

POLICY

7000

Students

Chester Union Free School District

STUDENTS

(Section 7000)

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SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY

In accordance with state law and regulations, it is the policy of the Chester School District to ensure the maintenance of adequate attendance records verifying the attendance of all children at instruction and the creation of the means to examine attendance patterns so as to develop effective intervention strategies to improve student attendance. It is the objective of this policy to encourage each student to attend school on time, for the maximum number of days and instructional periods possible. In furtherance of this objective, the District shall utilize strategies such as positive attendance incentives and appropriate disciplinary and other consequences.

Record Keeping

a). Attendance record keeping shall conform to the following:

- 1) Chester Elementary School shall ensure that attendance is taken once at the beginning of each day and once at the beginning of each departmentalized class.
- 2) Chester Academy attendance shall be taken in each period of scheduled instruction.
- 3) In Grades K-12, any absence for a school day or part of a school day shall be recorded as excused or unexcused as provided for in this policy.
- 4) In Grades 6-12, events of tardiness to each class shall be recorded as excused or unexcused as provided for in this policy.
- 5) In Grades K-12, events of late arrival or early departure shall be recorded as excused or unexcused as provided for in this policy.
- 6) A record shall be maintained of each scheduled day of instruction during which school is closed for all or part of the day because of extraordinary circumstances including adverse weather, failure of the heating system or water supply, fuel supply shortage or structural damage to the building, etc.
- 7) A record shall be made of the date when a student withdraws from enrollment or is dropped from enrollment in accordance with Section 3202 (3-a) of the Education Law.

b). All entries in the register of attendance shall be made by a teacher or another employee designated by the Board of Education. Any individual authorized to make entries in the register of attendance shall, by oath or affirmation, verify the contents of the entries.

c). Student attendance records shall be reviewed by the Principal of each school building in the District for the purpose of initiating appropriate actions to address unexcused student absences, tardiness, and early departure.

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SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd)

d). The register of attendance shall consist of any written or electronic record to record attendance, absence, tardiness, or early departure of a student. The register shall be maintained for every period that a student is scheduled to attend actual instruction or supervised study during the course of the school day during the school year, from July 1st through June 30th. The register at every school building shall include separate notations regarding student presence, absence, tardiness, and early departure. The contents of the register for each student shall contain the information prescribed in regulations of the Commissioner of Education (Part 104).

e). The record keeping system shall keep information according to the following categories: (a) for absence, (t) for tardy, (ed) for early departure, (cc) for class cut, (tr) for truancy, (un) for unexcused events, and (ex) for excused events.

Excused Absences

The Board recognizes the following as legal excuses for student absence, each of which must be verified by the student's parent/guardian or school personnel, where applicable:

- a). Personal illness
- b). Death in the family / Funeral
- c). Religious observance
- d). Required attendance in court or at government agency (e.g., Court, Social Services, Probation)
- e). Approved school-sponsored activities, including field trips, interscholastic athletics, musical, and other competitions
- f). Directed or authorized presence at the Administrative Offices or Nurse's Office
- g). Quarantine
- h). Dental and medical appointments that cannot be scheduled outside of school hours
- i). Military obligations
- j). Approved cooperative/work study program
- k). College visitations (only for juniors and seniors), with the prior knowledge and approval of parents and counselors, so long as it does not exceed 4 days in a school year
- l). Family emergency
- m). Road Test
- n). Homebound Instruction (if the child is present for the instruction)
- o). Out of School Suspension (but not if alternative instruction is offered and not accepted)

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SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd)

- p). Students whose parent/legal guardian has been called for military deployment, is on leave from, or is returning from a combat zone or combat support may be excused for an additional 3 days, but work must be made up in accordance with this policy. Parents must notify the Building Principal at least 3 days before the intended absences and each case will be considered on a case- by-case basis by the Building Principal.

The written excuse must be presented by the student on the day when returning to school following such absence if the parent/guardian did not make contact with the school during the period of absence.

Unexcused Absences

Any absence not provided for on the excused list shall be deemed an unexcused absence. The Board considers the following absences as unexcused (this list is not all-inclusive):

1. Cut Class
2. Car Trouble
3. Missed Bus
4. Overslept
5. Personal Business
6. Vacation
7. Child/Elder Care
8. Any absence not excused with appropriate documentation within three school days.

Attendance/Course Credit Standard

Student absences are disruptive to the educational process. It is the student's responsibility to attend classes on a regular basis and to minimize class absences. Students are required to make-up missed assignments whenever they are absent and should monitor their absences to avoid loss of credit due to absence.

For the purposes of this policy's Course Credit Standard, a class absence is defined as non-attendance in class for twenty (20) or more minutes from any individual class period. In order to encourage regular class attendance students in grades 6 - 12 will be permitted only nine (9) absences per quarter without academic penalty. Students who have ten (10) or more absences in any quarter will receive a grade of 60 in that course upon the first instance of failure for absence, 50 in that course upon the second instance, 40 in that course for the third and fourth instances of

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd)

failure for excessive absences. Absences due to suspensions, school administration intervention, or school approved religious observance or instructions are not counted in the student's absences. Students who are on home instruction are exempt from this requirement unless the home instruction was offered and they failed to receive such instruction. In such case students on home instruction will be marked as an unexcused absence.

For grades 6 – 12 students will be permitted only seven (7) absences per quarter in physical education which meets on alternate days without academic penalty. Physical education students who have eight (8) or more absences in any quarter will receive a grade of 60, 50, or 40, depending on whether it is the first, second, third, or fourth incidence of failure for absence as outlined above.

For the purposes of calculating the final course average students with ten (10) or more absences in a course in a quarter will receive a numerical grade of no higher than 60 in that course upon the first instance of failure for absence, 50 in that course upon the second instance, and a 40 in that course for a third or fourth instance of failure for excessive absences. However if the student's average for any quarter is lower than the designated failure for absence grade, the lower average will be entered as the quarter average.

Students with ten (10) or more absences due to extraordinary circumstances may request permission from an Attendance Review Committee comprised of a school administrator, a school counselor, and a teacher, to make-up class work missed due to excused absences. Any make-up work for credit must be completed before the end of the following marking period. Make-up work for the fourth quarter must be made up by the end of the school year (June 30).

- a) Make-up assignments shall generally be required for all excused absences within a period of days proximate to the student's absence from school as determined by the teacher. With the approval of the Building Principal, make-up assignments may be waived or an extension of time granted in exceptional circumstances or where a Section 504 accommodation is warranted.
- b) The parent(s)/guardian(s) shall be notified, by telephone and/or in writing, whenever a student has absences in excess of six (6) per semester, regardless of whether the course is a semester or full year course.
- c) The administration of each school shall be responsible for ensuring personal contact with a student who is in danger of failing for the purpose of determining what reason or reasons are contributing to the student's poor attendance. Reasonable efforts shall be made to assist the student in addressing the causes of the attendance problem. Such efforts may include:

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SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd)

1. Discussions with the student's teacher or teachers.
2. Discussions and/or meeting with the student and his/her parent(s)/guardian(s).
3. Discussions with the student's health professional or counselor.
4. Recommendation to the appropriate authorities for the suspension of extra and co-curricular activity privileges.
5. Referral to resources and agencies outside of the school.
6. Referral to the child/student study team.

Encouraging Student Attendance

- a) With the approval of the Building Administration, in consultation with pupil personnel services, teachers at the elementary level shall utilize attendance incentives (addressing not only attendance but tardiness and early departure as well), including recognition of students with perfect attendance and commendation certificates that shall be issued to the student's parent(s)/guardian(s).
- b) At the secondary level, eligibility for extra- and co-curricular activities, interscholastic sports, and attendance at school-sponsored activities shall be restricted to those students who are in attendance for a minimum of three and a half hours on the day of the activity and are in good academic standing with regard to the district's Academic Eligibility Policy.
- c) At the secondary level, class cutting shall be deemed an infraction of the Code of Conduct. The Code shall prescribe a range of disciplinary interventions to address class cutting.
- d) Whenever a student exhibits a pattern of unexcused absence, tardiness, or early departure, notice will be given to the parent(s)/guardian(s) by telephone and/or in written communication (including by email), and the student shall be conferred with by the classroom teacher and/or a counselor regarding the pattern in an effort to remediate the underlying problem. Notice shall also be given to the Building Principal who may address the matter with the student and/or his/her parent(s)/guardian(s). All verbal, electronic and written contacts with the parent(s)/guardian will be documented by the District.
- e) In the event that the school level interventions have not improved the student's attendance, the Principal may recommend interventions such as a Person In Need of Supervision (PINS) petition to the Family Court and/or contact with the appropriate social services agency to initiate a neglect petition.

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SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd)

Oversight Responsibilities

- a) The Building Principal and/or his/her administrative designee shall be responsible for reviewing student attendance records and initiating appropriate action consistent with this policy.
- b) The Board of Education shall semi-annually review building level student attendance records to determine if the Comprehensive Student Attendance Policy is effective. If a decline in attendance is evident, the Board shall review the policy as deemed necessary to improve student attendance.

Distribution of Policy

The Superintendent of Schools, at the direction of the Board of Education, shall publish to the community information about the District's Comprehensive Student Attendance Policy. The policy shall be available and explained at student assemblies, at assemblies on open school nights (if any), and a plain language summary of the policy shall be prepared for distribution to parents/guardians. Each teacher and new teacher(s), promptly upon hire, shall be provided with a copy of the policy and any amendments thereto. Copies of the policy shall also be maintained by the District's Records Access Officer for issuance upon request by any interested party.

Adopted: 7/02/03
Revised: 8/25/15
Revised: 5/17/17

POLICY

2003

7111

Students

SUBJECT: RELEASED TIME OF STUDENTS

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

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

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

Adopted: 7/2/03

POLICY

2003

7120

Students

SUBJECT: AGE OF ENTRANCE

Kindergarten

Students who are legal residents of the School District and who reside with parents or guardians within the School District at the time of the opening day of school must be five (5) years of age or more on December 1st in order to register for Kindergarten.

A child who transfers into the School District at any time during the school year may be considered for admission to Kindergarten by the Superintendent provided:

- a) The parents were not legal residents of the School District on the opening day of school, and
- b) The child has been registered and enrolled in kindergarten in the district in which his/her parents were legal residents.

Other Grades

Admission of children to other grades shall involve a consideration of both chronological age and the readiness of the children to do the work of those grades.

Proof of Age

A student's birth certificate or other satisfactory evidence of age shall be presented at the time of initial registration. The child shall be entered under his/her legal name.

Education Law Sections 1712, 3202 and 3212

Adopted: 7/2/03

SUBJECT: SCREENING OF NEW SCHOOL ENTRANTS

The Board of Education shall provide for the screening of every new entrant to school to determine which students may have disabilities, may be gifted or may be of limited English proficiency. Such diagnostic screening shall be conducted:

- a) By persons appropriately trained or qualified;
- b) In the student's native language if the language of the home is other than English;
- c) In the case of new entrants, prior to the school year, if possible, but no later than December 1st of the school year of entry or within fifteen (15) days of transfer of a student into a New York State public school should the entry take place after December 1st of the school year;
- d) In the case of students who score below the state reference point on New York State assessment tests, within 30 days of the availability of the test scores.

