

July 2024 Policy - Second Reading Packet

Policy Number	Policy Title	Explanation	Adopted BOCES Update	Revised by SH	Keep Current Policy
1640	Absentee, Military & Early Mail Ballots	<p>Note: Sample policy 1640, Absentee, Military, and Early Mail Ballots, has been revised in response to the New York Early Mail Voter Act, which created a process to allow New York State voters the opportunity to vote early by mail, in advance of an election day, closely mirroring the existing absentee voter process. As part of the New York Early Mail Voter Act, the following sections were added to the Education Law: Section 2018-e, which applies to districts that provide for the personal registration of voters; and Section 2018-f, which applies to districts that utilize poll lists. There has been a legal challenge to the constitutionality of the legislation, but, as of now, the law has been upheld as constitutional.</p> <p>Policy Committee recommends adopting as is.</p>			

Sweet Home Central School District
Policy Committee Meeting
April 30, 2024 (Virtual)

Minutes

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

1. Reviewed the following policies for May first reading:

1640	Absentee, Military & Early Mail Ballots	<p>Note: Sample policy 1640, Absentee, Military, and Early Mail Ballots, has been revised in response to the New York Early Mail Voter Act, which created a process to allow New York State voters the opportunity to vote early by mail, in advance of an election day, closely mirroring the existing absentee voter process. As part of the New York Early Mail Voter Act, the following sections were added to the Education Law: Section 2018-e, which applies to districts that provide for the personal registration of voters; and Section 2018-f, which applies to districts that utilize poll lists. There has been a legal challenge to the constitutionality of the legislation, but, as of now, the law has been upheld as constitutional.</p> <p>Policy Committee recommends adopting as is.</p>
7350	Timeout & Physical Restraints	<p>Note: Sample policy 7350, Timeout and Physical Restraint, has been revised in response to amendments to the Commissioner of Education's regulations relating to the prohibition of corporal punishment, aversive interventions, prone restraint, and seclusion, as well as the authorized limited use of timeout and physical restraint.</p> <p>Policy Committee recommends adopting with edits by Office of Special Programs.</p>

SUBJECT: ABSENTEE BALLOTS

The Board authorizes the District Clerk to provide absentee ballots to qualified District voters. Absentee ballots will be used for the election of Board members and District public library trustees, the adoption of the annual budget, and District public library budget and referenda.

A District voter must request in advance an application for an absentee ballot. The voter must complete the application and state the reason he or she will not be able to appear in person on the day of the District election/vote for which the absentee ballot is requested. The application must be received by the District Clerk no earlier than the thirtieth day before the election/vote. The application must be received by the District Clerk at least seven days before the election/vote if the ballot is to be mailed to the voter or the day before the election/vote if the applicant or his or her agent delivers the application to the District Clerk in person.

A qualified District voter is eligible to vote by absentee ballot if he or she will be:

- a) Absent from the county of his or her residence;
- b) Unable to appear at the polling place because of illness or physical disability, or duties related to the primary care of one or more individuals who are ill or physically disabled, or because he or she will be or is a patient in a hospital;
- c) An inmate or patient of a veteran's administration hospital; or
- d) Absent from his or her voting residence because he or she is detained in jail awaiting action by a grand jury or awaiting trial, or confined in jail or prison after a conviction for an offense other than a felony, provided that he or she is qualified to vote in the election district of his or her residence.

Statements on the application for absentee ballot must be signed and dated by the voter.

A voter's absentee ballot must reach the Office of the District Clerk not later than 5 p.m. on the day of the election/vote in order that his or her vote may be canvassed.

Qualified District voters who are unable to personally appear at the polling place because of a permanent illness or physical disability and whose registration record has been marked "permanently disabled" pursuant to law are entitled to receive an absentee ballot without application.

A list of all persons to whom absentee ballots have been issued will be maintained in the Office of the District Clerk and made available for public inspection during regular office hours until the day of the election/vote. Any qualified voter may, upon examination of this list, file a written challenge of the qualifications as a voter of any person whose name appears on this list, stating the reason for the challenge. The written challenge will be transmitted by the District Clerk to the election inspectors on

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Bylaws

SUBJECT: ABSENTEE BALLOTS (Cont'd.)

the day of the District election/vote. In addition, any qualified voter may challenge the acceptance of the absentee voter's ballot of any person on this list by making his or her reasons known to the election inspector before the close of the polls.

