

May 2023 Policy - Second Reading Packet

Policy Number	Policy Title	Explanation	Adopted BOCES Update	Revised by SH	Keep Current Policy	Deleted	Date of Vote
6570	Determination of Employment Status: Employee or Independent Contractor	Suggested revision(s): Revised in light of amendments to 2 NYCRR Section 315.3 which require employers to collect additional payroll data for employees who work for the New York State and Local Retirement System (NYSLRS). Previously, the regulation only required that employers report information on active members who have been assigned a registration number. The amended regulations require the reporting to NYSLRS of all employees except those who actively participate in another public retirement system or program. Added a section titled "Legal Services." Other revisions for clarity and consistency purposes. Policy Committee recommends as is.					
7270	Rights of Non-Custodial Parents	Note: This policy was previously suggested in the 16-17, 18-19, 19-20, 20-21, and 21-22 Policy Audits. The District did not act on this policy at those times. Per the District's request, this policy is being included in the 22-23 Policy Audit. Suggested revision(s): New suggested policy titled "Rights of Non-Custodial Parents." School administrators often find themselves in the middle of complicated family issues, such as child custody and the involvement of non-custodial parents in their children's education. While each situation is different, this policy provides district officials with guidance on how to handle the rights of non-custodial parents in the school setting. Policy Committee recommends as is.					
7350	Corporal Punishment/ Emergency Interventions	Suggested revision(s): Revised in light of an amendment to Education Law Section 4402 which requires same-day notification of a parent or person in parental relation of a student with a disability when a physical or mechanical restraint is applied on the student. In the "Emergency Interventions" section, language was revised to indicate that parents or persons in parental relation of the student will be notified on the same day whenever an emergency intervention is utilized. Language was further added to indicate that if a student's parent or person in parental relation cannot be contacted on the same day after reasonable attempts are made, the building principal will record the attempts and, when applicable, report the attempts to the district's Committee on Special Education (CSE). Policy Committee recommends as is.					
7522	Concussion Management	Suggested revision(s): Revised in light of the release of updated Guidelines for Concussion Management in Schools (July 2022) from the New York State Education Department. Language was revised throughout the policy to address the updated guidelines including in the "Return to School Activities and Athletics" section to clarify and emphasize that a district's medical director has the final authority to clear students to participate in or return to extraclass athletic activities (interscholastic activities or intramurals). Policy Committee recommends with changes in green from Athletic Dept and Barb Baer.					
7530	Child Abuse & Maltreatment	Suggested revision(s): Required policy. Revised in light of an amendment to Labor Law Section 740 which changed the term "retaliatory personnel action" to "retaliatory action" and amended the definition of the term. In the "Prohibition of Retaliatory Personnel Action" subsection of the policy, the term "retaliatory personnel action" was changed to "retaliatory action" to reflect the amendments to law. Further, the definition of the term "retaliatory action" was deleted rather than amended as it was deemed unnecessary to have the definition in policy. Policy Committee recommends as is.					
7545	Student Gender Identity	Suggested revision(s): Revised in response to the Gender Recognition Act. The Gender Recognition Act, among other things, amended Civil Rights Law Section 64 to require districts to update an individual's name on any document or record issued or maintained by the district upon the submission of a name change order or other government issued document or court issued documentation of a name change. The amendments also added language to indicate that districts will not have to change names on archival records that cannot be accessed or when modifying archival records is otherwise prohibited by law. The "Records" section of this policy was updated to reflect these change in law. Other revisions were made to strengthen policy language and for clarity and consistency purposes. Policy Committee recommends as is.					

**Sweet Home Central School District
Policy Committee Meeting
April 10, 2023**

Minutes

Present: Mike Ginestre, JoAnn Balazs, Don Feldmann, Toyia Wilson, Scott Johnson, Brian Laible, Sherry McNamara

1. Reviewed the following policies for April first reading:

6461	Use of Email in the School District	<p>Note: These revisions were previously suggested in the 21-22 Policy Audit. The District did not act on these revisions at that time. Per the District's request, these revisions are being included in the 22-23 Policy Audit.</p> <p>Suggested revision(s): Customization required. Now titled "Use of Email in the District." Revised language throughout the policy to reflect current issues with the use of email in districts. In addition to addressing issues such as sending emails with personal, private, and sensitive information, the revised policy now addresses receiving suspicious emails and accessing District email services on personal devices.</p> <p>On hold pending review by the District Technology Committee.</p>
6570	Determination of Employment Status: Employee or Independent Contractor	<p>Suggested revision(s): Revised in light of amendments to 2 NYCRR Section 315.3 which require employers to collect additional payroll data for employees who work for the New York State and Local Retirement System (NYSLRS). Previously, the regulation only required that employers report information on active members who have been assigned a registration number. The amended regulations require the reporting to NYSLRS of all employees except those who actively participate in another public retirement system or program. Added a section titled "Legal Services." Other revisions for clarity and consistency purposes.</p> <p>Recommended as is.</p>
7270	Rights of Non-Custodial Parents	<p>Note: This policy was previously suggested in the 16-17, 18-19, 19-20, 20-21, and 21-22 Policy Audits. The District did not act on this policy at those times. Per the District's request, this policy is being included in the 22-23 Policy Audit.</p> <p>Suggested revision(s): New suggested policy titled "Rights of Non-Custodial Parents." School administrators often find themselves in the middle of complicated family issues, such as child custody and the involvement of non-custodial parents in their children's education. While each situation is different, this policy provides district officials with guidance on how to handle the rights of non-custodial parents in the school setting.</p> <p>Recommended as is.</p>
7350	Corporal Punishment/Emergency Interventions	<p>Suggested revision(s): Revised in light of an amendment to Education Law Section 4402 which requires same-day notification of a parent or person in parental relation of a student with a disability when a physical or mechanical restraint is applied on the student. In the "Emergency Interventions" section, language was revised to indicate that parents or persons in parental relation of the student will be notified on the same day whenever an emergency intervention is utilized. Language was further added to indicate that if a student's parent or person in parental relation cannot be contacted on the same day after reasonable attempts are made, the building principal will record the attempts and, when applicable, report the attempts to the district's Committee on Special Education (CSE).</p> <p>Recommended as is.</p>