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

- a) A physical examination by a physician or submission of a health certificate in accordance with Sections 901, 903, and 904 of the Education Law, including proof of immunization as required by Section 2164 of the Public Health Law;
- b) An assessment of motor development, of receptive and expressive language development, articulation skills, and cognitive ability in the student's native language, if the language of the home is not English.

If such screening indicates a possible disability, a referral shall be made to the Committee on Special Education (CSE) no later than 15 calendar days after completion of such diagnostic screening.

If such screening indicates a possibly gifted child, the name and finding shall be reported to the Superintendent of Schools and to the parents/guardians no later than 15 calendar days after completion of such screening.

If such screening indicates a child identified as possibly being of limited English proficiency, such child shall be provided appropriate transitional bilingual or free-standing ESL programs.

Reporting to Parents

Parents/guardians of children to be screened shall receive information in advance regarding the purpose of screening, the areas to be screened and the referral process. The information shall be

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Students

SUBJECT: SCREENING OF NEW SCHOOL ENTRANTS (Cont'd.)

communicated either orally or in writing in the parents' primary language(s). This information will be provided during the registration interview.

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

Confidentiality of Information

The Board of Education's policy and administrative regulations in accordance with the Family Educational Rights and Privacy Act of 1974, Public Law 93-380, shall apply to all information collected about a child through the screening program. In accordance with the policy and regulations, parents shall be informed of their right to privacy, their right to access to the records and their right to challenge those records should they be inaccurate, misleading or otherwise inappropriate.

Education Law Section 3208(5)
8 New York Code of Rules and Regulations
(NYCRR), Part 117 and 154

Adopted: 7/2/03

SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY

Ages of Attendance/Compulsory Attendance Age

According to Education Law, a student who becomes six (6) years of age on or before the first of December in any school year shall be required to attend full-time instruction from the first day that the District schools are in session in September of such school year, and a student who becomes six (6) years of age after the first of December in any school year shall be required to attend full-time instruction from the first day of session in the following September. Except as otherwise provided in Education Law Section 3205(3), a student shall be required to remain in attendance until the last day of session in the school year in which the student becomes sixteen (16) years of age.

However, in accordance with Education Law Section 3205(3), the Board of Education in **any** school district shall have the power to require minors from sixteen (16) to seventeen (17) years of age who are not employed to attend full-time instruction until the end of the school year in which the student turns seventeen (17) years of age.

All persons dwelling within the District who are between the ages of five (5) years and twenty-one (21) years and who have not received a high school diploma shall be entitled to enroll in the District.

Undocumented children, like U.S. citizen children, have the right to attend school full-time as long as they meet the age and residency requirements established by state law.

Proof of Age

The State Education Department does not require districts to collect students' social security numbers for any purpose. While school districts may need to collect certain data pursuant to State and/or federal laws, they should do so **after** a student has enrolled in school so as not to inadvertently give the impression that information related to immigration status will be used in making registration/enrollment determinations.

In accordance with Education Law, where a birth certificate or record of baptism is not available, a passport (including foreign passport) may be used to determine a child's age for purposes of enrollment/registration in school. Should none of these be available, the District may consider certain other documentary or recorded evidence to determine a child's age.

The following are examples of documentation that may be used to establish a student's age. This list is not intended to be exhaustive, nor is it a list of required documentation.

- a) School photo ID with date of birth;
- b) Hospital or health records;

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SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY (Cont'd.)

- c) State or other government-issued ID;
- d) Military dependent ID card;
- e) Native American Tribal document;
- f) Record(s) from non-profit international aid agencies and voluntary agencies (VOLAGs);
- g) Consulate identification card; and
- h) Official driver's license.

Determination of Student Residency

The residence of children dwelling within the District boundaries shall be established in a manner consistent with State Law and the Regulations of the Commissioner. The Board of Education or its designee shall determine whether a child is entitled to attend a District school. Any adverse residency decision by a school official, other than the Board or its designee, shall include written notice to the parent/person in parental relation of the procedures for obtaining review of the decision within the District.

A child's residence is presumed to be that of his/her parents or legal guardians. However, the District may encounter students, particularly from other countries, who reside with persons other than their parents or legal guardians. In order to determine residency in these cases, the District may request information regarding such student's custody to establish residency and to ensure the health, safety and welfare of the child.

Children Living With Noncustodial Parents

A child's residence is usually determined by the residence of the custodial parent. However, a noncustodial parent who resides in the District may enroll his/her child in a District school if he/she shares the day-to-day responsibilities for the child and the custodial parent designates the child's residence with the noncustodial parent.

Homeless Children

The parent/person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the School District in the case of an unaccompanied youth; or the director of a residential program for runaway and homeless youth established pursuant to Executive Law Article 19-H, in consultation with the homeless child, where such homeless child is living in such program, may designate either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child shall attend.

SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY (Cont'd.)

Children of Activated Reserve Military Personnel

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

Emancipated Minors

A determination of whether a student is to be designated as an emancipated minor in the Base School District will be based on evidence that the student is no longer under custody, control and support of his/her parents/persons in parental relation. To establish emancipation, a minor may submit documentation of his/her means of support, proof of residency and an explanation of the circumstances surrounding the student's emancipation, including a description of the student's relationship with his/her parents/persons in parental relation.

These statements are renewable each school year. If at any time the above information is changed without prompt notification or proven to be false, the parent/person in parental relation and/or student may be subject to legal action.

Children Living With Persons Not Their Parents -- Guardianship or Custody

In accordance with the Family Court Act and Domestic Relations Law, a person possessing a lawful order of guardianship or custody of a minor child who is not the parent of such child may enroll the child in public school in the school district where he/she and the child reside.

Therefore, upon application for enrollment by the guardian or custodian, the District shall enroll such a child for such time as the child resides with the guardian or custodian in the District upon verification that the guardian or custodian possess a lawful order of guardianship or custody for the child and that the guardian or custodian and the child properly reside in the same household within the District.

McKinney-Vento Homeless Education Assistance Act, Section 722, as reauthorized by the No Child Left

Behind Act of 2001

Domestic Relations Law Section 74

Education Law Sections 2045, 3202, 3205, 3209, 3212(4), and 3218(1)(b), 3218(1)(d)

Family Court Act Section 657

8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(x) and (y)

NOTE: Refer also to Policy #7000 -- Education of Homeless Children and Youth

Revised: 6/15/11

SUBJECT: NON-RESIDENT STUDENTS

Non-resident students may not enroll in the Chester Union Free School District. This does not preclude contracting with other school districts to have their resident students attend the Chester schools upon payment of tuition. In such cases, the tuition charged shall be at the rate annually approved by the Board of Education, set by the State Education Department or established by law.

Foreign Students

Students from other nations who are living with District residents may be enrolled at the discretion of the District. In accordance with federal law, a foreign student who attends a public secondary school under an F-1 Visa must reimburse the school district for the full unsubsidized per capita cost of providing education at the school during the student's attendance. The administration is authorized to file with the U.S. Department of Homeland Security the forms necessary for the monitoring of non-immigrant foreign students during the course of their stay in the district in accordance with the Student and Exchange Visitor Information System (SEVIS).

Only foreign students participating in a recognized Student Exchange Program under a J-1 Visa may attend District schools without payment of tuition. The administration is authorized to file with the U.S. Department of Homeland Security the forms necessary for the monitoring of non-immigrant foreign students during the course of their stay in the District in accordance with the Student and Exchange Visitor Information System (SEVIS).

A foreign student cannot receive any type of NYS diploma unless they meet NYS and District graduation requirements. The Principal and guidance counselor may review the foreign exchange student's transcript, carefully, and award credit for corresponding classes. As well, the student must pass four Regents Exams (English, US History, Math and Biology or Earth Science) and achieve 22 credits [the Principal may exempt a student who is a senior from the Global History Regents Exam].

Former Residents

Legally enrolled students of families who have moved out of the school District in Grade 12 may complete the school year and be eligible to graduate with their class, provided that they live in the school District until at least October 1st of the student's senior year.

Legally enrolled students of families who have moved out of the school District in grades other than 12 will be considered for continued enrollment in the schools by the Superintendent upon written request from the person(s) in parental relationship. Students who move from the District during the first semester may be permitted to complete the marking period. Those who move from the District on or after the first day of the second semester may be permitted to complete the school year in Chester. If students are permitted to continue in the District schools under the above circumstances, person(s) in parental relationship must provide for transportation. For enrollment as mentioned above, the same shall be on a tuition-free basis.

(Continued)

POLICY

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2 of 2

Students

SUBJECT: NON-RESIDENT STUDENTS

Proof of Residency

Such documentary or sworn proof as shall be required by the administration or Board of Education must be furnished prior to the admission of any child residing in the District with a person not his parent or who is the child of a non-resident. The admission of homeless children and youth will be in accordance with law.

Reservation of Claims

Should a material misstatement of fact be made and relied upon by any administrator or the Board of Education in admitting a non-resident student without tuition, the Board shall be entitled to recover the cost of instruction for the time the student was not authorized to attend a school in the District from the person having made the misstatement or from a person in parental relation to the student.

Tuition Fees

Where applicable, tuition fees are computed according to a formula established by the Commissioner of Education.

Tuition of individual non-resident students shall be computed in advance at the time of enrollment. Methods of payment (e.g., monthly) may be arranged in the District Office and approved by the Superintendent. Non-resident status is contingent upon timely payment of tuition fees as established by the Board of Education.

Legal Residence

Parents who maintain more than one residence, but whose legal residence for the purposes of voting or filing income tax is within the District, are eligible to send their children to District schools. However, school tax payments of non-residents who own assessable property in the District will be deducted from any tuition charges levied against such non-resident.

Education Law Sections 1709(13), 2045 and 3202
8 New York Code of Rules and Regulations (NYCRR)
Section 174.2
8 United States Code (USC) Chapter 12

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

Adopted: 3/22/04

Revised: 6/19/07

SUBJECT: DUAL ENROLLMENT: NONPUBLIC SCHOOL STUDENTS

In accordance with Education Law, New York State resident students who attend nonpublic schools located in the District may also enroll in public school programs provided by the School District in three categories: gifted education, career education (vocational and occupational education), and special education and related services for students with disabilities. Dual enrollment is not permitted in any other areas. Furthermore, no other forms of dual enrollment are available, such as participation on teams or school bands. Dual enrollment provisions apply only to those programs operated during the course of the school year and not to summer programs. Nonpublic school students are eligible to participate in public school summer school programs in the school district in which they live on the same basis as any other resident students.

If deemed appropriate by the School District and/or mandated by law or regulation, the school district of residence of such nonpublic school student may contract for the provision of such dual enrollment services with the Board of Cooperative Educational Services (BOCES), the school district in which the nonpublic school is located (if different from district of residence), or another school/school district as may be necessary.

