; telephone number; or Social Security number) collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), *unless otherwise exempted pursuant to law as noted below*. Questions regarding the collection, disclosure, or use of personal information collected from students for such marketing purposes may be referred to the school attorney as deemed necessary by the Superintendent/designee.

These requirements **do not apply** to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- a) College or other postsecondary education recruitment, or *\*military recruitment*;
- b) Book clubs, magazines, and programs providing access to low-cost literary products;
- c) Curriculum and instructional materials used by elementary schools and secondary schools;
- d) 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;
- e) The sale by students of products or services to raise funds for school-related or education-related activities;
- f) Student recognition programs.

*\*Military recruiter access to student information is governed by the Family Educational Rights and Privacy Act of 1974 (FERPA) and the National Defense Authorization Act for Fiscal Year 2002.*

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**7250 - STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION,  
AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO  
MINORS (Cont'd.)**

This law is not intended to preempt applicable provisions of State law that require parental/guardian notification.

**Notification of Policies/"Opt Out" Provisions**

The District shall provide for reasonable notice of the adoption or continued use of this policy directly to the parents/guardians of students enrolled in the District. At a minimum, the District shall provide such notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy.

Further, in the notification, the District shall offer an opportunity for parents/guardians to opt their child out of participation in the following activities:

- a) Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).
- b) The administration of **any survey** containing one or more of the eight items of information listed above in the subheadings referencing DOE-funded surveys as well as non-DOE-funded surveys.
- c) Any non-emergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students. The term "*invasive physical examination*" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but *does not include a hearing, vision or scoliosis screening*.

**Notification of Specific Events**

The District shall directly notify parents/guardians of the specific dates during the school year when the above activities are scheduled prior to each activity and within a reasonable amount of time to view materials or opt their child out of the activity.

**General Provisions**

The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA). Further, PPRA does not supersede any of the requirements of FERPA.

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**7250 - STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION,  
AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO  
MINORS (Cont'd.)**

The rights provided to parents/guardians under PPRA transfer from the parent/guardian to the student when the student turns 18 years old or is an emancipated minor under applicable State law.

The District may use funds provided under Part A of Title V of the Elementary and Secondary Education Act of 1965 to enhance parental/guardian involvement in areas affecting the in-school privacy of students.

20 United States Code (USC) Section 1232h(b) and (c),  
as amended by the No Child Left Behind Act of 2001  
34 Code of Federal Regulations (CFR) Part 98

NOTE: Refer also to Policies #7121 -- Screening of New School Entrants  
#7511 -- Immunization of Students  
#7512 -- Student Physicals  
#7513 -- Administration of Medication

**7260 - DESIGNATION OF PERSON IN PARENTAL RELATION**

In accordance with General Obligations Law Title 15-A, a parent of a minor or incapacitated person may designate another person as a person in parental relation to such minor or incapacitated person for certain health care and educational decisions for a period not exceeding six (6) months. However, such parental designation is conditioned upon there being no prior order of any court in any jurisdiction currently in effect that would prohibit the parent from himself/herself exercising the same or similar authority; and provided further that, in the case where a court has ordered that both parents must agree on education or health decisions regarding the child, a designation pursuant to this law shall not be valid unless both parents have given their consent.

The designation of a person in parental relation must be in writing in the form prescribed by General Obligations Law Title 15-A, and shall include specified information as enumerated in law for designations of thirty (30) days or less, as well as additional information required for designations of more than thirty (30) days. The designation of a person in parental relation may be presented to any school that requires such designation by either the parent or designee. The designation may specify a period of time less than six (6) months for which such designation shall be valid unless earlier revoked by the parent in accordance with law. *However, a designation specifying a period of more than thirty (30) days shall be notarized.*

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

- a) The expiration of thirty (30) days from the date of signature if the designation does not meet the requirements for designations of more than thirty (30) days, or
- b) Six (6) months from the date of commencement specified in the designation if the designation meets the requirements for designations of more than thirty (30) days.

**Scope of Designation**

A designation made pursuant to this law may specify:

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

**Revocation of Designation**

A parent may revoke a designation by notifying, either orally or in writing, the designee or a school to which the designation has been presented, or by any other act evidencing a specific intent to revoke the designation. A designation shall also be revoked upon the execution by the parent of a

(Continued)



**7260 - DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)**

subsequent designation. Revocation by one parent authorized to execute such a designation shall be deemed effective and complete revocation of a designation pursuant to law.

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

**Effect of Designation**

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

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

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

General Obligations Law Title 15-A  
Education Law Sections 2 and 3212  
Public Health Law Sections 2164 and 2504  
Family Court Act Section 413  
Mental Hygiene Law Section 80.03

## Students

**7310 - SCHOOL CONDUCT AND DISCIPLINE**

The Board acknowledges its responsibility to protect the educational climate of the District and to promote responsible student behavior. Accordingly, the Board delegates to the Superintendent the responsibility for assuring the implementation of a *Code of Conduct for the Maintenance of Order on School Property*, including school functions, which shall govern the conduct of students as well as teachers, other school personnel, and visitors. The Board shall further provide for the enforcement of such Code of Conduct. The District Code of Conduct shall be developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other personnel and shall incorporate, at a minimum, those components addressed in law and enumerated in Policy #3410 -- *Code of Conduct on School Property*. Specific components may vary as appropriate to student age, building levels, and educational needs.

In accordance with the *Code of Conduct on School Property*, areas addressing student conduct and behavior will further utilize the following strategies in promoting acceptable student behavior:

- a) A bill of rights and responsibilities of students that focuses upon positive student behavior, and is publicized and explained to all students on an annual basis;
- b) A Code of Conduct for student behavior setting forth prohibited student conduct and the range of penalties that may be imposed for violation of such Code, that is publicized and disseminated to all students and parents/guardians on an annual basis pursuant to law;
- c) Strategies and procedures for the maintenance and enforcement of public order on school property that shall govern the conduct of all persons on school premises, in accordance with Section 2801 of the Education Law and accepted principles of due process of law;
- d) Procedures within each building to involve student service personnel, administrators, teachers, parents/guardians and students in the early identification and resolution of discipline problems. For students identified as having disabilities, procedures are included for determining when a student's conduct shall constitute a reason for referral to the Committee on Special Education for review and modification, if appropriate, of the student's individualized education program;
- e) Alternative educational programs appropriate to individual student needs;
- f) Disciplinary measures for violation of the school policies developed in accordance with subparagraphs b) and c) of this paragraph. Such measures shall be appropriate to the seriousness of the offense and, where applicable, to the previous disciplinary record of the student. Any suspension from attendance upon instruction may be imposed only in accordance with Section 3214 of the Education Law; and

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**7310 - SCHOOL CONDUCT AND DISCIPLINE (Cont'd.)**

- g) Guidelines and programs for in-service education for all District staff to ensure effective implementation of school policy on school conduct and discipline.

Education Law Sections 2801 and 3214  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(1)(2)

NOTE: Refer also to Policy #3410 -- Code of Conduct on School Property  
*District Code of Conduct on School Property*

**7311 - LOSS OR DESTRUCTION OF DISTRICT PROPERTY OR RESOURCES**

The District is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

- a) Has willfully, maliciously, or unlawfully damaged, defaced or destroyed real or personal property in the care, custody and/or ownership of the District; or
- b) Has knowingly entered or remained in a District building, and wrongfully taken, obtained or withheld personal property owned or maintained by the District.

In instances where the District has sought and obtained a judgment from a court of competent jurisdiction, parent/guardian liability for civil damages shall not exceed five thousand dollars (\$5,000). Under certain circumstances, prior to the entering of a judgment in the sum total of five hundred dollars (\$500) or more, a court may consider the parent's or guardian's financial inability to pay any portion or all of the amount of damages which are in excess of five hundred dollars (\$500), and enter a judgment in an amount within the financial capacity of the parent or guardian. However, no such judgment shall be entered for an amount which is less than five hundred dollars (\$500).

**False Reporting of an Incident and/or Placing a False Bomb**

The District is authorized to seek restitution, as described in law, from a parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

- a) Has falsely reported an incident; or
- b) Has placed a false bomb as defined in the New York State Penal Law.

Damages for falsely reporting an incident or placing a false bomb shall mean the funds reasonably expended by the District in responding to such false report of an incident or false bomb, less the amount of any funds which have been or will be recovered from any other source as enumerated in law.

In seeking restitution, the District shall file with the court, District Attorney and defense counsel an affidavit stating that the funds reasonably expended for which restitution is being sought have not been and will not be recovered from any other source or in any other civil or criminal proceeding, except as provided for pursuant to General Obligations Law Section 3-112.

General Obligations Law Section 3-112  
Penal Law Sections 60.27, 240.50, 240.55, 240.60, and  
240.61

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Students

**7311 - LOSS OR DESTRUCTION OF DISTRICT PROPERTY OR RESOURCES (Cont'd.)**

Note: Refer also to Policy #3410 -- Code of Conduct on School Property  
*District Code of Conduct*

## Students

**7312 - STUDENT DRESS CODE**

The responsibility for the dress and appearance of students shall rest with individual students and parents. They have the right to determine how the student shall dress, provided that such attire does not interfere with, disrupt, or distract from the educational activities of the school or infringe upon the general health, safety and welfare of District students or employees. Student dress and appearance must be in accordance with the *District Code of Conduct*. The administration is authorized to take action in instances where individual dress does not meet these stated requirements.

While the school administration may require students participating in physical education classes to wear certain types of clothing such as sneakers, socks, shorts, and tee shirts, they may not prescribe a specific brand which students must wear.

This policy does not mean that student, faculty, or parent groups may not recommend appropriate dress for school or special occasions. It means that a student shall not be prevented from attending school or a school function, or otherwise be discriminated against, so long as his/her dress and appearance meet the above requirements.

NOTE: Refer also to Policy #3410 -- Code of Conduct on School Property  
*District Code of Conduct on School Property*

## Students

**7313 - SUSPENSION OF STUDENTS**

The Superintendent and/or the Principal may suspend the following students from required attendance upon instruction:

- a) A student who is insubordinate or disorderly; or
- b) A student who is violent or disruptive; or
- c) A student whose conduct otherwise endangers the safety, morals, health or welfare of others.

**Suspension: Five Days or Less**

The Superintendent and/or the Principal of the school where the student attends shall have the power to suspend a student for a period not to exceed five (5) school days. In the absence of the Principal, the designated "Acting Principal" may then suspend a student for a period of five (5) school days or less.

When the Superintendent or the Principal (the "suspending authority") proposes to suspend a student for five (5) school days or less, the suspending authority shall provide the student with **notice** of the charged misconduct. If the student denies the misconduct, the suspending authority shall provide an **explanation** of the basis for the suspension.

When suspension of a student for a period of five (5) school days or less is proposed, administration shall also immediately notify the parent/person 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 twenty-four (24) hours of the decision to propose suspension at the last known address or addresses of the parents/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/persons in parental relation.

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

(Continued)

## Students

**7313 - SUSPENSION OF STUDENTS (Cont')**

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

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

**Suspension: More Than Five School Days**

In situations where the Superintendent determines that a suspension in excess of five (5) school days may be warranted, the student and parent/person in parental relation, upon reasonable notice, shall have had an opportunity for a fair hearing. At the hearing, the student shall have the right of representation by counsel, with the right to question witnesses against him/her, and the right to present witnesses and other evidence on his/her behalf.

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

**Minimum Periods of Suspension**

Pursuant to law and Commissioner's Regulations, minimum periods of suspension shall be identified in the District Code of Conduct for the following prohibited conduct:

- a) Consistent with the federal Gun-Free Schools Act, students who have brought a weapon to school or possessed a weapon on school premises.
- b) Students who repeatedly are "substantially disruptive of the educational process or substantially interfere with the teacher's authority" over the classroom.
- c) Students whose acts qualify them to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a).

The Superintendent has the authority to modify the suspension requirements on a case-by-case basis.

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**7313 - SUSPENSION OF STUDENTS (Cont')****Suspension of Students with Disabilities**

Generally, should a student with a disability infringe upon the established rules of the schools, disciplinary action shall be in accordance with procedures set forth in the *District's Code of Conduct* and in conjunction with applicable law and the determination of the Committee on Special Education (CSE).

For suspensions or removals up to ten (10) school days in a school year that do not constitute a disciplinary change in placement, students with disabilities must be provided with alternative instruction or services on the same basis as non-disabled students of the same age.

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten (10) consecutive school days or constitutes a pattern, a manifestation determination must be made. The District determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

**Manifestation Determinations**

A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made by a manifestation team immediately, if possible, but in no case later than ten (10) school days after a decision is made:

- a) By the Superintendent or designee to change the placement to an interim alternative educational setting (IAES);
- b) By an Impartial Hearing Officer (IHO) to place the student in an IAES; or
- c) By the Board, District Superintendent, Superintendent or Building Principal to impose a suspension that constitutes a disciplinary change of placement.

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

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## Students

**7313 - SUSPENSION OF STUDENTS (Cont')**

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

Finding of Manifestation

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

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

Behavioral intervention plan (BIP) or Behavioral Support Plan (BSP) means a plan that is based on the results of a functional behavioral assessment and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs and intervention strategies that include positive behavioral supports and services to address the behavior.

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

No Finding of Manifestation

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

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**7313 - SUSPENSION OF STUDENTS (Cont')****Provision of Services Regardless of the Manifestation Determination**

Regardless of the manifestation determination, students with a disability shall be provided the services necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP. They must also receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications designed to address the behavior violation so it does not recur:

- a) For subsequent suspensions or removals for ten (10) consecutive school days or less that in the aggregate total more than ten (10) school days in a school year but do not constitute a disciplinary change of placement school personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed;
- b) For suspensions or other disciplinary removals in excess of ten (10) school days in a school year which do constitute a disciplinary change in placement the IAES and services will be determined by the CSE.

**Interim Alternative Educational Setting (IAES)**

Students with disabilities who have been suspended or removed from their current placement for more than ten (10) school days may be placed in an IAES which is a temporary educational setting other than the student's current placement at the time the behavior precipitating the IAES placement occurred.

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

There are three (3) specific instances when a student with a disability may be placed in an IAES for up to forty-five (45) school days without regard to a manifestation determination:

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

(Continued)

## Students

**7313 - SUSPENSION OF STUDENTS (Cont')**

- c) Where a student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District. Serious bodily harm has been defined in law to refer to one of the following:
  - 1. Substantial risk of death;
  - 2. Extreme physical pain; or
  - 3. Protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

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

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

- a) Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress towards the goals set out in the student's IEP, and
- b) Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

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

**Suspension From BOCES**

The BOCES Principal may suspend District students from BOCES classes for a period not to exceed five (5) school days when student behavior warrants such action.

**In-School Suspension**

In-school suspension will be used as a lesser discipline to avoid an out-of-school suspension. The student shall be considered present for attendance purposes. The program is used to keep each student

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## Students

**7313 - SUSPENSION OF STUDENTS (Cont')**

current with his/her class work while attempting to reinforce acceptable behavior, attitudes and personal interaction.

**BOCES Activities**

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

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

**Exhaustion of Administrative Remedies**

If a parent/person in parental relation wishes to appeal the decision of the building principal and/or Superintendent to suspend a student from school, regardless of the length of the student's suspension, the parent/person in parental relation must appeal to the District prior to commencing an appeal to the Commissioner of Education.

**Procedure After Suspension**

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

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 615(k)(1)]  
18 United States Code (USC) Section 921

Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.

20 United States Code (USC) Section 7151, as reauthorized by the No Child Left Behind Act of 2001

34 Code of Federal Regulations (CFR) Part 300

Education Law Sections 2801(1), 3214 and 4402

Penal Law Section 265.01

8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(l)(2), 200.4(d)(3)(i), 200.22 and Part 201

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

(Continued)

## Students

**7313 - SUSPENSION OF STUDENTS (Cont')**

Education Law Sections 2801 and 3214  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(l)(2) and Part 201  
18 United States Code (USC) Chapter 44  
20 United States Code (USC) Section 8921 as  
reauthorized by the No Child Left Behind Act of 2001  
20 United States Code (USC) Sections 1400-1485,  
Individuals with Disabilities Education Act (IDEA)  
34 Code of Federal Regulations (CFR) Part 300  
Penal Law Section 265.01

Pittsford Central School District Adopted: 7/12/04, 4/26/10

**7314 - STUDENT USE OF ELECTRONIC INFORMATION NETWORK**

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

One purpose of this policy is to provide notice to students and parents/guardians that, unlike most traditional instructional or library media materials, the EIN will allow student access to external computer networks not controlled by the School District where it is impossible for the District to screen or review all of the available materials. Some of the available materials may be deemed unsuitable by parents/guardians for student use or access. This policy is intended to establish general guidelines for acceptable student use. However, despite the existence of such District policy and accompanying guidelines and regulations, it will not be possible to completely prevent access to computerized information that is inappropriate for students. Furthermore, students may have the ability to access such information from their home or other locations off school premises. Parents/guardians of students must be willing to set and convey standards for appropriate and acceptable use to their children when using the EIN or any other electronic media or communications. The District respects the right of each family to decide whether or not to apply for independent computer access.

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

Generally, the same standards of acceptable student conduct which apply to any school activity shall apply to use of the EIN. This policy does not attempt to articulate all required and/or acceptable uses of the EIN; nor is it the intention of this policy to define all inappropriate usage. Just as we learn social codes and behaviors that are acceptable in everyday life, we need to learn and apply the correct process and rules for using our Electronic Information Network. Students and staff will be provided with instruction and direction in the use of the EIN. Information will be provided to keep parents informed about the use of the EIN. Administrative regulations will further define general guidelines of appropriate student conduct and use as well as proscribed behavior.

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

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**7314 - STUDENT USE OF ELECTRONIC INFORMATION NETWORK (Cont'd)**

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

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be School District property subject to control and inspection. The Director of Technology or other administrators authorized by the Superintendent may access all such files and communications to ensure system integrity and that users are complying with the requirements of this policy and accompanying regulations. Students should **NOT** expect that information stored on the EIN will be private.

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

NOTE: Refer also to Policy #8271 - The Children's Internet Protection Act: Internet Content Filtering/Safety Policy



## Students

**7320 - ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)**

The Board of Education is committed to a drug-free school and work environment to provide a safe place to study and work and to establish programs promoting high standards of health for students and employees. The use, sale, possession or distribution of alcohol, tobacco (smoke or smokeless), inhalants, illegal drugs, synthetics, drug paraphernalia, or the inappropriate use of prescription drugs and/or over the counter drugs on school grounds or at school-sponsored events is prohibited. Prescription drugs for use during school hours must be registered with the nurse and must specify dosage quantities and times to be used. Written authorization by physician and parent is required.

Any person suspected of, and/or exhibiting behavior, conduct or personal or physical characteristics indicative of having used or consumed alcohol or other substances shall be prohibited from entering school grounds or school sponsored events. Any person in violation of this policy will be subject to disciplinary measures as described in the District's Code of Conduct.

**Philosophy**

Every effort will be made to ensure the health and safety of all students and employees in the District. Referral assistance for access to appropriate care will be offered to individuals who are found to be involved in substance abuse.

- a) Alcohol, tobacco and other substance use/abuse is preventable and treatable.
- b) Alcohol and/or other substance use/abuse inhibits the District from carrying out its central mission of educating students.
- c) The behavior of the Board of Education, the administration, and all school staff should model the behavior asked of students.
- d) The District will share a leadership role with parents, students, staff and the community as a whole in alcohol, tobacco and other substance use/abuse prevention, through coordinated, collaborative efforts.

**Prevention**

The intent of prevention programming is to prevent the onset of alcohol, tobacco, and other substance use by all students. The components of this programming shall include:

- a) A sequential K-12 research-based prevention curriculum that provides for:
  - 1. Accurate and age-appropriate information about alcohol, tobacco and other substances, including the physical, psychological, and social consequences of their use/abuse.

(Continued)

## Students

**7320 - ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS) (Cont'd.)**

2. Information about the relationship of alcohol, tobacco, and other substance use/abuse to other health-compromising issues such as STI's, teenage pregnancy, eating disorders, child abuse, suicide, and dropping out of school.
  3. Helping students develop life skills to resist the use of alcohol, tobacco, and other substances; resist participation in activities posing personal risk; and promote healthy lifestyles.
  4. Helping students identify personal risk factors for alcohol, tobacco and other substance use/abuse and the steps needed for risk reduction.
  5. Helping students develop a positive self-concept.
  6. Helping students identify when they are under stress and how to manage or reduce stress through non-chemical means.
- b) Training school staff, parents/guardians and community members to use the information and skills necessary to reinforce the components of this policy in the home, school and community.
  - c) Providing community education about the issues of adolescent development, alcohol, tobacco and other substance use/abuse as a basis for providing a consistent message to all youth.
  - d) Providing positive alternatives to alcohol, tobacco, and other substance use/abuse, such as peer leadership programs, service projects, and recreational and extracurricular activities. Such activities will be planned collaboratively by students, school staff, parents, community members, and agencies.