Military Ballots

The Board authorizes the District Clerk to provide military ballots to military voters to be used for the election of Board members and District public library trustees, the adoption of the annual budget, and District public library budget and referenda.

A military voter is:

- a) A qualified voter of New York State who:
 1. Is in actual military service and, by reason of that military service, is absent from the District on the day of registration or election; or
 2. Is discharged from that military service within 30 days of an election; or
- b) A spouse, parent, child, or dependent of the previously described voter, accompanying or being with that voter, if a qualified voter of New York State and a resident of the District.

A military voter may designate a preference to receive a military ballot application or a military ballot by mail, fax, or email. This designation will remain in effect until revoked or changed by the military voter. If a military voter does not designate a preference, a military ballot application or a military ballot will be provided to the military voter by mail.

Military ballots will be distributed as soon as practicable, but no later than 25 days before the election/vote.

Three days before the first day for distribution of military ballots, the names of all candidates duly nominated for public office and the amendments, referenda, propositions, and questions to be voted for on the ballots will be determined. If, at a later date, the nomination of any candidate named on a military ballot is found invalid, the ballot will still be valid, but no vote for the invalid candidate will be counted in the election/vote.

A voter's military ballot must be received by the Office of the District Clerk not later than 5 p.m. on the day of the election/vote in order that his or her vote may be canvassed at which point the military ballot will be processed in the same manner as absentee ballots.

All military ballot applications and military ballots must be returned by mail or in person.

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SUBJECT: ABSENTEE BALLOTS (Cont'd.)

Education Law §§ 2014, 2018-a, 2018-b, 2018-d, and 2613
8 NYCRR Part 122

Adopted: 5/9/06
Revised: 10/18/11; 1/18/22

Bylaws

SUBJECT: ABSENTEE, MILITARY, AND EARLY MAIL BALLOTS**Absentee Ballots**

** Option 1 - If the District utilizes poll lists (i.e., does not provide for personal registration of voters), retain all language in option 1. Delete all language in option 2 which is for districts that provide for the personal registration of voters. Retain the section on military ballots.*

The Board authorizes the District Clerk or a Board designee to provide absentee ballots to qualified District voters. Absentee ballots will be used for the election of Board members and District public library trustees, the adoption of the annual budget, and District public library budget and referenda.

A District voter must request in advance an application for an absentee ballot. The voter must complete the application and state the reason ~~he or she~~ they will not be able to appear in person on the day of the District election/vote for which the absentee ballot is requested. The application must be received by the District Clerk or Board designee at least seven days before the election/vote if the ballot is to be mailed to the voter, or the day before the election/vote if the ballot is to be delivered personally to the voter.

An absentee ballot will also be mailed to every qualified District voter otherwise eligible for an absentee ballot who sends a signed letter requesting an absentee ballot which states the address of the voter to the District Clerk or Board designee. The signed letter must be received by the District Clerk or Board designee not earlier than the thirtieth day before the election/vote and at least seven days before the election/vote. Enclosed with the absentee ballot will be an application form for the absentee ballot. The absentee ballot will not be counted unless a valid application form is enclosed with the ballot.

A qualified District voter is eligible to vote by absentee ballot if ~~he or she is~~ they are unable to appear to vote in person on the day of the District election/vote because ~~he or she~~ they:

- a) ~~Is~~Are or will be a patient in a hospital, or ~~is~~are unable to appear personally at the polling place on the day of the election/vote because of illness or physical disability;
- b) ~~Has~~Have duties, occupation or business responsibilities, or studies which require being outside of the county or city of residence on the day of the District election/vote;
- c) Will be on vacation outside of the county or city of residence on the day of the District election/vote;

- d) Will be absent from their voting residence due to detention in jail awaiting action by a grand jury or awaiting trial; or is confined in prison after conviction for an offense other than a felony; or

**Customize to District*

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Bylaws

SUBJECT: ABSENTEE, MILITARY, AND EARLY MAIL BALLOTS (Cont'd.)

- e) Will be absent from the District on the day of the District election/vote by reason of accompanying spouse, parent, or child who is or would be, if ~~he or she~~ they were a qualified voter, entitled to apply for the right to vote by absentee ballot.

Statements on the application for an absentee ballot must be signed and dated by the voter.

A voter's absentee ballot must reach the Office of the District Clerk or Board designee not later than 5 p.m. on the day of the election/vote in order that ~~his or her~~ their vote may be canvassed.

