

SUBJECT: TITLE IX AND SEX DISCRIMINATION**Overview**

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses complaints of sex discrimination, including sexual harassment, made under Title IX of the Education Amendments Act of 1972 and its implementing regulations (Title IX). It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

The District does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in employment. The District adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of sex discrimination, including sexual harassment, made by students, employees, the District's Title IX Coordinator, or other individuals who are participating or attempting to participate in the District's education program or activity.

Inquiries about Title IX may be directed to the District's Title IX Coordinator, the United States Department of Education's Office for Civil Rights, or both.

Relationship to Other District Documents

In addition to complying with this policy, District employees must comply with any other applicable District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*. This includes, but is not limited to, the District's Dignity for All Students (DASA) policy which requires District employees to make an oral report promptly to the Superintendent or principal, their designee, or a Dignity Act Coordinator (DAC) not later than one school day after witnessing or receiving an oral or written report of harassment, bullying, and/or discrimination of a student. Two days after making the oral report, DASA further requires that the District employee file a written report with the Superintendent or principal, their designee, or a DAC.

The dismissal of a complaint of sex discrimination under Title IX does not preclude action under another related District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

Definitions

For purposes of this policy, the following definitions apply:

- a) "Complainant" means:
 1. A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or

Continued

SUBJECT: TITLE IX AND SEX DISCRIMINATION

2. A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX and who was participating or attempting to participate in the District's education program or activity at the time of the alleged sex discrimination.
- b) "Complaint" means an oral or written request to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged discrimination under Title IX.
 - e) ~~"Confidential employee" means:~~
 1. ~~An employee of the District whose communications are privileged or confidential under federal or state law. The employee's confidential status is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or~~
 2. ~~An employee of the District whom the District has designated as confidential for the purpose of providing services to persons related to sex discrimination. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about sex discrimination in connection with providing those services.~~
 - d) "Disciplinary sanctions" means consequences imposed on a respondent following a determination under Title IX that the respondent violated the District's prohibition on sex discrimination.
 - e) "Party" means a complainant or respondent.
 - f) "Peer retaliation" means retaliation by a student against another student.
 - g) "Pregnancy or related conditions" means:
 1. Pregnancy, childbirth, termination of pregnancy, or lactation;
 2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
 3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Continued

SUBJECT: TITLE IX AND SEX DISCRIMINATION

- h) "Relevant" means related to the allegations of sex discrimination under investigation as part of the grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.
- i) "Remedies" means measures provided, as appropriate, to a complainant or any other person the District identifies as having had their equal access to the District's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the District's education program or activity after the District determines that sex discrimination occurred.
- j) "Respondent" means a person who is alleged to have violated the District's prohibition on sex discrimination.
- k) "Retaliation" means intimidation, threats, coercion, or discrimination against any person by the District, a student, an employee or other person authorized by the District to provide aid, benefit, or service under the District's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing -- including in an informal resolution process, grievance procedures, and in any other actions taken by the District under Title IX. This does not preclude the District from requiring an employee or other person authorized by the District to provide aid, benefit, or service under the District's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing.
- l) "Supportive measures" means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:
 - 1. Restore or preserve that party's access to the District's education program or activity, including measures that are designed to protect the safety of the parties or the District's educational environment; or
 - 2. Provide support during the District's grievance procedures or during the informal resolution process.

What Constitutes Sex Discrimination under Title IX

Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Continued

SUBJECT: TITLE IX AND SEX DISCRIMINATION

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex (including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity), that is:

- a) Quid pro quo harassment which is an employee, agent, or other person authorized by the District to provide an aid, benefit, or service under the District's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
- b) Hostile environment harassment which is unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the District's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 1. The degree to which the conduct affected the complainant's ability to access the District's education program or activity;
 2. The type, frequency, and duration of the conduct;
 3. The parties' ages, roles within the District's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 4. The location of the conduct and the context in which the conduct occurred; and
 5. Other sex-based harassment in the District's education program or activity; or
- c) Specific offenses:
 1. Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
 2. Dating violence meaning violence committed by a person:
 - (a) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - (b) Where the existence of such a relationship will be determined based on a consideration of the following factors:

Continued

SUBJECT: TITLE IX AND SEX DISCRIMINATION

- (1) The length of the relationship;
 - (2) The type of relationship; and
 - (3) The frequency of interaction between the persons involved in the relationship;
3. Domestic violence meaning felony or misdemeanor crimes committed by a person who:
- (a) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the District, or a person similarly situated to a spouse of the victim;
 - (b) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - (c) Shares a child in common with the victim; or
 - (d) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
4. Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
- (a) Fear for the person's safety or the safety of others; or
 - (b) Suffer substantial emotional distress.

Title IX Coordinator

~~**Option 1—Choose this option if the District has only one Title IX Coordinator*~~

~~**The District has designated and authorized the following District employee to serve as its Title IX Coordinator and coordinate its efforts to comply with its responsibilities under Title IX:*~~

~~*[The District should list the following for its Title IX Coordinator: name or title, office address, email address, and telephone number.]*~~

~~**Customize to District—If the District chooses option one, the District should list the contact information for its Title IX Coordinator.*~~

Continued

SUBJECT: TITLE IX AND SEX DISCRIMINATION

~~The District may delegate, or permit its Title IX Coordinator to delegate, specific duties to one or more designees.~~

~~Where appropriate, the Title IX Coordinator may seek the assistance of the District's Civil Rights Compliance Officer(s) (CRCO(s)) and/or DAC(s) in investigating, responding to, and remedying complaints of sex discrimination, including sexual harassment.~~

~~**Option 2 -- Choose this option if the District has more than one Title IX Coordinator*~~

~~*The District has designated and authorized the following District employees to serve as its Title IX Coordinators:~~

~~Assistant Superintendent for Administrative Services
District Office
4061 Creek Road
Youngstown, NY 14174
dhill@lew-port.com
716-286-7240~~

~~Director of Curriculum, Instruction, Technology and Data
District Office
4061 Creek Road
Youngstown, NY 14174
atamarazio@lew-port.com
716-286-7295~~

~~*[For each Title IX Coordinator, the District should list the following: name or title, office address, email address, and telephone number.]*~~

~~*As required by Title IX, the District has designated the Assistant Superintendent for Administrative Services ~~the following Title IX Coordinator~~ to retain ultimate oversight over the District's effort to comply with its responsibilities under Title IX and ensure the District's consistent compliance with its responsibilities under Title IX:~~

~~*[List the name or title of the Title IX Coordinator who retains the ultimate oversight of the District's effort to comply with its responsibilities under Title IX.]*~~

~~The District may delegate, or permit the Title IX Coordinators to delegate, specific duties to one or more designees.~~

~~Where appropriate, a Title IX Coordinator may seek the assistance of the District's Civil Rights Compliance Officer(s) (CRCO(s)) ~~and/or~~ DAC(s), or other appropriately trained individual in investigating, responding to, and remedying complaints of sex discrimination, including sexual harassment.~~

Grievance Procedures for Complaints of Sex Discrimination

~~The District has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX.~~

~~**Customize to District -- If the District chooses option two, the District should list the contact information for its Title IX Coordinators. The District must also designate one of the Title IX Coordinators to retain ultimate oversight of the District's effort to comply with its responsibilities under Title IX.*~~

Continued

SUBJECT: TITLE IX AND SEX DISCRIMINATION

All District employees, ~~who are not confidential employees~~, are required to notify the Title IX Coordinator when they have information about conduct that reasonably may constitute sex discrimination under Title IX.