**Intervention**

The purpose of intervention programming is to eliminate any existing use/abuse of alcohol, tobacco and other substances, and to identify and provide supportive services to K-12 students at high risk for such use/abuse.

- a) Identifying and referring students to appropriate agencies when their use/abuse of alcohol, tobacco and/or other substances requires counseling and/or treatment.

(Continued)

## Students

**7320 - ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS) (Cont'd.)**

- b) Maintaining and improving existing referral process between District schools and community providers.
- c) Recommending individual, group, and family counseling targeted at students at an elevated risk for alcohol, tobacco and/or other substance use/abuse.
- d) Educating parents on when and how to access the District's intervention services.
- e) Working with students in, or returning from, treatment, and their families to assure that the school environment supports the process of recovery initiated in the treatment program.
- f) Confidentiality shall be guaranteed according to state and federal laws and regulations.

**Disciplinary Measures**

Disciplinary measures for students found to have used or to be using, in possession of, selling, or distributing alcohol and/or other substances; and for students possessing drug paraphernalia, are outlined in the District's policy on Student Rights and Responsibilities. Similar disciplinary measures for District staff are addressed in Education Law 1711(5)(e), 2508(5), 3020-a, and 913.

**Staff Development**

The Board of Education recognizes that if the administrative, instructional and non-instructional staff are to be responsible for understanding, implementing and modeling this policy, they must receive training and education about the components of an effective alcohol, tobacco and substance prevention program. Staff training will be an ongoing process including the following:

- a) For all staff: (1) an understanding of factors affecting individuals' use and abuse of alcohol, tobacco and other substances; (2) their role in implementing this policy, including how to identify students who exhibit high risk behaviors or who are using/abusing alcohol, tobacco and other substances; how to refer these students to the appropriate services established by this policy; and their immunity from civil liabilities for such a report according to Education Law 3028-a; (3) awareness of personal risk factors for alcohol, tobacco and other substance use/abuse so that they may identify personal use/abuse problems and seek assistance; and (4) awareness of the special needs of students returning from treatment.
- b) Additionally for teachers: the knowledge and skills necessary to reinforce the District's K-12 alcohol, tobacco and other substance abuse prevention initiatives.

(Continued)

**7320 - ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)**

- c) For intervention staff: appropriate staff training and follow-up for those identified to carry out the intervention function.
- d) For prevention staff: appropriate staff training and support to assure that they have the necessary knowledge and skills to sustain the application of prevention concepts through programming targeted at the school, home, and community.

**Implementation, Dissemination, and Monitoring**

The Board of Education charges the Superintendent to collaborate with the Prevention Coordinator, staff, parents, students, community members, organizations, and agencies, including alcohol, tobacco and other substance abuse service providers, in developing the specific programs and strategies necessary to implement this policy.

The Superintendent is responsible for providing the Board of Education with an annual review of this policy, the programs and strategies for implementing it, and the Superintendent's recommendations for revisions in the policy.

Safe and Drug-Free Schools and  
Communities Act,  
as reauthorized by the No Child Left Behind Act of  
2001  
20 United States Code (USC) Section  
7101 et seq.

NOTE: Refer also to Policies #3280 -- Community Use of School Facilities  
#3410 -- Code of Conduct on School Property  
#5640 -- Smoking/Tobacco Use  
#7310 -- School Conduct and Discipline  
#8211 -- Prevention Instruction  
*District Code of Conduct*

Pittsford Central School District Adopted: 7/12/04

Annual Review: 11/14/11; 7/10/12

**7330 - SEARCHES AND INTERROGATIONS**

Students are protected by the Constitution from unreasonable searches and seizures. A student may be searched and contraband seized on school grounds or in a school building by a District employee only when the District employee has reasonable suspicion to believe the student is engaging in proscribed activity which is in violation of school rules and/or illegal.

Factors to be considered in determining whether reasonable suspicion exists to search a student include:

- a) The age of the student;
- b) The student's record and past history;
- c) The predominance and seriousness of the problem in the school where the search is directed; and
- d) The urgency to conduct the search without delay.

If reasonable suspicion exists to believe that a student possesses a weapon, it is permissible for a District employee to search that student.

**Lockers**

Lockers are provided by the school for student use and the administration has the right to search lockers. A student may have exclusive use of a locker as far as other students are concerned but he/she does not have such exclusivity over the locker as it relates to the school authorities.

**Questioning of Students by School Officials**

School officials have the right to question students regarding any violations of school rules and/or illegal activity. In general, administration may conduct investigations concerning reports of misconduct which may include, but are not limited to, questioning students, staff, parents/guardians, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.

Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, if possible, in private by the appropriate school administrator. The student's parent/guardian may be contacted; the degree, if any, of parental/guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

(Continued)

**7330 - SEARCHES AND INTERROGATIONS (Cont'd.)**

The questioning of students by school officials does not preclude subsequent questioning/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right/responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

School officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials (at least until after the questioning of students by school authorities has been conducted) are not required to give the so-called "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him/her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

If deemed appropriate and/or necessary, the Superintendent/designee may also review the circumstances with District legal counsel so as to address concerns and the course of action, if any, which may pertain to and/or result from the questioning of students by school officials.

**Law Enforcement Officials**

It shall be the policy of the Pittsford Central School District that a cooperative effort shall be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school premises or during a school-sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions. The School District's administrators shall at all times act in a manner that protects and guarantees the rights of students and parents.

(Continued)

**7330 - SEARCHES AND INTERROGATIONS (Cont'd.)****Interrogation of Students by Law Enforcement Officials**

If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Generally, police authorities may only interview students on school premises without the permission of the parent/guardian in situations where a warrant has been issued for the student's arrest (or removal). Police authorities may also question students for general investigations, general questions regarding crimes committed on school property. In all other situations, unless an immediate health or safety risk exists, if the police wish to speak to a student without a warrant they should take the matter up directly with the student's parent/guardian.

Whenever police wish to question a student on school premises, administration will attempt to notify the student's parent/guardian.

Family Court Act Section 1024  
Education Law Sections 1604(9) and (30),  
1709(2) and (33), and 2801  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(l)

## Students

**7340 - BUS RULES AND REGULATIONS**

The Pittsford Central School District furnishes transportation to those students whose disability or distance from the school make the service essential. Except as otherwise mandated in a student's Individualized Education Program (IEP), riding these buses is a privilege and may be withdrawn if the student does not comply with the rules and regulations set forth in this District.

Students riding school buses are expected to conform to the rules of conduct in order to permit the bus driver to transport his/her passengers safely.

The Superintendent and/or designee has the authority to suspend the transportation privileges of children who are disorderly and/or insubordinate on buses. In these cases, the parents/guardians of the children involved become responsible for seeing that their children get to and from school safely.

Bus drivers shall be held responsible for reasonable and acceptable behavior of students while riding the school bus.

The Board directs the administration to establish rules and regulations for student conduct on buses, including applicable due process rights to be afforded students suspended from transportation privileges. These rules and regulations shall be promulgated to all concerned, including the non-public schools to which students are transported.

8 New York Code of Rules and Regulations  
(NYCRR) Section 156  
20 United States Code (USC) Sections 1400-1485,  
Individuals With Disabilities Education Act (IDEA)

NOTE: Refer also to Policy #3410 -- Code of Conduct on School Property  
*District Code of Conduct*



## Students

**7350 - CORPORAL PUNISHMENT**

Corporal punishment as a means of discipline shall not be used against a student by any teacher, administrator, officer, employee or agent of this District. Corporal punishment is defined as any act of physical force upon a student for the purpose of punishing that student.

However, if alternative procedures and methods which would not involve physical force do not work, then the use of reasonable physical force is not prohibited for the following reasons:

- a) Self-protection;
- b) Protection of others;
- c) Protection of property; or
- d) Restraining/removing a disruptive student.

Whenever a school employee uses physical force against a student, the school employee shall, within the same school day, make a report to the Superintendent or designee describing in detail the circumstances and the nature of the action taken.

The Superintendent or designee shall submit a written report semi-annually to the Commissioner of Education, with copies to the Board, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by the Pittsford Central School District authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

Rules of the Board of Regents Section 19.5  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(l)(3)

## Students

**7360 - WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT**

With the exception of those students who receive prior written permission from the Board of Education or its designee, no student may bring in or possess any “firearm” or “weapon” on school property, on school bus or District vehicle, in school buildings, or at school sponsored activities or settings under the control or supervision of the District regardless of location. Any student who has been found guilty of bringing in or possessing a firearm or weapon in violation of this policy will be disciplined in a manner consistent with State and Federal law and the District’s Code of Conduct. Such discipline may include a mandatory suspension for a period of not less than one (1) calendar year for a student who is determined to have violated the Federal Gun-Free Schools Act and its implementing provisions in the New York State Education Law, provided that the Superintendent may modify the suspension requirement on a case-by-case basis.

Student who have brought a “weapon” or “firearm” to school will be referred by the Superintendent to either a presentment agency (the agency or authority responsible for presenting a juvenile delinquency proceeding) or to appropriate law enforcement officials. Such referrals will be made as follows: a student who is under the age of sixteen (16) and who is not a fourteen (14) or fifteen (15) year-old who qualifies for juvenile offender status under the Criminal Procedure Law will be referred to a presentment agency for juvenile delinquency proceedings; a student who is sixteen (16) years old or older, who is fourteen (14) or fifteen (15) and qualifies for juvenile offender status, will be referred to the appropriate law enforcement authorities.

For the purposes of this policy, the term “weapon” will be as defined in 18 USC 930(g)(2).

For the purposes of this policy, the term “firearm” will be as defined in 18 USC 921(a).

Students with disabilities continue to be entitled to all rights enumerated in the Individuals with Disabilities Act and Education Law Article 89. This policy shall not be deemed to authorize suspension of students with disabilities in violation of those authorities.

This policy does not diminish the authority of the Board of Education to offer courses in instruction in the safe use of firearms pursuant to Education Law Section 809-a. Gun-free Schools Act as reauthorized by the No Child Left Behind Act of 2001 Criminal Procedure Law Section 1.20(42) Education Law Sections 809-a and 3214.

NOTE: Refer also to Policies #3411 – Prohibition of Weapons on School Grounds

#7313 – Suspension of Students

#3410 – Code of Conduct

Pittsford Central School District Adopted: 7/12/04, 5/23/16

**7410 - EXTRACURRICULAR ACTIVITIES**

The Board considers extracurricular activities to be a valuable part of the program of the school and shall support these activities within the financial means of the District. Extra-curricular activities shall provide District students with opportunities for broadening and strengthening their educational experiences. School sponsored extra-curricular activities shall be available to students who attend District schools or who attend an alternate school or program based upon a decision of the District Committee on Special Education. The Board and the staff shall be kept informed of the current regulations governing the formation, operational and financial procedures, supervision, and eligibility requirements of all extra-curricular activities.

At the conclusion of an extracurricular activity or at the end of the school year, there shall be an evaluation to ensure that the activity has provided the highest quality opportunity possible.

**Limited Open Forum**

The Board maintains a limited open forum where secondary students may meet for voluntary student-initiated activities unrelated directly to the instructional program, regardless of religious, political or philosophical content.

To provide "a fair opportunity" to students who wish to conduct a meeting, the Board, in accordance with the provisions of the Equal Access Act, shall ensure that:

- a) The meeting is voluntary and student-initiated;
- b) There is no sponsorship of the meeting by the school, the government, or its agents or employees;
- c) Employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity;
- d) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
- e) Nonschool persons may not direct, conduct, control, or regularly attend activities of student groups (20 USC Section 4071[c]).

The Board prohibits student organizations whose activities may be unlawful or may cause disruption or interference with the orderly conduct of the educational process.

Administration is responsible for establishing regulations governing the use of school facilities by student organizations.

(Continued)

**7410 - EXTRACURRICULAR ACTIVITIES (Cont'd.)****Eligibility for Attendance**

- a) Students who are suspended from school on a day of an athletic game or practice session, party, school dance, or other school affair scheduled after regular school hours are not eligible for participation or attendance at such events.
- b) In order for students to attend a school-sponsored function, it is necessary that students attend classes for at least one half (1/2) of the school day on the day of the activity, unless otherwise excused by the building administrator. One-half (1/2) day at the secondary level is defined as follows: periods one through four and periods five through nine.

8 New York Code of Rules and Regulations  
(NYCRR) Sections 172.1 and .2  
Education Law Sections 1709 and -a, 2503-a, and  
2554-a  
Equal Access Act,  
20 United States Code (USC) Sections 4071-4074

## Students

**7411 - CENSORSHIP OF SCHOOL SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES**

The District may exercise editorial control over the style and content of student speech in school sponsored publications and activities that are part of the educational curriculum.

**Speech**

The first amendment to the Constitution guarantees the right of freedom of speech to all Americans, including students.

It is the responsibility of students to realize that this does not give them the right to interfere with the orderly conduct of classes, coerce others, or to violate the rights of those who disagree with a given point of view. Student speech may be subject to disciplinary action by school officials if such speech is slanderous, clearly and immediately causes others to damage property or physically harm others, or materially and substantially interferes with the normal operation of the school.

**Access to Communication Resources**

It is the right of students to have access to the school public address system, bulletin boards, and duplicating equipment for school purposes.

It is the responsibility of students to uphold administrative regulations as to the manner, time, and place for using school communications facilities. Reasonable time and expense limitations must be established by the building principal. All material offered for communication must be approved by the Principal or his/her designated representative.

**Student Publications**

It is the right of students, with the guidance of appropriate faculty advisors, to express their ideas and opinions concerning the school community and the world in which we live through school publications.

It is the responsibility of students to ensure that such publications follow good journalistic practice, especially factual reporting and high standards of literacy. Further, such publications must be free from libel (untrue statements about an individual which harms his/her reputation) or obscenity, and they shall not advocate illegal principles or actions. Students must recognize that the Principal and faculty sponsors may be held responsible for such publications and, thus, will exercise reasonable supervision in such matters.

**7420 - SPORTS AND THE ATHLETIC PROGRAM****General Principles and Eligibility**

Athletics are an integral part of a well-balanced educational program. The District's interscholastic athletic program will conform to the Commissioner's regulations, as well as the established rules of the New York State Public High School Athletic Association and the State Education Department.

Athletic eligibility requires that the student:

- a) Provide written parental/guardian consent. The consent form must contain information regarding any mild traumatic brain injuries (concussions) as specified in the Commissioner's regulations.
- b) Obtain medical clearance from the school physician/nurse practitioner or the student's personal physician. The school physician/nurse practitioner retains final approval on any physicals performed by a student's personal physician.
- c) Meet the requirements for interscholastic competition as set forth by the Commissioner's regulations and the New York State Public High School Athletic Association.
- d) Comply with all District rules, codes, and standards applicable to athletic participation.

**Title IX Compliance**

The Board supports similar athletic opportunities for students through interscholastic and intramural activities. To ensure similar athletic opportunities for its students, the District will consider:

- a) Its accommodation of athletic interests and abilities (the nature and extent of sports offered, including levels of competition, team competition, and team performance);
- b) Equipment and supplies;
- c) Scheduling of games and practice time;
- d) Travel costs and opportunities for travel;
- e) Assignment and compensation of coaches;
- f) Locker rooms, practice, and competitive facilities;
- g) Available medical and training facilities and services; and

**7420 - SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)**

- h) The nature and extent of support, publicity, and promotion, including cheerleading, bands, and programs distributed at games, and booster club activities.

The District may consider other pertinent factors as well. Each of the factors will be assessed by comparing availability, quality, type of benefits, kind of opportunities, and form of treatment. Identical benefits, opportunities, or treatment are not required.

The District's Civil Rights Compliance Officer will coordinate the District's efforts to comply with and carry out its responsibilities under Title IX. This person will be appropriately trained and possess comprehensive knowledge about applicable federal and state laws, regulations, and policies. To the extent possible, the District will not designate an employee whose other job duties may create a conflict of interest, such as the athletic director.

**Booster Clubs**

The District has a responsibility under Title IX to ensure that boys' and girls' programs are provided with equivalent benefits, treatment, services, and opportunities regardless of their source. When determining equivalency, therefore, benefits, services, and opportunities attained through private funds-including donations, fundraising, and booster clubs-must be considered in combination with all benefits, services, and opportunities.

**Athletic Placement Process for Interschool Athletic Programs (APP)**

The APP is a method for evaluating students who want to participate in sports at higher or lower levels, consistent with their physical and emotional maturity, size, fitness level, and skills. The Board approves the use of the APP for all secondary school interscholastic team members. The Superintendent will direct the athletic director to implement procedures for the APP and to maintain records of students who have successfully completed the APP.

**Student Athletic Injuries**

No injured student will be allowed to practice or play in an athletic contest. An appropriate medical professional with expertise in the care of student athletic injuries should diagnose and treat an athlete's injuries. The coach should ensure that any player injured while under his or her care receives prompt and appropriate medical attention, and that all of the medical professional's treatment instructions are followed. The injured student has an obligation to promptly inform his or her coach of all injuries. No student will be allowed to practice or compete if there is a question whether he/she is in adequate physical condition. A physician's certification may be required before an athlete is permitted to return to practice or competition.

**SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)****Athletic Program-Safety**

The District will take reasonable steps to minimize physical risks posed to students participating in the interscholastic athletic program by:

- a) Requiring timely medical examinations of participants;
- b) Employing certified or licensed staff to coach all varsity, junior varsity, and modified practices and games;
- c) Providing or requiring certified or licensed officials to officiate all competitions;
- d) Ensuring that its players' equipment is safe and operates within the applicable manufacturers' guidelines;
- e) Ensuring that all home fields, courts, pools, tracks, and other areas where athletes practice, warm-up, or compete are safe and appropriate for use; and
- f) Providing professional development and training opportunities for all coaching staff.

Title IX of the Education Amendments of 1972, 20 USC Section 1681 et seq.  
45 CFR Part 86  
8 NYCRR Sections 135 and 136

#7551 – Anti-Harassment/Anti-Discrimination in the District (Students)  
#7522 -- Concussion Management



**7430 - CONTESTS FOR STUDENTS, STUDENT AWARDS AND SCHOLARSHIPS****Contests for Students**

The District shall allow student participation in appropriately screened competitions and contests which have purposes consistent with those of the school. They must be within the students' capabilities and be run by a reputable, responsible organization as determined by the Superintendent or designee.

Contests and competitions which are strictly private or commercial in nature shall be discouraged.

Distribution of educational material, essay contests, and poster contests must be approved in advance by the Building Principals if the sponsoring organization wishes to involve students in the project on school time. Samples of informational material should accompany the request. Upon the judgment of the Principal, the request may be forwarded to the Superintendent for approval.

**Student Awards and Scholarships**

The District may obtain and award to its students awards and scholarships. The Board, having been entrusted by law, will hold in trust gifts, grants, bequests and legacies given or bequeathed to the Pittsford Central School District and shall apply the same and/or their interest and proceeds according to the instruction of the donors and according to the procedures established by the administration.

Awards and/or scholarships that are to be continued annually and are awards or scholarships of fifty dollars (\$50) or more, may, at the request of the donating person or organization, be deposited in the School's Trust and Agency Fund. Prior to the establishment of such an account, it will be necessary for the donating person or organization to define the criteria for the selection of the recipient.

Education Law Sections 1604(30) and 1709(12-a)

## Students

**7440 - MUSICAL INSTRUMENTS**

- a) All instrumental music students shall be expected to own or rent their instrument - particularly the common and less expensive instruments (flute, clarinet, trumpet, saxophone, etc.).
- b) Students will not be required to own or rent the less common and more expensive instruments. Instruments in this category are as follows: oboe, bassoon, tuba, French horn, trombone, baritone horn, tenor and baritone saxophones, bass trombone, cello, bass, and percussion instruments. School-owned instruments in this classification will be disbursed upon decisions by the instrumental music staff. Decisions will be dependent upon the individual student's talent and merit and the need for a balanced instrumentation at each grade level.
- c) Students and parents/guardians will assume responsibility for proper care of school-owned instruments and will pay for damages to same.
- d) The District will only transport in its vehicles those instruments meeting certain safety standards as indicated in the New York State Department of Transportation Regulations.

17 New York Code of Rules and Regulations  
(NYCRR) Section 720.22

## Students

**7450 - FUND RAISING BY STUDENTS**

The Board provides funding for program and most program-related educational activities in the annual budget. Under certain circumstances, individual buildings, student organizations, classes, groups and/or individuals may solicit funds directly or conduct fund raising activities to supplement budgeted funds or replace budgeted funds not included in the budget.

Fund raising for other approved purposes will be reviewed and authorized annually by the Superintendent or designee in accordance with established procedures.

Fund raising projects in which students sell merchandise, provide services, or in other ways solicit money for school activities may be sponsored by school organizations with the express approval of the Superintendent. Any such plan shall have a clearly defined purpose and, in general, shall contribute to the educational experience of students and shall not conflict with instructional programs or state mandates. Fund raising activities away from school property shall be held to a minimum.