A written request from the parent(s), guardian(s) or person(s) legally having custody of a nonpublic school student for provision of such dual enrollment services must be filed with the Board of Education of the school district in which such parent(s), guardian(s) or person(s) legally having custody of the student reside on or before the first day of June preceding the school year for which the request is made. Through such written request for participation in a dual enrollment program, a student is considered enrolled in the public schools; however, no formal registration in the public school is required. Dual enrollment does not in any way jeopardize the student's enrollment in the nonpublic school. The administrator of a nonpublic school may receive and forward such request from the parent(s), guardian(s) or person(s) legally having custody of the student to the Board of Education of the district of residence of such nonpublic school student in accordance with proper timelines. Requests should be filed as early as possible so that they can be considered by the Board as plans are made and budgets prepared. For the purpose of obtaining educational programs and/or services for students with disabilities, such request shall be reviewed by the Committee on Special Education in accordance with law.

The Board of Education retains authority to determine, by resolution, which courses of instruction shall be offered during the course of the school year, the eligibility of students to participate in specific courses, and the admission of students in accordance with law. All students in like circumstances shall be treated equally.

Nonpublic school students receiving such dual enrollment services shall not be segregated from District students in any dual enrollment program.

(Continued)

POLICY

2003

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Students

SUBJECT: DUAL ENROLLMENT: NONPUBLIC SCHOOL STUDENTS (Cont'd.)

For students receiving gifted or career education, transportation shall be provided between the nonpublic school attended by such students and the public school where such services are provided if the distance between the nonpublic school and the public school exceeds one-fourth of a mile. The Board of Education shall provide transportation for students receiving special education programs and/or services pursuant to law in accordance with the needs of each such student. The District may claim state aid for this transportation.

The Board of Education, teachers, and other employees of the School District shall not be liable for harm to nonpublic school students caused by others while such students are walking between the public and nonpublic schools.

While the Dual Enrollment Law provides that services for those students enrolled in such dual enrollment instruction be provided in the regular classes of the School District, pursuant to law, the District is not required to provide such dual enrollment services exclusively in those programs/courses of instruction offered by the District and may, if appropriate and/or mandated by law, secure the provision of dual enrollment services elsewhere. The Board of Education of the District providing dual enrollment services to non-resident students shall be entitled to recover tuition from the district of residence of such students in accordance with the formula promulgated by the Commissioner of Education. Additionally, BOCES/state aid may also be claimed, as appropriate, for the provision of dual enrollment services.

The Board of Education is authorized to determine the standards of eligibility of students to participate in specific courses. If one course is a prerequisite for another, access to the prerequisite shall be made available to those nonpublic school students entitled to dual enrollment in the schools of the District.

Administrative regulations will be developed to implement the terms of this policy.

Education Law Section 3602-c

Adopted: 7/2/03

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE

The District recognizes the importance of educational stability for students in foster care and will collaborate, as appropriate, with the State Education Department (SED) and the local Department of Social Services (LDSS) to ensure that students in foster care have the same opportunity to achieve at the high-levels as their peers. For purposes of this policy, LDSS also refers to the local Social Services District or the local child welfare agency.

Definitions

- a) **Child or youth in foster care** ("student in foster care") means a child who is in the care and custody or custody and guardianship of a local Commissioner of Social Services or the Commissioner of the Office of Children and Family Services.
- b) **Feeder school** means:
 - 1. A preschool whose students are entitled to attend a specified elementary school or group of elementary schools upon completion of that preschool;
 - 2. A school whose students are entitled to attend a specified elementary, middle, intermediate, or high school or group of specified elementary, middle, intermediate, or high schools upon completion of the terminal grade of such school; or
 - 3. A school that sends its students to a receiving school in a neighboring school district pursuant to applicable laws and regulations.
- c) **Foster care** means 24-hour substitute care for children placed away from their parents or guardians and for whom the state or tribal child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A child is in foster care regardless of whether the foster care facility is licensed and payments are made by the state, tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is federal matching of any payments that are made.
- d) **Preschool** means a publicly funded prekindergarten program administered by SED or a local educational agency or a Head Start program administered by a local educational agency and/or services under the Individuals with Disabilities Education Act (IDEA) administered by a local educational agency.
- e) **Receiving school** means:
 - 1. A school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)

2. A school that enrolls students from a feeder school in a neighboring local educational agency pursuant to applicable laws and regulations.
- f) **School district of origin** means the school district within New York State in which the child or youth in foster care was attending a public school or preschool on a tuition-free basis or was entitled to attend at the time of placement into foster care when the Social Services District or the Office of Children and Family Services assumed care and custody or custody and guardianship of such child or youth, which is different from the school district of residence.
- g) **School district of residence** means the public school district within New York State in which the foster care placement is located, which is different from the school district of origin.
- h) **School of origin** means a public school that a child or youth attended at the time of placement into foster care, or the school in which the child or youth was last enrolled, including a preschool or a charter school. For a child or youth in foster care who completes the final grade level served by the school of origin, the term school of origin will include the designated receiving school at the next grade level for all feeder schools. Where the child is eligible to attend school in the school district of origin because the child was placed in foster care after such child is eligible to apply, register, or enroll in the public preschool or kindergarten or the child is living with a school-age sibling who attends school in the school district of origin, the school of origin will include any public school or preschool in which such child would have been entitled or eligible to attend based on such child's last residence before the circumstances arose which caused such child to be placed in foster care.

District Foster Care Liaison

The District will designate an appropriate staff person to act as the District's point of contact for students in foster care (i.e., the "Foster Care Liaison"). The Foster Care Liaison will not be the same staff person as the McKinney-Vento Liaison unless the McKinney-Vento Liaison has sufficient ability to carry out the responsibilities of both roles.

The Foster Care Liaison will work collaboratively with representatives from the LDSS.

The District will ensure that the name and contact information for the Foster Care Liaison are:

- a) Submitted to SED;
- b) Provided, in writing, to the point of contact for any LDSS known by the District to have students in its custody; and
- c) Posted on the District website.

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)**Designation of School District and School**

The LDSS, in consultation with the appropriate local educational agency or agencies, will determine whether placement in the school district of origin or the school district of residence is in the best interest of a student in foster care. Provided that the District is an appropriate local educational agency, the District will work with the LDSS to make the best interest determination as quickly as possible in order to prevent educational discontinuity for the student. If the student has an Individualized Education Program (IEP), a Section 504 plan, or is an English language learner, relevant school staff may be consulted during the best interest determination process.

To the extent feasible and appropriate, the student should remain in his or her school of origin while the best interest determination is being made.

Subject to a best interest determination, a student in foster care is entitled to attend the school of origin or any school that children and youth who live in the attendance area in which the foster care placement is located are eligible to attend, including a preschool, for the duration of the student's placement in foster care and until the end of the school year in which he or she is no longer in foster care, and for one additional year if that year constitutes the student's terminal year in that building.

Where the school district of origin or school of origin that a student was attending on a tuition-free basis, or was entitled to attend when the student entered foster care is located, in New York State and the student's foster care placement is located in a contiguous state, the student is entitled to attend his or her school of origin or any school that children and youth who live in the attendance area in which the foster care placement is located are eligible to attend, including a preschool, subject to a best interest determination, for the duration of the student's placement in foster care and until the end of the school year in which he or she is no longer in foster care, and for one additional year if that year constitutes the student's terminal year in such building.

Responsibilities When Designated as the School District of Attendance

If the District is designated as the school district of attendance for a student in foster care, the District will immediately:

- a) Enroll the student in foster care, even if the student is unable to produce records which are normally required for enrollment, such as previous academic records, records of immunization and/or other required health records, proof of residency or other documentation and/or even if the student has missed application or enrollment deadlines during any period of placement in foster care, if applicable;
- b) Treat the student in foster care as a resident for all purposes; and

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)

- c) Make a written request to the school district where the student's records are located in order to obtain a copy of the student's records and coordinate the transmittal of these records in accordance with applicable laws and regulations.

Request for Records

Within five days of receipt of a request for school records from a new school, the District will forward, in a manner consistent with federal and state law, a complete copy of the records of the student in foster care, including, but not limited to: proof of age; academic records; evaluations; immunization records; and guardianship papers (if applicable).

Tuition Reimbursement

Except as otherwise provided in law or regulation, the cost of instruction of a student in foster care will be borne by the school district of origin. Where a district other than the school district of origin is designated as the school district of attendance, the cost of instruction will be borne by the school district of origin and the tuition paid to the designated school district of attendance will be computed in accordance with applicable laws and regulations.

Transportation Responsibilities

Any student in foster care who requires transportation in order to attend his or her school of origin, is entitled to receive that transportation.

As appropriate, the District will coordinate and collaborate with the LDSS to make an appropriate transportation plan that supports the student's school stability plan and is fair to the District's taxpayers, consistent with the District's obligations under federal and state law.

When the District is the designated school district of attendance, and the student requires transportation to attend his or her school of origin, the District will provide transportation to and from the student's foster care placement location and the school of origin. The costs for transportation may be aidable pursuant to applicable laws and regulations.

When the District is the school district of residence and the designated school district of attendance, and the student does not attend his or her school of origin, the District will provide transportation on the same basis as provided to resident students. The costs for transportation may be aidable pursuant to applicable laws and regulations.

When transporting students in foster care, the District may incur excess transportation costs, as defined by law. The District and the LDSS may enter into a written agreement relating to how excess transportation costs should be funded, consistent with applicable laws and regulations. Absent such an

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)

agreement, excess transportation costs incurred by the District will be shared equally between the LDSS responsible for the foster care costs of the student and the designated school district of attendance. The District and the LDSS will consider and utilize all allowable funding sources, including any available federal funds, to cover excess transportation costs.

Where a student in foster care has been placed in foster care in a contiguous state, and the District is the designated district of attendance, the District will collaborate with the LDSS to arrange for transportation.

Where the School of Origin is a Charter School

Where the school of origin is a charter school, the school district designated as the school district of attendance for a student in foster care will be deemed to be the school district of residence for the student for purposes of fiscal and programmatic responsibility and will be responsible for transportation of the student in foster care. If the designated school district of attendance is not the school district of origin, the designated school district of attendance may seek reimbursement from the school district of origin in accordance with applicable laws and regulations.

Dispute Resolution Process

To the extent feasible and appropriate, the District will ensure that a student in foster care remains in his or her school of origin while any dispute is being resolved in order to minimize disruptions and reduce the number of moves between schools.

Coordination with Other Agencies

The District will coordinate the provision of services described in this policy, as appropriate, with agencies or programs providing services to students in foster care.

The District will coordinate with other school districts on inter-district issues, such as transportation or transfer of school records.

The District will coordinate implementation of the above provision of services with the requirements of IDEA for students with disabilities.

Comparable Services

Each student in foster care will be provided services comparable to other students in the school of attendance, including: transportation services; educational services for which the student meets eligibility criteria; educational programs for students with disabilities; educational programs for English learners; programs in career and technical education; programs for gifted and talented students; and school nutrition programs.