7522	Concussion Management	<p>Suggested revision(s): Revised in light of the release of updated Guidelines for Concussion Management in Schools (July 2022) from the New York State Education Department. Language was revised throughout the policy to address the updated guidelines including in the "Return to School Activities and Athletics" section to clarify and emphasize that a district's medical director has the final authority to clear students to participate in or return to extraclass athletic activities (interscholastic activities or intramurals).</p> <p>Recommended with changes in green as recommended by the Athletic Dept. and Barb Baer.</p>
7530	Child Abuse and Maltreatment	<p>Suggested revision(s): Required policy. Revised in light of an amendment to Labor Law Section 740 which changed the term "retaliatory personnel action" to "retaliatory action" and amended the definition of the term. In the "Prohibition of Retaliatory Personnel Action" subsection of the policy, the term "retaliatory personnel action" was changed to "retaliatory action" to reflect the amendments to law. Further, the definition of the term "retaliatory action" was deleted rather than amended as it was deemed unnecessary to have the definition in policy.</p> <p>Recommended as is.</p>
7545	Student Gender Identity	<p>Suggested revision(s): Revised in response to the Gender Recognition Act. The Gender Recognition Act, among other things, amended Civil Rights Law Section 64 to require districts to update an individual's name on any document or record issued or maintained by the district upon the submission of a name change order or other government issued document or court issued documentation of a name change. The amendments also added language to indicate that districts will not have to change names on archival records that cannot be accessed or when modifying archival records is otherwise prohibited by law. The "Records" section of this policy was updated to reflect these change in law. Other revisions were made to strengthen policy language and for clarity and consistency purposes.</p> <p>Recommended as is.</p>
7580	Suicide	<p>Suggested revision(s): The District does not currently have this policy in its Policy Manual. However, as there have been significant revisions to this policy, we wanted to give the District an opportunity to see the revised sample language. The sample language was revised in response to updated guidance from the New York State Education Department (NYSED) titled Guide for Suicide Prevention for School Personnel and the implementation of the new three-digit 988 hotline which connects callers directly to behavioral health crisis counselors.</p> <p>Not recommended at this time.</p>
7618	Use of Time Out Rooms	<p>Suggested revision(s): Required policy. Customization required. Revised in light of an amendment to Education Law Section 4402 which requires same-day notification of a parent or person in parental relation of a student with a disability when the student is placed in a time out room. In the policy, letter f), "Information to be provided to parents," was revised to state that parents or persons in parental relation will be notified the same day if their child is placed in a time out room or whenever a time out room is used as an emergency intervention. Language was further added to indicate that if a students' parent or person in parental relation cannot be contacted after reasonable attempts are made, the building principal must record and report the attempts to the district's Committee on Special Education (CSE).</p> <p>Since it has been over a decade since the District has reviewed this policy, Policy Services has replaced the entire policy with its sample language. The District should review the sample language and customize it to reflect its specific circumstances and practices. If the District does not use a time out room as part of its behavior management approach, the policy may be deleted.</p> <p>Recommended with changes in green as recommended by the Office of Special Programs.</p>

SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR

Regulations recently promulgated by the Office of the State Comptroller provide guidance to school districts to help them determine whether an individual is an employee, and therefore eligible for membership in the New York State and Local Retirement System (NYSLRS) and for service credit, or an independent contractor who is not eligible for membership.

A certification of the determination that an individual is an employee will now be required when the School District initially reports to the NYSLRS certain covered professionals -- those persons providing services as an attorney, physician, engineer, architect, accountant or auditor.

Employee shall mean an individual performing services for the School District for which the District has the right to control the means and methods of what work will be done and how the work will be done. Independent contractor shall mean a consultant or other individual engaged to achieve a certain result who is not subject to the direction of the employer as to the means and methods of accomplishing the result. The District will not enter into agreements with independent contractors for instructional services except under the limited circumstances permitted by the New York State Education Department.

Employees to be Reported to NYSLRS

Only persons who are active members of NYSLRS and who have been assigned a registration number shall be included in the reporting requirements. In the case of employees who are in the process of being registered to membership, all service, salary and deductions data and mandatory contributions shall be accumulated by the District and such accumulation shall be included with the first monthly report which is due after the employee's registration number has been assigned.

An individual serving the District as an independent contractor or consultant is not an employee and should not be reported to the retirement system.

The District has the primary responsibility for determining whether an individual is rendering services as an employee or as an independent contractor. When making such a determination the District must consider the factors enumerated in state regulations.

The District shall also complete, as necessary, a Certification Form for Individuals Engaged in Certain Professions (Form RS2414) as promulgated by the Office of the New York State Comptroller. As noted on the Certification Form instructions, when making a determination as to an individual's status as an employee or independent contractor, no single factor should be considered to be conclusive of the issue. All factors should be considered in making an assessment of an individual's status when engaged to perform services.

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**SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR
INDEPENDENT CONTRACTOR (Cont'd.)**

Written Explanation by District: Certain Professions

In the case of an individual whose service has been engaged by the School District in the capacity of attorney, physician, engineer, architect, accountant or auditor and the District has determined that the individual is rendering service as an employee and, therefore, may be eligible for credit with a retirement system, the District shall submit to the retirement system, in a form prescribed by the Comptroller and certified by the Chief Fiscal Officer of the District, an explanation of the factors that led to the conclusion that the individual is an employee and not an independent contractor or consultant.

Education Law §§ 525 and 2050-2054
Retirement and Social Security Law §§ 11, 34, 311, and 334
2 NYCRR §§ 315.2 and 315.3

Adopted: 1/17/12
Revised: 4/16/19

SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR

The District has the primary responsibility for determining whether an individual is rendering services as an employee or as an independent contractor. When making this determination, the District must consider the factors set forth in state regulations.

A certification of the determination that an individual is an employee is required when the District initially reports to the New York State and Local Retirement System (NYSLRS) certain covered professionals, including those persons providing services as an attorney, physician, engineer, architect, accountant, or auditor.

Definitions

"Employee" means an individual performing services for the District for which the District has the right to control the means and methods of what work will be done and how the work will be done.

"Independent contractor" means a consultant or other individual engaged to achieve a certain result for the District, but who is not subject to the direction of the District as to the means and methods of accomplishing the result. The District will not enter into agreements with independent contractors for instructional services except under the limited circumstance permitted by the New York State Education Department (NYSED).

Employees to be Reported to NYSLRS

All persons employed by the District will be included in the reporting requirements. The District will provide the information deemed necessary by the retirement system for all employees except those who actively participate in another public retirement system or program. In the case of employees who are in the process of being registered to membership, all service, salary, and deduction data and mandatory contributions will be accumulated by the District and the accumulation will be included with the first monthly report which is due after the employee's registration or identification number has been assigned.

An individual serving the District as an independent contractor or consultant is not an employee and should not be reported to the retirement system.

Employer Reporting of Certain Professions

In the case of an individual whose service has been engaged by the District in the capacity of attorney, physician, engineer, architect, accountant, or auditor and the District has determined that the individual is rendering service as an employee and, therefore, may be eligible for credit with a retirement system, the District will submit to the retirement system, in a form prescribed by the Comptroller and certified by the Chief Fiscal Officer of the District, an explanation of the factors that led to the conclusion that the individual is an employee and not an independent contractor or consultant.

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SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR (Cont'd.)

When making a determination as to an individual's status as an employee or independent contractor, no single factor will be considered to be conclusive of the issue. All factors will be considered in making an assessment of an individual's status when engaged to perform services.

The District will also complete, as necessary, a Certification Form for Individuals Engaged in Certain Professions (Form RS 2414) as promulgated by the Office of the New York State Comptroller.

Legal ServicesCharging for Legal Services

An attorney will not simultaneously be an independent contractor and an employee of the District for the purpose of providing legal services to the District.

An attorney who is not an employee of the District will not seek to be or be considered, treated or otherwise reported by the District as an employee for purposes of compensation, remuneration, health insurance, pension, and all associated employment-related benefits and emoluments.

Reports Regarding Attorneys

The District will, on or before the 45th day after the commencement of its fiscal year, file with NYSED, the State Comptroller, and the Attorney General a report specifying:

- a) All attorneys who provide legal services to the District or Board;
- b) Whether the District or Board hired those attorneys as employees; and
- c) All remuneration and compensation paid for legal services.

Protection Against Fraud

Any person who knowingly makes any false statement, or falsifies or permits to be falsified any record or records of the retirement system in any attempt to defraud the system, or who receives certain benefits or payments in excess of statutory limits, as a result of those acts, will be guilty of criminal conduct, and will be punished under the laws of New York State.

Education Law §§ 525, 2050-2054
Retirement and Social Security Law §§ 11, 34, 311, and 334
2 NYCRR §§ 315.2 and 315.3

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Personnel

**SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR
INDEPENDENT CONTRACTOR (Cont'd.)**

NOTE: Refer also to Policy #1336 -- [Duties of the School Attorney](#)

Adopted: 1/17/12
Revised: 4/16/19;

Students

SUBJECT: RIGHTS OF NON-CUSTODIAL PARENTS

The Board is mindful that various arrangements exist for the care and custody of children residing in the District. The District attempts to maintain current family information to help ensure student safety, proper communication with parents, and appropriate educational programming. Parents who are divorced, legally separated, or otherwise live apart should supply the District with relevant information and documentation, including custody orders, regarding who is responsible for the custody and care of their child, and who is permitted to make educational decisions for that child.