Door to door sales projects undertaken by any organization using the Pittsford Central School District name will be limited to students in grades 9-12 and shall require previous approval of the Superintendent. Profits shall be used to enhance school programs by providing money for expenditures not normally funded by the District.

All participation shall be voluntary.

8 New York Code of Rules and Regulations  
(NYCRR) Section 19.6  
New York State Constitution, Article VIII, Section 1  
Education Law Section 414

NOTE: Refer also to Policy #3271 -- Solicitation of Charitable Donations From School Children

## Students

**7460 - CONSTITUTIONALLY PROTECTED PRAYER IN THE PUBLIC SCHOOLS**

In accordance with the most recent Guidance Document issued by the U.S. Department of Education implementing the requirements of the No Child Left Behind Act of 2001, the Board affirms the responsibilities of the District, consistent with applicable statutory/case law pertaining to the First Amendment of the United States Constitution, to allow students and staff to engage in constitutionally protected prayer within the District schools.

Accordingly, no Board policy shall prevent, or otherwise deny participation in, constitutionally protected prayer in District schools, consistent with the Guidance Document and applicable law as enumerated above.

The Board rescinds any other policy that may be inconsistent with the mandates of this policy, which shall supersede any and all Board policies to the contrary.

Elementary and Secondary Education Act of 1965,  
Section 9524, as amended by the No Child Left Behind  
Act of 2001  
United States Constitution, First Amendment  
Equal Access Act,  
20 United States Code (USC) Sections 4071-4074

NOTE: Refer also to Policy #8360 -- Religious Expression in the Instructional Program

Pittsford Central School District Adopted: 11/14/77, 6/28/82, 6/22/87, 2/20/89, 4/8/96, 6/25/01,  
10/14/03, 4/25/05

**7510 - DISTRICT WELLNESS POLICY**

The District is committed to providing a school environment that promotes and protects students' health, well-being, and ability to learn, by fostering healthy eating, physical and emotional well-being, health education, physical activity before, during, and after the school day and a positive school climate. This wellness policy outlines the District's approach to ensuring environments and opportunities for all students to practice healthy behaviors while minimizing commercial distractions. This wellness policy applies to all students, staff, and schools in the District.

The District is committed to greater alignment, integration, and collaboration between education and health to improve each child's cognitive, physical, social, and emotional development

The District seeks to ensure all of its students obtain the knowledge and skills necessary to make nutritious food selections, enjoy life-long physical activity, and engage in behaviors that promote social-emotional health.

**Definitions**

For the purpose of this wellness policy, school property is defined as in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of the District's elementary or secondary schools, or on a school bus; and a school function shall mean a school-sponsored event, activity, or athletic contest, whether on school property or not.

**District Health and Wellness Committee**

The District has established a Health and Wellness Committee that meets at least four times per year to oversee and establish goals for school health and wellness policies and programs, including the development, implementation, and periodic review and update of this district-level wellness policy. The District Health and Wellness Committee will evaluate and make recommendations that reflect the specific needs of the District, its students, and staff.

The District will actively seek members for the District Health and Wellness Committee through the use of email, newsletters, the District's website, the PTSA, the District's social media page(s), and/or advertisements as needed.

The District Health and Wellness Committee membership will represent all school levels, and include (to the extent possible), but not be limited to, representatives from the following groups:

- a) Director of Student Services, or Designee
- b) Parents/Guardians and/or Caregivers
- c) Students

(Continued)

## Students

**7510 - DISTRICT WELLNESS POLICY (Cont'd.)**

- d) Community Services Coordinator
- e) Director of Food Services
- f) Prevention Coordinator
- g) Representatives from health, family & consumer sciences, physical education, school nurses, counselors, psychologists, building administrators, such that every school building is represented.

The District Health and Wellness Committee will work to align and integrate health principles and activities to promote the development of cognitive, physical, social and emotional development.

**District Health and Wellness Leadership**

The Superintendent has appointed the Director of Student Services, [student\\_services@pittsford.monroe.edu](mailto:student_services@pittsford.monroe.edu) to be responsible for the implementation, oversight, and evaluation of this district-level wellness policy. Information about the District Health and Wellness Committee and the contact information will be posted on the District's website.

The District Health and Wellness Official will convene the District Health and Wellness Committee, facilitate the development of and updates to this wellness policy, and serve as liaison(s) with community agencies. The District Health and Wellness official will also work to ensure each school's compliance with this wellness policy.

**Wellness Policy Implementation, Monitoring, Accountability, and Community Engagement**

The District will develop and maintain an implementation plan to manage and coordinate the execution of this wellness policy. The plan delineates roles, responsibilities, actions, and timelines specific to each school and/or the District. It also includes specific goals and objectives for nutrition standards for all foods and beverages available on the school property, food and beverage marketing, nutrition promotion and education, physical activity, physical education, and other school-based activities that promote student physical and emotional wellness. In developing these goals, the District will review and consider evidence-based strategies and techniques.

**Annual Notification of Policy**

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

(Continued)

**7510 - DISTRICT WELLNESS POLICY (Cont'd.)****Triennial Assessments**

At least once every three years, the District will assess its compliance with this wellness policy. The triennial assessment will measure the implementation of this wellness policy, and include an assessment of:

- a) The extent to which schools in the District are in compliance with this wellness policy;
- b) The extent to which this wellness policy compares to model local school wellness policies; and
- c) A description of the progress made in attaining the goals of this wellness policy.

The following District official(s) is/are responsible for managing the District's triennial assessment:

Director of Student Services

The contact information for this individual is [student\\_services@pittsford.monroe.edu](mailto:student_services@pittsford.monroe.edu)

The District will communicate to the public of the availability of the triennial assessment results.

**Revisions and Updating the Policy**

This wellness policy will be assessed and updated, at a minimum, every three years based on the results of the triennial assessment. This wellness policy may also be updated as District priorities change, community needs change, wellness goals are met, new health science, information and technology emerge, and/or new Federal or State guidance or standards are issued.

Evaluation and feedback from interested parties are welcomed as an essential part of revising and updating this wellness policy.

**Recordkeeping**

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

- a) The written wellness policy;
- b) Documentation demonstrating that this wellness policy has been made available to the public;

(Continued)

## Students

**7510 - DISTRICT WELLNESS POLICY (Cont'd.)**

- c) Documentation of efforts to review and update this wellness policy, including an indication of who is involved in the update and methods the District uses to make stakeholders aware of their ability to participate on the District Health and Wellness Committee;
- d) Documentation demonstrating compliance with the annual public notification requirements;
- e) The most recent triennial assessment on the implementation of this wellness policy; and
- f) Documentation demonstrating that the most recent triennial assessment results have been made available to the public.

Community Involvement, Outreach, and Communications

The District is committed to being responsive to community input, which begins with awareness of this wellness policy. The wellness policy will be posted on the District Website.-The District will periodically inform parents/guardians and/or caregivers and community of the status of the goals of the Health and Wellness Committee, in culturally and linguistically appropriate ways. The District will make this information available via the district website and/or district-wide communications. The District will use these same means to inform parents/guardians and/or caregivers and the public on how to become involved with and support this wellness policy, as well as about the results of the triennial assessment.

**Nutrition**

The Pittsford Central School District made the decision at the end of the 2013 school year to leave the National School Lunch Program. The District runs its own Pittsford School Lunch Program that attempts to meet or exceed federal nutrition standards. <https://www.fns.usda.gov/school-meals/nutrition-standards-school-meals> The District strives to provide students well-balanced, nutritionally sound food options.

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

School Meals

The District is committed to promoting student health and reducing childhood obesity by:

- a) Serving meals that meet or exceed nutrition requirements established by local, state, and Federal statutes and regulations;
- b) Encouraging all students to have the opportunity for a lunch period;

(Continued)



**7510 - DISTRICT WELLNESS POLICY (Cont'd.)**

- c) Providing all students with adequate time to consume meals;
- d) Promoting healthy food and beverage choices;
- e) Preparing meals that are appealing and attractive to students;
- f) Serving meals in clean and pleasant settings;
- g) Whenever possible, having lunch follow the recess period to better support learning and healthy eating; and

The District's school lunch program aims to improve the diet and health of school children, help mitigate childhood obesity, model healthy eating to support the development of lifelong healthy eating patterns and support healthy choices while accommodating cultural food preferences and special dietary needs. Additionally, the District and the District's school lunch program will operate nutrition related activities which promote positive diet and health practices.

The District will ensure that eligible children have access to free and/or reduced-price meals and will make every effort to prevent social stigma attached to unpaid meal debt.

District food service staff will engage with students in grades 4 through 12 periodically to solicit feedback on the school breakfast and/or school lunch program(s).

**Staff Qualifications and Professional Development**

All school nutrition program directors, managers, and staff will meet or exceed hiring and annual continuing education and training requirements as specified in the USDA Professional Standards for School Nutrition Professionals ([www.fns.usda.gov/cn/professional-standards](http://www.fns.usda.gov/cn/professional-standards)).

**Water**

To promote hydration, free, safe, unflavored drinking water will be available to all students and staff throughout the school day. Students and staff may choose to carry a water bottle throughout the school day. The District will make drinking water available where school meals are served during meal times.

(Continued)

## Students

**7510 - DISTRICT WELLNESS POLICY (Cont'd.)**Competitive Foods and Beverages

*Competitive foods should attempt to meet, the USDA Smart Snacks in School nutrition standards ([www.fns.usda.gov/cn/smart-snacks-school](http://www.fns.usda.gov/cn/smart-snacks-school)). Competitive foods include food and beverages available for sale to students on the school property other than meals provided through the District lunch program. In response to student allergies and other health concerns, food/snacks may not be shared in the classroom, in the cafeteria or at other school events unless it is a pre-approved building celebration. Ingredient lists must be provided to the teacher/event coordinator.*

The foods and beverages provided, but not sold, to students on the school property during the school day (e.g. classroom parties, classroom snacks brought by parents, or other foods given as incentives) will meet the requirements set forth in the accompanying regulations. Parents/guardians and/or caregivers, as well as teachers are encouraged to provide classroom snacks and beverages that meet the Smart Snacks nutrition standards.

Foods and Beverages Provided, But Not Sold, to Students During the School Day

The District is committed to ensuring that foods and beverages available to students on the school campus during the school day support healthy eating. The foods and beverages provided, but not sold, to students on the school campus during the school day (e.g. classroom parties, classroom snacks brought by parents, and other food given as incentives) will meet or exceed the USDA Smart Snacks in School nutrition standards to the greatest extent possible.

Fundraising

School-sponsored fundraisers will be encouraged to support the goals of this wellness policy by promoting the sale of healthy food items (fresh fruit and produce) and/or non-food items, such as water bottles, plants, etc., and by promoting events involving physical activity. Fundraising will meet the USDA Smart Snacks in School standards to the greatest extent possible.

Foods and Beverages Available for Sale at Events Outside of the School Day

The District is committed to ensuring that foods and beverages available to students support healthy eating. The foods and beverages that are available for sale at school sponsored events outside of the school day will support the goals of this wellness policy and meet the USDA Smart Snacks in Schools standards to the greatest extent possible.

Food and Beverages Marketing in Schools

All foods and beverages marketed or promoted to students on the school campus during the school day will meet, at a minimum, the USDA Smart Snacks in School nutrition standards. Food marketing commonly includes oral, written, or graphic statements made for the purpose of promoting the sale of a food or beverage product.

(Continued)

## Students

**7510 - DISTRICT WELLNESS POLICY (Cont'd.)**Nutrition Promotion and Education

Nutrition promotion and education positively influences lifelong eating behaviors. Promotion activities will involve students, staff and the community. The District and parents/guardians and/or caregivers will be encouraged to model and encourage healthy eating, drinking and physical activities.

The District, with the assistance of the Health and Wellness Committee as appropriate, will:

- a) Promote healthy food and beverage choices for students through lunchroom techniques which guide students toward healthful choices.
- b) Promote nutrition education activities that involve parents/guardians and/or caregivers, students, and the community;
- c) Promote school and community awareness of this wellness policy through various means;
- d) Encourage and promote wellness through social media, newsletters, and other means;
- e) Ensure that the marketing and advertising of foods and beverages on school property during the school day is consistent with nutrition education and health promotion;
- f) Integrate nutrition education within the comprehensive health education curriculum and other instructional areas, as appropriate, and taught at grades k-5, 6-8 and 10. Nutrition education follows applicable New York State Standards and is designed to help students acquire:
  - 1. Nutrition knowledge, including, but not limited to: the benefits of healthy eating; essential nutrients; nutritional deficiencies; principles of healthy weight management; the use and misuse of dietary supplements; and safe food storage, handling, and preparation;
  - 2. Nutrition-related skills, including, but not limited to: planning healthy meals; understanding and using food labels; critically evaluating nutrition information, misinformation, and commercial food advertising; assessing personal eating habits; and setting and achieving goals related to these concepts;
- g) Providing parents/guardians and/or caregivers and teachers with a list of healthy party ideas, including non-food celebration ideas;
- h) Providing parents/guardians and/or caregivers with a list of classroom snacks and beverages that meet USDA Smart Snacks in School nutrition standards;

(Continued)

## Students

**7510 - DISTRICT WELLNESS POLICY (Cont'd.)**

- i) Discouraging staff from using food as a reward or withholding food as punishment under any circumstance – teachers and other appropriate school staff will be provided with a list of alternative ways to reward students; and
- j) Encouraging District staff and parents/guardians and/or caregivers to model healthy eating, drinking, and physical activity behaviors for students.

**Physical Activity and Education**Physical Activity

Since physical activity affects students' emotional and physical well-being, as well as their cognitive development, the District is committed to ensuring that all students, including students with disabilities requiring adaptations or modifications, are provided the opportunity to participate in physical activity before, during, and after school. These physical activity opportunities will be in addition to, not in lieu of, physical education.

Recess, physical education, or other physical activity time should not be cancelled for instructional make-up time, nor withheld for disciplinary action unless the student is a danger to themselves or others. This does not include participation on sport teams that may have specific academic requirements. Classroom teachers will be provided with a list of ideas for alternative ways to discipline students.

The District is committed to encouraging physical activity through the following:

- a) Classroom Physical Activity Breaks (Elementary and Secondary)

All classroom teachers, and particularly those engaged in the instruction of K through 5 students, are encouraged to incorporate into the school day short breaks for students that include physical activity, especially after long periods of inactivity.

- b) Recess (Elementary)

All elementary students will be offered one daily period of recess for a minimum of 20 minutes. This requirement may not apply on days where students arrive late, leave early, or are otherwise at school for less than a full day. Outdoor recess will be offered when weather permits. In the event that indoor recess is necessary, attempts will be made to offer recess in a place that accommodates physical activity.

- c) Active Academics

Teachers are encouraged to incorporate kinesthetic learning approaches into core learning subjects when possible to limit sedentary behavior during the school day.

(Continued)

## Students

**7510 - DISTRICT WELLNESS POLICY (Cont'd.)**

## d) Before and After School Activities

The District offers opportunities for all students to participate in activities before and/or after the school day through various methods.

## e) Active Transport

The District has established policy and regulations related to transportation for school age students. The District supports a parent/guardian and/or caregiver's choice to allow their children to walk/bike to/from school (active transport). Procedures are established at each school building.

Physical Education

The District will have a Board-approved Physical Education Plan on file with the New York State Education Department that meets or exceeds the requirements set forth in the Commissioner's regulations. All students will be required to fulfill the physical education requirements set forth in the Commissioner's regulations as a condition of graduating from the District's schools.

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

- a) All physical education classes are taught or supervised by a certified physical education teacher;
- b) All physical education staff receive professional development relevant to physical education on a yearly basis;
- c) Interscholastic sports, intramural sports, and recess do not serve as substitutes for a quality physical education program;
- d) Students are afforded the opportunity to participate in moderate to vigorous activity for at least 50% of physical education class time;
- e) It provides adequate space and equipment for physical education and conforms to all applicable safety standards;
- f) An age-appropriate, sequential physical education curriculum consistent with national and state standards for physical education is implemented, with a focus on students' development of motor skills, movement forms, and health-related fitness;

(Continued)

## Students

**7510 - DISTRICT WELLNESS POLICY (Cont'd.)**

- g) A physical and social environment is provided that encourages safe and enjoyable activity for students which support the development of knowledge and skills for physical activity, short and long term benefits of a physically active and healthy lifestyle, including behavioral choices related to nutrition, general health, sleep, and sedentary activities such as screen time, etc.
- h) Activities or equipment are adapted or modified to meet the needs of students who are temporarily or permanently unable to participate in the regular program of physical education. In doing so, the District will abide by specific provisions in 504 Plans and/or individualized education programs (IEP). To that end, the Committee on Special Education (CSE) will ensure that a certified physical education teacher participates in the development of a student's IEP, if the student may be eligible for adapted physical education.

**Other School-Based Activities that Promote Student Wellness**

The District is committed to establishing a school environment that is conducive to healthy eating physical activity and well-being for all. The District recognizes the importance of integrating social emotional learning and mental health instruction into its comprehensive wellness policy and programs. The District will incorporate the NYSED Mental Health Literacy requirements; the NYSED Social Emotional Learning benchmarks are incorporated into efforts related to wellness, nutrition and physical activity.

Community Partnerships

The District will develop, enhance, and continue relationships with community partners in support of the implementation of this wellness policy. Existing and new community partnerships will be evaluated to ensure they are consistent with this wellness policy and its goals. The District will provide community partners with a copy of this wellness policy so that they are aware of the District's requirements and goals.

Community Access to District Facilities for Physical Activities

The District has identified policy and procedures related to use of facilities and has provisions regarding conduct on school grounds and administrative approval of use by outside organizations.

(Continued)

**7510 - DISTRICT WELLNESS POLICY (Cont'd.)**Professional Learning

The District will offer professional learning opportunities and resources for staff to increase knowledge and skills about promoting healthy behaviors in the classroom and school. Professional learning will help District staff understand the connections between academics and health and the ways in which health and physical and emotional wellness are integrated into curriculum, instruction and activities/events sponsored by the District.

42 USC. §§ 1758, 1758b

7 CFR. §§ 210.10, 210.11, 210.18, 210.31, and 220.8

USDA, SP 24-2017, Local School Wellness Policy: Guidance and Q&As (Apr. 6, 2017)

81 Fed. Reg. 50,151 (July 29, 2016) (codified at 7 C.F.R. pts. 210 & 220)

Education Law § 915

8 NYCRR § 135.4

Memorandum from N.Y. St. Educ. Department on Smart Snacks Standards and Fundraisers (Sept. 16, 2014)

Add: Use of facilities policy

NOTE: Refer also to Policy # 5660 – School Food Service Program

## Students

**7511 - IMMUNIZATION OF STUDENTS**

The Board recognizes its responsibility under the Public Health and Education Laws to ensure that the children attending District schools have received all immunizations required by the State of New York. Therefore, all students must have an acceptable and up-to-date immunization certification(s) on file with the District.

Students may only be exempted from the required immunizations with District approval in the following circumstances.

- a) A physician licensed by New York State certifies in writing that such immunization(s) will be detrimental to the child's health under present circumstances or is unnecessary because the child has demonstrated serological evidence of immunity; or
- b) The child's parent/guardian(s) hold genuine and sincere religious beliefs that are contrary to the child's receipt of the required immunization(s).

A student denied entrance or attendance due to failure of meeting health immunization standards may appeal to the Commissioner of Education.

Education Law Section 914  
Public Health Law Section 2164  
10 New York Code of Rules and  
Regulations (NYCRR) Subpart 66-1

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth



**7512 - STUDENT PHYSICALS****Health Examination**

Each student enrolled in District schools must have a satisfactory health examination conducted by the student's physician, physician assistant or nurse practitioner not more than twelve months prior to the commencement of the school year:

- a) upon initial entry in the District at any grade level
- b) upon entry to Kindergarten, grades 2, 4, 7 and 10

The District may also require an examination and health history of a student when it is determined by the District that it would promote the educational interests of the student.

In addition, the District requires an up to date certificate of physical fitness for:

- a) All student athletes to participate in an interscholastic sport;
- b) All students who need work permits;

Injured or ill student athletes may require further documentation of physical fitness.

**Health Certificate**

Each student must submit a health certificate attesting to the health examination within thirty (30) days after his or her entrance into school and within thirty (30) days after his or her entry into the 2<sup>nd</sup>, 4<sup>th</sup>, 7<sup>th</sup> and 10<sup>th</sup> grades. The health certificate shall be filed in the student's cumulative health record. The health certificate must:

- a) Describe the condition of the student when the examination was given;
- b) State the results of any test conducted on the student for sickle cell anemia;
- c) State whether the student is in a fit condition of health to permit his/her attendance at public school and, where applicable, whether the student has defective sight or hearing, or any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of such work to prevent injury to the student;
- d) Be signed by a duly licensed physician, physician assistant, or nurse practitioner, who is authorized by law to practice in New York State consistent with any applicable written practice agreement; or authorized to practice in the jurisdiction in which the examination was given, provided that the Commissioner of Health has determined that such jurisdiction has standards of licensure and practice comparable to those of New York.