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)**Student Privacy**

As appropriate, the District will collaborate with SED and/or the LDSS to determine what documentation related to a student in foster care should be shared among involved parties. In all cases, the District will comply with all statutory requirements to protect student privacy, including the Family Educational Rights and Privacy Act (FERPA) and any other applicable privacy requirements under federal, state, or local laws.

45 USC § 6312

45 CFR § 1355.20(a)

US DOE, Non-Regulatory Guidance: Ensuring Stability for Children in Foster Care (June 23, 2016)

Education Law §§ 3202 and 3244

Memorandum from NY St. Educ. Department on Educational Stability and Transportation Provisions for Students in Foster Care Memo (December 2, 2016)

NOTE: Refer also to Policies #5660 -- Meal Charging and Prohibition Against Meal Shaming
#7240 -- Student Records: Access and Challenge

Adoption Date: 11/14/18

POLICY

2003

7140

Students

SUBJECT: INVOLUNTARY TRANSFER OF STUDENTS

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

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

Adopted: 7/2/03

POLICY

2003

7150

Students

SUBJECT: EDUCATIONAL SERVICES FOR MARRIED/PREGNANT STUDENTS

Married Students

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

Pregnant Students

According to New York State Education Law, a student who becomes six years of age on or before the first of December in any school year shall be required to attend full-time instruction from the first day that the District schools are in session in September of such school year, and a student who becomes six years of age after the first of December in any school year shall be required to attend full-time instruction from the first day of session in the following September. Except as otherwise provided in Education Law Section 3205(3), a student shall be required to remain in attendance until the last day of session in the school year in which the student becomes sixteen years of age. The Education Law further provides that resident students over five (5) and under twenty-one (21) who have not received a high school diploma are entitled to attend school in the district in which they reside. The law further requires that a school district provide for this instruction and also to provide for home instruction for those students of legal age who are unable to profit from instruction in school.

In view of the above, administrative regulations will be developed to implement the terms of this policy to provide instruction as required by the New York State Education Law for students who become pregnant. The Superintendent, or his/her designee, is directed to consult with the school physician and the student's personal physician in determining the form of instruction.

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

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

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

Adopted: 7/2/03

POLICY

2003

7160

Students

SUBJECT: SCHOOL CENSUS

With the exception of the cities of New York, Buffalo and Rochester, as well as small city school districts, all other school districts are authorized, rather than obligated, to take a census of all children from birth to 18 years of age.

The census must indicate the names of all children between birth and 18 years of age, and of children with disabilities between birth and 21 years of age; their respective residences by street and number; the day of the month and the year of their birth; the names of the persons in parental relation to them; such information relating to physical or mental disabilities, to illiteracy, to employment and to the enforcement of the law relating to child labor and compulsory education as the State Education Department and the Board of Education shall require; and also such further information as the Board shall require.

On written request and in such form as prescribed by the Commissioner of Education, the Board shall provide to the Commissioner a report containing the names, ages and addresses of those children who are blind or deaf, and those children having serious physical or mental disabilities. Additionally, such report shall further indicate whether such children are being educated within the public schools of the District or, if they are not, where such education is being furnished to them.

Persons in parental relation to those children within the prescribed census age ranges are to make such reports as the Board of Education shall require, including, but not limited to, providing two weeks before the child reaches compulsory school age, the name of the child; the child's residence; the name of the person or persons in parental relation to the child; the name and location of the school to which the child shall have been or shall be sent as a student; and such other information as required by law or as the Board may require.

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

Census data shall be reported as required by law.

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

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

Adopted: 7/2/03

SUBJECT: STUDENT EVALUATION

Placement

Placement within the system, with respect to building, teacher, and grade or special class, shall be at the discretion of the school administration and shall be subject to review and change at any time. In making such decisions, the administrator or Building Principal will be guided by performance in class, past records, parent/guardian and teacher recommendations, standardized test scores, and any other appropriate sources of information, but the final decision shall rest with the school administration. Parents may request, in writing, teacher attributes that would best serve their child's learning needs; however, requests for specific teachers will not be honored.

Promotion and Retention

The procedures to be followed by the staff regarding promotion and retention will be developed by the Superintendent and will be continually evaluated. Building Principals may establish written standards for promotion or retention within the school units to which the students are assigned, subject to the guidelines of the Superintendent and the approval of the Board of Education.

Testing Program

The Board of Education endorses and supports the use of ability, achievement, diagnostic, readiness, interest and guidance tests as part of the total educational process to the degree to which tests help the District to serve its students.

Alternative Testing Procedures

The use of alternative testing procedures shall be limited to:

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

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

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

(Continued)

SUBJECT: STUDENT EVALUATION (Cont'd.)

Reporting to Parents/Guardians

Parents/guardians shall receive an appropriate report of student progress at regular intervals.

Report cards shall be used as a standard vehicle for the periodic reporting of student progress and appropriate school related data. Report cards, however, are not intended to exclude other means of reporting progress, such as interim reports, conferences, phone conversations, etc.

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

Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.
Education Law Section 1709(3)
8 NYCRR Sections 100.2(g), 117 and 154

Adopted: 7/02/03
Revised: 4/25/13
Revised: 11/12/14

POLICY

2003

7211

Students

SUBJECT: PROVISION OF INTERPRETER SERVICES TO PARENTS WHO ARE HEARING IMPAIRED

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

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

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

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

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

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

Adopted: 7/2/03

POLICY

2003

7212

Students

SUBJECT: TESTING PROGRAM

The Board of Education endorses and supports the use of ability, achievement, diagnostic, readiness, interest, and guidance tests as part of the total educational process to the degree to which tests help the District to serve its students.

Psycho-educational testing, consulting and referral services are provided by the Chester School District. No charge for such service is made to the individual students.

Teachers shall refer those students who give evidence of serious learning difficulties or exhibit behavioral patterns that interfere with classroom performance to the chairperson of the school's child study team for further evaluation and program recommendations.,

The chairperson of a child study team will notify the parent that a referral has been made, request written permission for testing, and advise that a conference will be held with the parent at the completion of the assessment.

The child study teams consist of educational specialists, administrators/guidance personnel psychologists, and school health professionals who will review the referral information, make recommendations for appropriate evaluations, and share and interpret the results of the assessment with parents.

A written report shall be prepared by the psychologist or educational specialist following each evaluation which shall include testing results and their implication for education program modifications and ancillary services. A copy of these reports will be placed in the student's cumulative folder and made accessible to the parents or legal guardian upon request and by appointment. Referral for further study or treatment in a public or private facility may be indicated.

When such referral is warranted, all procedures, time lines, and due process safeguards will be in compliance with Public Law 94-142, the Individuals with Disabilities Education Act (IDEA), Section 200 of the Commissioner's Regulations, and Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Education Act of 1990.

Adopted: 7/2/03

POLICY

2003

7213

Students

SUBJECT: HIGH RISK REGENTS STUDENTS

Students with questionable ability in Regents courses shall be identified at the time of entry into a Regents course or at the latest, by the five week marking period which occurs during the third marking period (25th week).

Those students so identified would:

- a) Be permitted to take a local examination in addition to the Regents examination.
- b) Be required to discuss the matter with the teacher, the student's guidance counselor and the student's parents.
- c) Be required to obtain written permission to take the local examination as well as the Regents examination, by the date of the first day of the final ten week marking period. (The last school day of the third marking is the final day for the forms to be completed before the offices close).

This procedure is designed for the students who are "High Risk Students" in terms of passing the Regents examination and, therefore, obtaining credit for an entire course.

The procedure is not intended to be used by all students to insure that they may pass a course for local credit, even though they did not do the work to pass the course on the Regents level.

The student will not be told the results of the local examination until after the Regents examination has been taken by the student.

Adopted: 7/2/03

POLICY

2003

7214

Students

SUBJECT: ACCELERATED COURSES FOR EIGHTH GRADE STUDENTS

Students in eighth grade, who have demonstrated themselves to be individuals who:

- a) Would profit from accelerated classes;
- b) Have strong academic backgrounds, (minimum of an 80 average in all classes);
- c) Have proven their abilities by standardized tests or other appropriate tests, projects or auditions;
- d) Have recommendations and approval from the appropriate teacher(s), counselor(s), administrator(s) and the parents will be considered as candidates for accelerated high school courses.

Eighth grade students will be permitted to take accelerated courses in the following areas: mathematics and foreign languages.

Commissioner's Regulations Section 100.4(c)

Adopted: 7/2/03

POLICY

2003

7220

Students

SUBJECT: GRADUATION REQUIREMENTS

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

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

Adopted: 7/2/03

POLICY

2003

7221

Students

SUBJECT: EARLY GRADUATION

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

8 New York Code of Rules and Regulations
(NYCRR) Section 100.5(3)

Adopted: 7/2/03

SUBJECT: DIPLOMA OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES

The District will provide students with disabilities appropriate opportunities to earn a diploma or other exiting commencement credential in accordance with Commissioner's regulations. During the student's annual review, the District will evaluate graduation opportunities and identify the means to achieve them. As part of this process, the District:

- a) Will coordinate activities with guidance personnel and BOCES staff to ensure that students meet credit and sequence requirements and to consider them for vocational opportunities.
- b) May modify instructional techniques and materials. Any modifications will be included on a student's Individual Education Plan (IEP) so that they can be implemented consistently throughout the student's program.
- c) Will review special education instructional programs to ensure equivalency with the same courses taught in the general education program.
- d) Will coordinate communication between special and general education staff so that all staff members understand required skills and competencies, and to establish equivalency of instruction in special education classes.

Graduation and transition plans will take into account the various pathways available to these students. For students with IEPs, the District will plan transition services for post-secondary life as early as possible, but no later than the school year in which the student turns age 15. The transition activities will be focused on improving both the student's academic and functional achievement. The plan will explore post-secondary opportunities and employment options and, if applicable, connection with adult service agencies that may provide the student with services after exiting school.

The District may award these diplomas or credentials, or both:

- a) Local diploma: available to students with an IEP or a Section 504 accommodation plan that specifies a local diploma. Students must comply with credit requirements. The available assessments to earn a local diploma include:
 1. Low-pass safety net option: students must achieve a score of 55 or higher on five required Regents exams.
 2. Low-pass safety net and appeal: available to students who score 52-54 on up to two Regents exams, successfully appeal those scores, and meet other applicable conditions.
 3. Regents Competency Test (RCT) safety net option: a student who enters grade 9 before September 2011 must pass a corresponding RCT if he or she does not attain a score of 55 or higher on the Regents examination.

(Continued)

SUBJECT: DIPLOMA OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES (Cont'd.)