Qualified District voters who are unable to personally appear at the polling place because of a permanent illness or physical disability and whose registration record has been marked "permanently disabled" pursuant to law are entitled to receive an absentee ballot without application if they have previously applied for an absentee ballot.

A list of all persons to whom absentee ballots have been issued will be maintained in the Office of the District Clerk or Board designee and made available for public inspection during regular office hours until the day of the election/vote. Any qualified voter may, upon examination of this list, file a written challenge of the qualifications as a voter of any person whose name appears on this list, stating the reason for the challenge. ~~A challenge to an absentee ballot may not be made on the basis that the voter should have applied for an early mail ballot.~~ The written challenge will be transmitted by the District Clerk or Board designee to the election inspectors on the day of the District election/vote. ~~In addition, any qualified voter may challenge the acceptance of the absentee voter's ballot of any person on this list by making their reasons known to the election inspector before the close of the polls.~~

**Option 2 - If the District provides for the personal registration of voters, retain all language in option 2. Delete all language in option 1 which is for districts that utilize poll lists. Retain the section on military ballots.*

The Board authorizes the District Clerk to provide absentee ballots to qualified District voters. Absentee ballots will be used for the election of Board members and District public library trustees, the adoption of the annual budget, and District public library budget and referenda.

A District voter must request in advance an application for an absentee ballot. The voter must complete the application and state the reason ~~he or she~~ they will not be able to appear in person on the day of the District election/vote for which the absentee ballot is requested. The application must be received by the District Clerk no earlier than the thirtieth day before the election/vote. The application must be received by the District Clerk at least seven days before the election/vote if the ballot is to be

mailed to the voter or the day before the election/vote if the applicant or ~~his or her~~ their agent delivers the application to the District Clerk in person.

**Customize to District*

(Continued)

Bylaws

SUBJECT: ABSENTEE, MILITARY, AND EARLY MAIL BALLOTS (Cont'd.)

A qualified District voter is eligible to vote by absentee ballot if ~~he or she~~ they will be:

- a) Absent from the county of ~~his or her~~ their residence;
- b) Unable to appear at the polling place because of illness or physical disability, or duties related to the primary care of one or more individuals who are ill or physically disabled, or because ~~he or she~~ they will be or is a patient in a hospital;
- c) An inmate or patient of a veteran's administration hospital; or
- d) Absent from ~~his or her~~ their voting residence because ~~he or she is~~ they are detained in jail awaiting action by a grand jury or awaiting trial, or confined in jail or prison after a conviction for an offense other than a felony, provided that ~~he or she is~~ they are qualified to vote in the election district of ~~his or her~~ their residence.

Statements on the application for an absentee ballot must be signed and dated by the voter.

A voter's absentee ballot must reach the Office of the District Clerk not later than 5 p.m. on the day of the election/vote in order that ~~his or her~~ their vote may be canvassed.

Qualified District voters who are unable to personally appear at the polling place because of a permanent illness or physical disability and whose registration record has been marked "permanently disabled" pursuant to law are entitled to receive an absentee ballot without application.

A list of all persons to whom absentee ballots have been issued will be maintained in the Office of the District Clerk and made available for public inspection during regular office hours until the day of the election/vote. Any qualified voter may, upon examination of this list, file a written challenge of the qualifications as a voter of any person whose name appears on this list, stating the reason for the challenge. ~~A challenge to an absentee ballot may not be made on the basis that the voter should have applied for an early mail ballot.~~ The written challenge will be transmitted by the District Clerk to the election inspectors on the day of the District election/vote. ~~In addition, any qualified voter may challenge the acceptance of the absentee voter's ballot of any person on this list by making their reasons known to the election inspector before the close of the polls.~~

Military Ballots

The Board authorizes the District Clerk* or a Board designee to provide military ballots to military voters to be used for the election of Board members and District public library trustees, the adoption of the annual budget, and District public library budget and referenda.

**Customize to District -- Retain phrase "or Board designee" only if District utilizes poll lists vs. personal registration of voters.*

(Continued)

Bylaws

SUBJECT: ABSENTEE, MILITARY, AND EARLY MAIL BALLOTS (Cont'd.)

A military voter is:

- a) A qualified voter of New York State who:
 - 1. Is in actual military service and, by reason of that military service, is absent from the District on the day of registration or election; or
 - 2. Is discharged from that military service within 30 days of an election; or
- b) A spouse, parent, child, or dependent of the previously described voter, accompanying or being with that voter, if a qualified voter of New York State and a resident of the District.