(Continued)

**7512 - STUDENT PHYSICALS (Cont'd.)****Examination by Health Appraisal**

The Principal or the Principal's designee will send a notice to the parents of, or person in parental relationship to, any student who does not present a health certificate, that if the required health certificate is not furnished within thirty (30) days from the date of such notice, an examination by health appraisal will be made of such student by the school physician.

The school physician shall separately and carefully examine and test to ascertain whether any such student has defective sight or hearing; or any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of such work to prevent injury to the student.

The physician, physician assistant or nurse practitioner administering such examination shall determine whether a one-time test for sickle cell anemia is necessary or desirable and, if so determined, shall conduct such test and include the results in the health certificate.

Unless otherwise prohibited by law, if it is ascertained that any students have defective sight or hearing, or a physical disability or other condition, including a sickle cell anemia, which may require professional attention with regard to health, the Principal or Principal's designee shall notify, in writing, the student's parents or persons in parental relation as to the existence of such disability or condition. If the parents or persons in parental relation are unable or unwilling to provide the necessary relief and treatment for such students, such fact shall be reported by the Principal or Principal's designee to the School Physician, who then has the duty to provide relief for such students.

**Health Screenings**

The District will provide:

- a) Scoliosis screening at least once each school year for all students in grades 5 through 9. The positive results of any such screening examinations for the presence of scoliosis shall be provided in writing to the student's parent or person in parental relation within ninety (90) days after such finding;
- b) Vision screening to all students who enroll in school including at a minimum color perception, distance acuity, near vision and hyperopia within six (6) months of admission to the school. In addition, all students shall be screened for distance acuity in grades Kindergarten, 1, 2, 3, 5, 7 and 10 and at any other time deemed necessary. The results of all such vision screening examinations shall be provided in writing to the student's parent or person in parental relation and to any teacher of the student. The vision report will be kept in a permanent file of the school for at least as long as the minimum retention period for such records;

(Continued)

**7512 - STUDENT PHYSICALS (Cont'd.)**

- c) Hearing screening to all students within six months of admission to the school and in grades Kindergarten, 1, 3, 5, 7 and 10, as well as at any other time deemed necessary. Screening shall include, but not be limited to pure tone and threshold air conduction screening. The results of any such hearing tests shall be provided in writing to the student's parent or person in parental relation and, as necessary, to any teacher of the student.

The results of all health screenings (hearing, vision and scoliosis) shall be recorded on appropriate forms signed by the health professional making the examinations, include appropriate recommendations, and be kept on file in the school. The health records of individual students will be kept confidential in accordance with the federal Family Educational Rights and Privacy Act (FERPA) and any other applicable federal and State Laws.

**Accommodation for Religious Beliefs**

No health examinations, health history, examinations for health appraisal, screening examinations for sickle cell anemia and/or other health screenings shall be required where a student or the parent or person in parental relation to such students objects thereto on the grounds that such examinations, health history and/or screenings conflict with their genuine and sincere religious beliefs. A written and signed statement from the student or the student's parent or person in parental relation that such person holds such beliefs shall be submitted to the Principal or Principals' designee, in which case the Principal or Principal's designee may require supporting documents.

Family Educational Rights and Privacy Act of 1974  
(FERPA)  
20 United States Code (USC) Section 1232(g)  
34 Code of Federal Regulations (CFR) Part 99  
Education Law Sections 901-905, 912 and 3217  
8 New York Code of Rules and Regulations (NYCRR)  
Part 136

NOTE: Refer also to Policy #7121 – Screening of New School Entrants  
# 7131 – Education of Homeless Children

## Students

**7513 - ADMINISTRATION OF MEDICATION**

The Board of Education recognizes its responsibility under Public Health and Education Law with regard to the administration of medication to students during school hours and while participating in a school-sponsored activity off school grounds or after school hours. Procedures and guidelines are outlined in the District health manual and written in accordance with State Education guidelines.

**Emergency Medication**

The administration of epinephrine by epi-pen to a student with a known severe allergy needing an anaphylactic treatment agent may be performed by any school staff member responding to the emergency. Such a response would fall under the Good Samaritan exemption for rendering emergency care during a life threatening situation. The administration of epinephrine by epi-pen to a student or staff member without a previous diagnosed severe allergy who is exhibiting symptoms consistent with those of an anaphylactic reaction may be performed by a school nurse in an emergency situation.

**Use Of Inhalers In Schools**

The District permits students who have been diagnosed by a physician or other duly authorized health care provider as having an asthmatic condition, to carry and use a prescribed inhaler during the school day. Prior to permitting such use, the school health office must receive the written permission of the prescribing physician or other duly authorized health care provider, and parental consent based on such physician's or providers determination that the student is subject to sudden asthmatic attacks severe enough to debilitate that student.

A record of such physician or health care provider/parental permission shall be maintained in the school health office.

Education Law Sections 916, 6527(4)(a) and  
6908(1)(a)(iv)  
Public Health Law Section 3000-a

2005

7514

Students

### **7514 - HEALTH RECORDS**

The school shall keep a convenient, accurate, and up-to-date health record of every student. Insofar as the health records include confidential disclosures or findings, they shall be kept confidential. Individual records may be interpreted by the nurse to administrators, teachers, and counselors, consistent with law.

Procedures for maintenance of student health records are outlined in the District's health manual.

Education Law Section 905  
8 New York Code of Rules and Regulations  
(NYCRR) Part 136

Students

**7515 - PARENT NOTIFICATION/PERMISSION FOR INVOLVEMENT OF A SCHOOL PSYCHOLOGIST**

The District recognizes the importance of parents' awareness of their child's total educational program. Parental written consent shall be secured before a school psychologist begins a direct, regular, and continuing relationship with any student, including any in-depth evaluation.

Parental consent shall not be required before a school psychologist consults with another staff member about a student, observes a student in a classroom setting at the request of a teacher, discusses a student in a preliminary manner without generating documents, or responds to a crisis situation.

In those instances when a student initiates a contact with a school psychologist, parental notification or permission shall not be required. In those cases, a judgment as to whether or not to involve the parent(s) shall be left to the professional discretion of the school psychologist.

## Students

**7516 - PEDICULOSIS (HEAD LICE)**

Few conditions seem to cause as much concern in schools and homes as an infestation of head lice in children. Students in the elementary grades (ages 3 through 10) are the most likely target hosts for these insect pests. Head lice do not respect socio-economic class distinctions and their presence does not indicate a lack of hygiene or personal cleanliness. Recent medical recommendations from both the American Association of Pediatrics (AAP) and the National Association of School Nurses (NASN) do not treat head lice as an illness that necessitates an absence from school and have shown that the contagion does not spread as easily as once thought. Therefore, the Board of Education does not condone the absence of students from school for unnecessary reasons and considers head lice an unnecessary absence that impedes a student's educational progress.

In order to control infestations of head lice (Pediculosis), the Board of Education has adopted the following protocols:

- a) Whenever there is a possibility that a student is infested, trained staff or the school nurse checks the student and will contact the student's parents. If a diagnosis of live lice is confirmed, the student is sent home to be treated with an FDA approved product. This can happen at the end of the school day. An infested student will not return to school unless an FDA approved corrective treatment has been given and the student is free of active lice. Current treatment protocols make this possible in less than twenty-four (24) hours. Parents may be asked to have a physician prescribe medication for treatment.
- b) A student who has been infested will be readmitted to school after successfully completing an examination by the school nurse.
- c) School staff will work with parents to minimize student absence caused by exposure to head lice. An infested student is not sick and is not a danger to other students. Excessive and unnecessary absences affect a student's educational progress.
- d) School staff will protect student privacy and maintain confidentiality of medical information when infestations are detected.
- e) School staff will also work to minimize the social stigma that is unfairly attached to victims of head lice infestations. Head lice are not caused by poverty or unsanitary conditions. Students will not be separated from their peers or singled out as infected. All staff will learn proper precautions to prevent further spread of the infestation.

Regulations will be developed to provide guidelines on the detection and treatment of head lice, as well as classroom procedures for dealing with affected students.

Adoption Date: 11/5/12, 12/12/23

**7520 - ACCIDENTS AND MEDICAL EMERGENCIES**

Procedures shall be established and maintained by the Superintendent for the handling of student injuries and medical emergencies that occur on school property and during school activities.

**Student Emergency Treatment**

All staff members of the District are responsible to obtain first aid care of students who are injured or become ill while under school supervision.

In most instances first aid should be rendered, and then the parent should be contacted to come to school and transport the student to the family physician. Beyond first aid, the medical care of the student is the parent's responsibility. However, the student's welfare is always the primary concern, and it is the responsibility of school personnel to exercise good judgment and care under all circumstances.

The Board encourages all staff members to become qualified to give emergency treatment through instruction in first aid and Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillators (AEDs).

**Transporting an Ill or Injured Student**

In the event of an illness or injury to a student, an ambulance may be called if warranted. This solution will be used after other alternatives, including parent/person in parental relationship contact, have been made.

**Insurance**

The Board shall approve provisions for all students to be covered by group insurance.

Such student accident insurance policies are to be a co-insurance with family coverage(s) as primary.

Education Law Sections 1604(7-a, b) and 1709(8-a, b)

NOTE: Refer also to Policy #5685 -- Automated External Defibrillators

Pittsford Central School District Adopted: 11/7/66, 6/28/82, 2/20/89, 5/9/05



**7521 - STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS**

Students come to school with diverse medical conditions which may impact their learning as well as their health. Some of these conditions are serious and may be life-threatening. As a result, students, parents, school personnel, and health care providers must all work together to provide the necessary information and training to allow children with chronic health problems to participate as fully and safely as possible in the school experience. This policy encompasses an array of serious or chronic illnesses such as diabetes, seizure disorders, asthma and acute medical conditions such as allergies with potential for anaphylaxis reactions and substance overdose. All students within the District with known life-threatening conditions will have a comprehensive plan of care in place: an Emergency Care Plan (ECP) or Individualized Healthcare Plan (IHP) and if appropriate, an Individualized Education Plan (IEP) or Section 504 Plan.

**Life-Threatening Conditions**

For those students with serious or life-threatening illnesses or medical conditions the District must work cooperatively with the parent(s) and the healthcare provider(s) to:

- a) If appropriate, develop an ECP for at risk students to ensure that all appropriate personnel are aware of the student's potential for a life-threatening reaction;
- b) If appropriate, develop an IHP that includes all necessary treatments, medications, training, and educational requirements for the student. If the student is eligible for accommodations based upon the Individuals with Disabilities Act (IDEA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act, the appropriate procedures will be followed by the Committee on Special Education regarding evaluation and identification;
- c) Provide training by licensed medical personnel (e.g., registered professional nurse) for all adults in a supervisory role in the recognition and emergency management of a specific medical condition for specific students;
- d) Obtain specific medical-legal documents duly executed in accordance with New York State law; appropriate health care provider authorization in writing for specific students that includes the frequency and conditions for any testing and/or treatment, symptoms, and treatment of any conditions associated with the health problem; and directions for emergencies;
- e) Secure written parent permission and discuss parental responsibility that includes providing the health care provider's orders, providing any necessary equipment, and participation in the education and co-management of the child as the child works toward self-management;

(Continued)

## Students

**7521 - STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS (Cont'd.)**

- f) Allow supervised students to carry life-saving medication in accordance with relevant laws, regulations, and procedures. The District will also encourage parents and students to provide duplicate life-saving medication to be maintained in the health office in the event the self-carrying student misplaces, loses, or forgets their medication;
- g) Assure appropriate and reasonable building accommodations are in place within a reasonable degree of medical certainty.

In addition, the District will:

- a) Provide training for transportation, instructional, food service, or physical education staff, as appropriate, in the recognition of an anaphylactic reaction;
- b) Have standing emergency medical protocols for nursing or other staff;
- c) Request the school medical director to write a non-patient specific order for anaphylaxis treatment agents for the school's registered professional nurse or other staff, as designated by the administration and allowed under federal and New York State laws and regulations, to administer in the event of an unanticipated anaphylactic episode;
- d) Maintain or ensure the maintenance of a copy of the standing order(s) and protocol(s) that authorizes them to administer emergency medications such as anaphylactic treatment agents;
- e) As permitted by New York State law, maintain stock supplies of life-saving emergency medications such as epinephrine auto-injectors ~~or~~ and Naloxone (Narcan) for use, especially in first time emergencies;
- f) Allow the school registered nurse, nurse practitioner, or physician to train unlicensed school personnel to administer emergency epinephrine via auto-injector, or emergency glucagon, to students with both a written provider order and parent or person in parental relation consent during the school day, on school property, and at any school function. Such training will be done in accordance with specifications outlined in the Commissioner's regulations;
- g) Ensure that building-level and District-wide school safety plans include appropriate accommodations for students with life-threatening health conditions.
- h) Provide information and resources to families who wish to obtain medic-alert bracelets for at risk students;
- i) Educate students, families and staff regarding the importance of immediately reporting symptoms of an allergic reaction.

(Continued)

**7521 - STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS (Cont'd.)****Creating an Allergen-Safe School Environment**

The risk of accidental exposure or cross-contamination is always present in school, particularly for students with food allergies. The school setting is an environment with risk for accidental ingestion of a food allergen due to the presence of a large number of students, ubiquitous exposure to food allergens, and cross-contamination of tables, desks, and other surfaces.

In an effort to prevent accidental exposure to allergens, the District will monitor the following higher-risk areas and activities:

- a) Cafeteria;
- b) Food sharing;
- c) Hidden ingredients in art, science, and other projects;
- d) Transportation;
- e) Fund raisers and bake sales;
- f) Parties and holiday celebrations;
- g) Field trips;
- h) Before and after school programs.

**Medication Self-Management**

The District will work toward assisting students in the self-management of their chronic health condition based upon the student's developmental age, knowledge level and skill by:

- a) Collaborating with parents/guardians;
- b) Adequately training all staff involved in the care of the child, as appropriate;
- b) Assuring the availability of the necessary equipment and/or medications;
- c) Providing appropriately trained licensed persons as required by law;
- d) Developing an emergency plan, IHP, IEP or 504 plan as appropriate for the student; and
- e) Providing ongoing staff and student education.

Americans with Disabilities Act, 42 USC § 12101 et seq.  
Individuals with Disabilities Education Act (IDEA), 20 USC §§ 1400-1485  
Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.  
34 CFR Part 300  
Education Law §§ 6527 and 6908  
8 NYCRR §§ 136.6, 136.7  
Public Health Law §§ 2500-h, 3000-a, and 3000-c

NOTE: Refer also to Policy #7513 -- Administration of Medication  
Adoption Date—9/28/18

**7522 - CONCUSSION MANAGEMENT**

The Board of Education recognizes that concussions and head injuries are the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. The physical and mental well-being of our students is a primary concern. Therefore, the Pittsford School District adopts the following policy to support the proper evaluation and management of concussion injuries.

A concussion is a mild traumatic brain injury (MTBI). A concussion occurs when normal brain functioning is disrupted by a blow or jolt to the head or body that causes the head and brain to move rapidly back and forth. Recovery from concussion and its symptoms will vary. Avoiding re-injury and over-exertion until fully recovered are the cornerstones of proper concussion management. Concussions can impact a student's academics as well as their athletic pursuits.

**Concussion Management Team (CMT)**

The School District has established a Concussion Management Team (CMT) which is composed of the certified athletic director, a school nurse standards leader, the school physician, the health standards leader coach, PE Standards Leader, classroom teacher, counselor, and a certified athletic trainer. The Concussion Management Team will oversee and implement the School District's concussion policy and regulations, including the requirement that all school coaches, physical education teachers, nurses and certified athletic trainers, who work with and/or provide instruction to pupils engaged in school-sponsored athletic activities, complete training relating to mild traumatic brain injuries. Furthermore, every concussion management team will establish and implement a program which provides information on mild traumatic brain injuries to parents and persons in parental relation throughout each school year.

**Staff Training/Course of Instruction**

Each school coach, physical education teacher, school nurse and certified athletic trainer who works with and/or provides instruction to students in school-sponsored athletic activities (including physical education class and recess) shall complete a course of instruction every two (2) years relating to recognizing the symptoms of concussions or MTBIs and monitoring and seeking proper medical treatment for students who suffer from a concussion or MTBI. Standards Leaders will collect and maintain certificates for their department personnel.

Components of the training will include:

- a) The definition of MTBI;
- b) Signs and symptoms of MTBI;
- c) How MTBIs may occur;

(Continued)

**7522 - CONCUSSION MANAGEMENT (Cont'd.)**

- d) Practices regarding prevention; and
- e) Guidelines for the return to school and school activities for a student who has suffered an MTBI, even if the injury occurred outside of school.

The course can be completed by means of instruction approved by the State Education Department (SED) which include, but are not limited to, courses provided online and by teleconference. Standards Leaders will collect and maintain certificates for their department personnel.

**Information to Parents**

The District shall include the following information on concussion in any permission or consent form, or similar document, that may be required from a parent/person in parental relation for a student's participation in interscholastic sports. Information will include:

- a) The definition of MTBI;
- b) Signs and symptoms of MTBI;
- c) How MTBIs may occur;
- d) Practices regarding prevention; and
- e) Guidelines for the return to school and school activities for a student who has suffered an MTBI, even if the injury occurred outside of school.

The District will also provide a link on its website to the above list of information on the State Education Department's and Department of Health's websites.

**Identification of Concussion and Removal from Class, Extracurricular Activity, or Interscholastic Athletic Activities**

The District shall require the immediate removal from all athletic activities of any student who has sustained, or is believed to have sustained, a mild traumatic brain injury (MTBI) or concussion. Any student demonstrating signs, symptoms or behaviors consistent with a concussion while participating in a class, extracurricular activity, or interscholastic athletic activity shall be removed from the class, game or activity and must be evaluated as soon as possible by an appropriate health care professional. Such removal must occur based on display of symptoms regardless of whether such injury occurred inside or outside of school. If there is any doubt as to whether the student has sustained a concussion, it shall be presumed that the student has been injured until proven otherwise. The District shall notify the student's parents or guardians and recommend appropriate evaluation and monitoring.

(Continued)

**7522 - CONCUSSION MANAGEMENT (Cont'd.)**

The School District will allow credentialed District staff to use validated neurocognitive computerized testing as a concussion assessment tool to obtain baseline and post-concussion performance data. These tools are not a replacement for a medical evaluation to diagnose and treat a concussion.

**Return to Class, Extracurricular Activity, or Interscholastic Athletic Activities**

The student shall not return to physical activity (including athletics, physical education class and recess) until he/she has been symptom-free for not less than twenty-four (24) hours, and has been evaluated, and received written authorization from a licensed physician. In accordance with Commissioner's Regulations, the School District's Medical Director will give final clearance on a return to activity. All such authorizations shall be kept on file in the student's permanent health record and/or in computerized health record. The standards for return to activity will also apply to injuries that occur outside of school. School staff should be aware that students may exhibit concussion symptoms caused by injuries from outside activities and that these visible symptoms also indicate a removal from play.

The District shall follow any directives issued by the student's treating physician with regard to limitations and restrictions on school and athletic activities for the student. The District's Medical Director may also formulate a standard protocol for treatment of students with concussions during the school day.

In accordance with New York State Education Department (NYSED) guidelines, this Policy shall be reviewed periodically and updated as necessary in accordance with New York State Education Department guidelines. The Superintendent, in consultation with the District's Medical Director and other appropriate staff, may develop regulations and protocols for strategies for the prevention of concussions, the identification of concussions, and procedures for removal from and return to activities or academics.

Education Law Sections 207; 305(42), and 2854  
8 NYCRR 135.4 and 136.5

*Guidelines for Concussion Management in the School Setting*, SED Guidance Document, June 2012

Adoption Date: 5/13/13

**7530 - CHILD ABUSE AND NEGLECT/MALTREATMENT**

The Pittsford Central School District subscribes to all of the provisions of Title 6 - Child Protective Services of the Social Services Law (Sections 411-428). Our purpose is to provide protective services to abused and neglected/maltreated children as described by the law, and to make all school personnel within the District aware of our legal responsibilities under this law.

Regulations shall be developed, maintained and disseminated by administration regarding the:

- a) Mandatory reporting of suspected child abuse or neglect/maltreatment;
- b) Reporting procedures and obligations of persons required to report;
- c) Provisions for taking a child into protective custody;
- d) Mandatory reporting of deaths;
- e) Immunity from liability and penalties for failure to report;
- f) Obligations for provision of services and procedures necessary to safeguard the life of a child; and
- g) Providing of information in recognizing signs of unlawful methamphetamine laboratories for all current and new school officials (i.e., "mandated reporters") who, as part of their usual responsibilities, visit children's homes.

Additionally, an ongoing training program for all professional staff shall be established and implemented to enable such staff to carry out their reporting responsibilities.

**School Officials Required to Report**

The definition of a "school official" who is mandated to report cases of child abuse or neglect/maltreatment to the State Central Register (SCR) pursuant to Social Services Law Section 413(1) includes but is not limited to, school teachers, school guidance counselors, school psychologists, school social workers, school nurses, school administrators or other school personnel required to hold a teaching or administrative license or certificate.