4. **Compensatory safety net option:** except for scores on ELA and math exams, students may use one Regents exam score of 65 or above to compensate for a Regents exam score of 45-54. Students must score at least 55 (or successfully appeal a score of 52-54) on both the ELA and a math exam.
 5. **Superintendent's determination:** students who are unable to demonstrate their proficiency on standard state assessments because of one or more disabilities may be able to graduate upon the Superintendent's review and written certification of their eligibility. The Superintendent will make a determination after receiving a written request from an eligible student's parent or guardian. (Students with a Section 504 accommodation plan may not use this option.)
- b) **Career Development and Occupational Studies commencement credential (CDOS):** any student who is not assessed using the New York State Alternate Assessment (NYSAA) may earn the CDOS commencement credential as a supplement to a Regents or local diploma or as his or her only exiting credential if the student attended school for at least 12 years, excluding kindergarten. The student must meet criteria specified by the State Education Department confirming that he or she has attained the standards-based knowledge, skills, and abilities necessary for entry-level employment.
 - c) **Skills and Achievement (SA) commencement credential:** students with severe disabilities who are assessed using the NYSAA may earn the SA commencement credential. They must attend school for at least 12 years, excluding kindergarten. The District must document the student's skills, strengths, and levels of independence in academic, career development, and foundation skills needed for post-secondary life.

Graduation

The District allows any student with a disability to participate in the graduation ceremony of his or her high school graduating class and all related graduation activities if the student:

- a) Met the eligibility criteria for an SA or CDOS commencement credential;
- b) Has not otherwise qualified to receive a Regents or local diploma; and
- c) Has an IEP that prescribes special education, transition planning, transition services, or related services beyond the student's four academic years after entering high school.

The Superintendent will consider any recommendation of the student's Committee on Special Education as well as the student's own expressed preference regarding participation; a student with a disability may decline to participate in any or all graduation-related activities. The District will provide annual written notice of this policy to applicable students and their parents or guardians.

(Continued)

POLICY

2018

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Students

**SUBJECT: DIPLOMA OR CREDENTIAL OPTIONS FOR STUDENTS WITH
DISABILITIES (Cont'd.)**

Education Law §§ 3202 and 4402
8 NYCRR §§ 100.1, 100.2, 100.5, 100.6, 200.4, and 200.5

NOTE: Refer also to Policy #7220 -- Graduation Options/Early Graduation/Accelerated Programs

Adoption Date: 4/4/18

POLICY

2015 7223

Students

SUBJECT: CLASS RANK

The Board of Education wishes to recognize outstanding academic achievement and shall use a system of computing grade average to inform graduating students of their class standing. Such information may also be sent to prospective employers and post-secondary institutions.

Class Rank Computation

Grades for all classes taken would be computed to determine class rank. The class will be ranked initially at the end of the junior year so that rank and average may be provided to post-secondary institutions. At the end of the first semester of the senior year, final class rank will be computed.

Transfer Students

To be considered for first and second honors, i.e., valedictorian and salutatorian, a transfer student must have been in attendance two consecutive years prior to graduation. A grade conversion chart shall be applied to grades of students who transfer from a school which uses an alternate marking method.

Early Graduation

The cumulative grade point average of those students who satisfy their graduation requirements in less than 8 semesters of high school study will be computed and assigned a class rank designation in accordance with this policy. Students who elect to pursue an accelerated program of studies shall not be discriminated against in the assignment of a rank in class, and in the corresponding selection of valedictorian and salutatorian.

Valedictorian and Salutatorian

The valedictorian will be selected after the first semester of the senior year. The student with the highest overall average will be valedictorian and will be asked to give the valedictory speech at graduation. The salutatorian will be selected after the first semester of the senior year. The student with the second highest overall average will be salutatorian and will be asked to give the salutatory address at commencement.

Dissemination/Notification

The policy on Class Rank will be disseminated to appropriate school officials and will also be published in the student handbook.

Adopted: 7/2/2003

Revised: 5/5/2015

SUBJECT: PHASE IN GRADUATION STANDARD OF 65 ON REQUIRED REGENTS EXAMINATIONS

The Chester Board of Education supports the higher academic achievement standards established in accordance with Commissioner's Regulations that sets 65 as the passing grade on all five Regents examinations required for high school graduation (i.e., the Regents comprehensive examination in English, a Regents examination in mathematics, the Regents examination in United States history and government, a Regents examination in science, and the Regents examination in global studies). However, the Board recognizes that additional time may be necessary for students to transition to these higher standards. Therefore, it is the policy of this District that the following phase in schedule of the 65 graduation standard on required Regents exams is established.

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

Students Entering Grade 9 in September 2005

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

Students Entering Grade 9 in September 2006

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

Students Entering Grade 9 in September 2007

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

Students entering Grade 9 in 2008

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

POLICY

2007

7224
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Students

SUBJECT: PHASE IN GRADUATION STANDARD OF 65 ON REQUIRED REGENTS EXAMINATIONS (Cont'd.)

Regents Diplomas

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

Students with Disabilities

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

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

Appeals Process on Regents Examinations Passing Score to Meet Regents Diploma Requirements

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

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

Adopted: 12/20/07

SUBJECT: APPEALS PROCESS ON REGENTS EXAMINATIONS PASSING SCORE TO MEET REGENTS DIPLOMA REQUIREMENTS

The Chester Union Free School District shall provide unlimited opportunities for all students to retake required Regents examinations to improve their scores. (The five required Regents examinations enumerated in Commissioner's Regulations are: the Regents comprehensive examination in English, a Regents examination in mathematics, the Regents examination in United States history and government, a Regents examination in science, the Regents examination in global studies.) A student who first enters grade 9 in September 2005 or thereafter and who fails, after at least two attempts, to attain a score of 65 or above on a required Regents examination for graduation shall be given an opportunity to appeal such score in accordance with Commissioner's Regulations.

However, no student may appeal his/her score on more than two of the five required Regents examinations and provided further that the student:

- 1) Has scored within three points of the 65 passing score on the required Regents examination under appeal and has attained at least a 65 course average in the subject area of the Regents examination under appeal;
- 2) Provides evidence that he/she has received academic intervention services by the school in the subject area of the Regents examination under appeal;
- 3) Has an attendance rate of at least 95 percent for the school year during which the student last took the required Regents examination under appeal;
- 4) Has attained a course average in the subject area of the Regents examination under appeal that meets or exceeds the required passing grade by the school and is recorded on the student's official transcript with grades achieved by the student in each quarter of the school year; and
- 5) Is recommended for an exemption to the passing score on the required Regents examination under appeal by his/her teacher or Department Chairperson in the subject area of such examination.

Appeals Process

- 1) An appeal may be initiated by the student, the student's parent/guardian, or the student's teacher, and shall be submitted in a form prescribed by the Commissioner of Education to the student's School Principal.

(Continued)

SUBJECT: APPEALS PROCESS ON REGENTS EXAMINATIONS PASSING SCORE TO MEET REGENTS DIPLOMA REQUIREMENTS (Cont'd.)

- 2) The School Principal shall chair a Standing Committee comprised of three teachers (not to include the student's teacher in the subject area of the Regents examination under appeal) and two school administrators (one of whom shall be the School Principal). The Standing Committee shall review an appeal within ten (10) school days of its receipt and make a recommendation to the Superintendent of Schools.
- 3) The Standing Committee may interview the teacher or Department Chairperson who recommended the appeal, and may also interview the student making the appeal to determine that he/she has demonstrated the knowledge and skills required under the State learning standards in the subject area in question.
- 4) The Superintendent of Schools shall make a final determination to accept or deny the appeal. The Superintendent may interview the student making the appeal to determine that the student has demonstrated the knowledge and skills required under the State learning standards in the subject area in question.

Regents or Local Diploma Earned by Student

- 1) A student whose appeal is accepted for one required Regents examination, and who has attained a passing score of 65 or above on each of the four remaining required Regents examinations, shall earn a Regents diploma.
- 2) A student whose appeal is accepted for two required Regents examinations, and who has attained a passing score of 65 or above on each of the three remaining required Regents examinations, shall earn a local diploma.

Recordkeeping Requirements

Each school shall keep a record of all appeals received and granted, and report this information to the State Education Department on a form prescribed by the Commissioner of Education. All school records relating to appeals of scores on required Regents examinations shall be made available for inspection by the State Education Department.

POLICY

2003

7230

Students

SUBJECT: DUAL CREDIT FOR COLLEGE COURSES

All students who have successfully fulfilled the requirements to enter into their senior year and have demonstrated intellectual and social maturity may choose to matriculate at any one of the colleges that have a cooperative agreement with our School District. Such opportunities may include early admission to college, collegiate-level work offered in the high school, or other means of providing advanced work. Review and approval by the administration are necessary before any college courses may be taken during the school day.

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

Adopted: 7/2/03

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE

The School District shall comply with the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Under its provisions, parents/guardians and noncustodial parent(s), whose rights are not limited by court order or formal agreement, of a student under eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, have a right to inspect and review any and all education records maintained by the School District.

Education Records

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

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

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

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

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

Records created and maintained by a law enforcement unit for law enforcement purposes are also excluded.

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)

Access to Student Records

The Board directs that administrative regulations and procedures be formulated to comply with the provisions of federal law relating to the availability of student records. The purpose of such regulations and procedures shall be to make available to the parents/guardians of students and noncustodial parent(s) whose rights are not limited by court order or formal agreement, or students who are eighteen (18) years of age or older or who are attending an institution of post-secondary education, student records, and files on students, and to ensure the confidentiality of such records with respect to third parties.

Under FERPA, unless otherwise exempted in accordance with law and regulation, the District may release personally identifiable information contained in student education records only if it has received a "signed and dated written consent" from a parent or eligible student. Signed and dated written consent may include a record and signature in electronic form provided that such signature:

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

Exceptions

Directory Information and Limited Directory Information Disclosure

Directory information is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Limited Directory Information Disclosure means that the District may limit disclosure of its designated directory information to specific parties, for specific purposes, or both. The intent is to allow schools the option to implement policies that allow for the disclosure of student information for uses such as yearbooks, but restrict disclosure for more potentially dangerous purposes. The District shall limit disclosure of its designated directory information as otherwise specified in its public notice to parents of students in attendance and eligible students in attendance.

Health and Safety Emergency Exception

School districts must balance the need to protect students' personally identifiable information with the need to address issues of school safety and emergency preparedness. Under FERPA, if an educational agency or institution determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records, without consent, to any person whose knowledge of the information is necessary to protect the health and safety of the student or other individuals during the period of the health or safety emergency.

(Continued)

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)

School districts may release information from records to appropriate parties including, but not limited to, parents, law enforcement officials and medical personnel. A school district's determination that there is an articulable and significant threat to the health or safety of a student or other individuals shall be based upon a totality of the circumstances, including the information available, at the time the determination is made. The school district must record the articulable and significant threat that formed the basis for the disclosure and maintain this record for as long as the student's education records are maintained.

Release of Information to Another Educational Institution

The District may disclose any and all educational records, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of IDEA, to another school or postsecondary institution at which the student seeks or intends to enroll, or after the student has enrolled or transferred, so long as the disclosure is for purposes related to the student's enrollment or transfer. Parental consent is not required for transferring education records if the school's annual FERPA notification indicates that such disclosures may be made. In the absence of information about disclosures in the annual FERPA notification, school officials must make a reasonable attempt to notify the parent about the disclosure, unless the parent initiated the disclosure. Additionally, upon request, schools must provide a copy of the information disclosed and an opportunity for a hearing.