A non-custodial parent's participation in his or her child's education will be governed by the terms of any custody order. As a general matter, however, the District encourages non-custodial parents to participate in their child's education. Unless prohibited from doing so by a court order, non-custodial parents may request information about their child, inspect and review their child's records in accordance with the Family Educational Rights and Privacy Act (FERPA) and District policy, and otherwise remain interested in their child's education.

The District will not release students to a non-custodial parent without the custodial parent's consent. It is the parent's responsibility to inform the District if and when the child may be released to individuals other than the custodial parent in a form acceptable to the District.

NOTE: Refer also to Policies #7130 -- [Entitlement to Attend -- Age and Residency](#)
#7240 -- [Student Records: Access and Challenge](#)

Adopted:

SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS**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 School District.

Whenever a school employee uses physical force against a student, the school employee shall immediately report the situation to his/her Principal/Supervisor. The Principal/Supervisor shall, within the same school day, make a report to the Superintendent describing in detail the circumstances and the nature of the action taken.

The Superintendent of Schools shall submit a written report semi-annually to the Commissioner of Education, with copies to the Board of Education, 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 Sweet Home 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.

Emergency Interventions

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.

Such emergency interventions shall only be used in situations where alternative procedures and methods not involving the use of reasonable physical force cannot reasonably be employed. Emergency interventions shall not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior.

Staff who may be called upon to implement emergency interventions will be provided appropriate training in safe and effective restraint procedures. The parent(s) of the student shall be notified whenever an emergency intervention is utilized.

The District will maintain documentation on the use of emergency interventions for each student including:

- a) Name and date of birth of student;

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SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS (Cont'd.)

- b) Setting and location of the incident;
- c) Name of staff or other persons involved;
- d) Description of the incident and emergency intervention used, including duration;
- e) A statement as to whether the student has a current behavioral intervention plan; and
- f) Details of any injuries sustained by the student or others, including staff, as a result of the incident.

This documentation will be reviewed by District supervisory personnel and, if necessary, by the school nurse or other medical personnel.

8 NYCRR §§ 19.5, 100.2(1)(3) and 200.22(d)

NOTE: Refer also to Policies #7313 -- Suspension of Students
#7618 -- Use of Time Out Rooms

SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS**Corporal Punishment**

Corporal punishment as a means of discipline ~~shall~~ will not be used against a student by any teacher, administrator, officer, employee, or agent of this ~~School~~ District.

Whenever a school employee uses physical force against a student, the school employee ~~shall~~ will immediately report the situation to ~~his/her Principal/Supervisor. The Principal/Supervisor shall, the building principal or designee who will~~ within the same school day, make a report to the Superintendent describing in detail the circumstances and the nature of the action taken.

The Superintendent ~~of Schools shall~~ will submit a written report semi-annually to the Commissioner of Education, with copies to the Board ~~of Education~~, 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 ~~Sweet Home 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.

Emergency Interventions

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

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

~~Such~~ Emergency interventions ~~shall~~ will only be used in situations where alternative procedures and methods ~~that do not involving~~ involve the use of reasonable physical force cannot reasonably be employed. Emergency interventions ~~shall~~ will not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify, or eliminate a targeted behavior.

Staff who may be called upon to implement emergency interventions will be provided appropriate training in safe and effective restraint procedures. The parent(s) ~~or person(s) in parental relation~~ of the student ~~shall~~ will be notified ~~on the same day~~ whenever an emergency intervention is utilized. ~~When the student's parent or person in parental relation cannot be contacted on the same day after reasonable attempts are made, the building principal will record the attempts and, when applicable, report the attempts to the committee on special education (CSE).~~

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SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS (Cont'd.)

The District will maintain documentation on the use of emergency interventions for each student including:

- a) Name and date of birth of student;
- b) Setting and location of the incident;
- c) Name of staff or other persons involved;
- d) Description of the incident and emergency intervention used, including duration;
- e) A statement as to whether the student has a current behavioral intervention plan; and
- f) Details of any injuries sustained by the student or others, including staff, as a result of the incident.

This documentation will be reviewed by District supervisory personnel and, if necessary, by the school nurse or other medical personnel.

Education Law § 4402
8 NYCRR §§ 19.5, 100.2(1)(3), and 200.22(d)

NOTE: Refer also to Policy #7313 -- Suspension of Students

Adopted: 5/9/06
Revised: 5/12/09; 3/20/12;

SUBJECT: CONCUSSION MANAGEMENT

The Board 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 District students is a primary concern. As such, the District supports the proper evaluation and management of concussion injuries.

A concussion is a mild traumatic brain injury (MTBI) that 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 academic performance as well as their athletic pursuits.

Concussion Management Team (CMT)

The District is authorized, at its discretion, to establish a Concussion Management Team (CMT) which may be composed of the certified athletic director, a school nurse, the school physician, a coach of an interscholastic team, a certified athletic trainer or such other appropriate personnel as designated by the District. The CMT will oversee and implement the District's concussion policy, 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 MTBIs. Furthermore, every CMT may establish and implement a program which provides information on MTBIs 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 will complete a course of instruction every two 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.

Components of the training 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.

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Students

SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

The course can be completed by means of instruction approved by State Education Department (SED) which include, but are not limited to, courses provided online and by teleconference. The CMT will utilize the District's existing system to document all required training and professional development for District staff. Upon completion of the training each year, staff will forward their course completion certificate to the appropriate staff for entry into the system. The system will also use an email to remind staff of the need to complete the training each year.

Information to Parents and Students

The District will include the following information on MTBIs or concussions in any permission or consent form or similar document that may be required from a parent or person in parental relation for a student's participation in interscholastic sports. Similar information will be provided to all students when they sign up for participation in sports and/or through information provided in physical education and health. 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 provide a link on its website to this list of information from the SED's and Department of Health's websites.

Identification of Concussion and Removal from Athletic Activities

The District requires the immediate removal from all athletic activities of any student who has sustained, or is believed to have sustained, a 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 will be removed from the class, game, or activity and must be evaluated as soon as possible by an appropriate health care professional. This removal must occur based on display of symptoms regardless of whether the injury occurred inside or outside of school. If there is any doubt as to whether the student has sustained a concussion, it will be presumed that the student has been injured until proven otherwise. The District will notify the student's parents or guardians and recommend appropriate evaluation and monitoring.

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SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

The District may 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. The District must seek authorization from the parent/guardian prior to the testing. Additionally, parents/guardians should be given a copy of the results upon request.

Return to School Activities and Athletics

The student will not return to physical activity (including athletics, physical education class, and recess) until he or she has been symptom-free for at least 24 hours, and has been evaluated and received written authorization from a licensed physician. In accordance with Commissioner's regulations, the District's Medical Director will give final clearance on a return to activity for extra-class athletics. All authorizations will be kept on file in the student's permanent health record. The standards for return to athletic 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 will 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 will also develop a coordinated communication plan among appropriate staff to ensure that the treating physician's orders for post-concussion management are implemented and followed. The school nurse will work to ensure that all the necessary staff get the information they need to care for and work with the injured student.

The District's Medical Director and other licensed healthcare professionals employed by the District will also formulate a procedure and treatment plan to be utilized by District staff who may respond to students or staff with possible concussions during the school day.