Making a Complaint of Sex Discrimination

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that the District investigate and make a determination about alleged discrimination under Title IX:

- a) A complainant;
- b) A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- c) The Title IX Coordinator, after making a determination;

A person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of the person subjected to the sex-based harassment, or if the Title IX Coordinator initiates a complaint consistent with Title IX.

With respect to complaints of sex discrimination other than sex-based harassment, the following individuals **also** have a right to make a complaint:

- a) Any District student or employee; or
- b) Any person other than a student or employee who was participating or attempting to participate in the District's education program or activity at the time of the alleged sex discrimination.

If the Title IX Coordinator is initiating a complaint, they will notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures.

The District may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Continued

SUBJECT: TITLE IX AND SEX DISCRIMINATION

It is anticipated that, in most cases, the District will decide to dismiss or investigate a complaint within ^{*}~~[a reasonably prompt timeframe]~~ ten (10) business days after receiving a complaint.

If a complainant or respondent is a student with a disability, the Title IX Coordinator must consult with one or more members, as appropriate, of the student's Individualized Education Program (IEP) team, if any, or one or more members, as appropriate, of the group of persons responsible for the student's placement decision, if any, to determine how to comply with the requirements of the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act, throughout the District's implementation of grievance procedures.

Basic Requirements of Title IX Grievance Procedures

- a) The District will treat complainants and respondents equitably;
- b) The District requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.
- c) The District presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.
- d) The District has established timeframes for the major stages of the grievance procedures, including, for example, the decision whether to dismiss or investigate a complaint (i.e., evaluation), investigation, determination, and appeal, if any.
- e) The District has established a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay.
- f) The District will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

^{*}~~Customize to District~~

Continued

SUBJECT: TITLE IX AND SEX DISCRIMINATION

- g) The District will objectively evaluate all evidence that is relevant and not otherwise impermissible -- including both inculpatory and exculpatory evidence. ~~Inculpatory evidence implicates or tends to implicate an individual in a crime or wrongdoing. Exculpatory evidence frees or tends to free an individual from blame or accusation.~~ Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the District to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

1. Evidence that is protected under a privilege recognized by federal or state law ~~or evidence provided to a confidential employee~~, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
 2. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the District obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
 3. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.
- h) ~~If the District adopts grievance procedures that apply to the resolution of some, but not all, complaints of sex discrimination, the District will articulate in those grievance procedures consistent principles for how the District will determine which procedures apply.~~

Dismissal of a Complaint

The District may dismiss a complaint of sex discrimination if:

- a) The District is unable to identify the respondent after taking reasonable steps to do so;
- b) The respondent is not participating in the District's education program or activity and is not employed by the District;

Continued

SUBJECT: TITLE IX AND SEX DISCRIMINATION

- c) The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the District determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- d) The District determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the District will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the District will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the District will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

The District will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the District will also notify the respondent that the dismissal may be appealed.

When a complaint is dismissed, the District will, at a minimum:

- a) Offer supportive measures to the complainant as appropriate;
- b) If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- c) Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the District's education program or activity.

Appeals of Dismissals

Appeals must be submitted in writing to the Title IX Coordinator within ~~*[a reasonably prompt timeframe]~~ ten (10) business days of the notice of the dismissal. Dismissals may be appealed on the following bases:

- a) Procedural irregularity that would change the outcome;
- b) New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and

~~*Customize to District~~

Continued

SUBJECT: TITLE IX AND SEX DISCRIMINATION

- c) The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, the District will:

- a) Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- b) Implement appeal procedures equally for the parties;
- c) Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- d) Ensure that the decisionmaker for the appeal has been appropriately trained;
- e) Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- f) Notify the parties of the result of the appeal and the rationale for the result.

It is anticipated that the notice of the result of the appeal will be issued within ~~*[a reasonably prompt timeframe]~~ thirty (30) days after the appeal is commenced.

Notice of Allegations

Upon initiation of the District's Title IX grievance procedures, the Title IX Coordinator will notify the parties, whose identities are known, of the following:

- a) The District's Title IX grievance procedures and any informal resolution process;
- b) Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s), to the extent that information is available to the District;
- c) Retaliation is prohibited; and
- d) The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence.

~~*Customize to District~~

Continued

SUBJECT: TITLE IX AND SEX DISCRIMINATION

If the District provides a description of the evidence, the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of an investigation, the District decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the District will notify the parties, whose identities are known, of the additional allegations.

Investigation

The District will designate an investigator. The investigator may be the Title IX Coordinator or another District employee. The District may also outsource all or part of an investigation to appropriate third parties.

The District will provide for adequate, reliable, and impartial investigation of complaints. The District will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible. The burden is on the District -- not on the parties -- to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

The District will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance. The District will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- a) The District will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If the District provides a description of the evidence, the District will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
- b) The District will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- c) The District will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of this information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

It is anticipated that most investigations will be completed within forty-five (45) business days*~~[a reasonably prompt timeframe]~~ after receiving a complaint.

*~~Customize to District~~

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SUBJECT: TITLE IX AND SEX DISCRIMINATIONQuestioning the Parties and Witnesses

The District hereby ~~has established a process that~~ enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. The investigator or decisionmaker is permitted to ask relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility during individual meetings with a party or witness.

~~*[The District must describe its process for questioning the parties and witnesses. A sample process has been provided below. The District should review this sample process language and revise it to reflect the District's specific circumstances and practices.]~~

~~The process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, includes:~~

- ~~a) — Allowing the investigator or decisionmaker to ask these questions during individual meetings with a party or witness;~~
- ~~b) — Allowing each party to propose questions that the party wants asked of any party or witness and have those questions asked by the investigator or decisionmaker during one or more individual meetings, including follow-up meetings, with a party or witness; and~~
- ~~c) — Provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.]~~

Determination Whether Sex Discrimination Occurred

The District will designate a decisionmaker. After an investigation and evaluation of all relevant and not otherwise impermissible evidence, the District will:

- a) Use the ~~**preponderance of the evidence standard of proof, which is understood to mean that the party with the burden of persuasion must prove that a proposition is more probably true than false meaning a probability of truth greater than 50%,~~ to determine whether sex discrimination occurred.

~~**[The District must use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred, unless the District uses the clear and convincing evidence standard of proof (this standard is understood to mean concluding that a fact is highly probable to be true) in all other comparable proceedings, including proceedings relating to other discrimination complaints, in which case the District may elect to use that standard of proof in determining whether sex discrimination occurred.]~~

~~* and ** Customize to District~~

Continued

SUBJECT: TITLE IX AND SEX DISCRIMINATION

The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.

- b) Notify the parties in writing of the determination whether sex discrimination occurred under Title IX, including the rationale for the determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable. It is anticipated that the notice of determination will be issued within fifteen (15) business days ~~in a reasonably prompt timeframe~~ after the conclusion of the investigation.
- c) Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
- d) If there is a determination that sex discrimination occurred, require the Title IX Coordinator to, as appropriate:
 1. Coordinate the provision and implementation of remedies to a complainant and other people the District identifies as having had equal access to the District's education program or activity limited or denied by sex discrimination;
 2. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any disciplinary sanctions; and
 3. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity.
- e) Comply with the grievance procedures before imposing any disciplinary sanctions against a respondent.
- f) Not discipline a party, witness, or others participating in the District's grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Appeal of Determinations

Either party may appeal a determination whether sex discrimination occurred. This appeal process, at a minimum, is the same as the District offers in all other comparable proceedings, including proceedings relating to other discrimination complaints.