Audit/Evaluation Exception

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

The District may, from time to time, disclose PII from education records without consent to authorized representatives of the entities listed above. The District may also, from time to time, designate its own authorized representative who may access PII without consent in connection with an audit or evaluation of an education program within the District. As an example, the District might designate a university as its authorized representative in order to disclose, without consent, PII from education records on its former students to the university. The university could then disclose, without consent, transcript data on those former students attending the university to allow the District to evaluate how effectively the District prepared its students for success in postsecondary education.

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)

Studies Exception

This exception allows for the disclosure of PII from education records without consent to organizations conducting studies for, or on behalf of, schools, school districts or postsecondary institutions. Studies can be for the purpose of developing, validating, or administering predictive tests; administering student aid programs; or improving instruction.

The District may, from time to time, disclose PII from education records without consent to such organizations conducting studies for the District, in accordance with its obligations under FERPA.

In addition, other entities outside of the District may, from time to time, disclose PII from education records that the District has previously shared with that entity, to organizations conducting studies on behalf of the District. For example, a State Education Agency (SEA) may disclose PII from education records provided by the District without consent to an organization for the purpose of conducting a study that compares program outcomes across school districts to further assess the effectiveness of such programs with the goal of providing the best instruction.

Required Agreements for the Studies or Audit/Evaluation Exceptions

To the extent required by law, the District shall enter into a written agreement with organizations conducting studies for the District, or, with its designated authorized representatives in connection with audits or evaluations of education programs within the District. In the event that the District discloses PII from education records to its own designated authorized representative in connection with an audit or evaluation of an educational program within the District, it shall use reasonable methods to ensure to the greatest extent practicable that its designated authorized representative complies with FERPA and its regulations.

Challenge to Student Records

Parents/guardians of a student under the age of eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, shall have an opportunity for a hearing to challenge the content of the school records, to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

Disclosures to Parents of Eligible Students

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

(Continued)

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)

- a) If the student is claimed as a dependent for Federal income tax purposes by either parent;
- b) In connection with a health or safety emergency;
- c) If the student attends an institution of postsecondary education, is under twenty-one (21) years of age and the disclosure is regarding the student's violation of law, an institutional rule or policy governing the use of alcohol or a controlled substance at that institution; or
- d) If the disclosure falls within any other exception to the consent requirements under FERPA or its Regulations, such as the disclosure of directory information or in compliance with a court order or lawfully issued subpoena.

Release of Information to the Noncustodial Parent

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

Family Educational Rights and Privacy Act of 1974, 20 United States Code (USC) Section 1232g
34 Code of Federal Regulations (CFR) Part 99

NOTE: Refer also to Policies #7241 -- Student Directory Information
#7242 -- Military Recruiters' Access to Secondary School Students and Information on Students
#7643 -- Transfer Students with Disabilities

Adopted: 7/02/03
Revised: 6/25/09
Revised: 3/28/12

POLICY

2009

7241

Students

SUBJECT: MILITARY RECRUITERS' ACCESS TO HIGH SCHOOL STUDENTS AND INFORMATION ON STUDENTS

In compliance with the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 (NCLB); and the National Defense Authorization Act, and in accordance with the Family Educational Rights and Privacy Act (FERPA), the School District shall comply with a request by a military recruiter for secondary students' names, addresses, and telephone listings, **unless a parent has "opted out" of providing such information.**

Further, in compliance with the NCLB, the District shall give military recruiters the same access to secondary school students as they provide to postsecondary institutions or to prospective employers.

Under FERPA, the School District must provide notice to parents of the types of student information that it releases publicly. This type of information, commonly referred to as "directory information," which is released by the District includes -- but is not limited to -- such items as students' names, addresses, and telephone listings. The notice must include an explanation of a parent's right to request that the information not be disclosed without prior written parental consent; and further requires that parents be notified that the School District routinely discloses students' names, addresses, and telephone listings to military recruiters upon request, subject to a parent's request not to disclose such information without written parental consent.

A single notice provided through a mailing, student handbook, or other method that is reasonably calculated to inform parents of the above information is sufficient to satisfy the parental notification requirements of both FERPA and the NCLB. The notification shall advise the parent of how to opt out of the public, nonconsensual disclosure of directory information and the method and timeline within which to do so.

If a parent opts out of providing directory information (or any subset of such information) to third parties, the opt-out relating to their child's name, address, or telephone listing applies to request for military recruiters as well. For example, if the opt-out states that telephone numbers will not be disclosed to the public, the District may not disclose telephone numbers to military recruiters.

The Superintendent/designee shall ensure that appropriate notification is provided to parents informing them of their right to opt-out of the release of designated directory information without prior written parental consent.

Elementary and Secondary Education Act of 1965
Section 9528
20 United States Code (U.S.C.) Section 7908
as amended by the No Child Left Behind Act of 2001
National Defense Authorization Act Section 544
10 United States Code (U.S.C.) Section 503
Family Educational Rights and Privacy Act of 1974
20 United States Code (U.S.C.) Section 1232(g)
34 Code of Federal Regulations (C.F.R.) Section 300.571
Education Law Section 2-a

Adopted: 6/25/09

SUBJECT: STUDENT DIRECTORY INFORMATION

Directory information is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

The District shall publish an annual public notice informing parents or eligible students (i.e., a student eighteen (18) years of age or older or who is attending an institution of post-secondary education) of the District's definition of directory information, the parent/eligible student's right to refuse the release of student directory information and indication of the time period for their response. Following such public notice and a reasonable response period, the District may release such information to an outside group without individual consent.

The Family Educational Rights and Privacy Act (FERPA) defines student directory information as any of the items as indicated in the following list. The Chester School District will release the following defined directory information* as checked below:

- _____ name
- _____ address
- _____ telephone listing
- _____ date and place of birth
- _____ major field of study
- _____ grade level
- _____ participation in sports and activities
- _____ weight and height (for members of athletic teams)
- _____ dates of attendance
- _____ honors, degrees and awards
- _____ e-mail address
- _____ photograph
- _____ name of educational institution previously attended

Directory information **does not** include:

- a) A student's social security number; or
- b) A student's identification (ID) number, except as provided below.

Directory information includes a student ID number, user ID, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, or that is displayed on a student ID card or badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user. Parents and eligible students may not, by opting out of disclosure of directory information, prevent a school from requiring a student to wear or present a student identification card or a badge that displays information that may be directory information.

POLICY

2012 7242
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Students

SUBJECT: STUDENT DIRECTORY INFORMATION (Cont'd.)

Limited Directory Information Disclosure

Limited Directory Information Disclosure means that that the District may limit disclosure of its designated directory information to specific parties, for specific purposes, or both. Allowing limited directory information disclosure may permit the District to use student directory information for such limited purposes as school yearbooks, honor roll lists, graduation programs, playbills and other similar uses, without obtaining individual consent. Limiting the disclosure of such information may be beneficial when the District perceives such disclosure as putting students at risk of becoming targets of marketing campaigns, news media or possible victims of criminal acts. The District shall limit its disclosure of its designated directory information as specified in its public notice to parents and eligible students.

Military Recruiter Access

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

Family Educational Rights and Privacy Act of 1974, 20 United States Code (USC) Section 1232(g)
34 Code of Federal Regulations (CFR) Part 99

NOTE: Refer also to Policies #7240 -- Student Records: Access and Challenge
#7242 -- Military Recruiters' Access to Secondary School

Students

and Information on Students

Adopted: 7/02/03
Revised: 7/07/09
Revised: 3/28/12

POLICY

2013 7243

Students

SUBJECT: STUDENT DATA BREACHES

A student data breach is defined as any instance in which there is an unauthorized release of or access to personally identifiable information (PII) or other protected information of students not suitable for public release.

School districts have a legal responsibility to protect the privacy of education data, including personally identifiable information (PII) of its students. The Family Education Rights and Privacy Act of 1974, commonly known as FERPA, protects the privacy of student education records. Although FERPA does not include specific data breach notification requirements, it does protect the confidentiality of education records and requires districts to record each incident of data disclosure in accordance with 34 CFR 99.32 (a)(1). In addition, under state law, direct notification of parents and/or affected students may be warranted depending on the type of data compromised, such as student social security numbers and/or other identifying information that could lead to identity theft.

The District has implemented privacy and security measures designed to protect student data stored in its student data management systems. These measures include reviewing information systems and data to identify where personally identifiable information is stored and used; monitoring data systems to detect potential breaches; and conducting privacy and security awareness training for appropriate staff. In the event of an alleged breach, the District will promptly take steps to validate the breach, mitigate any loss or damage, and notify law enforcement if necessary.

The Superintendent will develop and implement regulations for prevention, response and notification regarding student data breaches.

34 CFR 99.32 (a)(1)
Technology Law Sections 202 and 208

NOTE: Refer also to Policies #5672 -- Information Security Breach and Notification
#7240 -- Student Records: Access and Challenge

Adoption Date: 8/28/2013

SUBJECT: PARENT INVOLVEMENT

The Board of Education recognizes the need for a cooperative endeavor between District personnel and parents to ensure desired educational results for all children. It shall be the right of all parents to participate in the education of their children. At the same time, parents must accept the responsibility of such a partnership.

In respect for the vital role played by the home-school partnership, the Board of Education subscribes to the following rights and responsibilities of parents:

- a) To know what is expected of the child with respect to the educational program, attendance, behavior, and deportment.
- b) To know what the child is being taught, and how the child is being taught.
- c) To know what progress the child is making, on a timely basis.
- d) To be informed if the child experiences academic, health, or social difficulty.
- e) To see the child's records.
- f) To visit the child's school and to talk to the child's teachers and principal.
- g) To be encouraged and assisted to participate effectively in educational decision making.
- h) To be consulted on important matters concerning the child's education.
- i) To be treated with courtesy and respect by school personnel.

Responsibilities

- a) To send the child to school rested, clean, fed and ready to learn.
- b) To ensure that the child attends school regularly.
- c) To be aware of the child's work, progress, and problems by talking to the child about school, by looking at the child's work and progress reports, and by attending school functions when possible.
- d) To maintain continuing contact with the child's teachers and principal about the progress of the child's education.

(Continued)

POLICY

2008

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Students

SUBJECT: PARENT INVOLVEMENT (Cont'd.)

- e) To reinforce at home the importance of acquiring knowledge, skills and values needed to function effectively in society.
- f) To volunteer time, skill, or resources when needed and possible.
- g) To take part in school and community, programs that empower parents to participate in making educational decisions.
- h) To respond to communication from the school.
- i) To hold the child responsible for the work, attendance, behavior, and deportment expected for the child's education.
- j) To model in one's own life, the behavior one wishes to see in one's children.
- k) To treat the school personnel with courtesy and respect.

All due process procedures for parents/guardians and children in the Commissioner's Regulations shall be observed by the School District.