All mandated reporters will report any incidents to the Building Principal/Designee. All mandated reporters who have direct knowledge of any allegations of child abuse or maltreatment must personally make a report to Child Protective Services (CPS). The Building Principal or his/her designee shall be responsible for all subsequent administration necessitated by the report. Any report shall include the name, title, and contact information for every staff member who is believed to have direct knowledge of the allegations in the report. The "Report of Suspected Child Abuse or Maltreatment" (LDSS-2221A) may be accessed at website <http://www.ocfs.state.ny.us/main/cps>.

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**7530 - CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd)****Child Abuse in an Educational Setting**

The District is committed to the protection of students in educational settings from abuse and maltreatment by District staff or school volunteers as enumerated in law.

"Child abuse" shall mean any of the following acts committed in an educational setting by an employee or volunteer against a child:

- a) Intentionally or recklessly inflicting physical injury, serious physical injury or death; or
- b) Intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death; or
- c) Any child sexual abuse, defined as conduct prohibited by Article 130 or 263 of the Penal Law; or
- d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Article 235 of the Penal Law.

"Educational setting" shall mean the building(s) and grounds of the District; the vehicles provided by the District for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off District grounds; all co-curricular and extracurricular activity sites; and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

It is the policy of this District that all school personnel, whether certified or non-certified, and Board members, upon receipt of an oral or written allegation of child abuse by a school employee or volunteer who suspects that a child is or has been abused by a school employee or volunteer, must immediately report the suspected abuse to the appropriate administrator, following the administrative procedures set forth in Board Regulation 7530R.

On an ongoing basis, but no less than annually, the Pittsford Central School District will conduct appropriate training for its staff and Board members regarding the policy and procedures for reporting child abuse in an educational setting,

**Prohibition of "Silent" (Unreported) Resignations**

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent or the Commissioner of Education, where appropriate, information concerning allegations of child abuse in an educational setting against an employee or volunteer in exchange for that individual's resignation or voluntary suspension from his/her position.

(Continued)



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Students

## **7530 - CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd)**

Superintendents (or a designated administrator) who reasonably and in good faith report to law enforcement officials information regarding allegations of child abuse or a resignation as required pursuant to the law shall have immunity from any liability, civil or criminal, which might otherwise result by reason of such actions.

Education Law Sections 1128-33 and 3028-b  
Penal Law Articles 130, 235 and 263  
8 New York Code of Rules and Regulations  
(NYCRR) Part 83

Pittsford Central School District Adopted: 10/22/79, 6/28/82, 5/8/89, 6/9/97, 6/25/01, 5/28/02, 7/12/04,  
02/10/14

**7540 - SUICIDE PREVENTION AND INTERVENTION**

The District is committed to protecting the health and well-being of all students by creating and maintaining policies, procedures, and plans for the prevention, intervention, and post-intervention of suicide.

The Board instructs the Superintendent to establish a district Trauma, Illness, and Grief (TIG) Team. Members of the team should include, but are not limited to, a school administrator, school psychologist, school counselor, school social worker, teacher, school nurse and/or District medical director, and any other District staff member who can be of assistance during a crisis. The TIG team will develop a suicide prevention and intervention plan, which will be integrated into the existing District-wide school safety plan. The suicide prevention and intervention plan will include education and awareness of risk factors for youth suicide, procedures for intervening if a student exhibits risk factors, including referral services, and a post-intervention plan to help the school and community cope with the aftermath of suicide should it occur.

The administration will inform staff of District policies, procedures, and plans for suicide prevention, intervention, and post-intervention. The District will actively respond to any situation where a student verbally or behaviorally indicates intent to attempt suicide or engage in self-harm. When District staff become aware of a student exhibiting potential suicidal behavior, they should immediately escort the student to a member of the building's school mental health team and report the behavior to an administrator.

Suicide prevention will also be incorporated into the curriculum, as developmentally appropriate, to educate students and will be provided in a manner so as not to sensationalize the topic, but to provide students with information and resources on this important mental health issue. In addition, the District will foster interagency cooperation that will enable staff to identify and access appropriate community resources to aid students in times of crisis.

The District will inform students, staff, and parents or guardians of the 988 hotline, which connects callers to the National Suicide Prevention Lifeline. Individuals can call or text 988 to be connected to the hotline. The 988 hotline is intended for anyone who is: suicidal; experiencing a mental health or substance use-related crisis; or experiencing any kind of emotional distress.

**Professional Development/Learning and Training**

Staff training and professional learning on suicide and crisis intervention should be offered annually. The training should include: information on how to identify warning signs for suicide, and the protocols to follow when referring a student thought to be at risk for suicide; a description of the roles and responsibilities of the TIG team; and the flow of communication and the tasks each role of the TIG team undertakes.

(Continued)

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Students

**7540 - SUICIDE PREVENTION AND INTERVENTION (Cont'd.)**

NOTE: Refer also to Policies 7551-- Non-Discrimination and Anti-Harassment in the District  
#5681 -- School Safety Plans  
#7550 -- Dignity for All Students  
#7553 -- Hazing of Students  
#5682 -- Post-Incident Response (Crisis Response)

**7550 - DIGNITY FOR ALL STUDENTS**

The District seeks to create an environment free of harassment, bullying, and discrimination; to foster civility in its schools; and to prevent conduct that is inconsistent with its educational mission. The District, therefore, prohibits all forms of harassment and bullying of students by employees or other students on school property and at school functions. The District further prohibits discrimination against students, including, but not limited to, discriminatory acts 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 school employees or other students on school property and at school functions that take place at locations off school property. In addition, other acts of harassment, bullying, or discrimination that can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline or other corrective action.

**Dignity Act Coordinator**

In each of its schools, the District will designate at least one employee holding licenses or certifications as required by the Commissioner to serve as the Dignity Act Coordinator (DAC). Each DAC will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), and sex. Training will also be provided for DACs which addresses: the social patterns of harassment, bullying, and discrimination, including, but not limited that to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex; the identification and mitigation of harassment, bullying, and discrimination; and strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings. All DAC appointments will be approved by the Board.

The District will widely disseminate the name, designated school, and contact information of each DAC to all school personnel, students, and parents or persons in parental relation by:

- a) Listing it in the *Code of Conduct*, with updates posted on the District's website; and
- b) Including it in the *Code of Conduct's* plain language summary provided to all parents or persons in parental relation to students before the beginning of each school year; and
- c) Providing it to parents or persons in parental relation in at least one District or school mailing or other method of distribution, including, but not limited to, electronic communication and/or sending information home with each student. If the information changes, parents and persons in parental relation will be notified in at least one subsequent District or school mailing, or other method of distribution as soon as practicable thereafter; and
- d) Posting it in highly visible areas of school buildings; and
- e) Making it available at the District and school-level administrative offices.

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**7550 - DIGNITY FOR ALL STUDENTS (Cont'd.)**

If a DAC vacates his or her position, the District will immediately designate an interim DAC, pending approval from the Board within 30 days. In the event a DAC is unable to perform his or her duties for an extended period of time, the District will immediately designate an interim DAC, pending the return of the previous individual to the position.

**Training and Awareness**

Each year, all employees will be provided with training to promote a supportive school environment that is free from harassment, bullying, and/or discrimination, and to discourage and respond to incidents of harassment, bullying, and/or discrimination. This training may be provided in conjunction with existing professional development, will be conducted consistent with guidelines approved by the Board, and will:

- a) Raise awareness and sensitivity to potential acts of harassment, bullying, and/or discrimination;
- b) Address social patterns of harassment, bullying, and discrimination and the effects on students;
- c) Inform employees on the identification and mitigation of harassment, bullying, and discrimination;
- d) Enable employees to prevent and respond to incidents of harassment, bullying, and/or discrimination;
- e) Make school employees aware of the effects of harassment, bullying, cyberbullying, and/or discrimination on students;
- f) Provide strategies for effectively addressing problems of exclusion, bias, and aggression;
- g) Include safe and supportive school climate concepts in curriculum and classroom management; and
- h) Ensure the effective implementation of school policy on conduct and discipline.

Rules against harassment, bullying, and discrimination will be included in the *Code of Conduct*, publicized District-wide, and disseminated to all staff and parents or persons in parental relation. Any amendments to the *Code of Conduct* will be disseminated as soon as practicable following their adoption. The District will provide new employees with a complete copy of the current *Code of Conduct* upon beginning their employment, and distribute an age-appropriate summary to all students at a school assembly at the beginning of each school year.

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**7550 - DIGNITY FOR ALL STUDENTS (Cont'd.)****Reports and Investigations of Harassment, Bullying, and/or Discrimination**

The District encourages and expects students who have been subjected to harassment, bullying, or discrimination; parents or persons in parental relation whose children have been subjected to this behavior; other students who observe or are told of this behavior; and all District staff who become aware of this behavior to timely report it to the principal, Superintendent, DAC, or designee.

The principal, Superintendent, DAC, or designee will lead or supervise a timely and thorough investigation of all reports of harassment, bullying, and discrimination. The DAC or other individual conducting the investigation, may seek the assistance of the District's Civil Rights Compliance Officer in investigating, responding to, and remediating complaints.

In the event any investigation verifies that harassment, bullying, and/or discrimination occurred, the District will take prompt action reasonably calculated to end it, to eliminate any hostile environment, to create a more positive school culture and climate, to prevent recurrence of the behavior, and to ensure the safety of the student or students against whom the harassment, bullying, or discrimination was directed.

The Superintendent, principal, DAC, or designee will notify the appropriate local law enforcement agency when there is a reasonable belief that an incident of harassment, bullying, or discrimination constitutes criminal conduct.

The District will timely collect information related to incidents involving harassment, bullying, and discrimination; provide required internal reports; and complete and submit any required report to the State Education Department in the manner and within the timeframe specified by the Commissioner.

**Prohibition of Retaliatory Behavior (Whistle-Blower Protection)**

Any person who has reasonable cause to suspect that a student has been subjected to harassment, bullying, or discrimination by an employee or student on school grounds or at a school function, and who acts reasonably and in good faith in reporting it to school officials, the Commissioner of Education, or law enforcement authorities, or who otherwise initiates, testifies, participates, or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from making that report, or from initiating, testifying, participating, or assisting in those proceedings. The District also prohibits any retaliatory behavior directed against any complainant, victim, witness, or any other individual who participated in the reporting or investigation of an incident of alleged harassment, bullying, or discrimination.

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**7550 - DIGNITY FOR ALL STUDENTS (Cont'd.)****Publication of District Policy**

At least once during each school year, all school employees, students, and parents or persons in parental relation will be provided with a written or electronic copy of this policy, or a plain-language summary of it. The policy or summary will include information relating to how students, parents or persons in parental relation, and school employees may report harassment, bullying, or discrimination. Additionally, the District will strive to maintain a current version of this policy on its website at all times.

**Application**

Nothing in this policy or its implementing regulations should be interpreted to preclude or limit any right or cause of action provided under any local, state, or federal ordinance, law or regulation including, but not limited to, any remedies or rights available under the Individuals with Disabilities Education Act, Title VII of the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

Education Law §§ 10-18, 801-a, 2801 and 3214  
8 NYCRR § 100.2

NOTE: Refer also to Policies #1330 -- Appointments and Designations by the Board  
#3410 -- Code of Conduct  
#3420 -- Non-Discrimination and Anti-Harassment in the District  
#5670 -- Records Management  
#6411 -- Use of Email in the District  
#7551 -- Sexual Harassment of Students  
#7552 -- Student Gender Identity  
#7553 -- Hazing of Students  
#8242 -- Civility, Citizenship and Character Education/Interpersonal  
Violence Prevention Education

Pittsford Central School District Adopted: 5/24/21

**7551 - ANTI-HARASSMENT/ANTI-DISCRIMINATION IN THE DISTRICT (STUDENTS)**

The Board affirms its commitment to nondiscrimination and recognizes its responsibility to provide an environment that is free of harassment and intimidation. Harassment or discrimination is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of harassment or discrimination on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, or disability by employees, school volunteers, students, and non-employees such as those seeking employment, contractors and vendors as well as any third parties who are participating in, observing, or otherwise engaging in activities subject to the supervision and control of the District.

The Board prohibits harassment, discrimination or retaliation against any individual based on their opposition to discrimination or harassment. In addition, the Board prohibits harassment, discrimination or retaliation against any individual who participates in an investigation under this anti-discrimination policy. This policy of nondiscrimination and anti-harassment will be enforced on District premises and in school buildings; and at all school-sponsored events, programs and activities, including those that take place at locations off school premises.

It is intended that this policy apply to the dealings between or among employees with employees or potential employees; employees with students; students with students; employees/students with vendors/contractors and others who do business with the District, as well as school volunteers, visitors, guests and other third parties.

Illegal harassment or discrimination based on an individual's membership in a protected class consists of communication (verbal, written, or graphic) and/or physical conduct relating to an individual's membership in that protected class that is sufficiently severe, pervasive, or persistent so that such conduct:

- 1) Has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
- 2) Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
- 3) Otherwise adversely affects an individual's employment or academic opportunities.

(Continued)



## Students

**7551 - ANTI-HARASSMENT/ANTI-DISCRIMINATION IN THE DISTRICT (STUDENTS)  
(Cont'd.)**

Additionally, Title IX makes it illegal to engage in sexually harassing behaviors that would jeopardize a student's equal access to the educational program or create a discriminatory workplace. Sexual harassment, under Title IX includes three types of misconduct on the basis of sex:

- 1) Quid pro quo harassment, which is defined as requiring submission to sexual conduct or communication as a term or condition, either explicitly or implicitly, of an individual's employment or education or the submission to, or rejection of, such conduct or communication is used as a factor in decisions affecting an individual's employment or education;
- 2) Hostile work environment, which is defined as severe, pervasive and objectively offensive and unwelcomed sex based speech or conduct; and
- 3) Any instance of sexual assault (as defined by the Clery Act), dating violence, domestic violence, or stalking as defined by the Violence Against Women Act.

The District will act to promptly investigate all complaints, either verbal or written, formal or informal, of allegations of harassment based on any of the characteristics described above; and will promptly take appropriate action to protect individuals from further harassment or discrimination.

The Superintendent of Schools will set forth required procedures to implement this policy in regulation 6121R.

Age Discrimination in Employment Act,  
29 United States Code (USC) Section 621.  
Americans With Disabilities Act,  
42 United States Code (USC) Section 12101 et seq  
Prohibits discrimination on the basis of disability.  
Civil Rights Act of 1964  
42 United States Code (USC) Section 1981(a)  
Section 504 of the Rehabilitation Act of 1973,  
29 United States Code (USC) Section 794 et seq.  
Prohibits discrimination on the basis of disability.  
Title VI of the Civil Rights Act of 1964,  
42 United States Code (USC) Section 2000-d et seq  
Prohibits discrimination on the basis of race, color or national origin.  
Title VII of the Civil Rights Act of 1964,  
42 United States Code (USC) Section 2000-e et seq

(Continued)

**7551 - ANTI-HARASSMENT/ANTI-DISCRIMINATION IN THE DISTRICT (STUDENTS)  
(Cont'd.)**

Prohibits discrimination on the basis of race, color, religion, sex or national origin.

Title IX of the Education Amendments of 1972,  
20 United States Code (USC) Section 1681 et seq.

Prohibits discrimination on the basis of sex.

Civil Rights Law Section 40-c

Prohibits discrimination on the basis of race, creed, color, national origin, sex, sexual orientation, marital status or disability.

Executive Law Section 290 et seq.

Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, or marital status.

Military Law Sections 242 and 243

NOTE:

Refer

also to Policies

#7550 -- Complaints and Grievances by Students

#6121 -- Anti-Harassment/Anti-Discrimination in the District (Personnel)

#6122 -- NYS Mandated Sexual Harassment Policy

**7552 - STUDENT GENDER IDENTITY**

The Pittsford Central School District (PCSD) will apply the principle of equity to all policies, programs, systems, operations, and practices to ensure that all students have a high quality education within a safe and supportive environment, where inclusivity is valued and contributes to successful school outcomes. Equity means that the learning needs of every student are supported in an environment where all students are valued and respected; and where student success will not be predicated on differences in age, race, ethnicity, color, religion, national origin, immigration status, language, family composition or economic status, culture, geographic location, mobility, gender, sexual orientation, gender identity, gender expression, gender nonconformity, or physical or cognitive ability.

This commitment will result in a welcoming environment, where multiple pathways to success support the academic and social growth of every child. For the PCSD learning community, equity and excellence in education goes beyond equality where all students are treated the same. Educational equity, diversity and inclusivity fosters excellence in schools where all students have the opportunity to benefit equitably based on their individual needs. It is when everyone has access to the opportunities necessary to satisfy their essential needs, advance their well-being, and reach their full potential. We will achieve the goal of equity and inclusive education when there is sufficient evidence that each child has high quality educational experiences in which the factors that predict success, outcomes or opportunity are no longer correlated or associated with any social identity group. The above statements are excerpts from the District's Equity Policy.

This policy specifically addresses the District's commitment to foster a safe learning environment for all students that is free from discrimination and harassment on the basis of sex, gender, gender identity, gender nonconformity, and gender expression. In accordance with applicable law, regulations, and guidelines, the District will ensure that students have equal access to all school programs, facilities, and activities. The District will assess and address the specific needs of each student on a case-by-case basis.

**Key Terms**

Generally, District personnel should use the language that individual students are using to describe their own gender identity, appearance, or behavior. These terms can change over time and new terms may be included. The most commonly used terms are:

Cisgender: a person whose gender identity corresponds to their assigned sex at birth.

Gender expression: the ways a person conveys their gender identity to others, such as through behavior, appearance, clothing, hairstyle, activities, voice, and mannerisms.

Gender or Gender identity: a person's inner sense or psychological knowledge of being male, female, neither, or both.

Gender nonconforming (GNC): describes someone whose gender identity or gender expression does not conform to social or stereotypical expectations of a person with that gender assigned at birth. This is also referred to as gender variant or gender atypical.

(Continued)

## Students

**7552 - STUDENT GENDER IDENTITY (Cont'd.)**

Non-binary: Relating to an individual whose gender identity is neither *exclusively* man nor woman. This can also be used as an umbrella term that includes many identities.

Transgender: someone whose gender identity is different than their sex assigned at birth.

Transition: the process by which a person socially or physically aligns their gender expression more closely to their gender identity than their assigned sex at birth.

**Names and Pronouns**

In accordance with the NYS Guidance dated 2015, students may request a name change in the school records. The District shall establish a process for this request, involving the student, family and school administrators to determine a communication plan for notification of appropriate school personnel.

When apprised of a student's request for a name change the District will endeavor to engage the student and their parents/guardians, as appropriate, in an effort to develop a plan that will accommodate the student's individual request at school. Students have the right to discuss and convey their gender identity and expression openly and to decide when, with whom, and how much to share this confidential information. The plan may therefore include when and how to initiate the student's name and associated pronoun use and if, when, and how this is communicated to others. District staff will use the name and pronoun that corresponds to the gender identity the student asserts at school.

**Records**

As required by law, the District will maintain the confidentiality of student information and records. If a student has officially changed their name, as demonstrated by court order or birth certificate, the District will change its official and unofficial records, as needed, to reflect the change.

If a student has not officially changed their name, but wishes to use a different name that corresponds to their gender identity, the District will create or change unofficial records to reflect the name and gender identity that the student asserts at school. For certain reports to the New York State Education Department, and when necessary to ensure appropriate and coordinated medical care, however, the District will use the student's legal name and gender. Any student identification cards will be issued with the name reflecting the gender identity the student consistently asserts at school. Name and gender changes will be updated from the time of request moving forward.

**Restrooms and Locker Rooms**

All single-occupancy bathroom facilities are designated as gender neutral for use by no more than one occupant at a time or for family or assisted use. Transgender or GNC students may use the student restroom and locker room that corresponds to the student's expressed gender identity at school. Any student requesting increased privacy or other accommodations when using bathrooms or locker rooms will be provided with a safe and adequate alternative, but will not be required to use that alternative. Alternative arrangements should be provided in a non-stigmatizing way that protects the student's ability to keep their gender identity status confidential.

(Continued)

**7552 - STUDENT GENDER IDENTITY (Cont'd.)****Physical Education and Sports---**

Physical education is a required part of the District's curriculum. Physical education and intramural opportunities will not be sex-segregated.

Upon written notification that a transgender or gender diverse student would like an opportunity to participate in the District's interscholastic athletics program consistent with their gender identity, the District will determine their eligibility in accordance with applicable law, regulations, and guidelines. The District will confirm the student's asserted gender identity with documentation it considers appropriate from a parent or guardian, counselor, doctor, psychologist, psychiatrist, or other medical professionals. The student's gender identity should be the same as the identity used for District registration and other school purposes.

The District's athletic director will notify opposing team athletic directors and league, section and state officials if a student needs accommodations during competitions. Any appeal regarding the District's eligibility decision will be directly to the Commissioner of Education.