In accordance with SED guidelines, this policy will be both reviewed and updated periodically. The Superintendent, in consultation with the District's Medical Director and other appropriate staff, may develop regulations and protocols for strategies to prevent concussions, the identification of concussions, and procedures for removal from and return to activities or academics.

Education Law Section 305(42)

8 NYCRR Sections 135.4 and 136.5

Guidelines for Concussion Management in Schools, SED Guidance Document, 2018

Adopted: 9/16/14

Revised: 4/21/20

Students

SUBJECT: CONCUSSION MANAGEMENT

~~The Board 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 District students is a primary concern. As such, the District supports the proper evaluation and management of concussion injuries.~~

A concussion is a **type of mild traumatic brain injury (MTBI)** ~~that occurs when normal brain functioning is disrupted~~ caused by a **bump, 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 academic performance as well as their athletic pursuits. **As such, the District supports the proper evaluation and management of concussion injuries.**

Concussion Management Team (CMT)

The District ~~is authorized, at its discretion, to may~~ establish a Concussion Management Team (CMT) which may be composed of the ~~certified-a~~ **Athletic Director and/or Director of Physical Education**, a school nurse, the school physician/**District's Medical Director**, a coach of an interscholastic team **and/or physical education teacher**, a certified athletic trainer, ~~or such-and~~ other appropriate personnel as designated by the District. **If established, the** CMT will oversee and implement the District's concussion policy, including the requirement that all school coaches, physical education teachers, **school** nurses, and certified athletic trainers who work with and/or provide instruction to **pupils students** engaged in school-sponsored athletic activities complete training relating to MTBIs. Furthermore, every CMT may establish and implement a program which provides information on MTBIs to parents and persons in parental relation (**parents**) 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 will complete a ~~course of instruction training~~ every two 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. **Since concussion symptoms may manifest themselves in any setting, all staff will be encouraged to take the online training and be alert for students who may display or report concussion symptoms.**

Components of the training will include, **but not be limited to:**

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

(Continued)

Students

SUBJECT: 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 training can~~ must be completed by means of instruction approved by the New York State Education Department (NYSED) which include, but are not limited to, courses provided online and by teleconference.

~~The CMT will utilize the District's existing system to document all required training and professional development for District staff. Upon completion of the training each year, staff will forward their course completion certificate to the appropriate staff for entry into the system.~~ Each time a staff member completes this training or a related professional development course, they must forward proof of completion to the CMT or, if a CMT has not been established, a designated District staff member who will enter the information into the District's existing system for tracking completed trainings and professional development courses. The system will also use an email to remind staff of the need to complete the training ~~each year as needed~~.

Information to Parents and Students

The District will include the following information on MTBIs or concussions in any permission or consent form or similar document that may be required from a parent ~~or person in parental relation~~ for a student's participation in interscholastic sports. Similar information will be provided to all students when they sign up for participation in sports and/or through information provided in physical education, ~~and health~~ or mental health classes. 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 provide a link on its website to this ~~list of~~ information ~~from on~~ the NYSED's and New York Department of Health's websites.

(Continued)

SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)**Identification of Concussion and Removal from Athletic Activities**

The District requires the immediate removal from all athletic activities of any student who has sustained, or is believed to have sustained, a 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 will be removed from the class, game, or activity and must be evaluated as soon as possible by an appropriate health care professional. This removal must occur based on display of symptoms regardless of whether the injury occurred inside or outside of school. If there is any doubt as to whether the student has sustained a concussion, it will be presumed that the student has been injured until proven otherwise. The District will notify the student's parents ~~or guardians~~ and recommend appropriate evaluation and monitoring.

~~The District may, in collaboration with their Medical Director, allow credentialed District staff who are appropriately licensed or certified healthcare professionals and credentialed to use validated neurocognitive computerized testing as a concussion assessment tool to review and obtain baseline and post-concussion performance data. These tools are not a replacement for a medical evaluation to diagnose and treat a concussion or clear a student to return to activities. The District must seek authorization from the parent/guardian prior to the testing. Additionally, parents/guardians should be given a copy of the results upon request.~~

Sweet Home Central School District will follow approved guidelines from the American Academy of Pediatrics in accordance with the Berlin Consensus Statement on Concussion in Sport 5th International Conference. This change has been approved by Dr, Robert Kaplan Sweet Home C.S.D Medical Director.

Return to School Activities and Athletics

~~The~~ student will not return to physical activity (including athletics, physical education class, and recess) until ~~he or she has~~ they have been symptom free for at least 24 hours, and ~~has~~ have been evaluated and received written ~~and signed~~ authorization from a licensed physician. ~~This written authorization should be sent to the school for review by the District's Medical Director. In accordance with Commissioner's regulations, Additionally, the District's Medical Director will give~~ has the final clearance ~~on a authority to clear students to participate in or return to activity for~~ extra class athletics activities. Student athletes will not return to physical activity including athletics and physical education class until cleared by a Health Care Provider. In addition, they must complete Return to Play Protocol monitored by district certified athletic trainer. As recommended by New York State Public High School Athletic Association, the student athlete must have completed all six phases of the protocol in order to return to play. The athlete can progress to the next phase of the return to play protocol provided they stay asymptomatic. If symptoms return, the student athlete must stop activity. The student athlete will return to the previous phase of protocol after they are asymptomatic for 24 hours. The SHCSD Medical Director has the ultimate charge and final responsibility in clearing the student athlete for physical education or athletics. The Medical Director remains the final authority

SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

and any memorandum does not negate this responsibility. All authorizations will be kept on file in the student's permanent health record. The standards for return to athletic activity will also apply to injuries that occur outside of school. ~~School-s~~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 will 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 will also develop a coordinated communication plan among appropriate staff to ensure that the ~~treating physician's private provider's~~ orders for post-concussion management are implemented and followed, and for students to resume participation in athletic activities with the District's Medical Director approval. The school nurse will work to ensure that all the necessary staff get the information they need to care for and work with the injured student.

The District's Medical Director and other licensed healthcare professionals employed by the District will also ~~formulate-establish~~ a procedure and treatment plan to be utilized by District staff who may respond to students or staff with possible concussions during the school day or at a school-sponsored athletic event.

In accordance with NYSED guidelines, this policy will be both reviewed and updated ~~periodically at least every three years or with updates to guidance~~. The Superintendent, in consultation with the District's Medical Director and other appropriate staff, may develop regulations and protocols for strategies to prevent concussions, the identification of concussions, and procedures for removal from and return to activities or academics.

Education Law § 305(42)

8 NYCRR §§ 135.4 and 136.5

Guidelines for Concussion Management in Schools, NYSED Guidance Document, 2022

Adopted: 9/16/14

Revised: 4/21/20;

SUBJECT: CHILD ABUSE AND MALTREATMENT**Child Abuse in a Domestic Setting**

The District takes seriously the obligations of its officers and employees to report cases of child abuse or maltreatment. To this end, regulations will be developed, maintained, and disseminated by administration regarding the:

- a) Mandatory reporting of suspected child abuse or 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 or health of a child; and
- g) Provision 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 current and new school officials will be established and implemented to enable the staff to carry out their reporting responsibilities.

Reporting Information

The District will post the child abuse hotline telephone number and directions for accessing the Office of Children and Family Services (OCFS) website in English and Spanish on its website and in clearly and highly visible areas of school buildings. The District will also make this information available from its administrative offices; provide it to parents and persons in parental relation at least once per school year by electronic communication, sending the information home with students, or otherwise; and provide it to each teacher and administrator. The District may post and provide this information in other, common languages used by the school community.