~~*Customize to District~~

Continued

SUBJECT: TITLE IX AND SEX DISCRIMINATION

~~*[The District must offer the parties an appeal process that, at a minimum is the same as it offers in all comparable proceedings, if any, including proceedings relating to other discrimination complaints. A sample appeal process has been provided below. The District should review this sample language and revise it so that, at a minimum, it is the same as the District's comparable proceedings:]~~

Appeals must be submitted in writing to the Title IX Coordinator within 30 days of the notice of the determination. Determinations may be appealed on the following bases:

- a) Procedural irregularity that would change the outcome;
- b) New evidence that would change the outcome and that was not reasonably available when the determination whether sex-based harassment occurred or dismissal was made; and
- c) The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

The bases on which a party is seeking an appeal should be specifically stated in the party's written appeal.

If the determination is appealed, the District will:

- a) Notify the parties of any appeal;
- b) Implement appeal procedures equally for the parties;
- c) Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations;
- d) Ensure that the decisionmaker for the appeal has been appropriately trained;
- e) Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- f) Notify the parties of the result of the appeal and the rationale for the result.]

It is anticipated that the notice of the result of the appeal will be issued within thirty (30) days**~~[a reasonably prompt timeframe]~~ after the appeal is commenced.

Informal Resolution

At any time prior to determining whether sex discrimination occurred, the District may offer to a complainant and respondent an informal resolution process. The District will not offer an informal resolution process to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of a student or when the process would conflict with federal, state, or local law.

~~* and ** Customize to District~~

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LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

3421

Community Relations

16 of 20

SUBJECT: TITLE IX AND SEX DISCRIMINATION

The District has the discretion to determine whether it is appropriate to offer an informal resolution process when it receives information about conduct that reasonably may constitute sex discrimination under Title IX or when a complaint of sex discrimination is made, and may decline to offer informal resolution despite one or more of the parties' wishes. The District will not require or pressure parties to participate in an informal resolution process.

If available, appropriate, and requested by all parties, the Title IX Coordinator will initiate the informal resolution process.

When the District provides the parties an informal resolution process, it will, to the extent necessary, require its Title IX Coordinator to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity.

Supportive Measures

The Title IX Coordinator will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the District's education program or activity or provide support during the District's Title IX grievance procedures or during the informal resolution process.

Supportive measures may vary depending on what the District deems to be reasonably available. For complaints of sex-based harassment, these measures may include, but are not limited to: counseling; extensions of deadlines and other course-related adjustments; increased security and monitoring of certain areas of the District; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sex-based harassment.

The District may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures, or at the conclusion of the informal resolution process, or may continue them beyond that point. A complainant or respondent may, within five (5) business days, seek modification or reversal of the District's decision to provide, deny, modify, or terminate supportive measures applicable to them. Such request will be submitted to the Title IX Coordinator who will assign an impartial employee, including an employee who made the challenged decision and has authority to modify or reverse the decision if the impartial employee determines that the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures. Each party must also be provided with the opportunity to seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.

Supportive measures are confidential. District employees must not disclose information about any supportive measure to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the education program or activity, or if another exception applies under applicable law or regulation.

Disciplinary Sanctions and Remedies

After a determination that sex-based harassment occurred, the District may impose disciplinary sanctions on a respondent. Disciplinary sanctions will be imposed in accordance with any applicable District policy, procedure, handbook, or Code of Conduct.

Continued

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

~~*[The District must list, or describe the range of, the possible disciplinary sanctions that it may impose following a determination that sex-based harassment occurred. Sample language has been provided below. The District should review the sample language and revise it to reflect the District's specific circumstances and practices:]~~

Disciplinary sanctions that may be imposed on a District employee include, but are not limited to: a verbal warning; a written warning; required training; demotion; suspension; and termination.

Disciplinary sanctions that may be imposed on a District student include, but are not limited to: a verbal warning; writing assignments; ~~changing of seating or location in a classroom~~; detention; removal from extracurricular activities, including athletics; suspension; and expulsion.

After a determination that sex-based harassment occurred, the District may provide remedies to the complainant and other persons identified as having had equal access to the District's education program or activity limited or denied by sex discrimination.

~~**[The District must list, or describe the range of, the possible remedies that it may provide following a determination that sex-based harassment occurred. Sample language has been provided below. The District should review the sample language and revise it to reflect the District's specific circumstances and practices:]~~

Since remedies are generally designed to restore or preserve access to the District's education program or activity for a particular person, they will generally be individualized and highly fact-specific.

Examples of remedies that may be provided to a District employee include, but are not limited to: making changes to work locations; and providing counseling.

Examples of remedies that may be provided to a District student include, but are not limited to: ensuring safe movement between classes; making changes to class schedules and extracurricular activities to ensure the complainant and respondent are separated; and providing counseling.

Extension of Timeframes

Reasonable extensions of timeframes are allowed on a case-by-case basis for good cause with written notice of any extension to the parties that includes the reason for the delay.

~~* and ** Customize to District~~

Continued

SUBJECT: TITLE IX AND SEX DISCRIMINATION

~~*[The District must establish reasonably prompt timeframes for the major stages of the grievance procedures, including a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay. A sample process that allows for the reasonable extension of timeframes has been provided below. The District should review this sample language and revise it to reflect its specific circumstances and practices.]~~

The Title IX Coordinator will evaluate any requests for a reasonable extension of timeframes on a case-by-case basis. If good cause for the extension is found, the Title IX Coordinator will provide written notice to all parties, including the reason for the delay and the new anticipated timeframe. In instances where the Title IX Coordinator is the individual requesting an extension, the Superintendent or designee will evaluate the request to determine if good cause exists.†

Training

The District will ensure that all individuals within the District receive the appropriate Title IX training promptly upon hiring or when their position changes in a way that affects their Title IX responsibilities, with training also provided annually thereafter. This training will not rely on sex stereotypes.

The District will provide training as follows:

- a) All employees will be trained on:
 1. The District's obligation to address sex discrimination in its education program or activity;
 2. The scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment; and
 3. All applicable notification and information requirements.
- b) Along with the general training provided to all employees, all investigators, decisionmakers, and other persons who are responsible for implementing the District's grievance procedures or have the authority to modify or terminate supportive measures will be trained on the following topics to the extent related to their responsibilities:
 1. The District's obligations to respond to sex discrimination;
 2. The District's grievance procedures;

~~*Customize to District~~

Continued

SUBJECT: TITLE IX AND SEX DISCRIMINATION

3. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and
 4. The meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under the District's grievance procedures.
- c) Along with the general training provided to all employees, all facilitators of an informal resolution process will be trained on the rules and practices associated with the District's informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias.
 - d) Along with the general training provided to all employees and the more specific training provided to those responsible for implementing the District's grievance procedures and facilitators of an informal resolution process, all Title IX Coordinators and designees will be trained on their specific responsibilities, the District's recordkeeping system, recordkeeping requirements under Title IX, and any other training necessary to coordinate the District's compliance with Title IX.