**Other Classes and Activities**

Students will not be sex-segregated in classes.

Generally, in other circumstances where students may be sex-segregated, such as overnight field trips, students may be permitted to participate in accordance with the gender identity that the student consistently asserts at school. Questions relative to privacy will be addressed individually and on a case-by-case basis in accordance with District policy and applicable law, regulations, and guidelines. In some circumstance, an alternative arrangement may be provided that supports the safety and privacy of students. Alternative arrangements should be provided in a non-stigmatizing way that protects the student's ability to keep their gender identity status confidential.

**Dress Code and Team Uniforms**

Students may dress in accordance with their gender identity or expression, within the parameters of the District's dress code. The District will not restrict students' clothing or appearance on the basis of gender.

The District's dress code applies while students are traveling to and from athletic and extracurricular activities and contests. Students will have access to uniforms/attire that are appropriate for their activity.

(Continued)

**7552 - STUDENT GENDER IDENTITY (Cont'd.)**

Family Educational Rights and Privacy Act (FERPA), 20 USC § 1232g  
34 CFR Part 99  
Title IX of the Education Amendments of 1972  
Education Law Article 2 and §§ 2-d, 11(7), 3201-a  
8 NYCRR § 100.2

NOTE: Refer also to Policies #3410 -- Code of Conduct  
#3420 -- Non-Discrimination and Anti-Harassment in the District  
#7550 -- Dignity for all Students  
#7551 -- Sexual Harassment of Students  
#7553 -- Hazing of Students  
#8242 -- Civility, Citizenship and Character Education/Interpersonal  
Violence Prevention Education  
Equity Policy

## Students

**7560 - NOTIFICATION OF SEX OFFENDERS**

In accordance with the Sex Offender Registration Act ("Megan's Law"), the Board supports the New York State Department of Criminal Justice Services (DCJS) in its effort to inform the community in certain circumstances of the presence of individuals with a history of sex offenses, particularly against children, in the school locality. This policy is enacted in order to minimize the possibility that the sex offender will come in contact with school-age children, and to assist law enforcement agencies in preventing further criminal activity from occurring. Furthermore, the District shall cooperate with local police authorities and the local community in promoting and protecting the safety and well being of its students.

It is the policy of the Board to disseminate information according to level of sex offense, per regulations, which the District receives from local police authorities in conjunction with Megan's Law to designated staff members who might have possible contact with the offender during the course of their school duties including, but not limited to, Building Principals, supervisors, teachers, office personnel, coaches, custodians, bus drivers, and security personnel. The Superintendent reserves the right to automatically disseminate such information to additional members of the staff, designated supervisors of non-school groups that regularly use District facilities and have children in attendance, parents/guardians of District students, and other community residents who, in the opinion of the Superintendent, have an immediate need to be notified of such data in order to protect the safety of our community's children.

Staff members shall inform their immediate supervisor, or in an emergency will notify authorities, if they observe within the school building, on school grounds, at school activities, or at or near bus routes any individual whose description matches the information which was provided to the District by local law enforcement authorities. Such law enforcement officials will be notified of this information by the District as appropriate.

Information that is disseminated to the District pursuant to Megan's Law may be disclosed or not disclosed by the District in its discretion per regulations.

Correction Law Article 6-C  
Public Officers Law Section 84 et seq.

NOTE: Refer also to: School Safety Manual  
Sample Notifications (parent letter, staff memo)

Pittsford Central School District Adopted: 4/24/95, 6/9/97, 6/25/01, 5/10/04

**7580 - SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE**

Any District student who is a victim of a violent criminal offense, as defined pursuant to Education Law and Commissioner's Regulations, that occurred on the grounds of the District elementary or secondary school that the student attends, shall be allowed to attend a safe public school within the District to the extent required by the federal No Child Left Behind Act (NCLB) and state law and regulations.

In accordance with Commissioner's Regulations, a "safe public school shall mean a public school that has not been designated by the Commissioner [of Education] as a persistently dangerous public elementary or secondary school."

**Violent Criminal Offense**

The Superintendent shall determine if the student has been the victim of a "violent criminal offense." "Violent criminal offense" means a crime that:

- a) Involves infliction of a serious physical injury upon another as defined in New York State Penal Law Section 10.00(10); or
- b) A sex offense that involves forcible compulsion; or
- c) Any other offense defined in State Penal Law Section 10.00(12) that involves the use or threatened use of a deadly weapon.

**Determination Whether Student is a Victim**

Procedures shall be established for determination by the Superintendent of whether a student is a victim of a violent criminal offense that occurred on school grounds of the school the student attends. The Superintendent shall, prior to making any such determination, consult with any law enforcement agency investigating the alleged violent criminal incident and consider any reports or records provided by such agency. However, a criminal conviction is not required prior to the Superintendent's determination that a student has been a victim of a violent criminal offense. The Superintendent may also consult with the District's attorney prior to making such determination.

The Superintendent's determination may be appealed to the Board. However, this determination will not preclude any student disciplinary proceeding brought against the alleged victim or perpetrator of such violent criminal offense.



**7580 - SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE (Cont'd.)****Notice to Parents/Persons in Parental Relation**

A school district that is required to provide school choice in accordance with applicable provisions of the federal No Child Left Behind Act of 2001, Education Law and Commissioner's Regulations, shall establish procedures for notification of parents of, or persons in parental relation to, students who are victims of violent criminal offenses of their right to transfer to a safe public school within the District and procedures for such transfer. 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 relation to such student. The District shall so notify the parents of, or persons in parental relation to, such student within twenty-four (24) hours of the determination that the student has been the victim of a violent criminal offense on school grounds at the school he/she attends.

Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of such determination at the last known address or addresses of the parents/persons in parental relation to the student. 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/persons in parental relation.

However, **such notification shall not be required** where there are no other public schools within the District at the same grade level or a transfer to a safe public school within the District is otherwise impossible. Similarly, procedures for such notification of parents/persons in parental relation to students who are victims of violent criminal offenses shall not be required where the District has only one public school within the District or only one public school at each grade level.

**Designation of Safe Public School**

It shall be the responsibility of the District, based on objective criteria, to designate a safe public school or schools within the District to which students may transfer. However, the 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 transfer to a safe public school within the District is otherwise impossible. Similarly, if the District has only one public school within the School System or only one public school at each grade level, the District shall not be required to designate a safe public school.

(Continued)

## Students

**7580 - SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE (Cont'd.)**

Any student who transfers to a safe public school, in accordance with the provisions of this policy and applicable law and regulation, shall be enrolled in the classes and other activities of the public school to which such student transfers in the same manner as all other students at the public school. The receiving school shall be identified by the District and must be at the same grade level as the school from which the student is transferring. To the extent possible the District shall allow transferring students to transfer to a school that is making adequate yearly progress and has not been identified as requiring school improvement, corrective action, or restructuring. The District shall provide transportation for any student permitted to transfer to the safe public school within the District designated by the School System within the transportation limits established pursuant to Education Law Sections 3635 and 4401(4). Any student who transfers to a safe public school shall be permitted to remain in such safe public school until the student has completed the highest grade level in the school transferred to, or for such other period prescribed by the U.S. Department of Education, whichever is less.

While the parents/persons in parental relation to the student must be offered the opportunity to transfer their child, they may elect to have the child remain at the school he/she currently attends.

Elementary and Secondary Education Act of 1965,  
Section 9532, as amended by the No Child Left Behind  
Act of 2001  
Education Law Section 2802(7)  
8 New York Code of Rules and Regulations  
(NYCRR) Section 120.5

## Students

**7610 - SPECIAL EDUCATION: DISTRICT PLAN**

A District plan will be developed describing the Special Education program in the Pittsford Central School District. The District plan will include the following:

- a) A description of the nature and scope of special education programs and services currently available to students residing in the District, including but not limited to descriptions of the District's resource room programs and each special class program provided by the District in terms of group size and composition.
- b) Identification of the number and age span of students (school age and preschool) to be served by type of disability and recommended setting.
- c) The method to be used to evaluate the extent to which the objectives of the program have been achieved.
- d) A description of the policies and practices of the Board to ensure the allocation of appropriate space within the District for special education programs that meet the needs of students and preschool children with disabilities.
- e) A description of the policies and practices of the Board to ensure that appropriate space will be continually available to meet the needs of resident students and preschool students with disabilities who attend special education programs provided by Boards of Cooperative Educational Services.
- f) A description of how the District intends to ensure that all instructional materials to be used in the schools of the District will be made available in a usable alternative format for each student with a disability at the same time as such instructional materials are available to non-disabled students. The alternative format must meet the National Instructional Materials Accessibility Standard defined in federal law.
- g) The estimated budget to support such plan.
- h) The date on which such plan was adopted by the Board.
- i) A description of how the District plan is consistent with the special education space requirements plan for the region as developed by the Board of Cooperative Educational Services.

The District plan, with personally identifiable student information deleted, shall be filed and available for public inspection and review by the Commissioner.

20 USC 1474(e)(3)(B)

8 NYCRR Part 155 and Section 200.2(c)

Pittsford Central School District Adopted: 4/25/05, 6/8/20

**7611 - CHILDREN WITH DISABILITIES**

A child with a disability means a student under the age of 21 who is entitled to attend public schools and who, because of mental, physical, or emotional reasons can only receive appropriate educational opportunities from a program of special education. A child is not considered as having a disability if his or her educational needs are due primarily to unfamiliarity with the English language; environmental, cultural, or economic factors; or lack of appropriate instruction in reading or mathematics.

If the State Education Department (SED) finds that the District has inappropriate policies, procedures, or practices resulting in a significant disproportionality by race or ethnicity in the suspension, identification, classification, or placement of students with disabilities, the District will ensure that it publicly reports on the subsequent revisions to those policies, procedures, or practices.

The Board recognizes the existence of individual differences in the intellectual, social, emotional and physical development of children attending school in the District. In recognizing these differences, the Board supports a system of services offered in the least restrictive environment for children with disabilities which includes:

- a) Providing for the education of students with disabilities with non-disabled peers to the extent appropriate;
- b) Education in the regular classes with or without support services, education in a resource room, education for part of the day in a special class, full time education in a special class, home instruction and education in a residential setting;
- c) Establishing guidelines for the provision of appropriate accommodations necessary to measure the academic achievement and functional performance of the student in the administration of District-wide assessments;
- d) Not requiring any student to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving services;
- e) Recruiting, hiring, training, and retaining highly qualified personnel to provide special education programs and services, and to ensure that teachers are appropriately certified for their professional assignments;
- f) To the extent feasible, using universal design principles in developing and administering District-wide curriculum, instruction and assessment programs;

(Continued)

**7611 - CHILDREN WITH DISABILITIES (Cont'd.)**

- g) Consideration of the location of a school program(s) to a student's residence, before placement into an educational program;
- h) Adoption of written policies and procedures ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with Commissioner's regulations;
- i) Allocation of appropriate space within the District for special education programs that meet the needs of students with disabilities; and
- j) Assurance that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by BOCES.

**Provision of Special Education Services to Nonpublic School Students with Disabilities who are Parentally Placed**

The District will comply with all Child Find responsibilities related to parentally placed nonpublic school students attending nonpublic schools located in the geographic region of the District. These requirements only pertain to students with disabilities parentally placed in elementary and secondary nonpublic schools, not to parental placements of preschool children with disabilities in private day care or preschool programs, or to CSE placements of students with disabilities in approved private schools, Special Act School Districts, State-supported or State-operated schools, or to Charter schools.

The actual cost for CSE administration, evaluations, and special education services provided to a student with a disability who is a resident of New York State, but a nonresident of the District, will be billed to the student's school district of residence, once written parental consent to share special education information before the two public school districts has been obtained.

The District will consult with representatives of the nonpublic schools located within the boundaries of the District, including consultation regarding the Child Find process, provision of special education services generally, and use of Federal funds. Individual services are determined by the CSE.

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.

20 USC § 9101(23)

21 USC § 812(c)

34 CFR Part 300

Education Law §§ 3004(4), 3004(5), 3208, 3242, 3602-c, 4401-4407 and 4410-6

8 NYCRR §§ 52.21, 57-3, 100.5, 100.9, 177.2, 200.2(b), 200.2(c)(2)(v), 200.4(e)(9) and 200.6(a)(1)

NOTE: Refer also to Policies #7615 -- Least Restrictive Environment  
 #7650 -- Identification and Register of Children with Disabilities  
(Child Find)Pittsford Central School District

Adopted: 6/2/75, 6/28/82, 2/20/89, 4/8/96, 6/25/01, 9/13/04, 10/26/20

## Students

**7612 - GROUPING BY SIMILARITY OF NEEDS**

The Board will provide appropriate special education and related services to students with disabilities. For those students for whom an appropriate education requires that they be placed together for purposes of special education, the following guidelines shall apply:

- a) That each student with a disability shall be identified, evaluated and placed as determined by the Committee on Special Education (CSE).
- b) The Committee shall determine written goals and corresponding short-term instructional objectives for each student with a disability by considering the special and individual needs of each student with a disability.
- c) The Committee shall recommend to the Board appropriate educational programs and services for each student with a disability based upon the CSE evaluation.
- d) The CSE shall provide information to those teachers and professionals who arrange instructional groups for students with disabilities. Information shall include physical, psychological and social information as well as achievement test results.
- e) The curriculum and instruction provided to students with disabilities who are grouped by similarity of needs shall be consistent with the individual needs of each student in the group.
- f) Students with disabilities may be grouped according to:
  - (1) Academic achievement, functional performance and learning characteristics;
  - (2) Social needs;
  - (3) Physical development; and
  - (4) Management needs.
- g) When grouping students by similarity of needs, the social needs or physical development of a student shall not be the sole determinant for placement of a student in a special education program.
- h) The management needs of such students may vary, provided that environmental modifications, adaptations, or human or material resources required to meet the needs of any one student in the group are provided and do not consistently detract from the opportunities of other students in the group to benefit from instruction.

8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.2(b)(3) and 200.6(a)(3)

**7613 - THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S  
INDIVIDUALIZED EDUCATION PROGRAM**

The Board shall establish at least one Committee on Special Education and one Committee on Preschool Special Education. The Board shall also establish, as necessary, Subcommittees on Special Education to ensure timely evaluation and placement of students with disabilities.

**Committee on Special Education**

The Board shall, upon completion of its review of the recommendations of the CSE, arrange for the appropriate special education programs and services to be provided to a student with a disability as recommended by the Committee on Special Education (CSE). The Board shall notify the parent/guardian of its action in accordance with federal and state law and regulations.

For a student not previously identified as having a disability, the CSE shall provide a recommendation to the Board which shall arrange for the appropriate special education programs and services to be provided within sixty (60) school days of the date of receipt of consent to evaluate. For a student with a disability referred for review, a recommendation shall be provided to the Board which shall arrange for the appropriate special education programs and services to be provided within sixty (60) school days of the referral for review. However, if such recommendation of the CSE is for placement in an approved in-state or out-of-state private school, the Board shall arrange for such special education programs and services for students with disabilities within thirty (30) days of the Board's receipt of the recommendation of the CSE.

If on review of the recommendation of the CSE, the Board disagrees with such recommendation, the Board shall follow one of the following procedures:

- a) The Board may remand the recommendation to the CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. The CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the CSE, the Board may continue to remand the recommendation to the original committee for additional reviews of its objections or concerns, or establish a second CSE to develop a new recommendation in accordance with the following paragraph, provided that the Board arranges for the programs and services in accordance with the student's IEP within the timelines as outlined above; or, in the alternative,

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**7613 - THE ROLE OF THE BOARD IN IMPLEMENTING A  
STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)**

- b) The Board may establish a second CSE to develop a new recommendation for the student. If the Board disagrees with such new recommendation, the Board may remand the recommendation to the second CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. The second CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the second CSE, the Board may continue to remand the recommendation for additional reviews of its objections or concerns by the second CSE, provided that the Board arranges for the programs and services in accordance with the student's IEP, as developed by the second CSE, within the timelines as outlined above.

Pursuant to Commissioner's Regulations, the Board may not select the recommendation of the original CSE once it has established a second CSE.

The Board shall provide the student's parents/guardians with written notice and a copy of the statement of its objections or concerns and notice of due process rights in accordance with Section 200.5 of the Regulations of the Commissioner.

**Committee on Preschool Special Education**

Upon receipt of the recommendation of the Committee on Preschool Special Education (CPSE), the Board shall arrange for the preschool student with a disability to receive such appropriate programs and services in accordance with the student's IEP, commencing with the July, September or January starting date for the approved program, unless such services are recommended by the CPSE less than thirty (30) school days prior to, or after, the appropriate starting date selected for the preschool student with a disability; in that case, such services shall be provided no later than thirty (30) days from the recommendation of the CPSE.

If the Board disagrees with the recommendation of the CPSE, the Board shall send the recommendation back to the CPSE with notice of the need to schedule a timely meeting to review the Board's concerns and to revise the IEP as deemed appropriate. The Board shall provide such notice as required by federal and state law and regulations.

**Subcommittee on Special Education**

The number of Subcommittees on Special Education will be determined by the CSE and the CSE will be responsible for the oversight and monitoring of the activities of each subcommittee to assure compliance with the requirements of applicable state and federal laws and regulations.

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**7613 - THE ROLE OF THE BOARD IN IMPLEMENTING A  
STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)**

Each Subcommittee may perform the functions for which the CSE is responsible, except:

- a) When a student is considered for initial placement in a special class; or
- b) When a student is considered for initial placement in a special class outside of the student's school of attendance; or
- c) When a student is considered for placements in a school primarily serving students with disabilities or a school outside the District.

Subcommittees shall report annually to the CSE regarding the status of each student with a disability within its jurisdiction. Upon receipt of a written request from the parent or person in parental relationship to a student, the Subcommittee shall refer to the CSE any matter in which the parent disagrees with the Subcommittee's recommendation concerning a modification or change in the identification, evaluation, educational placement or provision of a free appropriate education to the student.

Education Law Sections 4402 and 4410  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.2(d)(1), 200.4(c) and (d),  
200.5 and 200.16(e)

NOTE: Refer also to Policies #7631 -- Appointment and Training of Committee on Special Education (CSE)/Subcommittee on Special Education Members  
#7632 -- Appointment and Training of Committee on Preschool Special Education (CPSE) Members

**7614 - PRESCHOOL SPECIAL EDUCATION PROGRAM**

The Board recognizes the need for educational programs for three (3) and four (4) year old children with disabilities and directs that administrative practices and procedures be developed to:

- a) Ensure the provision of special education services and programs for each preschool child with a disability residing in the District.
- b) Establish a Committee on Preschool Special Education (CPSE) which shall be comprised in accordance with applicable federal and state law and regulation.
- c) Ensure that parents have received and understand the request for consent for evaluation and re-evaluation of a preschool aged child.

**Evaluations for Preschool Children with Disabilities**

The District will collect entry assessment data in the three outcome areas on all preschool children who receive an initial evaluation. As required by Commissioner's regulations, a parent must be fully informed about the proposed initial evaluation and must provide consent for an initial evaluation. This includes a description of the proposed evaluation.

The CPSE will receive entry-level assessment results in the three outcome areas from approved preschool evaluators conducting initial evaluations on all preschool children suspected of having disabilities. The CPSE will then meet to determine the child's eligibility for preschool education programs and/or services and complete the Child Outcomes Summary Form to determine the child's entry level of functioning in the three outcome areas for all preschool children evaluated and found to be eligible. The form will be kept in the student's record until the exit assessment information is due as a way to summarize complex assessment information in a format so that the data can be aggregated and reported to the State Education Department.

If the Committee recommends placing a child in an approved program that also conducted an evaluation of the child, it will indicate in writing that this placement is an appropriate one for the child. In addition, the committee will provide notice to the Commissioner of this recommendation.

Education Law Section 4410  
20 USC Sections 1400-1485,  
Individuals with Disabilities Education Act (IDEA)  
8 NYCRR Section 200.2(b)(5)

NOTE: Refer also to Policy #7632 -- Appointment and Training of Committee on Preschool Special Education (CPSE) Members

Pittsford Central School District Adopted: 1/14/91, 4/8/96, 6/25/01, 9/13/04, 1/11/21

**7615 - LEAST RESTRICTIVE ENVIRONMENT**

*Least restrictive environment* means that placement of students with disabilities in special classes, separate schools or other removal from the regular educational environment occurs only when the nature or severity of the disability is such that even with use of supplementary aids and services, education in regular classes cannot be satisfactorily achieved. The placement of an individual student with a disability in the least restrictive environment shall:

- a) Provide the special education and related services, as well as supplementary aids and services, needed by the student. The term "related services" does not include a medical device that is implanted, or the replacement of such device.
- b) Provide for education of the student to the maximum extent appropriate to the needs of the student with other students who do not have disabilities; and
- c) Be as close as possible to the student's home.

The District has an obligation, pursuant to law and regulation, to educate students with disabilities in the least restrictive environment. The District shall ensure that:

- a) Each student with a disability shall be educated with nondisabled students to the maximum extent appropriate;
- b) Each student with a disability shall be removed from the regular educational environment only when the nature or severity of the student's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- c) To the maximum extent appropriate to the student's needs, each student with a disability shall participate with nondisabled students in nonacademic and extracurricular services and activities.