A military voter may designate a preference to receive a military ballot application or a military ballot by mail, fax, or email. This designation will remain in effect until revoked or changed by the military voter. If a military voter does not designate a preference, a military ballot application or a military ballot will be provided to the military voter by mail.

Military ballots will be distributed as soon as practicable, but no later than *25 days before the election/vote.

Three days before the first day for distribution of military ballots, the names of all candidates duly nominated for public office and the amendments, referenda, propositions, and questions to be voted for on the ballots will be determined. If, at a later date, the nomination of any candidate named on a military ballot is found invalid, the ballot will still be valid, but no vote for the invalid candidate will be counted in the election/vote.

A voter's military ballot must be received by the Office of the District Clerk** or Board designee not later than 5 p.m. on the day of the election/vote in order that ~~his or her~~ their vote may be canvassed at which point the military ballot will be processed in the same manner as absentee ballots.

All military ballot applications and military ballots must be returned by mail or in person.

**Customize to District -- For small city school districts, military ballots need to be sent no later than 14 days before the election.*

***Customize to District -- Retain phrase "or Board designee" only if District utilizes poll lists vs. personal registration of voters.*

(Continued)

SUBJECT: ABSENTEE, MILITARY, AND EARLY MAIL BALLOTS (Cont'd.)**Early Mail Ballots**

** Option 1 - If the District utilizes poll lists (i.e., does not provide for personal registration of voters), retain all language in option 1. Delete all language in option 2 which is for districts that provide for the personal registration of voters.*

The Board authorizes the District Clerk or a Board designee to provide early mail ballots to qualified District voters. Early mail ballots will be used for the election of Board members and District public library trustees, the adoption of the annual budget, and District public library budget and referenda.

A District voter must request in advance an application for an early mail ballot. The voter must complete the application. The application must be received by the District Clerk or Board designee at least seven days before the election vote if the ballot is to be mailed to the voter, or the day before the election/vote, if the ballot is to be delivered personally to the voter.

An early mail ballot will also be mailed to every qualified District voter otherwise eligible for an early mail ballot who sends a signed letter requesting an early mail ballot which states the address of the voter to the District Clerk or Board designee. The signed letter must be received by the District Clerk or Board designee not earlier than the thirtieth day before the election/vote and at least seven days before the election/vote. Enclosed with the early mail ballot will be an application form for the early mail ballot. The early mail ballot will not be counted unless a valid application form is enclosed with the ballot.

Any qualified District voter is eligible to vote by early mail ballot.

Statements on the application for an early mail ballot must be signed and dated by the voter.

A voter's early mail ballot must reach the Office of the District Clerk or Board designee not later than 5 p.m. on the day of the election/vote in order that their vote may be canvassed.

A list of all persons to whom early mail have been issued will be maintained in the Office of the District Clerk or Board designee and made available for public inspection during regular office hours until the day of the election/vote. Any qualified voter may, upon examination of this list, file a written challenge of the qualifications as a voter of any person whose name appears on this list, stating the reason for the challenge. A challenge to an early mail ballot may not be made on the basis that the

voter should have applied for an absentee ballot. The written challenge will be transmitted by the District Clerk or Board designee to the election inspectors on the day of the District election/vote.

**Customize to District*

(Continued)

SUBJECT: ABSENTEE, MILITARY, AND EARLY MAIL BALLOTS (Cont'd.)

**Option 2 - If the District provides for the personal registration of voters, retain all language in option 2. Delete all language in option 1 which is for districts that utilize poll lists.*

The Board authorizes the District Clerk to provide early mail ballots to qualified District voters. Early mail ballots will be used for the election of Board members and District public library trustees, the adoption of the annual budget, and District public library budget and referenda.

A District voter must request in advance an application for an early mail ballot. The voter must complete the application. The application must be received by the District Clerk no earlier than the thirtieth day before the election/vote. The application must be received by the District Clerk at least seven days before the election/vote if the ballot is to be mailed to the voter or the day before the election/vote if the applicant or their agent delivers the application to the District Clerk in person.

Any qualified District voter is eligible to vote by early mail ballot.

Statements on the application for an early mail ballot must be signed and dated by the voter.

A voter's absentee ballot must reach the Office of the District Clerk not later than 5 p.m. on the day of the election/vote in order that their vote may be canvassed.