Notification

The District will provide a notice of nondiscrimination under Title IX to: students; parents, guardians, or other authorized legal representatives of District students; employees, applicants for employment; and all unions and professional organizations holding collective bargaining or professional agreements with the District.

The notice will prominently include, at a minimum, the following:

- a) A statement that the District does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in employment;
- b) A statement that inquiries about the application of Title IX to the District may be referred to the District's Title IX Coordinator, the Office for Civil Rights, or both;
- c) The name or title, office address, email address, and telephone number of the District's Title IX Coordinator;
- d) How to locate this policy which contains the District's Title IX nondiscrimination policy and grievance procedures; and

Continued

SUBJECT: TITLE IX AND SEX DISCRIMINATION

- e) How to report information about conduct that may constitute sex discrimination and how to make a complaint of sex discrimination under Title IX.

The District will include this notice on its website and in each handbook, catalog, announcement, bulletin, and application form it provides to the individuals and entities referenced above, as well as in any materials used for recruiting employees.

If necessary, due to the format or size of a publication, the District may instead include a statement that the District prohibits sex discrimination in any education program or activity that it operates and that individuals may report concerns or questions to the Title IX Coordinator, and provide the location of the notice on the District's website.

Recordkeeping

The District will maintain for a period of at least seven years:

- a) For each complaint of sex discrimination, records documenting the informal resolution process or the grievance procedures and the resulting outcome.
- b) For each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under Title IX, records documenting the actions the District took to meet its obligations.
- c) All materials used to provide training. The District will make these training materials available upon request for inspection by members of the public.

20 USC Section 1681, et. seq.
34 CFR Part 106
Education Law Section 13
8 NYCRR Section 100.2

Adoption Date: 12/16/2024
10/24/2022 (Revised 09/27/2024)

SUBJECT: ARTIFICIAL INTELLIGENCE (AI)**Overview**

The emergence of artificial intelligence (AI) technologies, especially generative AI (GenAI), pose unique challenges and opportunities for learning environments. As these technologies integrate deeper into everyday life, the District must proactively address the implications of AI usage to ensure it enhances educational outcomes without compromising academic integrity or equity. This policy outlines the District's commitment to responsible AI integration in educational practices, balancing innovation with the core values of the District's educational mission. Further, it sets forth guidelines designed to evolve as new technologies and methodologies emerge, ensuring the District remains at the forefront of academic excellence and technological responsibility.

Scope and Application

This policy applies to all District students, personnel, volunteers, and contractors. It integrates with, and complements, existing policies on data privacy, acceptable use, and student conduct. This policy aims to provide clear guidelines on the use of AI within the District's schools, ensuring that its application supports the District's educational goals and adheres to its privacy and security standards.

Definitions

- a) Generative AI (GenAI) represents a dynamic subset of AI technologies that can create new, human-like content from extensive data training sets. This content spans across text, images, audio, and more, often mimicking human creativity and adaptability.
- b) Traditional AI refers to systems that operate on fixed algorithms and predefined rules without altering their behavior based on new data after their initial deployment.

Risks and Limitations

The use of GenAI comes with some risks and limitations which include, but are not limited to:

- a) Hallucinations/Confabulations

GenAI can generate plausible, but false or inaccurate, information, a phenomenon known as a hallucination/confabulation.

Continued

SUBJECT: ARTIFICIAL INTELLIGENCE (AI)

b) Biases

GenAI tools learn from data created by people, which means any biases, prejudices, and stereotypes in that data can be reflected in the outputs produced by GenAI. For example, GenAI has been found to generate images and text that reinforce existing gender and racial biases. It is essential to recognize that these biases exist and to critically assess the outputs of GenAI tools to prevent the perpetuation of stereotypes and unfair treatment.

The impact of GenAI biases is particularly significant in the context of Diversity, Equity, and Inclusion (DEI) initiatives. DEI initiatives aim to create environments where all individuals have equal opportunities and are treated with respect and fairness. Biased AI outputs can undermine these goals by perpetuating inequality and exclusion, which can be detrimental to the educational mission of the District.

GenAI can also suffer from response bias, where the AI generates answers tailored to what it predicts the user wants to hear based on its training data or specific tuning.

c) Copyright

GenAI may pose copyright issues as it may have used copyrighted material within its training data without explicit permission from the copyright holders. As a result, there are unsettled legal questions about the ownership and copyright status of GenAI's outputs, which can closely mimic or incorporate elements of existing copyrighted works.

Data Privacy and Security

Information entered into GenAI may be accessible to others due to data sharing or breaches. All users should exercise caution when utilizing GenAI. Under no circumstances should any sensitive, copyrighted, confidential, or proprietary information be entered into GenAI or any other AI platform, consistent with relevant state and federal laws and District policy. This includes, but is not limited to, data protected by:

- a) Family Educational Rights and Privacy Act (FERPA);
- b) Education Law Section 2-d (Unauthorized Release of Personally Identifiable Information);
- c) Labor Law Section 203-d (Employee Personal Identifying Information);
- d) State Technology Law Section 208 (Notification of Security Breach of Private Information).

Further, if the information would not be disclosed in response to a Freedom of Information Law (FOIL) request, it should not be entered into GenAI.

Continued

SUBJECT: ARTIFICIAL INTELLIGENCE (AI)**Student Use**

**Option 1 -- If the District permits teachers to allow the use of GenAI, retain all the language in option 1 and delete all language in option 2.*

~~The District permits teachers to determine whether students in their class may use GenAI for assignments. However, the District recognizes that disparities in access to GenAI technologies may exist and will work with teachers to ensure that no student is disadvantaged by their inability to use or decision not to use GenAI.~~

~~— If teachers allow their students to use GenAI, they are expected to communicate their expectations regarding the use of GenAI clearly to their students. Further, the teacher must discuss the appropriate and responsible use of GenAI with the students. This includes talking to students about the risks and limitations of GenAI, emphasizing how students are accountable for the accuracy of their work, and, when relevant, ensuring proper citation of sources.~~

~~— Student use of GenAI that conflicts with teacher instruction, District policy, regulation, procedure, or other document, such as the District's Code of Conduct, may result in investigation and/or disciplinary action.~~

**Option 2 -- If the District does not permit the use of GenAI, retain all the language in option 2 and delete all language in option 1.*

The District prohibits students from using GenAI to complete academic assignments. Student use of GenAI that conflicts with this policy and/or the District's Code of Conduct may result in an investigation and/or disciplinary action.

District Personnel Use

District personnel may utilize GenAI in accordance with this policy. However, regardless of the tools used to enhance their work, personnel are ultimately responsible for the accuracy and integrity of all work they produce. AI is intended to support, not replace, an employee's responsibility for their own work.

Training, Awareness, and Support

The District will provide training, awareness, and support to teachers in navigating the evolving use of GenAI in the classroom. This may include professional learning opportunities, workshops, and resources to enhance teachers' proficiency and confidence in using GenAI to enrich student learning. The goal is to equip teachers with the knowledge to critically assess GenAI technologies and guide students in understanding the complexities associated with these tools. Additionally, the District may extend training, awareness, and support regarding GenAI to other District personnel who may benefit from understanding and utilizing GenAI in their roles.