The District shall ensure that a continuum of alternative placements, in accordance with law and/or regulation, 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.

20 United States Code (USC) Sections 1400-1485,  
Individuals with Disabilities Education Act (IDEA)  
34 Code of Federal Regulations (CFR) Part 300

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Students

**7615 - LEAST RESTRICTIVE ENVIRONMENT (Cont'd)**

State Law - Education Law Sections 4401-4410-a  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 100.5 and .9, 200.1(cc), 200.1(qq) 200.2(b),  
200.4 and .6

**7616 - PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION  
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION)**

The District shall establish a plan for implementing schoolwide approaches and prereferral interventions in order to remediate a student's performance *prior to referral* for special education.

The provision of programs and/or services for students starts with consideration/implementation of instruction in the general education curriculum, with appropriate supports and/or modifications as may be necessary. In implementing prereferral intervention strategies, the District may utilize resources/strategies already in place for qualified students including, but not limited to, services available through Section 504 of the Rehabilitation Act of 1973, and Educationally Related Support Services and Academic Intervention Services as defined in Education Law and/or Commissioner's Regulations. All of these programs may be considered as possible components of prereferral/intervention instructional support plans. The District will ensure that they have a system in place, with appropriate personnel, for developing, implementing and evaluating prereferral intervention strategies.

The District will provide general education support services, instructional modifications, alternative instructional approaches, or alternative program options to address a student's performance prior to a referral to a Committee on Special Education (CSE). Formal Instructional Support Teams (IST's) will be formed in accordance with law and/or regulations as may be applicable as well as District guidelines. The IST will include representatives from general education with classroom experience, as well as representatives from special education and other disciplines. Parents will be involved in the process to address the educational needs of their child. Additionally, the District will seek collaboration between outside agencies and the school prior to a referral of the student to the CSE in order to address necessary student support services, as appropriate.

Administration shall ensure that appropriate opportunities exist for collaboration between general educators and special educators, and that consultation and support are available to teachers and other school personnel to assist parents and teachers in exploring alternative approaches for meeting the individual needs of any student prior to formal referral for special education.

The determination of prevention and prereferral intervention strategies/services shall consider the student's strengths, environment, social history, language and cultural diversity in addition to the teacher's concerns. The building administrator will further ensure that all staff are familiar with intervention procedures and procedures for operating an IST.

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**7616 - PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION  
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION) (Cont'd.)**

Prereferral/Intervention instructional support plans shall be proactive in their strategies to meet the broad range of student needs and to improve student performance. Prereferral/Intervention strategies and/or instructional support plans are to be reviewed and evaluated to determine their effectiveness, and modified as may be appropriate. Appropriate documentation of the prevention and/or intervention strategies implemented shall be maintained.

However, should a referral be made to the CSE during the course of implementing prereferral/intervention instructional support services, the CSE is obligated in accordance with law to continue its duties and functions, and must meet mandatory time lines in evaluating the student for special education services and implementation of an individualized education program, if applicable.

**Educational Related Support Services**

*Educational related support services* (ERSS) means curriculum and instructional modification services; direct student support team services; assessment and non-career counseling services; special instruction to eligible students with disabilities as defined in Education Law Section 4401, which does not generate excess cost aid including related services but excluding transportation and transition services; and to eligible, qualified students pursuant to Section 504 of the Rehabilitation Act of 1973. These services are provided to eligible students, individually or in groups, and may include those related consultation services provided to their families and related school personnel in order to enhance the academic achievement and attendance of such students. Educational related support services shall also mean speech and language improvement services as defined in Commissioner's Regulations.

ERSS may be utilized as a component of any prereferral/intervention instructional support plan.

**Section 504 of the Rehabilitation Act of 1973**

For students who are qualified for services pursuant to Section 504 of the Rehabilitation Act, but are not classified as students with disabilities as defined in Education Law Section 4401, Section 504 Accommodation Plans may address instructional support services that can be utilized as components of any prereferral/intervention strategies as deemed necessary and/or appropriate.

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**7616 - PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION  
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION) (Cont'd.)****Academic Intervention Services**

*Academic intervention services* means additional instruction which supplements the instruction provided in the general education curriculum and assists students in meeting the State learning standards as defined in Commissioner's Regulations and/or student support services which may include guidance, counseling, attendance, and study skills which are needed to support improved academic performance. However, such services shall not include services provided to students with limited English proficiency pursuant to Commissioner's Regulations or special education services and programs as defined in Education Law Section 4401. Academic intervention services are intended to assist students who are at risk of not achieving the State learning standards in English language arts, mathematics, social studies and/or science, or who are at risk of not gaining the knowledge and skills needed to meet or exceed designated performance levels on State assessments.

The District has developed a description of the academic intervention services offered to grades K-12 students in need of such services. The District will review and revise this description every two years based on student performance results.

Parental notification of students who have been determined to need academic intervention services will be provided as per Commissioner's Regulations.

In implementing prevention and/or prereferral intervention support strategies in order to remediate a student's performance prior to referral for special education, the utilization of academic intervention services, as enumerated in Commissioner's Regulations, may be included as a component of any such prereferral/intervention instructional support plan.

Education Law Sections 3602(32), 4401 and -a  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.1(g), (p), (r), (s), and (t);  
100.2(v), 100.2(dd)(4), and 100.2(ee); 200.2(b)(7);  
200.4(a)(2) and (9); 200.4(c); and Part 154  
Section 504 of the Rehabilitation Act of 1973,  
29 United States Code (USC) Section 794 et seq.

## Students

**7621 - SECTION 504 OF THE REHABILITATION ACT OF 1973**

The Board affirms its compliance with those sections of the Rehabilitation Act of 1973 dealing with program accessibility. Section 504 of the Rehabilitation Act prohibits discrimination against qualified individuals with disabilities in federally assisted programs or activities solely on the basis of disability. The District will make its program and facilities accessible to all its students with disabilities.

The District will also identify, evaluate and extend to every qualified student with a disability under Section 504 a free, appropriate public education, including modifications, accommodations, specialized instruction or related aids and services, as deemed necessary to meet their educational needs as adequately as the needs of non-disabled students are met.

The District official responsible for coordination of activities relating to compliance with Section 504 is the Director of Special Education. This official will provide information, including complaint procedures, to any person who feels his/her rights under Section 504 have been violated by the District or its officials.

**Prohibition Against Disability-Based Discrimination in Accelerated Programs**

The practice of denying, on the basis of disability, a qualified student with a disability the opportunity to participate in an accelerated program violates both Section 504 and Title II, which extends the prohibition on discrimination established in Section 504. The District may not impose or apply eligibility criteria that screens out or tends to screen out a student with a disability from fully and equally enjoying any service, program, or activity, unless the criteria can be shown to be necessary.

It is also unlawful to deny a student with a disability admission to an accelerated class or program solely because of his or her need for special education or related aids or services (i.e., related services, supplementary aids and services, program modification and supports for school personnel) or because the student has an Individualized Education Program or Section 504 plan.

The District's schools may employ appropriate eligibility requirements or criteria in determining whether to admit students, including students with disabilities, into accelerated classes or programs. However, Section 504 and/or Title II does not require schools to admit into accelerated classes or programs students with disabilities who would not otherwise be qualified for these classes or programs.

Americans with Disabilities Act, 42 USC § 12101 et seq.  
Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.  
Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.  
28 CFR Part 35  
34 CFR Parts 104 and 300

NOTE: Refer also to Policy #3420 -- Non-Discrimination and Anti-Harassment in the District

Pittsford Central School District Adopted: 6/9/97, 6/25/01, 9/13/04, 1/25/21



**7631 - APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION  
(CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS****Committee on Special Education (CSE) Membership**

The Board shall appoint a Committee on Special Education (CSE) whose membership shall include, but not be limited to, the following members:

- a) The parent(s) or persons in parental relationship of the student. To ensure that one or both parents are present at each CSE meeting, the District and the parent(s) may agree to use alternative means of participation such as videoconferences or conference phone calls.
- b) Not less than one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);
- c) Not less than one (1) special education teacher of the student, or, where appropriate, not less than one (1) special education provider (i.e., related service provider) of such student;
- d) A representative of the District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general education curriculum and about the availability of resources of the District;
- e) An individual who can interpret the instructional implications of evaluation results, who may be a CSE member selected from the regular education teacher, the special education teacher or provider, the school psychologist, or the District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;
- f) A member as described in letters b) through e) of this subheading is not required to attend the CSE meeting, in whole or in part, if the parent of a child with a disability and the District agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.
- g) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or District) who invited the individual to be a member of the committee;
- h) Whenever appropriate, the student with a disability. The District must invite a child with a disability to attend the child's CSE meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to

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**7631 - APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)**

assist the child in reaching those goals. If the child does not attend the CSE meeting, the District must take other steps to ensure that the child's preference and interests are considered. To the extent appropriate, with the consent of the parent or a child who has reached the age of majority, the District must also invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services;

- i) A school psychologist;
- j) A school physician, if requested in writing at least seventy-two (72) hours prior to the meeting by the parents of the student or the District; and
- k) An additional parent residing in the District or a neighboring school district who is a parent of a student with a disability, a parent of a student who has been declassified and is no longer eligible for an individualized education program (IEP), or a parent of a disabled child who has graduated. This parent member may serve for a period of five years beyond the student's declassification or graduation, provided that the parent shall not be employed by or under contract with the District. Such parent is not a required member if the parents of the student request, in writing, that the additional parent member not participate in the meeting.

**Subcommittee on Special Education Membership**

The Board shall appoint, as necessary, a Subcommittee on Special Education whose membership shall include, but not be limited to, the following members:

- a) The parent(s) of the student;
- b) Not less than one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);
- c) Not less than one (1) special education teacher, of the student, or where appropriate, not less than one (1) special education provider (i.e., related service provider) of such student;
- d) A representative of the District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general education curriculum and about the availability of resources of the District;

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**7631 - APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)**

- e) A school psychologist, whenever a new psychological evaluation is reviewed or a change to a program option with a more intensive staff/student ratio, as set forth in Section 200.6(f)(4) of the Regulations of the Commissioner, is considered;
- f) At the discretion of the parent or the Committee, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or District) who invited the individual to be a member of the subcommittee;
- g) An individual who can interpret the instructional implications of evaluation results, who may be a member described in letters "b" through "f" of this subheading; and
- h) Whenever appropriate, the student with a disability.

**Training**

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

The Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations as well as members of the Committee on Special Education.

**Alternative Means of Meeting**

When conducting a meeting of the Committee on Special Education (CSE), the parent and the representative of the District appointed to the CSE may agree to use alternative means of meeting participation, such as videoconferences and conference calls.

Individuals with Disabilities Education Act (IDEA) 20  
United States Code (USC) Section 1400 et seq.  
34 Code of Federal Regulations (CFR) Part 300 and  
Section 300.321  
Education Law Section 4402  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 200.2(b)(3), 200.3, and 200.4(d)(4)(i)(d)

NOTE: Refer also to Policies #7613 -- The Role of the Board in Implementing a Student's Individualized Education Program  
#7632 -- Appointment and Training of Committee on Preschool Special Education Members

Pittsford Central School District Adopted: 10/10/06

**7632 - APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS****Committee on Preschool Special Education (CPSE) Membership**

The Board shall appoint a Committee on Preschool Special Education (CPSE) whose membership shall include, but not be limited to, the following members:

- a) The parent(s) of the preschool child. To ensure that one or both parents are present at each CPSE meeting, the District and the parent(s) may agree to use alternative means of participation such as video conferences or conference phone calls;
- b) Not less than one (1) regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- c) Not less than one (1) special education teacher of the child or, where appropriate, not less than one (1) special education provider (i.e., related service provider) of such child;
- d) A representative of the District who is qualified to provide, or supervise the provision of, special education and who is knowledgeable about the general education curriculum and about the availability of preschool special education programs and services and other resources of the District and the municipality (who shall serve as Chairperson of the CPSE);
- e) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the regular education teacher, the special education teacher or provider, the school psychologist, the District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;
- f) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or District) who invited the individual to be a member of the committee;
- g) An additional parent of a child with a disability who resides in the District or a neighboring school district, and whose child is enrolled in a preschool or elementary level education program provided that such parent shall not be employed by or under contract with the District or municipality; and provided further that such parent shall not be a required member if the parents of the child request, in writing, that the additional parent member not participate in the meeting;

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**7632 - APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS (Cont'd.)**

- h) For a child's transition from early intervention programs and services (Infant and Toddler Programs), the appropriate professional designated by the agency that has been charged with the responsibility for the preschool child. This professional must attend all meetings of the CPSE conducted prior to the child's initial receipt of services; and
- i) A representative from the municipality of the preschool child's residence. Attendance of the appointee of the municipality is not required for a quorum.

**Training**

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

The Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations as well as members of the Committee on Preschool Special Education.

**Alternative Means of Meeting**

When conducting a meeting of the Committee on Special Education (CSE), the parent and the representative of the District appointed to the CSE may agree to use alternative means of meeting participation, such as videoconferences and conference calls.

Individuals with Disabilities Education Act (IDEA) 20  
United States Code (USC) Section 1400 et seq.  
34 Code of Federal Regulations (CFR) Part 300  
Education Law Section 4410  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 200.2(b)(3) and 200.3

NOTE: Refer also to Policies #7613 -- The Role of the Board in Implementing a Student's Individualized Education Program  
#7614 -- Preschool Special Education Program  
#7631 -- Committee on Special Education/Subcommittee on Special Education Members

**7640 - STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP): DEVELOPMENT AND PROVISION****Development of Individualized Education Program**

The Board directs the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) to prepare a written individualized education program (IEP) for each child with a disability. Each student with a disability will have an IEP in effect at the beginning of each school year. The IEP will be developed by the CSE or CPSE upon referral, and reviewed or revised, as appropriate, for every child with a disability at least annually or when the program no longer appears to be appropriate to meet the student's needs.

**Functional Behavioral Assessments/Behavioral Intervention Plans**

A functional behavioral assessment (FBA) is an evaluative tool, requiring parental consent, which should be used throughout the process of developing, reviewing, and revising a student's IEP when the student's behavior impedes learning of the child or others. The FBA is the process of determining why a student engages in challenging behavior and how the student's behavior relates to the environment.

The FBA provides a baseline of the student's problem behaviors with regard to frequency, duration, intensity, and/or latency across activities, settings, people, and times of the day and includes the:

- a) Identification of the problem behavior;
- b) Definition of the behavior in concrete terms;
- c) Identification of the contextual factors that contribute to the behavior (including cognitive and affective factors); and
- d) Formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

The FBA must, as appropriate, be based on multiple sources of data such as structured interviews, behavior ratings scales, standardized assessments, and checklists. To this end, the FBA cannot be based solely on the student's history of presenting problem behavior.

In the case of a student whose behavior impedes their learning or that of others, the CSE or CPSE will consider strategies, including positive behavioral interventions and supports, to address that behavior. The need for a behavioral intervention plan (BIP) will be documented on the IEP which will be reviewed at least annually by the CSE or CPSE. In addition, regular progress monitoring of the frequency, duration, and intensity of the behavioral interventions will be conducted at scheduled intervals and documented and reported to the parent(s) and CSE or CPSE.

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**7640 - STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP): DEVELOPMENT AND PROVISION (Cont'd.)****Individual Evaluations**

Parental consent must be provided for an initial evaluation. If this consent is not received within 30 calendar days of receipt of the referral, the CSE or CPSE Chairperson will document all attempts made to obtain consent.

Unless a referral is withdrawn, an individual evaluation at no cost to the parent will be completed by the CSE or CPSE within 60 calendar days after written parental consent has been obtained or a parental refusal to consent is overridden, unless:

- a) An extension is mutually agreed to by the parent and the CSE or CPSE for transfer students or students suspected of having learning disabilities; or
- b) The parent or student repeatedly fails or refuses to produce the student for evaluation.

No student will be required to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving an evaluation.

The individual evaluation will include a variety of assessment tools and strategies, including information provided by the parent. The purpose of the evaluation is to gather relevant functional, developmental, and academic information that may assist in determining whether the student is a student with a disability and the content of the student's IEP.

As part of any evaluation, a group that includes the CSE or CPSE and other qualified professionals, as appropriate, will review existing evaluation data on the student including evaluations and information provided by the parents of the student, current classroom-based assessments, local or state assessments, classroom-based observations, and observations by teachers and related services providers. In addition, the group will consider information about the student's physical condition, social or cultural background, and adaptive behavior.

On the basis of that review, and input from the student's parents, the group will identify what additional data, if any, are needed to determine a variety of factors including, if the student has or continues to have a disability, present levels of academic achievement and developmental needs of the student.

The District must notify the parents if additional data is not needed, and the reasons for that determination as well as their right to request an assessment to determine whether, the student continues to be a student with a disability. The District is not required to conduct the assessment unless requested to do so by the student's parents.

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**7640 - STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP): DEVELOPMENT AND PROVISION (Cont'd.)**

The determination that a student has a learning disability will be made in accordance with the procedures outlined in Commissioner's regulations.

**Individual Reevaluations**

The CSE or CPSE will arrange for an appropriate reevaluation of each student with a disability;

- a) If the District determines that the educational or related service needs, including improved academic achievement and functional performance of the student, warrant reevaluation;
- b) If the student's parent or teacher request a reevaluation;
- c) At least once every three years, unless the District and the parent or person in parental relation agree in writing that the reevaluation is unnecessary.

A reevaluation will not be conducted more frequently than once a year unless the parent and the District representative appointed to the CSE or CPSE agree otherwise.

The reevaluation will be conducted by a multi-disciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. The reevaluation will be sufficient to determine the student's individual needs, educational progress and achievement, the student's ability to participate in instructional programs in regular education and the student's continuing eligibility for special education. The results of any reevaluations must be addressed by the CSE/CPSE in reviewing, and as appropriate, revising the student's IEP.

To the extent possible, the District will encourage the consolidation of reevaluation meetings with other CSE or CPSE meetings for the student.

**Amendments to the IEP**

Amendments to the IEP made after the annual review by the CSE or CPSE may be made by reconvening the CSE or CPSE and rewriting the IEP or by developing a written document to amend or modify the student's current IEP, provided that there is a request for, and agreement to, the amendment by the parent(s) and the District provides the parent(s) a written proposal to amend the IEP conveyed in



**7640 - STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP): DEVELOPMENT AND PROVISION (Cont'd.)**

language understandable to the parent(s) in their native language or other dominant mode of communication, informs and allows the parent(s) the opportunity to consult with the appropriate personnel or related service providers concerning the proposed changes, and the parent(s) agree in writing to the amendments.

If the parent(s) agree to amend the IEP without a meeting, they must be provided prior written notice of the changes to the IEP, as well as a revised copy of the IEP with the amendments incorporated.

**Use of Recording Equipment at IEP Meetings**

The Board will allow recording equipment to be used at meetings regarding IEPs for students with disabilities.

**Provision of Individualized Education Program**

The Superintendent or designee(s) will establish administrative practices and procedures to ensure that each regular education teacher, special education teacher, related service provider, and/or other service provider who is responsible for the implementation of a student's IEP is provided with access to a student's IEP (via paper or electronically) prior to the implementation of the program. The individuals responsible for implementing a student's IEP will be notified and trained on how to access the IEP electronically. For purposes of this policy, "other service provider" means a representative of another public school district, charter school, Board of Cooperative Educational Services (BOCES), or school where the student receives or will receive IEP services. Further, the District will designate at least one school official who will be responsible for maintaining a record of the personnel who have received IEP copies for each student.

Any copy of a student's IEP will remain confidential in accordance with the Individuals with Disabilities Education Act, the Family Educational Rights and Privacy Act, and District policy regarding confidentiality of student records, and will not be disclosed to any other person other than the parent of the student, except in accordance with federal and state laws and/or regulations. Appropriate training and information will be provided to designated school personnel, as applicable, to ensure the confidentiality of this information. Procedures will be established to ensure that copies of students' IEPs are stored in secure locations and retrieved or destroyed when those professionals are no longer responsible for implementing a student's IEP.

The Chairperson of the CSE, CSE subcommittee, or CPSE will designate for each student one or, as appropriate, more than one professional employee of the District with knowledge of the student's disability and education program who will be responsible to, prior to the implementation of the IEP, inform each teacher, provider, or school

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**7640 - STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP): DEVELOPMENT  
AND PROVISION (Cont'd.)**

personnel of the responsibility to implement the recommendations on a student's IEP, Relevant school personnel will have ongoing access to a copy of the student's IEP.

A copy of a student's IEP will be provided to the student's parents at no cost to the parent(s).

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.