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**Customize to District*

Adoption Date

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SUBJECT: ABSENTEE, MILITARY, AND EARLY MAIL BALLOTS**Absentee Ballots**

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An absentee ballot will also be mailed to every qualified District voter otherwise eligible for an absentee ballot who ~~sends a signed letter requesting~~ requests an absentee ballot ~~which states the address of the voter to the~~ from the District Clerk or Board designee ~~via phone, email or in person~~. The ~~signed letter~~ request must be received by the District Clerk or Board designee not earlier than the thirtieth day before the election/vote and at least seven days before the election/vote. Enclosed with the absentee ballot will be an application form for the absentee ballot. The absentee ballot will not be counted unless a valid application form is enclosed with the ballot.

A qualified District voter is eligible to vote by absentee ballot if ~~he or she is~~ they are unable to appear to vote in person on the day of the District election/vote because ~~he or she~~ they:

- a) ~~Is~~Are or will be a patient in a hospital, or ~~is~~are unable to appear personally at the polling place on the day of the election/vote because of illness or physical disability;
- b) ~~Has~~Have duties, occupation or business responsibilities, or studies which require being outside of the county or city of residence on the day of the District election/vote;
- c) Will be on vacation outside of the county or city of residence on the day of the District election/vote;
- d) Will be absent from their voting residence due to detention in jail awaiting action by a grand jury or awaiting trial; or is confined in prison after conviction for an offense other than a felony; or

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Bylaws

SUBJECT: ABSENTEE, MILITARY, AND EARLY MAIL BALLOTS (Cont'd.)

- e) Will be absent from the District on the day of the District election/vote by reason of accompanying spouse, parent, or child who is or would be, if ~~he or she~~ they were a qualified voter, entitled to apply for the right to vote by absentee ballot.

Statements on the application for an absentee ballot must be signed and dated by the voter.

A voter's absentee ballot must reach the Office of the District Clerk or Board designee not later than 5 p.m. on the day of the election/vote in order that ~~his or her~~ their vote may be canvassed.

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Military Ballots

The Board authorizes the District Clerk* or a Board designee to provide military ballots to military voters to be used for the election of Board members and District public library trustees, the adoption of the annual budget, and District public library budget and referenda.

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- a) A qualified voter of New York State who:
 - 1. Is in actual military service and, by reason of that military service, is absent from the District on the day of registration or election; or

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Bylaws

SUBJECT: ABSENTEE, MILITARY, AND EARLY MAIL BALLOTS (Cont'd.)

Military Ballots

2. Is discharged from that military service within 30 days of an election; or
- b) A spouse, parent, child, or dependent of the previously described voter, accompanying or being with that voter, if a qualified voter of New York State and a resident of the District.

A military voter may designate a preference to receive a military ballot application or a military ballot by mail, fax, or email. This designation will remain in effect until revoked or changed by the military voter. If a military voter does not designate a preference, a military ballot application or a military ballot will be provided to the military voter by mail.

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All military ballot applications and military ballots must be returned by mail or in person.

Early Mail Ballots

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Bylaws

SUBJECT: ABSENTEE, MILITARY, AND EARLY MAIL BALLOTS (Cont'd.)**Early Mail Ballots**

A District voter must request in advance an application for an early mail ballot. The voter must complete the application. The application must be received by the District Clerk or Board designee at least seven days before the election vote if the ballot is to be mailed to the voter, or the day before the election/vote, if the ballot is to be delivered personally to the voter.

An early mail ballot will also be mailed to every qualified District voter otherwise eligible for an early mail ballot who ~~sends a signed letter requesting~~ requests an absentee ballot ~~which states the address of the voter to the~~ from the District Clerk or Board designee ~~via phone, email or in person.~~ The ~~signed letter~~ request must be received by the District Clerk or Board designee not earlier than the thirtieth day before the election/vote and at least seven days before the election/vote. Enclosed with the early mail ballot will be an application form for the early mail ballot. The early mail ballot will not be counted unless a valid application form is enclosed with the ballot.

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Education Law Sections 2014, 2018-a, 2018-b, 2018-d, 2018-e, 2018-f, and 2613
8 NYCRR Part 122

Adoption Date

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

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

Whenever a school employee uses physical force against a student, the school employee will immediately report the situation to 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 will submit a written report semi-annually to the Commissioner of Education, with copies to the Board, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by the 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

If alternative procedures and methods which do not involve physical force do not work, then the use of reasonable physical force is permitted for the following reasons:

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

Emergency interventions will only be used in situations where alternative procedures and methods that do not involve the use of reasonable physical force cannot reasonably be employed. Emergency interventions 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 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; 5/9/23