Persons Required to Report

Persons required to report cases of child abuse or maltreatment to the State Central Register (SCR) in accordance with Social Services Law Section 413(1) include, but are not limited to, school teachers, school counselors, school psychologists, school social workers, school nurses, school administrators or other school personnel required to hold a teaching or administrative license or certificate, and full- or

(Continued)

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

part-time compensated school employees required to hold a temporary coaching license or professional coaching certificate.

All mandated reporters must make the report themselves and then immediately notify the building principal or designee. The building principal or designee will be responsible for all subsequent administration necessitated by the report.

Any report must include the name, title, and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.

Prohibition of Retaliatory Personnel Action

The District will not take any retaliatory personnel action against an employee because the employee believes that he or she has reasonable cause to suspect that a child is an abused or maltreated child and that employee makes a report to SCR. Further, no school official will impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

"Retaliatory personnel action" means the discharge, suspension, or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

Report Form

The "Report of Suspected Child Abuse or Maltreatment" Form LDSS-2221A may be accessed at the OCFS website.

Child Abuse in an Educational Setting

The District is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers.

Definitions

"Administrator" or "school administrator" means a principal, or the equivalent title, in a school, or other chief school officer.

"Child abuse" means any of the following acts committed in an educational setting by an employee or volunteer against a child (defined as a person under the age of 21 years enrolled in a school):

- a) Intentionally or recklessly inflicting physical injury, serious physical injury, or death;
- b) Intentionally or recklessly engaging in conduct which creates a substantial risk of physical injury, serious physical injury, or death;

(Continued)

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

- c) Any child sexual abuse, defined as conduct prohibited by Penal Law Articles 130 or 263; or
- d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors in accordance with Penal Law Article 235.

"Educational setting" means the building(s) and grounds of a school; the vehicles provided directly or by contract by the school for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off school 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.

"School" means a school district, public school, charter school, nonpublic school, Board of Cooperative Educational Services (BOCES), special act school district as defined in Education Law Section 4001, approved preschool special education program pursuant to Education Law Section 4410, approved private residential or non-residential school for the education of students with disabilities including certain private schools, or state-operated or state-supported school in accordance with Education Law Articles 85, 87, or 88.

Duties Upon Receipt of an Allegation of Child Abuse in an Educational Setting

In any case where an oral or written allegation is made to a teacher, school nurse, school counselor, school psychologist, school social worker, school administrator, Board member, or other school personnel required to hold a teaching or administrative license or certificate, as well as a licensed and registered physical therapist, licensed and registered occupational therapist, licensed and registered speech-language pathologist, teacher aide, or school resource officer that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that person will upon receipt of the allegation:

- a) Promptly complete a written report of the allegation including the full name of the child alleged to be abused; the name of the child's parent; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. This written report must be completed on a form prescribed by the Commissioner of Education.
- b) Except where the school administrator is the person receiving the oral or written allegation, the employee completing the written report must promptly *personally deliver* a copy of that written report to the school administrator of the school in which the child abuse allegedly occurred.

In any case where an oral or written allegation is made to a school bus driver employed by a school or a person or entity that contracts with a school to provide transportation services to children that a

(Continued)

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

child has been subjected to child abuse by an employee or volunteer in an educational setting, that school bus driver will upon receipt of the allegation, promptly report or cause a report to be made to his or her supervisor employed by the school or the contracting person or entity.

In any case where an oral or written report or allegation is made to a supervisor who is employed by a school or a person or entity that contracts with a school to provide transportation services to children from a person employed by the school or the contracted person or entity that a child has been subjected to child abuse by an employee or volunteer in an educational setting, the supervisor must, upon receipt of an allegation:

- a) Promptly complete a written report of the allegation including the full name of the child alleged to be abused; the name of the child's parent or guardian; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. This written report must be completed on a form prescribed by the Commissioner.
- b) Ensure that the written report is personally delivered to the superintendent employed by the school district where the child abuse occurred or, for a school other than a school district or public school, the school administrator employed by the school where the child abuse occurred.

In any case where it is alleged a child was abused by an employee or volunteer of a school other than a school within the school district of the child's attendance, the report of these allegations will be promptly forwarded to the superintendent of the school district of the child's attendance and the superintendent of the school district where the abuse of the child allegedly occurred. If a case involves a school that is not a school district or public school, the appropriate school administrator or administrators, in addition to any appropriate superintendent, must be notified of the allegations of abuse.

If it is alleged the child was abused by the superintendent or administrator, the report of the allegations will be made to another designated administrator.

Upon receipt of a written report alleging child abuse in an educational setting, a school administrator or superintendent must then determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. If it is determined that reasonable suspicion exists, the school administrator or superintendent must follow the procedures mandated in law and further described in administrative regulations including parental notification. When the school administrator receives a written report, he or she must promptly provide a copy of the report to the superintendent. The report must be promptly forwarded to appropriate law enforcement. In no event will reporting to law enforcement be delayed by an inability to contact the superintendent.

(Continued)

Students

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

Where the superintendent or, in a school other than a school district or public school, the school administrator has forwarded a written report of child abuse in an educational setting to law enforcement authorities, he or she will also refer the report to the Commissioner if the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by NYSED.

Civil Immunity

Any employee, volunteer, or supervisor who is employed by a person or entity that contracts with a school to provide transportation services to children who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law will have immunity from civil liability which might otherwise result by reason of those actions.

Any school administrator or superintendent who reasonably and in good faith makes a report of allegations of child abuse in an educational setting, or reasonably and in good faith transmits a report to a person or agency as required by law, will have immunity from civil liability which might otherwise result by reason of those actions.

Confidentiality

Reports and other written material submitted in accordance with law with regard to allegations of child abuse in an educational setting, and photographs taken concerning those reports that are in the possession of any person legally authorized to receive that information, will be confidential and will not be redisclosed except to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or in accordance with a court-ordered subpoena. School administrators and the superintendent will exercise reasonable care in preventing unauthorized disclosure.

Training

The District will implement a training program regarding child abuse in an educational setting for all current and new teachers, school nurses, school counselors, school psychologists, school social workers, school administrators, Board members, other school personnel required to hold a teaching or administrative license or certificate, and any school bus driver or supervisor employed by the District or any person or entity that contracts with the District to provide transportation services to children, as well as licensed and registered physical therapists, licensed and registered occupational therapists, licensed and registered speech-language pathologists, teacher aides, and school resource officers.

Prohibition of "Silent" (Unreported) Resignations

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent, or the Commissioner, as 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 or her position.

(Continued)

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

The Superintendent or other school administrator who reasonably and in good faith reports to law enforcement officials information regarding allegations of child abuse or a resignation as required by law will have immunity from any liability, civil or criminal, which might otherwise result by reason of those actions.

Notification

Teachers and all other school officials will be provided an annual written explanation concerning the reporting of child abuse and child abuse in an educational setting including the immunity provisions as set forth in law. The Commissioner will furnish the District with required information, including rules and regulations for training necessary to implement District and staff responsibilities under the law.

Prohibition on Aiding and Abetting Sexual Abuse

Unless exempted by law, no District employee, contractor, or agent of the District will assist another District employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows or has probable cause to believe, that the individual engaged in sexual misconduct regarding a minor or student in violation of the law.