**Customize to District*

Continued

SUBJECT: ARTIFICIAL INTELLIGENCE (AI)**Compliance with Other Documents**

When using GenAI, all personnel and students must comply with all applicable laws, regulations, and District documents. This includes Education Law Section 2-d, which requires the District to ensure that whenever it enters into a contract or other written agreement with a third-party contractor under which the third-party contractor will receive student data or teacher or principal data from the District, the contract or written agreement will include provisions requiring that confidentiality of shared student data or teacher or principal data be maintained in accordance with law, regulation, and District policy.

Applicable District documents may include the District's policies on data security and acceptable use, as well as the District's *Code of Conduct*.

NOTE: Refer also to Policies

- #3310 - Public Access to Records
- #3320 - Confidentiality of Computerized Information
- #5672 - Information Security Breach and Notification
- #5673 - Employee Personal Identifying Information
- #5674 - Data Networks and Security Access
- #5676 - Privacy and Security for Student Data and Teacher and Principal Data
- #6410 - Staff Use of Computerized Information Resources
- #7240 - Student Records: Access and Challenge
- #7315 - Student Use of Computerized Information Resources (Acceptable Use)
- #7316 - Student Use of Personal Technology
- #8271 - Internet Safety/Internet Content Filtering
- #8350 - Use of Copyrighted Materials

District *Code of Conduct*

Adoption Date: 12/16/2024

SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY**Entitlement to Attend**

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

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. Each 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.

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

Determination of Student Residency

"Residence," for purposes of this policy, is established by a child's physical presence as an inhabitant within the District and **his/her they** intent to reside in the District.

A child's residence is presumed to be that of **his/her their** parents or legal guardians. Where a child's parents live apart, the child can have only one legal residence. In cases where parents have joint custody, the child's time is essentially divided between two (2) households, and both parents assume responsibility for the child, the decision regarding the child's residency lies ultimately with the family. Where parents claim joint custody, but do not produce proof of the child's time being divided between both households, residency will be determined on the basis of the child's physical presence and intent to remain within the District.

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

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

Notwithstanding the foregoing, all determinations of student residency will be made consistent with applicable state and federal laws and regulations.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

~~2020~~2024

7130

Students

2 of 2

SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY**Undocumented Children**

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

Children of Activated Reserve Military Personnel

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

Homeless Children

Determinations regarding whether a child is entitled to attend the District's schools as a homeless child or youth will be made in accordance with Section 100.2(x) of the Commissioner's Regulations, as well as applicable District policy and regulation.

Education Law Sections 3202, 3205 and 3218
Family Court Act Section 657
8 NYCRR Sections 100.2(x) and (y)

NOTE: Refer also to Policies #7132 - Non-Resident Students
#7131 - Education of Homeless Children and Youth

Adoption Date: 12/16/2024
09/28/2020

~~2021~~2024

7131

Students

1 of 14

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING

The District recognizes the unique challenges that face students in temporary housing (i.e., homeless children and youth) and will provide these students with access to the same free and appropriate public education, including public preschool education, as other students, as well as access to educational and other services necessary to be successful in school. The District will ensure that these students are not separated from the mainstream school environment. The District is also committed to eliminating barriers to the identification, enrollment, attendance, and success of students in temporary housing.

Identification of Students in Temporary Housing

All districts are obligated to affirmatively identify all students in temporary housing. Therefore, the District will determine whether there are students in temporary housing within the District by using a housing questionnaire to determine the nighttime residence of all newly enrolled students and all students whose address changes during the school year. Not all students in temporary housing can be identified through social service agencies or shelters, as children may be sharing the housing of other persons, such as family or friends, due to loss of housing, economic hardship, or other similar reason. For this reason, the District uses a housing questionnaire that asks for a description of the current living arrangements of the child or youth to determine whether the child or youth meets the definition of a homeless child.

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

Definitions

a) "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.

b) "Homeless child" means:

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

Continued

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING

- (a) Sharing the housing of other persons due to a loss of housing, economic hardship, or a similar reason (sometimes referred to as "doubled-up");
 - (b) Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
 - (c) Abandoned in hospitals;
 - (d) A migratory child who qualifies as homeless under (a), (b), or (c) of this subparagraph or item 2) below; or
 - (e) An unaccompanied youth; or
2. A child or youth who has a primary nighttime location that is:
- (a) A supervised, publicly, or privately operated shelter designed to provide temporary living accommodations, including, but not limited to, shelters operated or approved by the state or LDSS, and residential programs for runaway and homeless youth established in accordance with applicable law; or
 - (b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting.
- c) "Migratory child" means a child or youth who made a qualifying move in the preceding 36 months:
- 1. As a migratory agricultural worker or a migratory fisher; or
 - 2. With, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher.
- d) "Preschool" means a publicly funded prekindergarten program or a Head Start program administered by the District and/or services under the Individuals with Disabilities Act administered by the District.
- 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 TEMPORARY HOUSING

2. A school that enrolls students from a feeder school in a neighboring local educational agency.
- f) "Regional placement plan" means a comprehensive regional approach to the provision of educational placements for homeless children that has been approved by the Commissioner of Education.
 - g) "School district of current location" means the public school district within New York State in which the hotel, motel, shelter or other temporary housing arrangement of a homeless child, or the residential program for runaway and homeless youth, is located, which is different from the school district of origin.
 - h) "School district of origin" means the school district within New York State in which:
 1. The homeless child was attending a public school or preschool on a tuition-free basis or was entitled to attend when circumstances arose that caused the child to become homeless, which is different from the school district of current location;
 2. The child was residing when circumstances arose that caused the child to become homeless if the child was eligible to apply, register, or enroll in public preschool or kindergarten at the time the child became homeless; or
 3. The homeless child has a sibling who attends a school in the school district in which the child was residing when circumstances arose that caused the child to become homeless.
 - i) "School of origin" means:
 1. The public school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool or a charter school;
 2. The designated receiving school at the next grade level for all feeder schools for a student in temporary housing who completes the final grade level served by the school of origin; and
 3. The public school or preschool in which the child would have been entitled or eligible to attend based on the child's last residence before the circumstances arose which caused the child to become homeless if the child becomes homeless after the child is eligible to apply, register, or enroll in the public preschool or kindergarten or if the child is living with a school-age sibling who attends school in the school district of origin.
 - j) "Unaccompanied youth" means a homeless child or youth who is not in the physical custody of a parent or legal guardian.

Continued

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING**The McKinney-Vento Liaison for Students in Temporary Housing**

The District will designate an appropriate staff person, who may also be a coordinator for other federal programs, as the District liaison for students in temporary housing (otherwise referred to as the McKinney-Vento liaison). The District's McKinney-Vento liaison serves as one of the primary contacts between families experiencing homelessness and school staff, district personnel, shelter workers, and other service providers. The McKinney-Vento liaison coordinates services to ensure that homeless children and youth enroll in school and have the opportunity to succeed.