Education Law Sections 4401 and 4402
8 New York Code of Rules and Regulations
(NYCRR) Section 200.5

Adopted: 7/2/03
Revised: 3/13/08

POLICY

2016 7260

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: 8/30/16

SUBJECT: SCHOOL CONDUCT AND DISCIPLINE

The Board of Education acknowledges its responsibility to protect the educational climate of the District and to promote responsible student behavior. Accordingly, the Board delegates to the Superintendent the responsibility for assuring that the following components regarding school conduct and discipline are established, maintained in keeping with this policy, and reviewed annually and updated as needed through collaboration among professional staff, students, and parents. Specific components may vary as appropriate to student age, building levels, and educational needs. The components include:

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

(Continued)

POLICY

2003

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Students

SUBJECT: SCHOOL CONDUCT AND DISCIPLINE (Cont'd.)

The Board of Education will review this policy on school conduct and discipline annually and amend it when appropriate. The policy shall be filed in each school building, and shall be available for review by any individual.

8 New York Code of Rules and Regulations
(NYCRR) Section 100.2(1)

Adopted: 7/2/03

POLICY

2003

7311

Students

SUBJECT: LOSS OR DESTRUCTION OF DISTRICT PROPERTY OR RESOURCES

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

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

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

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

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

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

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

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

General Obligations Law Section 3-112
Penal Law Section 60.27

Adopted: 7/2/03

POLICY

2003

7312

Students

SUBJECT: STUDENT DRESS CODE

Staff is expected to dress and be groomed in a professional manner. Students are expected to dress and be groomed in an appropriate manner. Students must be dressed in appropriate clothing and protective equipment as required for physical education classes, participation in athletics; science laboratories and home and careers skills classes.

The following are considered to be inappropriate dress, grooming and appearance and are prohibited in school or at school functions:

- a) Any dress or appearance which constitutes a threat or danger to the health and safety of students (e.g., heavy jewelry or jewelry with spikes which can injure the student or others);
- b) Any dress or appearance which is vulgar, lewd, obscene or indecent or profane or which exposes to sight the private parts of the body (e.g., t-shirts with a phallic symbol and messages consisting of sexual metaphors; see-through garments, extremely plunging necklines or waistlines);
- c) Any dress or appearance which encourages or advocates use of illegal drugs, alcohol and/or tobacco;
- d) Any dress or appearance which advocates or encourages other illegal or violent activities.

Adopted: 7/2/03

SUBJECT: SUSPENSION OF STUDENTS

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

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

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

Suspension: Five Days or Less

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

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

When suspension of a student for a period of five (5) school days or less is proposed, administration shall also immediately notify the parent/person in parental relation in writing that the student *may be* suspended from school.

Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of the decision to propose suspension at the last known address or addresses of the parents/persons in parental relation. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

The notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the student and the parent/person in parental relation of their right to request an immediate informal conference with the Principal in accordance with the provisions of Education Law Section 3214(3)(b). Both the notice and the informal conference shall be in the dominant language or

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SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

mode of communication used by the parents/persons in parental relation. At the informal conference, the student and/or parent/person in parental relation shall be authorized to present the student's version of the event and to ask questions of the complaining witnesses.

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

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

Suspension: More Than Five School Days

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

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

Minimum Periods of Suspension

Pursuant to law, Commissioner's Regulations and the *District's Code of Conduct*, minimum periods of suspension shall be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations:

- a) Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a weapon to school or possessed a weapon on school premises shall be suspended for a period of not less than one (1) calendar year. However, the Superintendent has the authority to modify this suspension requirement on a case-by-case basis.

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SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

- b) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom shall be consistent with any other state and federal law. However, the suspending authority may reduce the period of suspension on a case-by-case basis. The definition of "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority" shall be determined in accordance with the Regulations of the Commissioner.
- c) A minimum suspension period for acts that would qualify the student to be defined as a violent student (see Education Law Section 3214(2-a)(a)) shall be consistent with any other state and federal law. However, the suspending authority may reduce the period of suspension on a case-by-case basis.

Suspension of Students with Disabilities

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

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

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten (10) consecutive school days or constitutes a pattern because the suspensions or removals cumulate to more than ten school days in a school year, a manifestation determination must be made.

Manifestation Determinations

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

- a) By the Superintendent to change the placement to an interim alternative educational setting (IAES);
- b) By an Impartial Hearing Officer (IHO) to place the student in an IAES; or

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SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

- c) By the Board, District Superintendent, Superintendent or building principal to impose a suspension that constitutes a disciplinary change of placement.

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

The manifestation team shall review all relevant information in the student's file including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine if: the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or the conduct in question was the direct result of the District's failure to implement the IEP.

Finding of Manifestation

If it is determined, as a result of this review, that the student's behavior is a manifestation of his/her disability the CSE shall conduct a functional behavioral assessment and implement or modify a behavioral intervention plan. Unless the change in placement was due to behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, the student must be returned to the placement from which the student was removed unless the parent and the District agree to a change of placement as part of the modification of the behavioral intervention plan.

No Finding of Manifestation

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

Provision of Services Regardless of the Manifestation Determination

Regardless of the manifestation determination, for subsequent suspensions or removals for 10 consecutive school days or less that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change of placement, and for suspensions or other disciplinary

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POLICY

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Students

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SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

removals in excess of ten (10) school days in a school year which do constitute a disciplinary change in placement for behavior, the CSE shall determine the services to be provided to students with a disability necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP, and shall conduct or provide, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur.

Interim Alternative Educational Setting (IAES)

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

Additionally, the District may seek an order from a hearing officer for a change in placement of a student with a disability to an appropriate IAES for up to forty-five (45) school days if the District establishes, in accordance with law, that such student is substantially likely to injure him/herself or others.

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

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

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Students

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SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

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

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

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

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

Suspension From BOCES

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

In-School Suspension

In-school suspension will be used as a lesser discipline to avoid an out-of-school suspension. The student shall be considered present for attendance purposes. The program is used to keep each student current with his/her class work while attempting to reinforce acceptable behavior, attitudes and personal interaction.

BOCES Activities

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

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

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SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

Exhaustion of Administrative Remedies

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

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 615(k)(1)]
18 United States Code (USC) Section 921
Individuals with Disabilities Education Act (IDEA)
20 United States Code (USC) Sections 1400 et seq.
20 United States Code (USC) Section 7151, as reauthorized by the No Child Left Behind Act of 2001
34 Code of Federal Regulations (CFR) Part 300
Education Law Sections 2801, 3214 and 4402
Penal Law Section 265.01
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(l)(2) and Part 201

Adopted: 7/2/03

Revised: 3/28/07

POLICY

2015

7314

Students

SUBJECT: CLOSED CAMPUS

It is the policy of the Board of Education that students in Grades K-12 are not permitted to leave school grounds from the time they arrive until the time they walk home or are transported home after the final dismissal. An exception to the policy will be made for seniors in accordance with written regulations.

Adopted: 7/2/03
Revised: 9/9/15

POLICY

2012 7315
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Students

SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES (ACCEPTABLE USE POLICY)

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

Access to Inappropriate Content/Material and Use of Personal Technology or Electronic Devices

This policy is intended to establish general guidelines for the acceptable student use of the DCS and also to give students and parents/guardians notice that student use of the DCS will provide student access to external computer networks not controlled by the School District. The District cannot screen or review all of the available content or materials on these external computer networks. Thus some of the available content or materials on these external networks may be deemed unsuitable for student use or access by parents/guardians.

Despite the existence of District policy, regulations and guidelines, it is virtually impossible to completely prevent access to content or material that may be considered inappropriate for students. Students may have the ability to access such content or material from their home, other locations off school premises and/or with a student's own personal technology or electronic device on school grounds or at school events. Parents and guardians must be willing to establish boundaries and standards for the appropriate and acceptable use of technology and communicate these boundaries and standards to their children. The appropriate/acceptable use standards outlined in this policy apply to student use of technology via the DCS or any other electronic media or communications, including by means of a student's own personal technology or electronic device on school grounds or at school events.

Standards of Acceptable Use

Generally, the same standards of acceptable student conduct which apply to any school activity shall apply to use of the DCS. This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate student conduct and use as well as proscribed behavior.

(Continued)

POLICY

2012 7315
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Students

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(ACCEPTABLE USE POLICY) (Cont'd.)**

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

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

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be School District property subject to control and inspection. The Computer Coordinator may access all such files and communications without prior notice to ensure system integrity and that users are complying with the requirements of this policy and accompanying regulations. Students should **NOT** expect that information stored on the DCS will be private.

Notification

The District's Acceptable Use Policy and Regulations will be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and students' obligations when accessing the DCS.

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

NOTE: Refer also to Policy #8271 -- Internet Safety/ Internet Content Filtering Policy
District Code of Conduct on School Property

Adopted: 9/06/07
Revised: 1/27/11
Revised: 3/28/12

SUBJECT: USE OF ELECTRONIC DEVICES

While students are permitted to bring certain electronic devices such as cell phones and personal digital assistants (PDAs) to school, they must, however, be kept out of sight and turned off during the hours of the student instructional day, except when permission is given by a teacher which requires prior approval from administration. A student who uses a cell phone or PDA in violation of this policy will be subject to discipline in accordance with the District Code of Conduct. In addition, any electronic device that is seen, heard or used during the school day, other than specified below, will be confiscated and a meeting with the student and his/her parent may be required prior to return of the device.

The Board of Education prohibits the use of electronic devices that may distract from or cause disruption to the educational process and/or that may be used as weapons. The Board of Education also prohibits the use of electronic devices with recording capabilities by students on school property, except for the purpose of photographing or recording public events (e.g., athletic events, plays, concerts, and award ceremonies).

When Electronic Devices May Be Used

- With teacher permission and prior approval from administration, cell phones may be used in the classroom for instructional purposes only, in cases where district-provided devices, such as Chromebooks, are not sufficient for the same purpose.
- Middle School and High School students are allowed to use cell phones in the cafeteria and during recess unless it is determined to cause a disruption to the learning environment or student safety.

Emergencies

During health and safety emergencies, such as fire drills, lock downs and evacuations, no electronic devices may be used by students for the safety of students and staff. Devices may only be used as directed by teachers and staff to minimize risks, and prevent the spread of misinformation during emergency events.

Privacy

The Board of Education prohibits any form of photography, or video recording of any individual on school property or in school facilities without that individual's knowledge, as well as the dissemination of any photograph or recording without the individual's permission. In no event shall any student photograph or record in a zone where an individual has a reasonable expectation of privacy,

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Students

SUBJECT: USE OF ELECTRONIC DEVICES (continued)

including but not limited to locker rooms, lavatories, and Nurse's office. A student who violates this policy shall be subject to discipline in accordance with law and the District Code of Conduct.

Responsibility

The decision to bring electronic devices to school or school sponsored events rests with the individual student and his/her parents/guardians and therefore the responsibility for such devices rests solely with the individual student. The School District assumes no responsibility or liability whatsoever in the event that an electronic device is damaged, misplaced or stolen during the school day, when on school property or when in attendance at a school sponsored event, whether on or off school property.