21 USC § 812(c)

Education Law Articles 81, 85 and 89 and §§ 207, 3208 and 4402(7)

8 NYCRR §§ 200.1(hh), 200.2(b)(11), 200.4(b)(4), 200.4(d)(3)(i), 200.4(e)(3), 200.4(f), 200.4(j),  
200.16(e)(6) and 200.22

**7641 - TRANSITION SERVICES**

Transition services means a coordinated set of activities for a student with a disability, designed within a results-oriented process that is focused on improving the academic and functional achievement of this student to facilitate movement from school to post-school activities. Post-school activities include, but are not limited to, post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based on the student's strengths, preferences, and interests, and will include needed activities in the following areas:

- a) Instruction;
- b) Related services (the term "related services" does not include a medical device that is surgically implanted, the optimization of the device's functioning (e.g., mapping), maintenance of, or the replacement of such device);
- c) Community experiences;
- d) The development of employment and other post-school adult living objectives; and
- e) When appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

Beginning not later than the first individualized education program (IEP) to be in effect when the student is age 15 (and at a younger age, if determined appropriate), and updated annually, the student's IEP must include:

- a) A statement of the student's needs taking into account the student's strengths, preferences and interests as they relate to transition from school to post-school activities;
- b) Appropriate measurable postsecondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills;
- c) A statement of transition service needs that focuses on the student's courses of study;
- d) Needed activities to facilitate the student's movement from school to post-school activities, including instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation; and
- e) A statement of the responsibilities of the District and participating agencies, when applicable, for the provision of such services and activities, before the student leaves the school setting, that promote movement from school to post-school opportunities.

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**7641 - TRANSITION SERVICES (Cont'd.)**

When developing transition goals and services, the District will discuss with the student's parents:

- a) Graduation requirements;
- b) The student's progress toward receiving a diploma; and
- c) The appeal, safety net, and Superintendent determination pathway options that may be available.

At the CSE meeting where the District discusses transition services with parents, it will provide written information explaining the graduation requirements, including eligibility criteria and processes for seeking an appeal and for requesting a local diploma through the Superintendent's determination pathway. The District will also inform parents that graduating with a local or Regents diploma terminates their child's entitlement to a free public education and special education services.

The District must invite a student with a disability to attend the student's CSE meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the student and the transition services needed to assist the student in reaching those goals. If the student does not attend the CSE meeting, the District must take other steps to ensure that the student's preference and interests are considered. To the extent appropriate, with the consent of the parent or a student who has reached the age of majority, the District must also invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

**Graduation/Aging Out**

The District is not required to conduct a reevaluation of a student before the termination of a student's eligibility due to graduation with a local high school or Regents diploma or exceeding the age eligibility for a free appropriate public education. However, the District must provide the student with a summary of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting his or her post-secondary goals.

Before a student's graduation from high school with a Skills and Achievement Commencement Credential or Career Development and Occupational Studies Commencement Credential, parents must receive prior written notice indicating that the student continues to be eligible for a free appropriate public education until the end of the school year in which the student turns 21 or until receipt of a regular high school diploma.

Individuals with Disabilities Education Act (IDEA), 20 USC §§ 1400 et seq.  
34 CFR §§ 300.321, 300.343, 300.347, and 300.348  
Education Law § 4401  
8 NYCRR §§ 200.1(qq), 200.1(fff), 200.4(d)(2)(ix), and 200.5(c)(2)(vii)

Pittsford Central School District Adopted: 4/25/05, 10/10/06, 1/11/22

## Students

**7642 - TWELVE MONTH SPECIAL SERVICES AND/OR PROGRAMS**

The District shall provide, directly or by contract, special services and/or programs during July and August to those students whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration in order to prevent substantial regression as determined by the Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE). Written consent of the parent is required prior to initial provision of special education services in a twelve-month special service and/or program.

For students eligible for twelve (12) month service and/or program, the Individualized Education Program (IEP) shall indicate the identity of the provider of services during the months of July and August, and for preschool students determined by the CPSE to require a structured learning environment of twelve (12) months duration to prevent substantial regression, a statement of the reasons for such recommendation.

Individuals with Disabilities Education Improvement  
Act of 2004 [Public Law 108-446 Section 614(a)]  
Individuals with Disabilities Education Act (IDEA),  
20 United States Code (USC) Sections 1400 et seq.  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 200.1(qq), 200.4(d)(2)(x), 200.5(b)(1)(iii),  
200.6(j) and 200.16(h)(3)(v)

## Students

**7643 - TRANSFER STUDENTS WITH DISABILITIES**

To facilitate the transition of students with disabilities transferring into or out of the District the District shall:

- a) For students transferring into the District request that the District of origin take reasonable steps to promptly respond to all requests from the District.
- b) For students transferring out of the District request that the new school district take reasonable steps to promptly obtain the student's records from the District, including the Individualized Education Program (IEP), supporting documents and any other records relating to the provision of special education services.
- c) Provide to a student with a disability (as defined in Section 200.1(zz) of Commissioner's Regulations) who transfers school districts within the same academic year a free appropriate education including services comparable to those described in the student's previous IEP.
  1. For transfers within New York State, the previously held IEP will be followed in consultation with the parents until the District adopts the previously held IEP or develops, adopts and implements a new IEP consistent with federal and State law and regulation.
  2. For transfers from outside New York State, in consultation with the parents the previously held IEP will be followed until the District conducts an evaluation and, if appropriate, develops a new IEP consistent with federal and State law and regulation.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 614(a)]  
Individuals with Disabilities Education Act (IDEA),  
20 United States Code (USC) Sections 1400 et seq.  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 200.1(zz) and 200.4(e)(8)

**7650 - IDENTIFICATION AND REGISTER OF CHILDREN WITH DISABILITIES  
(CHILD FIND)**

The District will locate, identify, and evaluate all students with disabilities who reside within its boundaries, including homeless children, children who are wards of the state, home-schooled children, and children attending private schools or charter schools. Further, it is the policy of the Board to conduct a census in order to locate and identify all children with disabilities within the District under the age of 21, including those children as described above, and to establish a register of those students entitled to attend school or receive preschool services.

The Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) will maintain and annually revise the register of these students and others referred to the committee as possibly having a disability, as appropriate. In addition, census data will be reported by October 1 to the CSE or CPSE as appropriate.

The District understands that its Child Find obligations have been expanded to include notification to every parent or person in parental relation, upon enrollment of their child in the District, of their rights regarding referral and evaluation for the purposes of special education services or programs in accordance with applicable federal and state laws. The notification will contain the contact information for the District Special Education Office to support parents who have questions or wish to refer their child to the Committee on Special Education.

Any student suspected of having a disability should be referred to the applicable CSE or CPSE for evaluation and possible identification as a student with a disability.

**Nonpublic School Students with Disabilities Who Are Parentally Placed**

If the District boundaries encompass a nonpublic school, the District, as the district of location, must develop and implement methods to identify, locate, and ensure the identification and evaluation of students with disabilities who have been, or are going to be, parentally placed in the nonpublic school.

The child find activities must be similar to those for students with disabilities in public schools and must be completed in a time period comparable to that for other students attending public schools in the District.

As the district of location, the District must also consult with the appropriate representatives of the nonpublic schools and parents of parentally placed nonpublic school students to determine an accurate count of students with disabilities attending those schools and receiving special education services.

**7650 - IDENTIFICATION AND REGISTER OF CHILDREN WITH DISABILITIES  
(CHILD FIND)**

These requirements only pertain to students with disabilities parentally placed in elementary and secondary nonpublic schools, not to parental placements of preschool children with disabilities in private day care or preschool programs; or to CSE placements of students with disabilities in approved private schools, Special Act School Districts, state-supported or state-operated schools; or to charter schools.

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.

34 CFR Part 300

Education Law §§ 3240-3242, 3602-c(2)(a), 4401-a, 4402, 4404, 4405 and 4410-6

8 NYCRR §§ 200.2(a) and 200.4

NOTE: Refer also to Policies #7130 -- Entitlement to Attend - Age and Residency  
#7140 -- School Census



**7660 - PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES**

The Board recognizes the rights of the parent/guardian to be fully informed of all information relevant to the identification, or change in identification, evaluation and educational placement of a child with a disability.

All due process procedures for parents/guardians and children in the Commissioner's Regulations shall be observed by the District.

**Definition of Parent**

Parent means a birth or adoptive parent, a guardian, a person in parental relationship to the child as defined in Education Law Section 3212, an individual designated as a person in parental relation pursuant to General Obligations Law Title 15-A including an individual so designated who is acting in the place of a birth or adoptive parent (including a grandparent, stepparent or other relative with whom the child resides), or a surrogate parent who has been appointed in accordance with Section 200.5(n) of Commissioner's Regulations. The term does not include the State if the student is a ward of the State.

A foster parent may act as a parent unless State law, regulations or contractual obligations with a State or local entity prohibit the foster parent from acting as a parent.

Unless a judicial decree identifies a specific person(s) to act as the parent or make educational decisions for the student, if one or more parties is qualified to act as a parent, the birth or adoptive parent is presumed to be the parent unless they do not have the legal authority to do so.

**Surrogate Parents**

It is the duty of the District to determine whether a child needs a surrogate parent and to assign a surrogate parent in the manner permitted under New York State law. This determination shall be completed within a reasonable time following the receipt of a referral for an initial evaluation or re-evaluation.

In the event that no parent or guardian for a child with a disability can be identified; or after reasonable efforts the whereabouts of the parent or guardian cannot be determined; or the student is an unaccompanied homeless youth; or the child with a disability is a ward of the State and does not have a "parent" as defined above; or the rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law; the Board shall assign an individual to act as a surrogate for the parents or guardians.

Alternatively, the surrogate parent may be appointed by a judge overseeing the child's case.

(Continued)

**7660 - PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)**

The person selected as a surrogate shall have no interest that conflicts with the interest of the child he/she represents, and shall have knowledge and skills that ensure adequate representation of the child.

**Prior Written Notice**

Prior written notice must be given to parents of a student with a disability a reasonable time before the District proposes to, or refuses to, initiate or change the identification, evaluation, educational placement of the student or the provision of a free appropriate public education to the student. Prior written notice must also be provided informing the parents when no additional data is required to determine the student's educational needs, the reasons for this determination and their right to request an assessment.

If the prior written notice relates to a proposed action that also requires parental consent, the District must give notice at the same time it requests parental consent. The prior written notice will contain all elements required by Commissioner's Regulations.

A parent may elect to receive prior written notice and other required notifications by electronic mail (e-mail) communication if the District makes this option available.

**Parent Participation in Meetings**

The School District must take steps to ensure that one or both of the parents of a child with a disability are present at each Committee on Special Education (CSE)/Committee on Preschool Special Education (CSPE) meeting or are afforded the opportunity to participate in a mutually agreed upon time and place. The School District must document its attempts to involve parents, such as:

- a) Detailed records of telephone calls made or attempted and the results of these calls;
- b) Copies of correspondence sent to the parents and any responses received; and
- c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

A meeting may be conducted without a parent in attendance if the District is unable to convince the parents that they should attend.

Additionally, the District must take whatever action is necessary to ensure the parent understands the proceedings of this meeting including arranging for an interpreter for parents with deafness or whose native language is other than English.

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**7660 - PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)****Parental Consent**

In accordance with due process, a parent or guardian of a special education student or a student suspected of having a disability must provide informed consent before the District can take certain actions.

Consent for Evaluations

The parent or guardian must provide informed consent to the initial evaluation, or reevaluations in accordance with law and/or regulations. If a parent does not provide consent for an initial evaluation, the District *may* pursue the evaluation by commencing a due process hearing to override the refusal to provide consent.

Parental consent for a reevaluation is not needed if the District can demonstrate that it has taken reasonable measures to obtain consent, but the parents or guardians have failed to respond.

Consent for the Initial Provision of Services

Parental consent is also required for the initial provision of special education services. Consent for an initial evaluation does not constitute consent for the initial provision of services. If a parent does not provide consent for the initial provision of services, the District *shall not* provide the special education program and services to the student and shall not use the due process procedures to challenge the parent's refusal to consent. The District shall not be considered to be in violation of the requirements to provide a free appropriate public education (FAPE), shall not be required to convene a meeting of the committee on special education or develop an individualized education program (IEP).

Consent for Other Actions

Prior written consent must also be provided:

- a) Prior to releasing any personally identifiable information; and
- b) Prior to each time the District proposes to access a parent's private insurance.

Consent for an Unaccompanied Homeless Youth

Consent may be provided by a surrogate parent. However, until a surrogate parent is appointed, consent may be provided on a temporary basis by an employee of a temporary housing facility operated or approved by a local social services district or a residential facility for runaway and homeless youth.

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**7660 - PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)****Consent for a Ward of the State**

A ward of the State means a child or youth under the age of twenty-one (21):

- a) Who has been placed or remanded pursuant to Social Services Law or the Family Court Act or freed for adoption pursuant to Social Services Law; or
- b) Who is in the custody of the Commissioner of Social Services or the Office of Children and Family Services; or
- c) Who is a destitute child under Social Services Law.

In the event that a child is a ward of the State, the District shall make reasonable efforts to obtain the informed consent from the parent of the child for an initial evaluation to determine whether the child is a child with a disability.

The District is not required to obtain informed consent if:

- a) Despite reasonable efforts to do so, the District cannot discover the whereabouts of the parent of the student, including consulting with the agency responsible for the care of the student; or
- b) The rights of the parents of the student have been terminated in accordance with State law; or
- c) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law.

**Procedural Safeguards Notice**

The District will provide the procedural safeguards notice prescribed by the Commissioner of Education to the parents of a student with a disability at least one time per year and also:

- a) Upon initial referral or parental request for evaluation;
- b) Upon the first filing of a due process complaint notice to request mediation or an impartial hearing; and
- c) Upon request by a parent.

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**7660 - PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)**

Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446) Section 614(a)  
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.  
34 Code of Federal Regulations (CFR) Part 300  
Education Law Sections 3212, 4005, 4202, 4401 and 4402  
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1 and 200.5

**7670 - IMPARTIAL HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS**

The District is committed to making every effort to amicably resolve differences involving the educational programs for students with disabilities. When outside assistance is needed to aid in resolving a disagreement about the identification, evaluation, educational placement or provision of a free appropriate education for a student with a disability, mediation is encouraged. For those exceptional circumstances where a more formal method is required, the impartial hearing process will be utilized. The Impartial Hearing Officer (IHO) renders a written decision after the parties present and refute evidence before him/her. The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

**Impartial Hearing Process/Prehearing Conference**

The following is an overview of the impartial hearing process/prehearing conference:

- a) Either the parent or the District may request an impartial hearing. If a parent makes the request, it must be in writing to the Board describing the nature of the dispute and a proposed resolution of the problem. The District will provide a form for this purpose. However, the District may not deny or delay a parent's right to an impartial hearing if the written request is not complete.

If the District is the party initiating an impartial hearing, the District will provide prior written notice to the parent including a statement of the action proposed and any explanation of why the District proposes to take such action.

- b) Upon receipt of or initiation of a request for an impartial hearing, the District will inform the parent of the availability of mediation, of any free or low-cost legal and other relevant services available in the area, and provide the parent with a copy of the District's Procedural Safeguards Notice.
- c) The District must immediately (but not later than two (2) business days after receipt of the written request for the hearing) initiate the process to select an IHO. The District selects the IHO through a rotational selection process in accordance with regulatory timelines. The Superintendent's Secretary/Clerk will be responsible for contacting IHOs and maintaining appropriate records.
- d) The IHO must be certified by the Commissioner of Education, be independent and have access to the support and equipment necessary to perform the duties of an IHO. When the selected IHO indicates availability, the Board must immediately appoint him/her. To expedite this process, the Board may designate one (1) or more of its members to appoint the IHO on behalf of the Board.

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**7670 - IMPARTIAL HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)**

- e) The IHO may not accept appointment unless he/she is available to initiate the hearing within the first fourteen (14) days of being appointed.
- f) The hearing, or a prehearing conference, shall be scheduled to begin within the first fourteen (14) days of the IHO's appointment, unless an extension is granted pursuant to Commissioner's Regulations.
- g) The hearing will be conducted at a time and location that is reasonable and convenient to the parent and the student involved. The hearing shall be closed to the public unless the parent requests an open hearing.
- h) The role and responsibilities of the IHO will be as enumerated in Commissioner's Regulations.
- i) The student remains in his/her current placement during the pendency of the impartial hearing unless both parties agree or except as otherwise provided for expedited impartial hearings for certain disciplinary suspensions or removals of a student.
- j) The IHO renders and forwards the finding of fact and decision to the parties and to the State Education Department in accordance with regulatory timelines.
- k) The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

**Recordkeeping and Reporting**

The District will use the District-specific list of the names of each IHO who is certified in New York State and available to serve in the District as maintained by the NYSED Impartial Hearing Reporting System (IHRS). The District will record and report to the State Education Department required information relating to the selection of IHO's and the conduct of impartial hearings according to the manner and schedule specified by the Department. The Superintendent shall designate a staff member(s) who will be responsible for reporting such information as required relating to the impartial hearing process into the State Education Department's web-based reporting system.

**Compensation of Impartial Hearing Officers**

The District will be responsible for compensating the IHO for prehearing, hearing and post-hearing activities at the rate agreed upon at the time of the IHO's appointment. The rate of

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**7670 - IMPARTIAL HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)**

compensation may not exceed the maximum rate approved by the Director of the Division of the Budget. The District will also reimburse the IHO for travel and other hearing-related expenses (e.g., duplication and telephone costs) pursuant to an annually determined schedule.

**Mediation**

Mediation is voluntary and does not deny or delay a parent's right to an impartial hearing. If mediation is initiated after a request for an impartial hearing has been received, the impartial hearing must continue unless the request for the impartial hearing is withdrawn. However, a party may request an extension to an impartial hearing in order to pursue mediation.

**Guardians ad Litem at Impartial Hearings**

Unless a surrogate parent has been previously appointed, the IHO must appoint a guardian ad litem when he/she determines that the interests of the parent(s) are opposed to or are inconsistent with those of the student or whenever the interests of the student would be best protected by such appointment.

**Confidentiality**

All issues relating to a request for and conduct of an impartial hearing must be kept confidential by all District staff.

**Administrative Procedures**

Administrative procedures will be developed for the selection and appointment of an IHO consistent with regulatory requirements.

Individuals with Disabilities Education Act (IDEA)  
20 United States Code (USC) Sections 1400-1485  
34 Code of Federal Regulations (CFR) Part 300  
Education Law Sections 4404(1) and 4410(7)  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 200.1, 200.2, 200.5, 200.16, 200.21 and  
201.11



**7680 - INDEPENDENT EDUCATIONAL EVALUATIONS**

Parents of children with disabilities have the right under Federal and State regulations to obtain an independent evaluation at public expense under certain conditions if they disagree with an evaluation obtained by the District.

A parent is entitled to only one IEE at public expense each time the District conducts an evaluation with which the parent disagrees.

Administrative regulations on independent evaluations will be developed in order to explain the rights of parents and the responsibilities of school districts with regard to independent evaluations, and also to avoid any misunderstandings.

8 NYCRR Sections 200.1(z) and 200.5(g)  
34 CFR Sections 300.12 and 300.503

## Students

**7690 - SPECIAL EDUCATION MEDIATION**

The District will offer mediation to resolve any disputes involving any matter for which an impartial due process hearing may be brought, including matters arising prior to the filing of a request for an impartial hearing.

Such mediation shall be conducted by mediators furnished by a Community Dispute Resolution Center who are not employees of a State educational agency providing direct services to the student who is the subject of the mediation process or a school district or program serving students with disabilities. Mediators may not have a personal or professional interest which would conflict with their objectivity in the mediation process and should be knowledgeable in laws and regulations relating to the provision of special education services.

Parents or persons in parental relation to students suspected of or having disabilities will receive written notice of the availability of the mediation program each time they receive notice of their entitlement to the impartial hearing procedures in accordance with Federal and State law and regulations. If the parent and District agree, alternative means of meeting participation may be utilized, such as video conferences and conference calls.

Discussions during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearing or civil proceedings. The parties may be required to sign a confidentiality pledge prior to the commencement of the process.

If resolution to the complaint is reached through mediation, the parent and the representative of the District who has the authority to bind the District will execute a legally binding written agreement specifying the resolution and stating that all discussions occurring during the mediation process are confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding. If the written agreement is inconsistent with the student's current individualized education programs (IEP), the IEP must be immediately amended to reflect the mediation agreement.

The mediation process is voluntary and will not operate to diminish or limit any rights provided for in law, including the right of the parent or person in parental relation to request an impartial hearing subsequent to mediation. Parents or persons in parental relation to students suspected of or having disabilities continue to have full access to all rights, including due process procedures, provided for in federal and state laws and regulations. Similarly, mediation shall not be construed to limit a parent or person in parental relation from requesting an impartial hearing without having first utilized mediation procedures set forth in Education Law.

Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446) Section 614(a)  
Individuals with Disabilities Education Act (IDEA),  
20 United States Code (USC) Section 1400 et seq.  
34 Code of Federal Regulations (CFR) Part 300  
Education Law Sections 4005, 4202 and 4404-a  
Judiciary Law Section 849a  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.1 and 200.5