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

- a) Students in temporary housing are identified by school personnel and through coordination activities with other entities and agencies;
- b) Students in temporary housing enroll in, and have full and equal opportunity to succeed in, the District's schools;
- c) Students in temporary housing and their families receive educational services for which they are eligible, including Head Start programs administered by a local educational agency, Early Head Start, early intervention services under part C of the Individuals with Disabilities Education Act, and other preschool programs administered by the District;
- d) Students and parents in temporary housing receive referrals to health care services, dental services, mental health and substance abuse services, housing services and other appropriate services;
- e) Parents or guardians of students in temporary housing are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
- f) Parents and guardians of students in temporary housing, and unaccompanied youth, are fully informed of all transportation services, including transportation to and from the school district of origin and are assisted in accessing transportation services;
- g) Disputes regarding eligibility, school selection, enrollment and/or transportation are mediated in accordance with applicable laws and regulations;

Continued

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING

- h) Assistance in commencing an appeal, in accordance with applicable law, of a final determination regarding eligibility, enrollment, school selection, and/or transportation is provided to the student in temporary housing's parent or guardian or the unaccompanied youth;
- i) A record is maintained of all appeals of enrollment, school selection, and transportation;
- j) Public notice of the educational rights of students in temporary housing is posted in locations where these students receive services, such as schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of students in temporary housing, and unaccompanied youth;
- k) School personnel providing services to students in temporary housing receive professional learning and other support;
- l) Unaccompanied youths:
 1. Are enrolled in school;
 2. Have opportunities to meet the same challenging state academic standards as the state establishes for other children and youth, including receiving credit for full or partial coursework earned in a prior school pursuant to Commissioner's regulations; and
 3. Are informed of their status as independent students under section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the McKinney-Vento liaison to receive verification of this status for purposes of the Free Application for Federal Student Aid (FAFSA);
- m) School personnel, service providers, advocates working with students in temporary housing, parents and guardians of students in temporary housing, and students in temporary housing are informed of the duties of the McKinney-Vento liaison; and
- n) Assistance with obtaining any necessary immunizations or screenings, or immunization or other required health records is provided to the parents or guardians of the students in temporary housing.

School District and School Designations

A designator will make the initial decision about which school district and school a student in temporary housing will attend. A designator is:

- a) The parent or person in parental relation (guardian) to a student in temporary housing;

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2021-2024

7131

Students

6 of 14

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING

- b) The student in temporary housing, together with the McKinney-Vento liaison, in the case of an unaccompanied youth; or
- c) The director of a residential program for runaway and homeless youth, in consultation with the student in temporary housing, where the student is living in that program.

The District will ask the designator to designate one of the following as the school district of attendance for the student in temporary housing:

- a) The school district of current location;
- b) The school district of origin; or
- c) A school district participating in a regional placement plan.

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

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

A student in temporary housing is entitled to attend the schools of the school district of origin without the payment of tuition for the duration of their homelessness and through the remainder of the school year in which the student becomes permanently housed and for one additional year if that year constitutes the student's terminal year in that school building, subject to a best interest determination.

Designation/STAC 202 Form

The District will identify all students in temporary housing, and a designation form will be completed by the designator for all these students and any other student who claims homelessness. Designations must be made on the STAC 202 form provided by the Commissioner.

The appropriate designator must complete the designation form. The District makes designation forms available to a student in temporary housing who seeks admission to school or to the parent or person in parental relation who seeks to enroll the child in school.

The District will provide completed designation forms to the McKinney-Vento liaison immediately, but no later than two business days from the earlier date on which the child or youth either:

- a) Sought enrollment in school; or

Continued

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING

- b) Was placed in a temporary housing facility or residential facility for runaway and homeless youth.

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

Immediate Enrollment and Best Interest Determinations

Upon identification of a child who is in temporary housing and/or receipt of a completed designation/STAC 202 form, the District will:

- a) Immediately review the designation form to ensure that it has been completed and admit the student in temporary housing even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, immunization records, proof of residency or other documentation and even if the child or youth has missed application deadlines;
- b) Determine whether the designation made by the designator is consistent with the best interests of the student in temporary housing. In making best interests decisions the District will:
 - 1. Presume that keeping the child in the school of origin is in the child's best interest, except when doing so is contrary to the wishes of the parent or guardian (or youth in the case of an unaccompanied youth); and
 - 2. Consider student-centered factors such as the effect of mobility on student achievement, education, health, and safety of the child, giving priority to the wishes of the child's parent or guardian (or the youth, if a homeless unaccompanied youth). If the District determines that it is in the best interest of the student in temporary housing to attend a school other than the school of origin or the designated school, the District will provide the parent or guardian (or youth, if an unaccompanied youth) with a written explanation of its determination, including information about the right to appeal.
- c) Provide the child with access to all of the District's programs, activities and services to the same extent as they are provided to resident students;
- d) Immediately contact the school district where the child's records are located in order to obtain a copy of these records and coordinate the transmittal of records for students with disabilities pursuant to applicable laws and regulations;

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

~~2021~~2024

7131

Students

8 of 14

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING

- e) Immediately refer the parent or guardian of the student in temporary housing to the McKinney-Vento liaison who must assist in obtaining necessary immunizations or immunization or medical records if the child or youth needs to obtain immunizations or immunization or medical records;
- f) Forward the STAC 202 form to the Commissioner and the school district of origin, where applicable. In all cases, the District will give a copy of the completed STAC 202 form to the designator and keep a copy of the STAC 202 form for the District's records;
- g) Arrange for transportation in accordance with applicable laws and regulations; and
- h) Arrange for the child to receive free school meals.

Request for Records

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

Tuition Reimbursement

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

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

All claims for reimbursement will be made on the STAC 202 form prescribed by the Commissioner of the State Education Department.

Continued

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING

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

Transportation Responsibilities

The LDSS is responsible for providing transportation to students in temporary housing, including preschool students and students with disabilities who are eligible for benefits under Social Services Law §350-j and placed in temporary housing arrangements outside their designated districts. Where the LDSS requests that the District provide or arrange for transportation for a student in temporary housing in the circumstances above, the District will provide or arrange for the transportation and directly bill the LDSS so that the district will be fully and promptly reimbursed for the cost of the transportation.

If the District is the designated school district of attendance, the District will provide for the transportation of each student in temporary housing who is living in a residential program for runaway and homeless youth, including if the temporary housing is located outside the school district. The costs for transportation for each student in temporary housing who lives in a residential program for runaway youth and homeless youth located outside of the designated school district will be reimbursed by the State Education Department, to the extent funds are provided for the purpose, with the submission of a Runaway and Homeless Youth Act Transportation Program Form. Where the District provides transportation for a student living in a Runaway and Homeless Youth facility, the District will promptly request reimbursement using the Runaway and Homeless Youth Act Transportation Form.

The District will transport any student in temporary housing to their school of origin, including preschools and charter schools, where it is the designated district of attendance and the student in temporary housing is not entitled to receive transportation from the Department of Social Services.

When the District is designated as the school district of current location for a student in temporary housing and the student does not attend the school of origin, the District will provide transportation on the same basis as it is provided to resident students, unless the local transportation policy represents a barrier to the student's attendance in school.

If the student in temporary housing designates the District as the school district of attendance, transportation will not exceed 50 miles each way, unless the Commissioner determines that it is in the best interest of the child.

Continued

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING

Where the District is designated as the school district of attendance and it has recommended the student in temporary housing attend a summer educational program, the district of attendance will provide transportation services to students in temporary housing for summer educational programs if the lack of transportation poses a barrier to the student's participation in the program.

Where the District is designated as the school district of attendance, it will provide transportation services to students in temporary housing for extracurricular or academic activities when:

- a) The student participates in or would like to participate in an extracurricular or academic activity, including an after-school activity, at the school;
- b) The student meets the eligibility criteria for the activity; and
- c) The lack of transportation poses a barrier to the student's participation in the activity.