Education Law Article 23-B and Sections 409-1, 3028-b, and 3209-a
Family Court Act Section 1012
Labor Law Section 740(1)(e)
Penal Law Articles 130, 235, and 263
Social Services Law Sections 411-428
8 NYCRR Part 83 and Section 100.2(hh) and (nn)
20 USC Section 7926

Adopted: 5/9/06
Revised: 12/16/08; 2/15/11; 6/21/16; 6/18/19; 1/19/21

SUBJECT: CHILD ABUSE AND MALTREATMENT**Child Abuse in a Domestic Setting**

The District takes seriously the obligations of its officers and employees to report cases of child abuse or maltreatment. To this end, regulations will be developed, maintained, and disseminated by administration regarding the:

- a) Mandatory reporting of suspected child abuse or 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 or health of a child; and
- g) Provision 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 current and new school officials will be established and implemented to enable the staff to carry out their reporting responsibilities.

Reporting Information

The District will post the child abuse hotline telephone number and directions for accessing the Office of Children and Family Services (OCFS) website in English and Spanish on its website and in clearly and highly visible areas of school buildings. The District will also make this information available from its administrative offices; provide it to parents and persons in parental relation at least once per school year by electronic communication, sending the information home with students, or otherwise; and provide it to each teacher and administrator. The District may post and provide this information in other, common languages used by the school community.

Persons Required to Report

Persons required to report cases of child abuse or maltreatment to the State Central Register (SCR) in accordance with Social Services Law Section 413(1) include, but are not limited to, school teachers, school counselors, school psychologists, school social workers, school nurses, school administrators or

(Continued)

Students

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

other school personnel required to hold a teaching or administrative license or certificate, and full- or part-time compensated school employees required to hold a temporary coaching license or professional coaching certificate.

All mandated reporters must make the report themselves and then immediately notify the building principal or designee. The building principal or designee will be responsible for all subsequent administration necessitated by the report. Any report must include the name, title, and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.

Prohibition of Retaliatory Personnel Action

The District will not take any retaliatory ~~personnel~~ action against an employee because the employee believes that ~~he or she has~~ they have reasonable cause to suspect that a child is an abused or maltreated child and that employee makes a report to SCR. Further, no school official will impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

~~—"Retaliatory personnel action" means the discharge, suspension, or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.~~

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Child Abuse in an Educational Setting

The District is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers.

Definitions

"Administrator" or "school administrator" means a principal, or the equivalent title, in a school, or other chief school officer.

"Child abuse" means any of the following acts committed in an educational setting by an employee or volunteer against a child (defined as a person under the age of 21 years enrolled in a school):

- a) Intentionally or recklessly inflicting physical injury, serious physical injury, or death;

(Continued)

Students

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

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

"Educational setting" means the building(s) and grounds of a school; the vehicles provided directly or by contract by the school for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off school 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.

"School" means a school district, public school, charter school, nonpublic school, Board of Cooperative Educational Services (BOCES), special act school district as defined in Education Law Section 4001, approved preschool special education program pursuant to Education Law Section 4410, approved private residential or non-residential school for the education of students with disabilities including certain private schools, or state-operated or state-supported school in accordance with Education Law Articles 85, 87, or 88.

Duties Upon Receipt of an Allegation of Child Abuse in an Educational Setting

In any case where an oral or written allegation is made to a teacher, school nurse, school counselor, school psychologist, school social worker, school administrator, Board member, or other school personnel required to hold a teaching or administrative license or certificate, as well as a licensed and registered physical therapist, licensed and registered occupational therapist, licensed and registered speech-language pathologist, teacher aide, or school resource officer that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that person will upon receipt of the allegation:

- a) Promptly complete a written report of the allegation including the full name of the child alleged to be abused; the name of the child's parent; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. This written report must be completed on a form prescribed by the Commissioner of Education.
- b) Except where the school administrator is the person receiving the oral or written allegation, the employee completing the written report must promptly personally deliver a copy of that written report to the school administrator of the school in which the child abuse allegedly occurred.

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SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

In any case where an oral or written allegation is made to a school bus driver employed by a school or a person or entity that contracts with a school to provide transportation services to children that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that school bus driver will upon receipt of the allegation, promptly report or cause a report to be made to ~~his or her~~ **their** supervisor employed by the school or the contracting person or entity.

In any case where an oral or written report or allegation is made to a supervisor who is employed by a school or a person or entity that contracts with a school to provide transportation services to children from a person employed by the school or the contracted person or entity that a child has been subjected to child abuse by an employee or volunteer in an educational setting, the supervisor must, upon receipt of an allegation:

- a) Promptly complete a written report of the allegation including the full name of the child alleged to be abused; the name of the child's parent or guardian; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. This written report must be completed on a form prescribed by the Commissioner.
- b) Ensure that the written report is personally delivered to the superintendent employed by the school district where the child abuse occurred or, for a school other than a school district or public school, the school administrator employed by the school where the child abuse occurred.

In any case where it is alleged a child was abused by an employee or volunteer of a school other than a school within the school district of the child's attendance, the report of these allegations will be promptly forwarded to the superintendent of the school district of the child's attendance and the superintendent of the school district where the abuse of the child allegedly occurred. If a case involves a school that is not a school district or public school, the appropriate school administrator or administrators, in addition to any appropriate superintendent, must be notified of the allegations of abuse.

If it is alleged the child was abused by the superintendent or administrator, the report of the allegations will be made to another designated administrator.

Upon receipt of a written report alleging child abuse in an educational setting, a school administrator or superintendent must then determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. If it is determined that reasonable suspicion exists, the school administrator or superintendent must follow the procedures mandated in law and further described in administrative regulations including parental notification. When the school administrator receives a

(Continued)

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

written report, ~~he or she~~ they must promptly provide a copy of the report to the superintendent. The report must be promptly forwarded to appropriate law enforcement. In no event will reporting to law enforcement be delayed by an inability to contact the superintendent.

Where the superintendent or, in a school other than a school district or public school, the school administrator has forwarded a written report of child abuse in an educational setting to law enforcement authorities, ~~he or she~~ they will also refer the report to the Commissioner if the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by NYSED.

Civil Immunity

Any employee, volunteer, or supervisor who is employed by a person or entity that contracts with a school to provide transportation services to children who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law will have immunity from civil liability which might otherwise result by reason of those actions.

Any school administrator or superintendent who reasonably and in good faith makes a report of allegations of child abuse in an educational setting, or reasonably and in good faith transmits a report to a person or agency as required by law, will have immunity from civil liability which might otherwise result by reason of those actions.

Confidentiality

Reports and other written material submitted in accordance with law with regard to allegations of child abuse in an educational setting, and photographs taken concerning those reports that are in the possession of any person legally authorized to receive that information, will be confidential and will not be redisclosed except to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or in accordance with a court-ordered subpoena. School administrators and the sSuperintendent will exercise reasonable care in preventing unauthorized disclosure.

Training

The District will implement a training program regarding child abuse in an educational setting for all current and new teachers, school nurses, school counselors, school psychologists, school social workers, school administrators, Board members, other school personnel required to hold a teaching or administrative license or certificate, and any school bus driver or supervisor employed by the District or any person or entity that contracts with the District to provide transportation services to children, as well as licensed and registered physical therapists, licensed and registered occupational therapists, licensed and registered speech-language pathologists, teacher aides, and school resource officers.

(Continued)

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)**Prohibition of "Silent" (Unreported) Resignations**

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent, or the Commissioner, as 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 or her~~ their position.

The Superintendent or other school administrator who reasonably and in good faith reports to law enforcement officials information regarding allegations of child abuse or a resignation as required by law will have immunity from any liability, civil or criminal, which might otherwise result by reason of those actions.

Notification

Teachers and all other school officials will be provided an annual written explanation concerning the reporting of child abuse and child abuse in an educational setting including the immunity provisions as set forth in law. The Commissioner will furnish the District with required information, including rules and regulations for training necessary to implement District and staff responsibilities under the law.