District Code of Conduct on School Grounds
Chester Union Free School District Student Handbook

Adoption Date: 7/10/08

Revised: 8/14/08

Revised: 1/25/12

Revised: 9/25/24

SUBJECT: ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)

The Board of Education recognizes that the misuse of drugs, alcohol and/or tobacco is a serious problem with legal, physical, emotional and social implications for the entire community. Therefore, the consumption, sharing and/or selling, use and/or possession of alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs is prohibited at any school-sponsored event or on school property at all times. The inappropriate use of prescription and over-the-counter drugs shall also be disallowed. Persons shall be banned from entering school grounds or school-sponsored events when exhibiting behavioral, personal or physical characteristics indicative of having used or consumed alcohol or other substances.

School property shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus as defined in Vehicle and Traffic Law Section 142. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

Through the collaborative efforts of staff, students, parents/guardians and the community as a whole, a comprehensive program shall be developed addressing alcohol, tobacco, drugs, and other substances to include the following elements:

Primary Prevention

Preventing or delaying alcohol, tobacco, drugs, and other substance use/abuse by students shall be the major focus of a comprehensive K through 12 program in which proactive measures of prevention and early intervention are emphasized. This program shall include:

- a) A sequential K through 12 curriculum based on recognized principles of effectiveness that is developed and incorporated into the total educational process. This curriculum shall be concerned with education and prevention in all areas of alcohol, tobacco, drugs, and other substances use/abuse;
- b) Training school personnel and parents/guardians to reinforce the components of the policy through in-service and community education programs with up-to-date factual information and materials;
- c) An effort to provide positive alternatives to alcohol, tobacco, drugs, and other substances use/abuse through the promotion of drug/tobacco/alcohol-free special events, service projects and extracurricular activities that will develop and support a positive peer influence.

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Students

SUBJECT: ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS) (Cont'd.)

Intervention

School-based intervention services shall be made available to all students, grades K through 12, and provided by prevention professionals who are appropriately trained in this area. The purpose of intervention is to eliminate any existing use/abuse of alcohol, tobacco, drugs, and other substances and to identify students considered to be at risk for use/abuse. Intervention programming shall include:

- a) Counseling of students in groups and as individuals on alcohol, tobacco, drugs, and other substance use/abuse. Counselors shall be appropriately trained and skilled school staff assigned for this purpose;
- b) Referring students to community or other outside agencies when their use/abuse of alcohol, tobacco, drugs, and other substances requires additional counseling or treatment. Referral is a key link in school and community efforts and the process is basic to the dissemination of information regarding available counseling and health services;
- c) Providing a supportive school environment designed to continue the recovery process for students returning from treatment. A re-entry program may include continuing student and/or family counseling and emphasizing positive alternatives to alcohol, tobacco, drugs, and other substance use/abuse;
- d) Developing a parent network to serve as a support group and provide a vehicle of communication for parent education;
- e) Ensuring confidentiality as required by state and federal law.

Disciplinary Measures

Disciplinary measures for students consuming, sharing and/or selling, using and/or possessing alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs shall be outlined in the *District's Code of Conduct on School Property*.

Staff Development

There shall be ongoing training of District staff about the components of an effective alcohol, tobacco and other substances program. Training shall include, but not be limited to, District policies and regulations and the staff's role in implementing such policies and regulations. Teachers shall be trained to implement the District's K through 12 alcohol, tobacco, drugs and other substance prevention curricula; intervention staff shall be suitably trained to carry out appropriate services.

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2007

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Students

SUBJECT: ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)
(Cont'd.)

Implementation, Dissemination and Monitoring

It shall be the responsibility of the Superintendent to implement the alcohol, tobacco, drugs, and other substances Board policy by collaboration with school personnel, students, parents/guardians and the community at large.

Additionally, copies of Board policy shall be disseminated to District staff, parents/guardians and community members. The Superintendent/designee shall periodically review the tobacco, drugs and alcohol abuse prevention program to determine its effectiveness and support appropriate modifications, as needed.

Safe and Drug-Free Schools and Communities Act, as reauthorized by the No Child Left Behind Act of 2001
20 United States Code (USC) Section 7101 et seq.
Education Law Section 2801(1)

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

Adopted: 7/2/03
Revised: 3/28/07

SUBJECT: SEARCHES AND INTERROGATIONS

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

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

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

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

Lockers

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

Questioning of Students by School Officials

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

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

(Continued)

SUBJECT: SEARCHES AND INTERROGATIONS (Cont'd.)

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

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

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

Law Enforcement Officials

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

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

Interrogation of Students by Law Enforcement Officials

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

Family Court Act Section 1024

Education Law Sections 1709(2) and (33) and 2801

8 New York Code of Rules and Regulations

(NYCRR) Section 100.2(l)

Adopted: 7/2/03

POLICY

2003

7340

Students

SUBJECT: BUS RULES AND REGULATIONS

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

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

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

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

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

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

Adopted: 7/2/03

POLICY

2003

7350

Students

SUBJECT: 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.

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

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

Whenever a school employee uses physical force against a student, the school employee shall, within the same school day, make a report to the Superintendent 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 Chester Union Free School authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

Rules of the Board of Regents Section 19.5
8 New York Code of Rules and Regulations
(NYCRR) Section 100.2(1)(3)

Adopted: 7/2/03

POLICY

2003

7360

Students

SUBJECT: WEAPONS IN SCHOOL

The possession of a weapon on school property or in school buildings is strictly prohibited, except by law enforcement personnel. Any person possessing a weapon for educational purposes in any school building must have written authorization of the Superintendent of Schools or his/her designee.

The term "weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or bodily injury.

The Penal Code of the State of New York shall also be used to determine what is considered a weapon.

Penal Law Section 265.01

NOTE: Refer also to Policies #3411 -- Unlawful Possession of a Weapon Upon School Grounds and #7361 -- Gun-Free Schools.

Adopted: 7/2/03

SUBJECT: GUN-FREE SCHOOLS POLICY

No student shall bring onto school premises any "firearm" as defined in federal law. For purposes of this policy, the term "firearm" includes any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; any firearm muffler or silencer; or any "destructive device" (e.g., any explosive, incendiary, or poison gas, including bombs, grenades, rockets or other similar devices). The term does not include a rifle which the owner intends to use solely for sporting, recreational or cultural purposes; antique firearms; or Class C common fireworks.

In accordance with the Gun-Free Schools Act of 1994 and Section 3214(3)(d) of the Education Law, any student who brings a firearm, as defined in federal law, onto school property, will be referred by the Superintendent to the appropriate agency or authority for a juvenile delinquency proceeding in accordance with Article 3 of the Family Court Act when the student is under the age of sixteen and will be referred by the Superintendent to the appropriate law enforcement officials when the student is sixteen years of age or older.

In addition, any student attending a District school who has been found guilty of bringing a firearm onto school property, after a hearing has been provided pursuant to Section 3214 of the Education Law, shall be suspended for a period of not less than one calendar year and any student attending a non-district school who participates in a program operated by the School District using funds from the Elementary and Secondary Education Act of 1965 who is determined to have brought a firearm to a District school or other premises used by the School District to provide such programs shall be suspended for a period of not less than one calendar year from participation in such program. The procedures of Education Law Section 3214(3) shall apply to such a suspension of a student attending a non-district school. Further, after the imposition of the one year penalty has been determined, the Superintendent of Schools has the authority to modify this suspension requirement for each student on a case-by-case basis. In reviewing the student's one year suspension penalty, the Superintendent may modify the penalty based on factors as set forth in Section 100.2 of the Regulations of the Commissioner of Education and in Commissioner's Decisional Law. The determination of the Superintendent shall be subject to review by the Board of Education in accordance with Education Law Section 3214(3)(c) and by the Commissioner of Education in accordance with Education Law Section 310.

A student with a disability who is determined to have brought a firearm to school may be placed in an interim alternative educational setting, in accordance with federal and state law, for not more than 45 calendar days. If the parent or guardian requests an impartial hearing, the student must remain in the interim alternative placement until the completion of all proceedings, unless the parent or guardian and District can agree on a different placement.

(Continued)

POLICY

2003

7361
2 of 3

Students

SUBJECT: GUN-FREE SCHOOLS POLICY (Cont'd.)

A student with a disability may be given a long term suspension pursuant to the Gun-Free Schools Act only if a group of persons knowledgeable about the student, as defined in federal regulations implementing the IDEA, determines that the bringing of a firearm to school was not a manifestation of the student's disability, subject to applicable procedural safeguards.

If it is determined that the student's bringing of a firearm to school was a manifestation of the student's disability, the Superintendent must exercise his/her authority under the Gun-Free Schools Act to modify the long term suspension requirement, and determine that the student may not be given a long term suspension for the behavior. The Committee on Special Education may review the student's current educational placement and initiate change in placement proceedings, if appropriate, subject to applicable procedural safeguards.

The District may offer home instruction as an interim alternative educational setting during the pendency of review proceedings only if the student's placement in a less restrictive alternative educational setting is substantially likely to result in injury either to the student or to others.

The District may also seek a court order to immediately remove a student with a disability from school if the District believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others.

Students with disabilities continue to be entitled to all rights enumerated in the Individuals With Disabilities Education Act and Article 89 of the Education Law; and this policy shall not be deemed to authorize suspension of students with disabilities in violation of these laws.

This policy does not prohibit the District from utilizing other disciplinary measures including, but not limited to, out-of-school suspensions for a period of five days or less, or in-school suspensions, in responding to other types of student misconduct which infringe upon the established rules of the school. Additionally, this policy does not diminish the authority of the Board of Education to offer courses in instruction in the safe use of firearms pursuant to Education Law Section 809-a.

The District will continue to provide the suspended student who is of compulsory attendance age with appropriate alternative instruction during the period of the student's suspension.

(Continued)

POLICY

2003

7361
3 of 3

Students

SUBJECT: GUN-FREE SCHOOLS POLICY (Cont'd.)

Goals 2000: Educate America Act,
P. L. 103-227 (Gun-Free Schools Act of 1994)

18 United States Code (USC) Section 921
Education Law Sections 310, 809-a, 3214,
and Article 89

8 New York Code of Rules and Regulations
(NYCRR) Section 100.2 and Part 200

20 United States Code (USC)
Sections 1400-1485,
Individuals With Disabilities Education Act (IDEA)
Family Court Act Article 3

NOTE: Refer also to Policies #3411 -- Unlawful Possession of a Weapon Upon School Grounds
and #7360 -- Weapons in School.

Adopted: 7/2/03

POLICY

2003

7370

Students

SUBJECT: STUDENT RECORDS POLICY

The Board of Education recognizes that the confidentiality of student records must be maintained and, therefore, establishes procedures for the confidentiality of student records consistent with federal and state statutes and regulations. The Superintendent shall be responsible for ensuring that the requirements under all federal and state statutes and regulations shall be carried out by the School District.

Adopted: 7/2/03