Where the District is designated as the school district of attendance, it will provide transportation as described above for the duration of homelessness, unless the LDSS is responsible for providing transportation. After the student becomes permanently housed, the District will provide transportation to the school of origin until the end of the school year and for one additional year if that year constitutes the child's terminal year in the school building.

Dispute Resolution Process

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

- a) The District will provide a written explanation, including a statement regarding the right to appeal, to the parent or guardian of a student in temporary housing, or to an unaccompanied youth, if the District determines that the District is not required to either enroll and/or transport the child or youth to the school of origin or a school requested by the parent or guardian or unaccompanied youth, or if there is a disagreement about a child's or youth's status as a homeless child or unaccompanied youth. The written explanation will be in a

Continued

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING

manner and form understandable to the parent, guardian, or unaccompanied youth and will include a statement regarding the McKinney-Vento liaison's availability to help the parent, guardian, or unaccompanied youth with any appeal and the contact information for the liaison.

- b) The District will immediately enroll the student in the school in which enrollment is sought by the parent or guardian or unaccompanied youth, provide transportation to the school, and will delay for 30 days the implementation of a final determination to decline to either enroll in and/or transport the student in temporary housing to the school of origin or a school requested by the parent or guardian or unaccompanied youth.
- c) If the parent or guardian of a student in temporary housing or unaccompanied youth commences an appeal to the Commissioner within 30 days of such final determination, the student will be permitted to continue to attend the school they are enrolled in at the time of the appeal and/or receive transportation to that school pending the resolution of all available appeals.

The McKinney-Vento Liaison's Dispute Resolution Responsibilities

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

- a) Provide the parent or guardian or unaccompanied youth with a copy of the form petition;
- b) Assist the parent or guardian or unaccompanied youth in completing the form petition;
- c) Arrange for the copying of the form petition and supporting documents for the parent or guardian or unaccompanied youth, without cost to the parent or guardian or unaccompanied youth;
- d) Accept service of the form petition and supporting papers on behalf of any District employee or officer named as a party, or the District if it is named as a party, or arrange for service by mail by mailing the form petition and supporting documents to any District employee or officer named as a party, and, if the District is named as a party, to a person in the office of the Superintendent who has been designated by the Board to accept service on behalf of the District;
- e) Provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgment verifying that they have received the form petition and supporting documents, and will either accept service of these documents on behalf of the District

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2021-2024

7131

Students

12 of 14

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING

employee or officer of District, or effect service by mail by mailing the form petition and supporting documents to any District employee or officer named as a party, and, if the District is named as a party, to a person in the office of the Superintendent who has been designated by the Board to accept service on behalf of the District;

- f) Transmit on behalf of the parent or guardian or unaccompanied youth, within five days after the service of, the form petition or any pleading or paper to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234;
- g) Provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgement verifying that they have received the form petition and supporting documents and will transmit these documents on behalf of the parent, guardian or unaccompanied youth to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234;
- h) Accept service of any subsequent pleadings or papers, including any correspondence related to the appeal, if the parent or guardian or unaccompanied youth so elects. They will also make this correspondence available to the parent or guardian or unaccompanied youth; and
- i) Maintain a record of all appeals of enrollment, school selection, and transportation determinations.

Coordination

The District will coordinate the provision of services described in this policy with local social services agencies, housing providers and other agencies or programs providing services to students in temporary housing and their families, including services and programs funded under the Runaway and Homeless Youth Act.

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

The District will coordinate implementation of the above provision of services with the requirements of the Individuals with Disabilities Education Act (IDEA) for students with disabilities.

Coordination with Title I

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

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

~~2021~~2024

7131

Students

13 of 14

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING

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

Reporting Requirements

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

Access to Free Meals

The District will provide free meals to all children identified as homeless. They do not have to complete a free or reduced-price meal application. When the McKinney-Vento liaison or a shelter director provides a child's name to the District's school food service office, free school meals will commence immediately.

Removal of Barriers

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

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

~~2021~~2024

7131

Students

14 of 14

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING**Comparable Services**

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

Student Privacy

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

Training

All school enrollment staff, secretaries, school counselors, school social workers, and principals will be trained on the requirements for enrollment of students in temporary housing. Other staff members including school nutrition staff, school registered professional nurses, teachers, and bus drivers will receive training on homelessness that is specific to their field.

McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act (ESSA) of 2015, 42 USC § 11431 et seq.
 Education Law §3209
 Executive Law Article 19-H
 8 NYCRR § 100.2(x)

Adoption Date: ~~10/25/2021~~
 12/16/2024

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

~~2020~~2024

7132

Students

1 of 2

SUBJECT: NON-RESIDENT STUDENTS

The Board affirms its primary responsibility to educate children who are residents of the District and who are of legal age to attend school. Non-resident families who wish to enroll children in the Lewiston-Porter Central School District shall submit a request in writing to the Superintendent who shall determine whether or not admission will be granted on a tuition paying basis.

Non-resident student enrollment requests will only be considered where: a) There is sufficient space to accommodate the non-resident student; b) No increase in the size of faculty or staff will be necessary.

In making determinations regarding the admittance of non-resident students, the District will not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation, age, disability or other legally protected category.

In the event a non-resident student is permitted to attend the District's schools, ~~his/her~~ their attendance will be subject to the following conditions:

- a) Absent the exceptions specified later in this policy, tuition will be charged to families of non-resident students in accordance with formulas approved by the State Education Department;
- b) Parents/guardians must provide their own transportation; and
- c) All rules and regulations in effect for District students will be applicable to non-resident students.

Future Students

The children of families who have signed a contract to buy or build a residence in the School District may be enrolled for the semester or 90 calendar days in which they expect to become residents. Non-resident tuition shall be charged on a monthly basis, payable in advance, with an adjustment to be made when the family becomes a resident in the District.

Former Residents

In the following limited circumstances, children who are not District residents will be permitted to attend the District's schools without payment of tuition:

- a) Students of any grade who move from the District during the school year may be given permission to finish the semester in which the move occurs.
- b) Students who move from the District after completion of the first semester of the year preceding their anticipated graduation year may be given permission to remain in the District until graduation.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

~~2020~~2024

7132

Students

2 of 2

SUBJECT: NON-RESIDENT STUDENTS**Foreign Exchange Students**

Foreign students participating in a recognized Student Exchange Program may attend District schools without payment of tuition. All other international non-resident students will be charged tuition.

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 tuition for the time in which the non-resident student was enrolled in the District's schools 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 student status is contingent upon timely payment of tuition fees as established by the Board.

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) and 3202
8 NYCRR Section 174.2

NOTE: Refer also to Policy #7131 - Education of Students in Temporary Housing

Adoption Date: ~~09/28/2020~~
12/16/2024

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

~~2020~~2024

7133

Students

1 of 5

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
 2. A school that enrolls students from a feeder school in a neighboring local educational agency pursuant to applicable laws and regulations.

Continued

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE

- 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.

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.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

20202024

7133

Students

3 of 5

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE

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
- 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).

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

20202024

7133

Students

4 of 5

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE**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 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.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

20202024

7133

Students

5 of 5

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE**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.

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 Shaming
#7240 - Student Records: Access and Challenge

Adoption Date: 12/16/2024
09/28/2020

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

~~2021~~2024

7140

Students

1 of 2

SUBJECT: SCHOOL CENSUS

Although not required by law, the District will take a census of all school age children. Census data shall be reported as required by law.