Prohibition on Aiding and Abetting Sexual Abuse

Unless exempted by law, no District employee, contractor, or agent of the District will assist another District employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows or has probable cause to believe, that the individual engaged in sexual misconduct regarding a minor or student in violation of the law.

Education Law Article 23-B and §§ 409-1, 3028-b, and 3209-a
Family Court Act § 1012
Labor Law § 740(1)(e)
Penal Law Articles 130, 235, and 263
Social Services Law §§ 411-428
8 NYCRR Part 83 and § 100.2(hh) and (nn)
20 USC § 7926

Adopted: 5/9/06

Revised: 12/16/08; 2/15/11; 6/21/16; 6/18/19; 1/19/21;

Students

SUBJECT: STUDENT GENDER IDENTITY

All students need a safe and supportive educational environment to progress academically and developmentally. The District is committed to fostering a safe learning environment for all students, 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. The most commonly used terms are:

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

Gender: actual or perceived sex, typically with reference to social and cultural differences rather than physiological ones.

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

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.

Transgender: someone whose gender identity is different than their gender 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.

Records

As required by law, the District will maintain the confidentiality of student information and records. If a transgender or GNC student has officially changed his or her name, as demonstrated by court order or birth certificate, the District will change its official and unofficial records, as needed, to reflect the change. The District will maintain records with the student's assigned birth name in a separate, confidential file.

(Continued)

Students

SUBJECT: STUDENT GENDER IDENTITY (Cont'd.)

If a transgender or GNC student has not officially changed his or her name, but wishes to be referred to by a different name that corresponds to their gender identity, the District may create or change unofficial records to reflect the name and gender identity that the student consistently asserts at school. On state standardized tests, 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. The District will maintain records with the student's assigned birth name and gender in a separate, confidential file.

Names and Pronouns

When apprised of a student's transgender or GNC status, the District will endeavor to engage the student and his or her parents or guardians, as appropriate, in an effort to agree upon a plan that will accommodate the student's individual needs at school. Transgender and GNC 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 preferred 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 consistently asserts at school.

Restrooms and Locker Rooms

The District will allow a transgender or GNC student to use the restroom and locker room that corresponds to the student's consistently 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 they will not be required to use that alternative.

Physical Education and Sports

Physical education is a required part of the District's curriculum. Where these classes are sex-segregated, students will be allowed to participate in a manner consistent with their gender identity. Students will likewise be allowed to participate in intramural activities consistent with their gender identity.

Upon written notification that a transgender or GNC student would like an opportunity to participate in the District's interscholastic athletics program consistent with his or her gender identity, the District will determine his or her 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.

(Continued)

SUBJECT: STUDENT GENDER IDENTITY (Cont'd.)

The District's athletic director will notify opposing team athletic directors or the New York State Public High School Athletic Association if a student needs any accommodations during competitions. Any appeal regarding the District's eligibility decision will be directly to the Commissioner of Education.

Other Activities

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. Student privacy concerns will be addressed individually and on a case-by-case basis in accordance with District policy and applicable law, regulations, and guidelines.

Dress Code and Team Uniforms

Transgender or GNC 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 its athletes are traveling to and from athletic contests. Athletes will have access to uniforms that are appropriate for their sport.

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

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#3420 -- Non-Discrimination and Anti-Harassment in the District
#7544 -- Dignity for All Students
#7541 -- Sexual Harassment of Students
#7543 -- Hazing of Students
#8242 -- Civility, Citizenship and Character Education/Interpersonal
Violence Prevention Education

Adopted: 6/15/21

SUBJECT: STUDENT GENDER IDENTITY

All students need a safe and supportive educational environment to progress academically and developmentally. The District is committed to fostering a safe learning environment for all students, 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~~-District 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. The most commonly used terms are:~~

"Assigned sex at birth" means the sex designation, usually male or female, assigned to a person when they are born.

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

"Gender": means actual or perceived sex, ~~typically with reference to social and cultural differences rather than physiological ones~~ and includes a person's gender identity or expression.

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

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

"Gender nonconforming" (GNC): ~~describes~~-means 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.

"Transgender": means someone whose gender identity is different than their ~~gender~~-assigned sex at birth.

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

Records

~~As required by law, the District will maintain the confidentiality of student information and records. If a transgender or GNC student has officially changed his or her name, as demonstrated by court order or birth certificate, the District will change its official and unofficial records, as needed, to reflect the change. The District will maintain records with the student's assigned birth name in a separate, confidential file.~~

(Continued)

Students

SUBJECT: STUDENT GENDER IDENTITY (Cont'd.)

~~If a transgender or GNC student has not officially changed his or her name, but wishes to be referred to by a different name that corresponds to their gender identity, the District may create or change unofficial records to reflect the name and gender identity that the student consistently asserts at school. On state standardized tests, 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. The District will maintain records with the student's assigned birth name and gender in a separate, confidential file.~~

Following the submission of a name change order or other government issued document or court issued documentation of a name change for any current or past student, the District will update the student's name on any document or record issued or maintained by the District. This is not applicable to archival records that cannot be accessed or when modifying archival records is prohibited by law. The District will update any current or past student's gender upon submission of any form of government identification.

For any current or past student who has not officially changed their name or gender, the District will, upon request, update its records to reflect the student's asserted name and/or gender. However, the District may need to use the student's legal name and gender in certain, limited circumstances. Any student identification cards will be issued with the name reflecting the gender identity the student consistently asserts at school.

The District will maintain the confidentiality of student information and records as required by law. Further, any records with a student's assigned birth name and gender will be maintained in a separate, confidential file.

Names and Pronouns

When apprised of a student's transgender or GNC status, the District will endeavor to engage the student and ~~his or her~~ their parents or guardians, as appropriate, in an effort to agree upon a plan that will accommodate the student's individual needs at school. Transgender and GNC 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 preferred 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 consistently asserts at school.

Restrooms and Locker Rooms

The District will allow a transgender or GNC student to use the restroom and locker room that corresponds to the student's consistently expressed gender identity at school. Any student requesting increased privacy or other accommodations when using bathrooms or locker rooms will be provided

(Continued)

Students

SUBJECT: STUDENT GENDER IDENTITY (Cont'd.)

with a safe and adequate alternative, but they will not be required to use that alternative. [Additionally, the District will ensure that 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.](#)

Physical Education and Sports

Physical education is a required part of the District's curriculum. Where these classes are sex-segregated, students will be allowed to participate in a manner consistent with their gender identity. Students will likewise be allowed to participate in intramural activities consistent with their gender identity.

Upon written notification that a transgender or GNC student would like an opportunity to participate in the District's interscholastic athletics program consistent with [his or her](#) gender identity, the District will determine [his or her](#) 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 or the New York State Public High School Athletic Association if a student needs any accommodations during competitions. Any appeal regarding the District's eligibility decision will be [directly directed](#) to the Commissioner of Education.

Other Activities

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. Student privacy concerns will be addressed individually and on a case-by-case basis in accordance with District policy and applicable law, regulations, and guidelines.

Dress Code and Team Uniforms

Transgender or GNC 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 its athletes are traveling to and from athletic contests. Athletes will have access to uniforms that are appropriate for their sport.~~

(Continued)

SUBJECT: STUDENT GENDER IDENTITY (Cont'd.)