The census must indicate the names of all children between three (3) and eighteen (18) years of age, and of children with disabilities between birth and twenty-one (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 parents/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 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.

Parents/persons in parental relation to those children within the prescribed census age ranges are to make such reports as the Board shall require, including, but not limited to, providing two (2) 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~~ **their** control or charge a child between Three (3) and twenty-one (21) years of age who withholds or refuses to give information in ~~his/her~~ **their** 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.

Count of Immigrant Children and Youth, 2006

As a provision of the federal Title III Part A – English Language Acquisition, Language Enhancement, and Academic Achievement Act under the No Child Left Behind Act of 2001, the U.S. Secretary of Education requires that **all local agencies (LEAs)** count the number of "immigrant children and youth" enrolled in the public and nonpublic schools in the geographic area under the jurisdiction of, or served by, the LEA. The results of this count have important implications for the receipt of supplemental federal funds to eligible LEAs in New York State for services to recently arrived immigrant children and youth.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

~~2021~~2024

7140

Students

2 of 2

SUBJECT: SCHOOL CENSUS

For purposes of this count, the term "immigrant children and youth" shall include those individuals who:

- a) Are aged three (3) through twenty-one (21);
- b) Were **NOT** born in any state or from the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the U.S. Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands; and
- c) Have **NOT** been attending schools in any one or more States for more than three (3) full academic years.

Each nonpublic school shall report its data to the public school district in which it is located. It is the responsibility of each public school district to report its immigrant count as well as the counts for all nonpublic schools within its jurisdiction.

In accordance with law, the District shall conduct its survey and submit the information electronically to the New York State Education Department by the specified deadline date. LEAs must also maintain on file a list of the immigrant students counted, their countries of origin, dates of arrival, and the public or nonpublic school in which they are registered as well as copies of the letter to each of the nonpublic schools in its jurisdiction regarding the count.

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

NOTE: Refer also to Policy #7650 - Identification and Register of Children with Disabilities
(Child Find)

Adoption Date: ~~02/22/2021~~
12/16/2024

20232024

7150

Students

1 of 3

SUBJECT: REMOTE INSTRUCTION**Overview**

The District may offer remote instruction to students at certain times including, but not limited to, independent study, enrichment courses, and in the event of an emergency condition, including, but not limited to, extraordinary adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, destruction of a school building, or a communicable disease outbreak.

In the event the District remains in session and provides remote instruction when it would otherwise close due to an emergency condition, the remote instruction provided by the District will be consistent with the District's emergency remote instruction plan, located in the District-wide school safety plan.

When making decisions about remote instruction, the District will consult with students, parents, teachers, administrators, community members, and other stakeholders as appropriate. When implementing remote instruction, the District will ensure that it is complying with applicable teaching and learning requirements.

Definitions

- a) "Asynchronous instruction" means instruction where students engage in learning without the direct presence (remote or in-person) of a teacher.
- b) "Non-digital and/or audio-based instruction" means instruction accessed synchronously and/or asynchronously through paper-based materials where the student to teacher interaction occurs via telephone or other audio platforms.
- c) "Remote instruction" means instruction provided by an appropriately certified teacher who is not in the same in-person physical location as the student(s) receiving the instruction, where there is regular and substantive daily interaction between the student and teacher.
 - 1. Remote instruction will encompass synchronous instruction provided through digital video-based technology and may also include asynchronous instruction intended to complement synchronous instruction. Digital video-based technology includes online technology and videoconferencing technology.
 - 2. Remote instruction may encompass non-digital and audio-based asynchronous and/or synchronous instruction where this instruction is more appropriate for a student's educational needs.
- d) "Synchronous instruction" means instruction where students engage in learning in the direct presence (remote or in-person) of a teacher in real time.

Continued

SUBJECT: REMOTE INSTRUCTION**Formats and Methods of Remote Instruction**

Remote instruction may be delivered through a variety of formats and methods. Determinations about how to best deliver remote instruction will take into account a variety of factors including, but not limited to, the number of students involved, the subject matter, the students' grade levels, and technological resources of both the District and students. Consideration will also be given to whether accommodations need to be made for students with disabilities or English language learners.

Remote Instruction During an Emergency ConditionEmergency Remote Instruction Plan

The District-wide school safety plan will include plans for the provision of remote instruction during any emergency school closure. The emergency remote instruction plan will include:

- a) Policies and procedures to ensure computing devices will be made available to students or other means by which students will participate in synchronous instruction and policies and procedures to ensure students receiving remote instruction under emergency conditions will access internet connectivity. The Superintendent will survey students and parents and persons in parental relation to obtain information on student access to computing devices and access to Internet connectivity to inform the emergency remote instruction plan;
- b) Expectations for school staff as to the proportion of time spent in synchronous and asynchronous instruction of students on days of remote instruction under emergency conditions with an expectation that asynchronous instruction is supplementary to synchronous instruction;
- c) A description of how instruction will occur for those students for whom remote instruction by digital technology is not available or appropriate;
- d) A description of how special education and related services will be provided to students with disabilities and preschool students with disabilities in accordance with their individualized education programs to ensure the continued provision of a free appropriate public education; and
- e) If the District receives foundation aid, the estimated number of instructional hours the District intends to claim for state aid purposes for each day spent in remote instruction due to emergency conditions.

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SUBJECT: REMOTE INSTRUCTIONReporting of Computer and Connectivity Survey Results

No later than June 30 of each school year, the Superintendent will report to the Commissioner of Education the results of the survey on student access to computing devices and access to Internet connectivity on a form and format prescribed by the Commissioner.

Minimum Instructional Hours

Remote instruction provided on days when the District would have otherwise closed due to an emergency condition may be counted toward the annual hourly requirement for the purpose of state aid. The Superintendent will certify to the New York State Education Department, on a form prescribed by the Commissioner, that an emergency condition existed on a previously scheduled school day and that the District was in session and provided remote instruction on that day and indicate how many instructional hours were provided on that day and certify that remote instruction was provided in accordance with the District's emergency remote instruction plan.

Remote Instruction Support

As necessary, the District will provide instruction on using remote instruction technology and IT support for students, teachers, and families. The District will also work to ensure that teachers and administrators are provided with professional development opportunities related to designing an effective remote instruction experience.

Compliance with District Policies, Procedures, and the Code of Conduct

Teachers and students are required to comply with any and all applicable District policies, procedures, and other related documents as they normally would for in-person instruction. Examples include, but are not limited to, the District's policies and procedures on non-discrimination and anti-harassment, acceptable use, and copyright. Students will also be required to abide by the rules contained within the *Code of Conduct* at all times while engaged in remote instruction. Violations of the *Code of Conduct* and/or engaging in prohibited conduct may result in disciplinary action as warranted.

Privacy and Security of Student and Teacher Data

The District will take measures to protect the personally identifiable information of students and teachers from unauthorized disclosure or access when using remote instruction technologies in compliance with law, regulation, and District policy. Examples of these measures include, but are not limited to, minimizing the amount of data shared to only that which is necessary, deidentifying data, and using encryption or an equivalent technical control that renders personally identifiable information unusable, unreadable, or indecipherable to unauthorized persons when transmitted electronically.

8 NYCRR Sections 100.1, 100.5, 155.17, and 175.5

NOTE: Refer also to Policies #5681 - School Safety Plans
#7220 - Graduation Requirements

Adoption Date: 12/16/2024
02/27/2023