Family Educational Rights and Privacy Act (FERPA), 20 USC § 1232g
Title IX of the Education Amendments Act of 1972, 20 USC § 1681 et seq.
34 CFR Parts 99 and 106
Civil Rights Law §§ 40-c, 64, and 67
Education Law Article 2 and §§ 2-d, 313, and 3201-a
New York State Human Rights Law, Executive Law § 290 et seq.
8 NYCRR § 100.2

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#3420 -- Non-Discrimination and Anti-Harassment in the District
#3421 -- Sex Discrimination and Sexual Harassment Prohibited by
Title IX of the Education Amendments of 1972
#5633 -- Gender Neutral Single-Occupancy Bathrooms
#7541 -- Sexual Harassment of Students
#7543 -- Hazing of Students
#7544 -- Dignity for All Students
#8242 -- Civility, Citizenship and Character Education/Interpersonal
Violence Prevention Education

Adopted: 6/15/21
Revised:

Students

SUBJECT: USE OF TIME OUT ROOMS

Except as provided pursuant to 8 New York Code of Rules and Regulations (NYCRR) Section 200.22(c) as referenced below, the School District shall not employ the use of time out rooms as a means of regulating student behavior.

Pursuant to Commissioner's Regulations, a time out room is defined "as an area for a student to safely deescalate, regain control and prepare to meet expectations to return to his/her education program." If a time out room is to be used, it must be used in conjunction with a behavioral intervention plan (that is designed to teach and reinforce alternative appropriate behaviors) in which a student is removed to a supervised area in order to facilitate self-control or when it is necessary to remove a student from a potentially dangerous situation and for unanticipated situations that pose an immediate concern for the physical safety of a student or others.

The District has adopted and implemented the following policy and procedures governing school use of time out rooms as part its behavior management approach consistent with Commissioner's Regulations, including the physical and monitoring requirements, parental rights and individualized education program (IEP) requirements for students with disabilities.

At a minimum, the use of time out rooms shall be governed by the following rules and standards:

The Sweet Home Central School District prohibits the use of time out rooms in our buildings as defined by 8 New York Code of Rules and Regulations (NYCRR) Section 200.22(c).

Education Law Sections 207, 210, 305,4401,4402,4403, and 4410
8 NYCRR Sections 19.5,200.1,200.4,200.7,200.22, and 201.2

Adopted: 1/18/11
Revised: 2/15/11

SUBJECT: USE OF TIME OUT ROOMS

"Time out" is a technique used to interrupt an unacceptable behavior by removing the student from the situation where the misbehavior is occurring. The New York State Education Department (NYSED) does not regulate the use of time outs, but does regulate the use of a separate room where a student may be removed for a time out.

Except as provided below, the District will not employ the use of time out rooms as a means of regulating student behavior.

A time out room is defined as an area for a student to safely deescalate, regain control, and prepare to meet expectations to return to their education program. If a time out room is used, it must be used in conjunction with a behavioral intervention plan that is designed to teach and reinforce alternative appropriate behaviors. The student is removed to a supervised area in order to facilitate self-control. Time outs may also be used in unanticipated situations that pose an immediate concern for the physical safety of a student or others. Unanticipated or emergency use requires proper documentation, in accordance with Commissioner's regulations.

The District has adopted and implemented the following policy and procedures governing school use of time out rooms as part its behavior management approach consistent with Commissioner's regulations, including the physical and monitoring requirements, parental rights, and individualized education program (IEP) requirements for students with disabilities.

At a minimum, the use of time out rooms will be governed by the following rules and standards:

- a) The District prohibits placing a student in a locked room or space or in a room where the student cannot be continuously observed and supervised. The time out room will be unlocked and the door will be able to be opened from the inside. The use of locked rooms or spaces for purposes of time out or emergency interventions is prohibited.

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

Under no circumstances will a time out room in a school program be used for seclusion of the student, where the term "seclusion" is interpreted to mean placing a student in a locked room or space or in a room where the student is not continuously observed and supervised.

(Continued)

Students

SUBJECT: USE OF TIME OUT ROOMS (Cont'd.)b) Factors which may precipitate the use of the time out room

A student demonstrates the inability to independently regulate their behaviors to the extent that they are hurting themselves or others, or are damaging school property.

A student is exhibiting significant behavioral concerns that are interfering with the learning of other students for an extended period of time.

A student is unable to independently regulate their behaviors, as stated above, despite a preventative behavior intervention plan (BIP) in conjunction with a Functional Behavior Assessment (FBA).

c) Time limitations for the use of the time out room:

Further, a student's IEP will specify when a behavioral intervention plan includes the use of a time out room for a student with a disability, including the maximum amount of time a student will need to be in a time out room as a behavioral consequence.

School administration or other personnel will be notified in the event a student is placed in a time out room for excessive amounts of time, and this information will be considered when determining the effectiveness of the student's behavioral intervention plan and the use of the time out room for the student. Whether the student requires a debriefing following the use of a time out room will be left to the staff knowledgeable about the individual student.

Unless stated otherwise in a student's IEP, there are no specific time limitations placed on the use of a time out room. A student monitored and supported at a time out room will re-enter the classroom when they have deescalated and all contributing factors to their entrance are no longer observed.

Further, a student's IEP shall specify when a behavioral intervention plan includes the use of a time out room for a student with a disability. School administration or other personnel shall be notified in the event a student is placed in a time out room for greater than 10 minutes; and such information shall be considered when determining the effectiveness of the student's behavioral intervention plan and the use of the time out room for the student. Whether the student requires a debriefing following the use of a time out room shall be left to the staff knowledgeable about the individual student.

(Continued)

Students

SUBJECT: USE OF TIME OUT ROOMS (Cont'd.)

d) Staff training on the policies and procedures related to the use of time out rooms will include, but not be limited to, the following measures:

1. The Director of Special Education will be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Commissioner's regulations relating to the use of time out rooms, including members of the Committee on Special Education (CSE) and Committee on Preschool Special Education (CPSE).
2. The District will offer training to staff working with students who may utilize a **time out room, including training for crisis and personnel interventions.**

e) Data collection to monitor the effectiveness of the use of time out rooms:

District schools will establish and implement procedures to document the use of time out rooms. This data would be subject to review by NYSED upon request.

Data collection should include, but is not limited to, the following information:

1. A record for each student showing the date and time of each use of the time out room;
2. A detailed account of the antecedent conditions or specific behavior that led to the use of the time out room;
3. The amount of time that the student was in the time out room; and
4. Information to monitor the effectiveness of the use of the time out room to decrease specified behaviors which resulted in the student being placed in the room.

f) Information to be provided to parents or persons in parental relation (parents)

The District will inform the student's parents prior to the initiation of a behavioral intervention plan that will incorporate the use of a time out room for a student and will give the parent the opportunity to see the physical space that will be used as a time out room and provide the parent with a copy of the District's policy on the use of time out rooms.

(Continued)

SUBJECT: USE OF TIME OUT ROOMS (Cont'd.)

Parents will be notified if their child was placed in a time out room. Additionally, whenever a time out room is used as an emergency intervention, parents will be notified of the emergency intervention. Notifications will be provided on the same day. When the student's parent cannot be contacted after reasonable attempts are made, the building principal will record and report the attempts to the CSE.

Parent reports of alleged inappropriate interventions used in a time out room should be directed to school administrators.

Physical Space Used as a Time Out Room

The physical space used as a time out room will meet the following standards:

- a) The room will provide a means for continuous visual and auditory monitoring of the student;
- b) The room will be of adequate width, length, and height to allow the student to move about and recline comfortably;
- c) Wall and floor coverings should be designed to prevent injury to the student, and there will be adequate lighting and ventilation;
- d) The temperature of the room will be within the normal comfort range and consistent with the rest of the building; and
- e) The room will be clean and free of objects and fixtures that could be potentially dangerous to a student and will meet all local fire and safety codes.

Education Law §4402
8 NYCRR §§ 19.5 and 200.22

Adopted: 1/18/11
Revised: 2/15/11;